

HB 4-FN-A-LOCAL - VERSION ADOPTED BY BOTH BODIES

25Sept2019... 2717-EBA

2019 SESSION

19-1124

10/06

HOUSE BILL

4-FN-A-LOCAL

AN ACT relative to state fees, funds, revenues and expenditures.

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

COMMITTEE: [committee]

ANALYSIS

This bill:

1. Repeals 2017, 155:7, which directed the commissioner of administrative services to eliminate appropriations to class 027 transfers to OIT in all agencies and departments.

2. Establishes the unclassified position of director of plant and property within the department of administrative services.

3. Converts managers in the department of administrative services to directors, and renames divisions and units accordingly.

4. Authorizes the department of administrative services to consolidate state agency human resources, payroll, and business processing functions.

5. Provides that cost sharing and plan design for unrepresented active state employees who participate in the health plans offered by the state shall be the same as those for individuals covered by the collective bargaining agreement.

6. Establishes an additional surplus fund within the department of administrative services.

7. Establishes the building maintenance fund within the department of administrative services and assesses charges to state agencies.

8. Permits the supreme court to transfer funds among judicial branch accounts.

9. Provides the department of corrections with additional transfer authority for the biennium ending June 30, 2021, establishes the cost of care reimbursement account, and establishes unclassified positions of director of nursing and pharmacist positions in the department of corrections.

10. Provides for administrative attachment of the commission for human rights and the boxing and wrestling commission.

11. Provides that chartered public school lease aid shall not exceed more than \$30,000 per school in any fiscal year.

12. Directs the department of health and human services to raise the income eligibility for elderly and adult clients under the social services block grant program each January.

13. Increases the limit for county reimbursements under RSA 167:18-a.

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14. Extends the prospective repeal for eligibility of state mental health services under 2011, 209:6, I.
15. Suspends direct and indirect graduate medical education payments to hospitals for the biennium ending June 30, 2021.
16. Suspends catastrophic aid to hospitals for the biennium ending June 30, 2021.
17. Makes an appropriation to the department of safety, division of fire standards and training and emergency medical services, for the purpose of providing grants to local firefighters for medical examinations conducted pursuant to RSA 281-A:17.
18. Requires the commissioner of the department of health and human services to make quarterly reports to the governor, speaker of the house of representatives, and president of the senate on the status of estimated Medicaid payments in relation to actual costs.
19. Permits the department of health and human services to fill unfunded positions during the biennium ending June 30, 2021.
20. Suspends RSA 151-E:18, relative to presumptive eligibility for home and community-based services, for the biennium ending June 30, 2021.
21. Establishes certain revolving funds within the department of health and human services.
22. Directs that the Laconia state school trust shall be dissolved upon final distribution of the funds pursuant to court order.
23. Establishes a committee to study outdated non-regulatory boards.
24. Requires the department of health and human services to develop a plan to close the cliff effect for individuals and families who receive public benefits.
25. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2021.
26. Adds requirements for uses of system benefits charges for energy efficiency programs.
27. Suspends provisions of the RSAs that credit a portion of meals and rooms tax revenue to the division of travel and tourism development for the biennium ending June 30, 2021.
28. Suspends the integrated land development permit procedure for the biennium ending June 30, 2021.
29. Suspends certain environmental state aid grants.
30. Provides for reimbursement for sheriff's offices for court security.
31. Adds a representative from the New Hampshire Hospital Association and a representative from the state's faith-based community to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery.
32. Modifies the provision of civil legal services funds for low-income persons to New Hampshire legal assistance and eliminates the dedicated civil services legal fund.
33. Requires Keno revenue to be deposited in the education trust fund.

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34. Defines and regulates the sale of electronic cigarettes or e-cigarettes; and increases the minimum age for sales and possession of tobacco products.
35. Modifies the duties of the board of veterinary medicine.
36. Modifies the procedure for certified application prepayers for minimum environmental impact projects.
37. Regulates public bathing facilities.
38. Moves recreational camp licensing to the department of health and human services.
39. Authorizes the sale of National Guard armory property in Berlin.
40. Transfers the bureau of visitor services within the department of business and economic affairs to the office of the commissioner of business and economic affairs.
41. Permits the community college system to establish the finish line New Hampshire program to support eligible students completing postsecondary credentials in areas of high demand.
42. Authorizes the commissioner of the department of transportation to recommend the bulk disposal of real estate purchased with state or federal highway funds or both, or turnpike funds.
43. Repeals the Maine-New Hampshire interstate bridge authority.
44. Repeals witness fees for witnesses summoned before certain boards and commissions.
45. Amends the granite workforce program.
46. Exempts certain accounting units within the department of natural and cultural resources from transfer restrictions.
47. Requires payment of any transaction costs assessed for credit card payments on motor vehicle fines to be paid out of the fine amount which is credited to the highway fund.
48. Deletes obsolete limits on total bonds issued by the business finance authority.
49. Repeals the requirement for the Pease development authority to submit a comprehensive development plan.
50. Requires moneys in the office of professional licensure and certification fund to lapse each fiscal year.
51. Authorizes the attorney general, subject to the approval of the governor and council, to appoint a director of the office of victim/witness assistance and a director of communications.
52. Establishes an unclassified full-time investigator position in the department of justice for the purpose of working on officer-involved use of deadly force investigations and to provide training to local law enforcement officers.
53. Abolishes a position in the department of justice to fund the director of communication position and establishes the position of assistant attorney general.
54. Provides for the rehiring of laid-off classified state employees, if possible.

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55. Makes an appropriation to the state treasurer for the fiscal year ending June 30, 2020 for the purpose of providing municipal aid grants to each city, town, and unincorporated place in the state by October 1 of the fiscal years ending in June 30, 2020 and June 30, 2021.

56. Establishes the community development fund for New Hampshire, which shall be administered by the community development finance authority, and makes an appropriation to the fund.

57. Makes appropriations to the department of environmental services for the purpose of funding state aid grant programs.

58. Establishes victim/witness specialist positions in the department of justice.

59. Establishes an unclassified, full-time elections attorney position within the department of justice.

60. Permits the department of natural and cultural resources to suspend curatorial responsibilities for the biennium ending June 30, 2021.

61. Allows for statewide public boat access funds to be used for payment of the cost of bonds for the Mount Sunapee state park beach boat ramp project of the department of natural and cultural resources.

62. Clarifies the qualifications of the director of the division of archives and records management.

63. Modifies the election fund to include moneys received by the state pursuant to the 2018 Election Reform Program, and expands the list of authorized uses of monies deposited into the fund.

64. Makes changes to unemployment compensation contribution rates.

65. Transfers the job training program for economic growth from the department of business and economic affairs to the department of employment security and nullifies the provisions of SB 2 of the 2019 regular legislative session.

66. Makes an appropriation to the housing finance authority for affordable housing.

67. Establishes a separate account for funds acquired to provide financial and technical assistance associated with agricultural restricted covenants, funding developmental rights, or for farmland preservation and makes an appropriation therefor.

68. Suspends the position of state demographer for the biennium.

69. Changes the number of review appraisers the staff of the board of tax and land appeals is required to have.

70. Extends the Coos county job creation tax credit until 2027.

71. Establishes the rates of the business profits tax and the business enterprise tax for taxpayer tax years ending on or after December 31, 2019 and for subsequent tax years, and repeals rate reductions effective in 2021.

72. Establishes a deduction from business profits for global intangible low-taxed income under section 951A of the United States Internal Revenue Code.

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73. Directs the governor to submit a document to be known as the trailer bill to the legislature as part of the budget process and clarifies that the document shall not be considered a budget bill under the New Hampshire constitution.

74. Establishes the position of deputy director of administration in the department of safety, division of administration.

75. Provides that the current assistant director of the division of fire standards and training and emergency medical services, department of safety, shall be considered to have been properly enrolled as a member in group II of the New Hampshire retirement system as of his original date of hire.

76. Raises the fee for email or other computer-generated motor vehicle record requests by insurance companies or other authorized agents.

77. Establishes the fee for a Real ID Act compliant driver's license.

78. Permits the department of transportation to access certain federal funding for the purpose of completing the project development phase of the capital corridor rail project in the 2019-2028 Ten Year Transportation Improvement Plan and permits the department of transportation to use toll credits for this project.

79. Makes an appropriation to the department of transportation for the purpose of demolition and environmental mitigation of structures on state-owned property.

80. Exempts certain rules on the Medicaid rate of reimbursement methodology for nursing facilities from the administrative procedures act, RSA 541-A.

81. Clarifies disbursements of community benefit contributions from the alcohol abuse prevention and treatment fund.

82. Makes an appropriation to the department of health and human services for the purpose of operating a new treatment facility for children in need of inpatient psychiatric treatment.

83. Makes an appropriation to the department of health and human services for the purpose of repurposing the children's unit of New Hampshire hospital for adult beds.

84. Makes an appropriation to the department of health and human services for the purpose of constructing transitional housing beds.

85. Makes an appropriation to the department of health and human services for the purpose of providing due process for patients residing in emergency rooms in hospitals.

86. Requires fiscal committee approval for any transfer of funds required for operation of the Sununu youth services center.

87. Requires the Medicaid managed care program to provide dental benefits to covered persons beginning in 2021.

88. Establishes a child abuse specialized medical evaluation program in the department of health and human services.

89. Requires the department of health and human services to contract with a health care provider to administer the child abuse specialized medical evaluation program.

90. Provides for the availability of certain federal family planning funds.

91. Establishes a commission to study school funding.

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92. Calculates kindergarten pupils as full day attendance for the purpose of adequate education grants.

93. Repeals distribution of kindergarten grants based on Keno revenue.

94. Permits additional education-related expenditures from the education trust fund for the biennium ending June 30, 2021, and revises the formula for fiscal disparity aid and stabilization grants.

95. Provides that any budget surplus at the close of the biennium ending June 30, 2019, shall not be deposited in the revenue stabilization reserve account but shall remain in the general fund.

96. Makes an appropriation to the Internet crimes against children fund.

97. Requires the governor's commission on disability to analyze the state's system of support for individuals with developmental disabilities and recommend reforms and improvements.

98. Requires the commissioner of the department of administrative services to conduct a study of the state's personnel system and makes an appropriation therefor.

99. Makes an appropriation to the department of administrative services for scheduling software.

100. Increases the annual appropriation to the joint legislative historical committee.

101. Provides that unexpended and unencumbered funds in the legislative branch special account shall not lapse.

102. Establishes the director of the division of technical professions and director of the division of health professions in the office of professional licensure and certification as unclassified officials.

103. Modifies the membership qualifications for the board of nursing.

104. Requires a portion of the revenue collected from the imposition of the real estate transfer tax to be transferred to the affordable housing fund.

105. Updates provisions and adjustments of the United States Internal Revenue Code applicable to the business profits tax.

106. Clarifies the applicability of the communications services tax to voice over Internet protocol (VoIP) and prepaid wireless telecommunications service.

107. Establishes a housing appeals board to hear appeals of decisions of municipal boards, committees, and commissions regarding questions of housing and housing development, and makes an appropriation to the housing appeals board for the administration of the board's duties.

108. Amends the procedure for determining an indigent defendant's ability to pay for services rendered by court appointed counsel in a criminal case, provides that a repayment obligation shall only apply to a defendant who has been convicted or a juvenile who has been found delinquent, and establishes a committee to study the cost to the state for the appointment of counsel to represent indigent defendants in criminal cases.

109. Prohibits off highway recreational vehicles from traveling on Hoit Road Marsh in the city of Concord.

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110. Establishes the office of outdoor recreation industry development in the department of business and economic affairs and also establishes the position of director of the office.
111. Makes an appropriation to the department of business and economic affairs to support the small business development center and its programs.
112. Renames the wetlands and shoreland review fund as the water resources fund; clarifies that certain application and permit fees are non-refundable; and repeals the terrain alteration fund.
113. Makes a supplemental appropriation to the department of environmental services for the Ossipee Lake Dam reconstruction.
114. Adds an exception to the real estate transfer tax for any lease involving the Pease development authority.
115. Requires costs that are recovered from damages awarded in cases of hazardous waste clean up after expenditures from the drinking water and groundwater trust fund be deposited in such fund.
116. Repeals a provision relative to liquor commission revenue shortfalls.
117. Repeals the definition of commercial kennel and revises the definition of pet vendor; authorizes the department of agriculture, markets, and food to make rules relative to the number of amphibians, reptiles, fish, or small mammals a person may sell and qualify as a pet vendor; requires dogs, cats, and ferrets offered for transfer to be accompanied by a health certificate; and establishes and makes an appropriation to the cost of care fund.
118. Makes federal funds and internment fees received by the state veterans cemetery nonlapsing.
119. Makes an appropriation to the department of environmental services to study, investigate, and test for contamination caused by perfluorinated chemicals and design a system to treat such contamination, and requires reporting on developments.
120. Defines terms for executive branch departments, agencies, commissions, and units, and provides for delegation of a departmental commissioner's authority.
121. Makes a transfer from the general fund to the highway fund.
122. Converts certain funds credited to the fish and game department to unrestricted revenue in the fish and game fund.
123. Exempts department of safety appropriations funded with income from motor vehicle fines from certain reductions for the fiscal year ending June 30, 2019.
124. Authorizes the department of safety to transfer funds between certain accounting units as necessary and upon approval of the department of administrative services budget office.
125. Makes appropriations to the department of safety for narcotics related law enforcement activities.
126. Makes an appropriation to the department of safety for the purpose of providing administrative support to the building code review board.
127. Authorizes the department of education to retain a certain percentage of public school infrastructure funds to administer the public school infrastructure program.

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128. Permits the department of education to request funds for vocational rehabilitation programs and services.
129. Requires schools to make at least one free or reduced cost meal available to children who meet federal eligibility guidelines and increases reimbursement to schools offering breakfast at no cost to eligible students.
130. Establishes the position of school nurse coordinator in the division of learner support, department of education.
131. Provides family and medical leave to certain school district employees who are not otherwise eligible for leave under the federal Family and Medical Leave Act.
132. Makes an appropriation to the department of administrative services for the purchase and replacement of the heat and hot water systems in the Concord school district.
133. Makes an appropriation to the community college system of New Hampshire for the fiscal year ending June 30, 2019.
134. Makes an appropriation to the department of education to support the Granite State Independent Living IMPACCT program.
135. Makes an appropriation to the department of safety to fund the reallocation of certain state police troopers, and makes an appropriation to the department of administrative services to fund an assessment review for such reallocation.
136. Expands home and community-based behavioral health services for children and makes an appropriation to the department of health and human services for this purpose.
137. Requires the commissioner of the department of health and human services to increase Medicaid provider rates and makes an appropriation therefor.
138. Makes an appropriation to the department of health and human services for safe stations in Manchester and Nashua.
139. Extends the funding for supported housing.
140. Makes an appropriation to the department of health and human services for the purpose of enhancing provider rates for mental health and substance use disorder inpatient and outpatient services.
141. Modifies appropriations and provisions for new designated receiving facilities (DRF) beds and diagnosis-related group (DRG) rates.
142. Makes an appropriation to the department of health and human services for the purpose of constructing a new secure psychiatric facility on the New Hampshire hospital grounds.
143. Repeals the ICF quality assessment imposed on intermediate care facilities for the intellectually disabled.
144. Expands eligibility for Medicaid for employed adults with disabilities age 65 and over.
145. Restricts the use of appropriations to the department of health and human services to hiring additional child protective service workers and child protective service supervisors.
146. Requires dementia training for direct care staff in residential facilities and community-based settings and grants rulemaking authority to the commissioner.

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147. Prohibits the use of state funds for abortion services unless specifically appropriated in a budget.

148. Clarifies proportionate share payments to county nursing homes.

149. Provides for the transfer of funds from the department of health and human services to municipalities, counties, and nongovernmental organizations to encourage the development of local juvenile diversion programs and makes an appropriation to the department for this purpose.

150. Makes appropriations to the department of health and human services for the purpose of funding existing supervised visitation centers in New Hampshire.

151. Makes appropriations to the department of health and human services for the purpose of funding existing supervised visitation centers in New Hampshire.

152. Makes appropriations to the department of health and human services, rural health and primary care section to establish new positions and to fund the state loan repayment program.

153. Makes an appropriation to the department of business and economic affairs to support education programs with non-profit business incubators.

154. Establishes the lead paint hazard remediation fund in RSA 204-C and makes an appropriation for the purposes of the fund.

155. Makes an appropriation to the department of health and human services, division of public health services to fund a study to determine the causes of high levels of pediatric cancer in New Hampshire.

156. Grants authority to the New Hampshire Veterans' Home to transfer funds among accounts and classes for the biennium ending June 30, 2021.

157. Establishes a committee to study the disparity in reimbursement among organizations that provide case management under Social Security Act section 1915(c) waiver programs.

158. Establishes the New Hampshire pharmaceutical assistance pilot program for seniors and makes an appropriation therefor.

159. Makes an appropriation to the department of health and human services for the purposes of upgrades to substance use disorder treatment facilities.

160. Makes an appropriation to the education trust fund for the fiscal year ending June 30, 2019.

161. Permits either full or part-time students to serve as student members of the community college system board of trustees.

162. Revises the contingency provision of 2016, 218 (HB 626-FN-A) to give effect to RSA 162-R, relative to energy infrastructure development and corridors.

163. Makes an appropriation to the department of health and human services for emergency shelter and stabilization services.

164. Requires the commissioner of health and human services to submit a state plan amendment or waiver to create a state Medicaid benefit for supportive housing services.

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165. Modifies an allocation to the department of health and human services for parental assistance programs.

166. Provides that the department of transportation shall not be required to comply with the notice of lease provisions in RSA 72:73, I(b)(1)(B) until January 1, 2021.

167. Modifies exemptions for certain seasonal workers who are temporarily laid off from the requirement to search for work to qualify for unemployment compensation.

168. Requires indigent defendants to complete a financial statement under oath, rather than a financial affidavit, prior to appointment of counsel in criminal cases.

169. Directs the department of safety to solicit requests for information regarding the future deployment of a statewide, real-time threat notification system for schools.

170. Makes changes to the law governing multiple-employer welfare arrangements.

171. Revises the method of apportionment of gross business profits in this state under the business profits tax and the apportionment of dividends under the business enterprise tax and establishes a committee to study the apportionment of gross business profits under the business profits tax, and to hold hearings and vote on rescinding the enactment of the single sales factor for business taxes.

172. Makes an appropriation to the university of New Hampshire nursing program.

173. Makes an appropriation to the Pease development authority for a fish pier.

174. Makes an appropriation for state employee collective bargaining agreement costs.

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

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to state fees, funds, revenues and expenditures.

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

1 1 Repeal. 2017, 155:7 relative to budget adjustments and class 027 transfers to the department
2 of information technology for fiscal year 2019, is repealed.

3 2 Department of Administrative Services; Debarment of Vendors. Amend the introductory
4 paragraph of RSA 21-I:11-c, I(a) to read as follows:

5 I.(a) No individual or business entity shall [~~make a bid, proposal, or quotation in response to~~
6 ~~a request for~~] **be awarded a** bid, proposal, or quotation issued by the division of procurement and
7 support services if that individual or entity, or any of its subsidiaries, affiliates, or principal officers:

8 3 Department of Administrative Services; Debarment of Vendors; Statement. Amend RSA 21-
9 I:11-c, I(b) to read as follows:

10 (b) All individuals or business entities submitting a bid, proposal, or quotation in
11 response to a request for a bid, proposal, or quotation issued by the division of procurement and
12 support services shall, as part of their response, provide [~~an affidavit signed under oath before a duly~~
13 ~~authorized notary public~~] **a statement signed under penalty of unsworn falsification as set**
14 **forth in RSA 641:3** that all conditions listed in subparagraphs (a)(1)-(10) have been met. Failure to
15 submit such [~~an affidavit or, should the affidavit be false or signed~~] **a statement, the filing of a**
16 **false statement, or the signing of the statement** by an unauthorized person, **shall be reason for**
17 the bid, proposal, or quotation [~~shall~~] **to be** [~~automatically~~] rejected and the resulting contract, if any,
18 shall be deemed to be in breach. The commissioner of the department of administrative services
19 shall adopt rules under RSA 541-A relative to the [~~affidavit~~] **statement** required under this
20 subparagraph.

21 4 Department of Administrative Services; Divisions. Amend the section heading of RSA 21-I:11
22 to read as follows:

23 21-I:11 [~~Division~~] **Divisions of Procurement and Support Services, Public Works Design**
24 **and Construction, and** Plant and Property [~~Management~~].

25 5 Department of Administrative Services; Director of Plant and Property. Amend the
26 introductory paragraph of RSA 21-I:11, I(c) to read as follows:

27 (c) The division of plant and property, which shall be under the supervision of [~~a~~
28 ~~classified administrator who~~] **an unclassified director of plant and property who shall be**
29 **qualified to hold that position by reason of education and experience and shall perform**
30 **such duties as the commissioner from time to time may authorize. The director of plant**
31 **and property** shall be responsible for the following functions, in accordance with applicable law:

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1 6 Director of Plant and Property; Salary; Funding; Effective Date.

2 I. The salary of the director of plant and property shall be determined after assessment and
3 review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which
4 shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action and
5 appointment of the director of plant and property, position number 10082 shall be abolished to allow
6 for the transition of this classified position with its available appropriations into the unclassified
7 position of director of plant and property. Funding shall be transferred into a new expenditure class
8 number 11, within accounting unit 01-14-14-141510-1440. The incumbent in the abolished classified
9 position shall be offered the opportunity to seek the commissioner's nomination for the unclassified
10 position of director of plant and property.

11 II. The amendment to RSA 21-I:11, I(c) by section 5 of this act shall take effect upon the
12 abolition of position number 10082 under paragraph I, as certified by the commissioner of
13 administrative services to the secretary of state and the director of legislative services.

14 7 Department of Administrative Services; Directors; Officers. Amend RSA 21-I:2, II to read as
15 follows:

16 II. The commissioner shall nominate for appointment by the governor, with the consent of
17 the council, each unclassified division director, the assistant commissioner, the deputy
18 commissioner, the internal auditor, the *director of* financial data [~~manager~~] *management*, the
19 [~~manager~~] *director* of [~~risks~~] *risk* and benefits, and the senior operational analyst. The unclassified
20 division directors, the assistant commissioner, the deputy commissioner, the internal auditor, the
21 *director of* financial data [~~manager~~] *management*, the [~~manager~~] *director* of [~~risks~~] *risk* and
22 benefits, and the senior operational analyst shall each serve for a term of 4 years.

23 8 Department of Administrative Services; Office of the Commissioner. RSA 21-I:4 is repealed
24 and reenacted to read as follows:

25 21-I:4 Office Established. There is hereby established an office of the commissioner consisting of
26 the following units:

- 27 I. State budget.
- 28 II. Internal audit.
- 29 III. Operational analysis.
- 30 IV. Cost containment.

31 9 Division of Financial Data Management. Amend RSA 21-I:5 to read as follows:

32 21-I:5 *Division of* Financial Data Management [~~Unit~~]. There is hereby established within the
33 [~~office of the commissioner~~] *department a division of* financial data management [~~unit~~] under the
34 supervision of an unclassified *director of* financial data [~~manager~~] *management* who shall be
35 responsible for the following functions in accordance with applicable laws:

36 I. Providing coordination of all internal department financial information in order to assure
37 the compatibility, continuity and integrity of such information.

1 II. Assisting the commissioner with the planning, management and operation of all internal
2 department financial information systems.

3 III. Carrying on a continuing analytical research and planning program in the field of
4 governmental financial management in order to provide for the most effective and efficient
5 information management systems possible.

6 IV. Accomplishing data entry and control of information for all internal department
7 financial systems, and preparing and distributing reports generated from those systems.

8 V. Assisting department division directors by:

9 (a) Establishing and operating a financial information resource center for their use.

10 (b) Jointly monitoring state and federal fiscal legislation with the directors in order to
11 assure timely awareness of and compliance with new legislation.

12 VI. Assisting users of information and financial systems which are the responsibility of the
13 ***division of*** financial data management [~~unit~~].

14 10 New Section; Deputy Director of Risk and Benefits. Amend RSA 21-I by inserting after
15 section 7-c the following new section:

16 21-I:7-d Deputy Director of Risk and Benefits; Position Established.

17 I. There is established within the department of administrative services the unclassified
18 position of deputy director of risk and benefits. The deputy director of risk and benefits shall be
19 qualified to hold that position by reason of education and experience and shall perform such duties
20 and exercise such powers as the commissioner, in consultation with the director of risk and benefits,
21 may authorize. The deputy director of risk and benefits shall assume the duties of the director of
22 risk and benefits in the event that the director is unable for any reason to perform such duties.

23 II. The commissioner shall, after consultation with the director of risk and benefits, appoint
24 the unclassified deputy director of risk and benefits. The deputy director of risk and benefits shall
25 serve at the pleasure of the commissioner.

26 11 Deputy Director of Risk and Benefits; Salary; Funding; Offer to Seek Nomination and
27 Effective Date.

28 I. The salary of the unclassified deputy director of risk and benefits shall be determined
29 after assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b)
30 for the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion
31 of this action, and appointment of the deputy director of risk and benefits, position number 19203
32 shall be abolished to allow for the transition of this classified position with its available
33 appropriations into the unclassified position of deputy director of risk and benefits. Funding shall be
34 transferred into a new expenditure class number 12 within accounting unit 01-14-14-143510-2901.
35 The incumbent in the abolished classified position shall be offered the opportunity to seek the
36 commissioner's appointment to the unclassified position of deputy director of risk and benefits.

1 II. The establishment of the position of deputy director of risk and benefits by section 10 of
2 this act shall take effect upon the abolition of position number 19203 under paragraph I, as certified
3 by the commissioner of administrative services to the secretary of state and the director of legislative
4 services.

5 12 Department of Administrative Services; Division of Risk and Benefits. Amend RSA 21-I:7-c
6 to read as follows:

7 21-I:7-c Risk [~~Management~~] **and Benefits**. There is established within the [~~office of the~~
8 ~~commissioner of administrative services a~~] **department a division of** risk [~~management unit~~] **and**
9 **benefits**, under the supervision of an unclassified [~~manager of risks~~] **director of risk** and benefits,
10 who shall be qualified to hold that position by reason of education and experience, and who shall
11 perform such duties as the commissioner from time to time may authorize. The functions of the
12 **division of** risk [~~management unit~~] **and benefits** shall be divided across the following bureaus:

13 I. The bureau of health and benefits, under the supervision of a classified administrator,
14 who shall be responsible for the following functions, in accordance with applicable law:

15 (a) Overseeing and administering the state employee and retiree group insurance
16 programs authorized by RSA 21-I:26 through RSA 21-I:36, in accordance with administrative rules
17 adopted pursuant to RSA 21-I:14, XIII.

18 (b) Coordinating the employee and retiree benefit programs administered through the
19 **division of** risk [~~management unit~~] **and benefits** with the benefits and programs offered through
20 the New Hampshire retirement system and the state's deferred compensation commission
21 established in RSA 101-B.

22 (c) Overseeing and administering all additional employee or retiree benefit programs
23 offered by the state, other than those related to the New Hampshire retirement system or the state's
24 deferred compensation commission established in RSA 101-B.

25 (d) Conducting ongoing studies of alternative financing methods and benefit offerings.

26 (e) To the extent deemed necessary by the [~~manager of risks~~] **director of risk** and
27 benefits, creating for potential incorporation into the department of administrative services manual
28 of procedures described at RSA 21-I:14, I(b), a technical assistance manual that clearly explains
29 procedures related to the bureau's functions, including but not limited to procedures relating to
30 employee and retiree benefits.

31 (f) Developing and monitoring insurance and third party administrator contracts related
32 to the state employee and retiree group insurance program in accordance with applicable law, by:

33 (1) Developing bid specifications for insurance and third party administrator
34 contracts and ensuring bid specifications are in compliance with applicable collective bargaining
35 agreements.

36 (2) Negotiating final contract terms with the vendors awarded contracts through the
37 procurement process.

- 1 (3) Formalizing contract agreements.
- 2 (4) Monitoring contracts on an ongoing basis to ensure timely procurement,
3 renewals, amendments, updates, statutory compliance, and extensions.
- 4 (5) Ensuring that vendors comply with the requirements of contract agreements by:
- 5 (A) Implementing, monitoring, and enforcing performance guarantees.
- 6 (B) Receiving and analyzing state employee and retiree group insurance
7 utilization data and statistics.
- 8 (C) Monitoring Medicare issues to ensure compliance with federal law and
9 programs.
- 10 (g) Reviewing and making recommendations to the ~~[manager of risks]~~ **director of risk**
11 and benefits that are intended to ensure the proper operation and long term sustainability of the
12 bureau's programs.
- 13 (h) Implementing, overseeing, and administering employee wellness initiatives.
- 14 (i) Advising the ~~[manager of risks]~~ **director of risk** and benefits and, upon request, the
15 commissioner, the governor and executive council, the general court, the state retiree health plan
16 commission established in RSA 100-A:56, the joint legislative fiscal committee established in RSA
17 14:30-a, and other entities regarding employee and retiree benefits program.
- 18 (j) Ensuring that the bureau's programs are compliant with applicable state and federal
19 law.
- 20 (k) Monitoring agencies' activities for compliance with benefit program requirements.
- 21 II. The bureau of property, casualty, and workers' compensation, under the supervision of a
22 classified administrator, who shall be responsible for the following functions, in accordance with
23 applicable law:
- 24 (a) Overseeing and administering the state's workers' compensation program under RSA
25 21-I:24 and RSA 21-I:25-a or other applicable law.
- 26 (b) Identifying loss exposure for all state real and personal property and for personal
27 injury, except as otherwise provided by law, on a continuing basis.
- 28 (c) Identifying cost-effective means for protecting against various types of losses,
29 including self-funding, commercial insurance purchases, and risk assumption, and recommending to
30 the ~~[manager of risks]~~ **director of risk** and benefits actions to be taken through the budget process,
31 or other processes, to implement such means.
- 32 (d) After consultation with, and approval by the ~~[manager of risks]~~ **director of risk** and
33 benefits, purchasing liability insurance under a fleet policy covering the operation of state-owned
34 vehicles and motorboats, and such other insurance and surety bonds as any state department,
35 agency, or official may be legally authorized to secure, or required to furnish; provided that approval
36 shall not be granted for any such insurance or surety bonds unless the same have been marketed
37 and procured through a resident agent of an insurance company registered and licensed to do

1 business in this state. With the exception of any risk located outside the state, no such insurance
2 company or resident agent, personally or by another, shall allow, give, or pay, directly or indirectly,
3 to any nonresident agent or nonresident broker any part of the commission on the sale of such
4 insurance or surety bonds. The insurance commissioner may suspend or revoke the license of any
5 resident agent or insurance company violating the provisions hereof.

6 (e) Conducting ongoing studies of alternative financing methods and benefit offerings.

7 (f) Overseeing the state employee workers' compensation and commercial insurance
8 programs, by:

9 (1) Preparing bid specifications for commercial insurance and third party
10 administrator contracts related to workers' compensation and commercial insurance in accordance
11 with applicable law, and ensuring bid specifications are in compliance with collective bargaining
12 agreements.

13 (2) Negotiating final contract terms with the vendors awarded contracts through the
14 procurement process, formalizing contract agreements, and monitoring contracts on an ongoing basis
15 to ensure timely procurement, renewals, amendments, updates, statutory compliance, and
16 extensions.

17 (3) Managing claims payments and statistical data related to workers' compensation
18 and commercial insurance and ensuring vendors comply with the requirements of contract
19 agreements.

20 (4) Coordinating and developing processes and procedures related to the workers'
21 compensation and commercial insurance programs.

22 (5) Monitoring agencies' workers' compensation and commercial insurance activities
23 for compliance with requirements.

24 (g) To the extent deemed necessary by the [~~manager of risks~~] **director of risk** and
25 benefits, creating for potential incorporation into the department of administrative services manual
26 of procedures described at RSA 21-I:14, I(b), a technical assistance manual or manuals that clearly
27 explains procedures related to the bureau's functions.

28 (h) Evaluating risks facing the state and developing and operating health, safety, loss
29 control, and risk reduction programs, in accordance with loss prevention guidelines adopted
30 pursuant to RSA 21-I:14, II.

31 (i) Reviewing and making recommendations to the [~~manager of risks~~] **director of risk**
32 and benefits that are intended to ensure the proper operation and long term sustainability of the
33 bureau's programs.

34 (j) Advising the [~~manager of risks~~] **director of risk** and benefits and, upon request, the
35 commissioner, the governor and executive council, the general court, and other entities regarding the
36 bureau's programs.

1 (k) Ensuring that the bureau's programs are compliant with applicable state and federal
2 law.

3 III. The bureau of finance, under the supervision of a classified administrator, who shall be
4 responsible for the following functions, in accordance with applicable law:

5 (a) Managing claims payments, vendor payments, statistical data, and financial
6 reporting related to the risk management unit's responsibilities.

7 (b) Conducting ongoing studies of alternative financing methods and benefit offerings.

8 (c) To the extent deemed necessary by the ~~[manager of risks]~~ **director of risk** and
9 benefits, creating for potential incorporation into the department of administrative services manual
10 of procedures described at RSA 21-I:14, I(b), a technical assistance manual that clearly explains
11 procedures related to the bureau's functions.

12 (d) Establishing working rate tables for application to self-insured health benefit
13 programs, including by coordinating and reviewing actuarial projections, considering rate
14 alternatives and modeling, and developing full working rate tables.

15 (e) Reviewing and making recommendations to the ~~[manager of risks]~~ **director of risk**
16 and benefits that are intended to ensure the proper operation and long term sustainability of the
17 bureau's programs.

18 (f) Advising the ~~[manager of risks]~~ **director of risk** and benefits and, upon request, the
19 commissioner, the governor and executive council, the general court, and other entities regarding the
20 bureau's programs.

21 (g) Ensuring that the bureau's programs are compliant with applicable state and federal
22 law.

23 (h) Monitoring agencies' financial activities for compliance with financial requirements
24 of the state's health benefit program.

25 13 Department of Administrative Services; Reference Changed. Amend RSA 21-I:24, I to read
26 as follows:

27 I. The commissioner of administrative services, through the department's **division of risk**
28 ~~[management unit]~~ **and benefits**, is hereby authorized to pay such sum or sums as may be awarded
29 under the provisions of RSA 281-A, and the expense of insurance and third party administrator
30 services providing managed care programs authorized by RSA 281-A:23-a and similar services
31 directly related to the provision and monitoring of workers' compensation benefits payable to state
32 employees.

33 14 Department of Administrative Services; Reference Changed. Amend RSA 21-I:25-a, to read
34 as follows:

35 21-I:25-a Procurement of Managed Care and Other Risk-Shifting Services. By following the
36 procedures of RSA 21-I:28, the commissioner of administrative services, through the department's
37 **division of risk** ~~[management unit]~~ **and benefits**, and after consultation with the governor and

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1 council, may contract for or purchase insurance or third party administrator services providing
2 managed care program services and similar services directly related to the provision and monitoring
3 of workers' compensation benefits payable to state employees.

4 15 Department of Administrative Services; References Changed. Amend RSA 21-I:30-f to read
5 as follows:

6 21-I:30-f Administrative Cost of Certain Programs Administered by the **Division of Risk**
7 ~~[Management Unit]~~ **and Benefits**; Obligation of Employee. The **division of risk** ~~[management~~
8 ~~unit]~~ **and benefits** may use moneys in the employee benefit adjustment account, established under
9 RSA 9:17-c, for the purposes of paying the administrative fees for the dependent care assistance
10 program established under RSA 21-I:44-a and the medical and related expenses program established
11 under RSA 21-I:44-b. The **division of risk** ~~[management unit]~~ **and benefits** may also use such
12 moneys in the event money must be paid to the contracting party in advance to cover the employee's
13 medical expenses, when the employee has not contributed all of such costs from payroll deductions,
14 provided that the employee benefit adjustment account shall be repaid when the employee fulfills his
15 or her obligation.

16 16 Department of Administrative Services; Reference Changed. Amend RSA 21-I:44-a, to read
17 as follows:

18 21-I:44-a Dependent Care Assistance Program Established. There is established a dependent
19 care assistance program to be administered by the **division of risk** ~~[management unit]~~ **and**
20 **benefits** of the department of administrative services with the assistance of the division of
21 accounting services of the department of administrative services and the treasury department.
22 Under this program, an employee may have a certain amount of his or her salary withheld, before
23 taxes, for the purpose of day care expenses.

24 17 Department of Administrative Services; Reference Changed. Amend RSA 21-I:44-b, to read
25 as follows:

26 21-I:44-b Medical and Related Expenses Program Established. There is established a medical
27 related expenses program to be administered by the **division of risk** ~~[management unit]~~ **and**
28 **benefits** of the department of administrative services with the assistance of the division of
29 accounting services of the department of administrative services and the treasury department.
30 Under this program, an employee may have a certain amount of his or her salary withheld, before
31 taxes, for the purpose of medical expenses.

32 18 State Agency Insurance; Reference Changed. Amend RSA 9:27 to read as follows:

33 9:27 Insurance.

34 ~~[I.]~~ Any agency or department of the state may, with the approval of the governor and
35 council and within the limits of its appropriation, secure casualty or liability insurance on any
36 property owned by the state or in connection with any program or activity of the state; provided,
37 however, that all such purchases shall first be reviewed and approved by the **division of risk**

1 ~~[management unit]~~ **and benefits** of the department of administrative services and that any
2 insurance specifically required by law shall be carried.

3 ~~[II. All casualty or liability insurance secured by an agency or department and in effect on~~
4 ~~July 1, 2017, shall be reported to the risk management unit by September 1, 2017.]~~

5 19 Health and Human Services; Reference Changed. Amend RSA 161:4, III to read as follows:

6 III. Liability Insurance. The commissioner of the department of health and human services
7 or designee shall have the authority, after consultation with the insurance department and the
8 **division of risk** ~~[management unit]~~ **and benefits**, and in accordance with the procedures
9 established by the commissioner of administrative services under RSA 21-I:7-c, V, to purchase
10 personal liability coverage for individuals providing care to adults receiving assistance from the
11 department of health and human services who reside in certified residential care facilities. The
12 amount and nature of this insurance coverage may vary in the discretion of the commissioner of
13 administrative services.

14 20 Services for Youth and Families; Reference Changed. Amend RSA 170-G:3, VI to read as
15 follows:

16 VI. The commissioner shall have authority, after consultation with the insurance
17 department and the **division of risk** ~~[management unit]~~ **and benefits**, and in accordance with the
18 procedures established by the commissioner of administrative services under RSA 21-I:7-c, V, to
19 purchase insurance coverage for the benefit of individuals providing foster care to children within
20 the jurisdiction of the department. The amount and nature of this insurance coverage may vary in
21 the discretion of the commissioner of administrative services.

22 21 Services for Youth and Families; References Changed. Amend RSA 170-G:3, VII(b) and (c) to
23 read as follows:

24 (b) No payment shall be made under subparagraph (a)(1) or (2) unless the department
25 investigates the claim and the commissioner, or the commissioner's designee, recommends to the
26 **division of risk** ~~[management unit]~~ **and benefits** that the claim, or some portion of the claim, be
27 paid. If the **division of risk** ~~[management unit]~~ **and benefits** determines that the claim meets the
28 requirements of this paragraph and is reasonable in amount, the commissioner of administrative
29 services, or the commissioner's designee, shall authorize such payment.

30 (c) No payment shall be made under subparagraph (a)(3) unless the department
31 investigates the claim and the commissioner, or the commissioner's designee determines the foster
32 parent did not act intentionally, willfully or recklessly, and recommends to the **division of risk**
33 ~~[management unit]~~ **and benefits** that the claim, or some portion of the claim, be paid. If the
34 **division of risk** ~~[management unit]~~ **and benefits** determines that the claim meets the
35 requirements of this subparagraph, the attorney general shall be notified and shall select a qualified
36 attorney to provide legal representation and defense to the claimant subject to the dollar limitations
37 of subparagraph (a)(3), the recommendations of the **division of risk** ~~[management unit]~~ **and**

1 **benefits**, and the attorney general's own experience and expertise. The commissioner of
2 administrative services, or the commissioner's designee, shall authorize payment of such amounts as
3 are approved by the attorney general.

4 22 University System; References Changed. Amend RSA 187-A:43, VI-VII, to read as follows:

5 VI. Cost analysis, including costs associated with the **division of risk** [~~management unit~~]
6 **and benefits** staff, shall be paid for by the university system. The university system shall pay all
7 associated costs of transferring data into the state group health insurance plan and all costs
8 associated with data collection, data manipulation associated with transferring from one plan to
9 another, and costs of university system changes, including staff costs.

10 VII. The university system shall provide to the **division of risk** [~~management unit~~] **and**
11 **benefits** a file of medical and pharmaceutical claims for the previous 2 years which shall not contain
12 any personally identifiable information.

13 23 Community College System; References Changed. Amend RSA 188-F:68, VI-VII, to read as
14 follows:

15 VI. Cost analysis, including costs associated with the **division of risk** [~~management unit~~]
16 **and benefits** staff, shall be paid for by the community college system. The community college
17 system shall pay all associated costs of transferring data into the state group health insurance plan
18 and all costs associated with data collection, data manipulation associated with transferring from
19 one plan to another, and costs of system changes, including staff costs.

20 VII. The community college system shall provide to the **division of risk** [~~management unit~~]
21 **and benefits** a file of medical and pharmaceutical claims for the previous 2 years which shall not
22 contain any personally identifiable information.

23 24 Board of Claims; Reference Changed. Amend RSA 541-B:11-A to read as follows:

24 541-B:11-a Annual Report. The secretary of state shall provide annually to the **division of risk**
25 [~~management unit~~] **and benefits** a copy of the annual report for the board.

26 25 Salaries; Unclassified State Officers. Amend the following positions in RSA 94:1-a, I(b),
27 salary grade HH, to read as follows:

28 HH Department of administrative services [~~manager of risks~~] **director of risk** and benefits

29 HH Department of administrative services **director of financial data** [~~manager~~] **management**

30 26 Department of Administrative Services; Intent of Amendment of Risk Management Unit;
31 Continuation of Operations. The amendment to the title of the risk management unit to the division
32 of risk and benefits is not intended to alter the underlying functions, authorities, or personnel of the
33 existing unit or its manager, or the compensation of any existing employee. The division of risk and
34 benefits shall perform all duties previously performed by the risk management unit and the director
35 of the division of risk and benefits shall perform all duties and functions previously performed by the
36 manager of risks. Any and all documents entered into by the risk management unit or any of its
37 subunits, including but not limited to contracts, agreements, requests for proposals, requests for

1 bids, requests for quotes, purchase orders, and other items shall be construed to apply to, and shall
2 be deemed to be the action of, the division of risk and benefits.

3 27 Department of Administrative Services; Intent of Amendment of Title of the Manager of
4 Risks; Continuation of Salary and Functions. The unclassified employee serving as the manager of
5 risks prior to the effective date of this section shall, barring resignation or removal from office, be
6 deemed the director of the division of risk and benefits for the remainder of his or her existing term
7 as the manager of risks and benefits. The salary of the director of the division of risk and benefits
8 shall be that allocated in RSA 94:1-a, I(b) to the manager of risks and benefits.

9 28 Department of Administrative Services; Continuation of Laws; Transfer of Duties Relating to
10 Risk Management. All provisions of law that remain in effect and refer to the department of
11 administrative services' risk management unit shall be construed so as to apply to the division of
12 risk and benefits. All powers, duties, and obligations of the risk management unit, and all bureaus
13 or other subunits within the unit, shall be transferred to the division of risk and benefits and its
14 subunits without interruption or delay on the effective date of this section. The transfer shall
15 include, but not be limited to, all personnel, equipment, and funding of the former risk management
16 unit and its subunits. The department of administrative services may make such changes to the
17 accounting structure and budgetary allocations for the biennium ending June 30, 2021 as it
18 concludes are necessary or appropriate to effectuate and accommodate the changes made to the
19 department by this act.

20 29 Department of Administrative Services; Intent of Amendment of Financial Data
21 Management Unit; Continuation of Operations. The alteration of the title of the financial data
22 management unit to the division of financial data management is not intended to alter the
23 underlying functions, authorities, or personnel of the existing unit or its manager, or the
24 compensation of any existing employee. The division of financial data management shall perform all
25 duties previously performed by the financial data management unit and the director of the division
26 of financial data management shall perform all duties and function previously performed by the
27 financial data manager. Any and all documents entered into by the financial data management unit
28 or any of its subunits, including but not limited to contracts, agreements, requests for proposals,
29 requests for bids, requests for quotes, purchase orders, and other items shall be construed to apply
30 to, and be deemed to be the action of, the division of financial data management.

31 30 Department of Administrative Services; Intent of Amendment of Title of the Financial Data
32 Manager; Continuation of Salary and Functions. The unclassified employee serving as the financial
33 data manager as of the effective date of this section shall, barring resignation or removal from office,
34 be deemed the director of the division of financial data management for the remainder of his or her
35 existing term as the financial data manager. The salary of the director of the division of financial
36 data management shall be that allocated in RSA 94:1-a, I(b) to the financial data manager.

1 31 Department of Administrative Services; Continuation of Laws; Transfer of Duties Relating to
2 Financial Data Management. All provisions of law that remain in effect and refer to the department
3 of administrative services' financial data management unit shall be construed so as to apply to the
4 division of financial data management. All powers, duties, and obligations of the financial data
5 management unit, and all bureaus or other subunits within the unit, shall be transferred to the
6 division of financial data management and its subunits without interruption or delay on the effective
7 date of this section. The transfer shall include, but not be limited to, all personnel, equipment, and
8 funding of the former financial data management unit and its subunits. The department of
9 administrative services may make such changes to the accounting structure and budgetary
10 allocations for the biennium ending June 30, 2021 as it concludes are necessary or appropriate to
11 effectuate and accommodate the changes made to the department by this act.

12 32 Department of Administrative Services; Consolidation of Human Resources and Payroll
13 Functions.

14 I. Notwithstanding any law or administrative rule to the contrary, the commissioner of
15 administrative services, with the prior approval of the fiscal committee of the general court and the
16 governor and council, may make such transfers of appropriation items and changes in allocations of
17 funds available for operational purposes to the department of administrative services from any other
18 agency necessary to effectuate the efficient consolidation or deconsolidation of human resources,
19 payroll and business processing functions within state government. Such business processing
20 functions shall include:

21 (a) Accounts receivable;

22 (b) Accounts payable;

23 (c) Collection of fines, penalties, fees, restitution, remittances, and other moneys due to
24 the state; and

25 (d) Such additional finance, accounting and other functions and transactions that the
26 commissioner of administrative services determines may potentially achieve substantial efficiencies
27 from consolidation.

28 II. The commissioner of administrative services may establish the number of total personnel
29 required for human resources, payroll, and business processing functions in the executive branch of
30 state government and, with the prior approval of the governor and council, may eliminate
31 unnecessary positions and may transfer positions to or from the department of administrative
32 services to or from any other agency if the commissioner of administrative services concludes that
33 such transfers or eliminations are necessary to effectuate the efficient consolidation or
34 deconsolidation of human resources, payroll, or business processing functions within state
35 government. Such transfers may, if deemed appropriate by the commissioner of administrative
36 services, include the transfer of all associated books, papers, records, personnel files, and equipment,
37 including, but not limited to, work station and information technology equipment, and may, if

1 deemed appropriate by the commissioner of administrative services, include the transfer of any
2 unexpended appropriations for any of the foregoing, and any unexpended appropriations for salary,
3 payroll, benefits, support costs, or any other costs associated with the transferred personnel. The
4 department of administrative services may also establish new full-time temporary positions within
5 the department, if the commissioner of administrative services deems it necessary to effectuate the
6 efficient consolidation or deconsolidation of human resources, payroll, or business processing
7 functions.

8 III. The commissioner of administrative services may locate personnel whose positions have
9 been transferred in such work spaces as the commissioner determines will efficiently effectuate the
10 consolidation or deconsolidation of functions. Such work spaces may include either space currently
11 owned or rented by the state, or space which may be rented by the commissioner utilizing amounts
12 which may be saved by the state as the result of the consolidation or deconsolidation of functions.

13 IV. If the commissioner of administrative services consolidates, deconsolidates or, pursuant
14 to 2015, 276:2 or other law, has consolidated or deconsolidated, any human resources, payroll, or
15 business processing function and subsequently determines that such consolidation or deconsolidation
16 is not cost effective or beneficial to the interests of the state, the commissioner may, with the prior
17 approval of the fiscal committee of the general court, deconsolidate or reconsolidate, fully or
18 partially, any human resources, payroll, or business processing function within the executive branch
19 of state government. As part of a deconsolidation, the commissioner, after consultation with the
20 heads of such executive branch agencies as may be affected, shall determine positions to be
21 transferred to another agency, shall determine positions to be transferred elsewhere within the
22 department of administrative services, or shall determine positions to be eliminated.

23 V. Any unspent balance remaining of the \$250,000 appropriation made by 2011, 224:86 to
24 the department of administrative services for the biennium ending June 30, 2013, for the purpose of
25 selecting and retaining an independent business processing consultant to evaluate and make
26 recommendations relative to the consolidation of business processing functions within state
27 government, shall not lapse until June 30, 2021. The department of administrative services may use
28 this balance to fund such projects, functions, or activities as the commissioner of administrative
29 services may direct relating to the efficiency of state government, including, but not limited to, the
30 selection and retention of an independent business processing consultant and/or other projects,
31 functions, or activities relating to the consolidation or deconsolidation of human resource, payroll
32 and business processing functions.

33 33 Department of Administrative Services; State Employee Health Plan; Application. The cost
34 sharing and plan design for unrepresented active state employees who participate in the health
35 plans offered by the state shall be the same as those for individuals covered by the collective
36 bargaining agreement between the state of New Hampshire and the State Employees' Association of
37 New Hampshire, Inc. The fiscal committee of the general court may approve changes to the above

1 plan design cost sharing provisions consistent with RSA 21-I:30, I. The cost sharing and plan
2 designs for represented active state employees who participate in the health plans offered by the
3 state shall be in accordance with the provisions of the collective bargaining agreements between the
4 state and the employee organizations representing those employees.

5 34 Department of Administrative Services; Health Coverage Shared Responsibility. Agencies
6 may use funds in existing class 60 budgets to pay any penalties imposed under the employer shared
7 responsibility for health coverage under section 4980H of the Internal Revenue Code.

8 35 All Agencies; Administrative Services; Electronic Mail. Unless restricted by law or
9 administrative rule, upon request of an intended recipient, an agency may provide documents by
10 electronic mailing in lieu of mail.

11 36 Department of Administrative Services; Funding and Staffing Resource Limitations.

12 I. Due to inadequate funding and staffing resources at the department of administrative
13 services, the commissioner of the department of administrative services may suspend the obligations
14 or requirements under RSA 21-I:7-c as it applies to addressing performance and financial legislative
15 budget assistant audit findings from 2006, 2011, and 2014 regarding management of the employee
16 and retiree health benefit program, including establishing rules and operational policies for the
17 program, for each fiscal year of the biennium ending June 30, 2021.

18 II. Due to inadequate funding and staffing resources at the department of administrative
19 services, the commissioner of the department of administrative services may suspend the following
20 requirements or obligations of the department for each fiscal year of the biennium ending June 30,
21 2021:

22 (a) The provisions relating to identification and implementation of energy efficiency
23 projects in compliance with the governor's executive order 2016-03.

24 (b) The provisions relating to data analysis and the development of performance metrics
25 for buildings and vehicles to monitor energy and water usage, use of fossil fuels, and greenhouse gas
26 emissions in compliance with governor's executive order 2016-03.

27 37 Department of Administrative Services; Establishment of Additional Surplus Fund. Amend
28 RSA 21-I:11, I, (a)(6)(B) to read as follows:

29 (B) Be maintained by the treasurer [~~as a~~] ***in one of 2*** separate, restricted [~~fund~~]
30 ***funds:***

31 (i) ***The surplus distribution section administrative assessments fund,***
32 ***into which shall be deposited funds received by the department by virtue of the disposition***
33 ***of surplus property; and***

34 (ii) ***The federal surplus food fund, into which shall be deposited***
35 ***funds received by the department by virtue of the disposition of federal surplus food.***

36 38 Surplus Distribution Accounts. Amend RSA 6:12, I(b)(92) to read as follows:

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1 (92) Moneys deposited in the 2 surplus ~~[distribution section administrative~~
2 ~~assessments fund]~~ **funds** under RSA 21-I:11, I(a)(6)(B):

3 **(A) The surplus distribution section administrative fund;**
4 **and**

5 **(B) The federal surplus food fund.**

6 39 Department of Administrative Services; Fund Restrictions. Amend the introductory
7 paragraph of RSA 21-I:11-a, I to read as follows:

8 I. Expenditures from the funds established by RSA 21-I:11, I(a)(6)(B), shall be restricted to
9 defraying the following costs **of the respective programs** incurred as a result of transferring
10 donated commodities or surpluses from the consignee point of delivery or point of origin to the
11 ultimate point of consumption:

12 40 New Section; Department of Administrative Services; Building Maintenance Fund. Amend
13 RSA 21-I by inserting after section 11-c the following new section:

14 21-I:11-d Building Maintenance Fund. Each agency for which the department of administrative
15 services is charged with providing building maintenance services shall pay to the department an
16 annual assessment of 75 cents per square foot of such space which the agency occupies. The
17 department of administrative services may make transfers from appropriate agency accounts to
18 address such assessments. Collected amounts shall be deposited in the building maintenance fund,
19 which shall be nonlapsing and continually appropriated to the department of administrative services
20 for the purposes of covering costs associated with continuing maintenance of buildings, space, and
21 other property which it is charged with maintaining.

22 41 New Subparagraph; Application of Receipts; Building Maintenance Fund. Amend RSA 6:12,
23 I(b) by inserting after subparagraph (343) the following new subparagraph:

24 (344) Moneys deposited in the building maintenance fund established under RSA 21-
25 I:11-d.

26 42 Appropriation; Building Maintenance Fund.

27 I. In addition to any other sums appropriated, the following sums are hereby appropriated
28 from the following sources for the purposes of sections 42-43 of this act for the fiscal years ending
29 June 30, 2020 and June 30, 2021:

30 (a) For the fiscal year ending June 30, 2020:

31 All	General	Federal	Highway	Turnpike	Other
32 \$528,606.50	\$263,417.50	\$74,598.50	\$57,811.00	\$702.50	\$132,077.00

33 (b) For the fiscal year ending June 30, 2021:

34 All	General	Federal	Highway	Turnpike	Other
35 \$528,606.50	\$262,808.00	\$74,598.50	\$57,873.50	\$702.00	\$132,624.50

36 II. The department of administrative services is authorized to allocate these appropriations
37 among agencies as necessary to implement the requirements of sections 42 and 43.

1 43 Study of Building Maintenance Funding Sources for Patient Occupied Buildings Managed by
2 the Department of Health and Human Services. The department of administrative services and the
3 department of health and human services shall study appropriate mechanisms for the creation of an
4 additional building maintenance fund for the patient occupied buildings currently managed directly
5 by the department of health and human services, including but not limited to the Glencliff home,
6 New Hampshire hospital, and the Sununu youth services center. The departments shall report their
7 findings to the fiscal committee of the general court on or before February 1, 2020.

8 44 Judicial Appointments; Number Limited; Conversion Suspended.

9 I. For the biennium ending June 30, 2021, the number of judges serving on the superior
10 court shall not exceed 22 and the number of full-time judges serving on the circuit court shall not
11 exceed 35.

12 II. RSA 490-F:7, III, relative to conversion of the position of marital master to a full-time
13 judicial position, is hereby suspended for the biennium ending June 30, 2021.

14 45 Judicial Branch; Transfer Among Accounts and Classes. Notwithstanding any provision of
15 law to the contrary, and subject to approval of the fiscal committee of the general court, for the
16 biennium ending June 30, 2021, the supreme court may transfer funds within and among all
17 accounting units within the judicial branch as the supreme court deems necessary and appropriate
18 to address budget reductions or to respond to changes in federal laws, regulations, or programs, and
19 otherwise as necessary for the efficient management of the judicial branch. If the supreme court
20 intends to transfer funds which would otherwise meet the transfer requirements as set forth in RSA
21 9:17-d, prior approval of the fiscal committee of the general court shall be required for transfers of
22 \$100,000 or more.

23 46 Department of Corrections; Transfer Authority. The following classes within the department
24 of corrections shall be exempt from the transfer restrictions in RSA 9:17-a, 9:17-c, classes 10-
25 personal services-perm classified, 11-personal services-unclassified, 12-personal services-
26 unclassified, 18-overtime, 19-holiday pay, 50-personal service-temp/appointed and 60-benefits. The
27 department may transfer funding in these classes within and among all accounting units provided
28 that any transfer shall require prior approval of the fiscal committee of the general court and
29 governor and council. The provisions of this paragraph shall remain in effect for the biennium
30 ending June 30, 2021.

31 47 New Section; Cost of Care Reimbursement Account Established. Amend RSA 622 by
32 inserting after section 58 the following new section:

33 622:58-a Cost of Care Reimbursement Fund Established. There is established the cost of care
34 reimbursement fund, which shall be administered by the commissioner of the department of
35 corrections. This fund shall be nonlapsing and continually appropriated to the commissioner for the
36 purpose of the general care of those persons under departmental control and upkeep of the prison

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1 facilities including equipment. The commissioner shall deposit all funds received from the
2 department of justice as specified in RSA 622:58 into this fund.

3 48 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after
4 subparagraph (343) the following new subparagraph:

5 (344) Moneys deposited in the cost of care reimbursement fund under RSA 622:58-a.

6 49 Department of Corrections; Cost of Care Reimbursement Moneys. Amend RSA 622:58 to
7 read as follows:

8 622:58 Deposit of Recovered Moneys. All moneys recovered under this subdivision shall be
9 deposited in the ~~[general fund]~~ **cost of care reimbursement fund under RSA 622:58-a.**

10 50 Repeal. RSA 622:7-b, relative to victim's fund, is repealed.

11 51 Application of Receipts; Victims' Fund. Amend RSA 6:12, I(b)(23) to read as follows:

12 (23) The assessments collected under RSA 106-L:10 and 651:63, V ~~[and the~~
13 ~~surcharges on state commissary purchases under RSA 622:7-b designated for the victims' assistance~~
14 ~~fund which]~~ shall be credited to the victims' assistance fund until that fund exceeds \$900,000, at
15 which time moneys in excess of \$900,000 shall be credited to the general fund.

16 52 Department of Corrections; Unclassified Position Established; Director of Nursing.

17 I. The unclassified position of director of nursing is hereby established in the department of
18 corrections and shall be qualified for that position by reason of education and experience and shall be
19 nominated by the commissioner of the department of corrections for the appointment by the
20 governor and the executive council, who shall serve at the pleasure of the commissioner. The
21 director of nursing shall oversee the uniform integration of nursing practice and care into the
22 comprehensive medical and behavioral health system operated by the department of corrections as
23 well as ensuring adherence of nurses to nursing practice laws, rules, standards, and policies. This
24 position shall also establish an organizational reporting structure to ensure that all nurses receive
25 adequate and appropriate supervision. Direct reports shall include the assistant nursing director
26 and all nurse coordinators.

27 II. The salary of this position shall be determined after assessment and review of the
28 appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be
29 conducted pursuant to RSA 94:1-d and RSA 14:14-c.

30 III. Upon completion of this action and appointment of the position identified in paragraph
31 I, classified position #16287 shall be abolished to allow for the transition of this classified position
32 with its available appropriations into the new unclassified position. Funding shall be transferred
33 into expenditure class 011, within accounting unit 02-46-46-465010-8234. The incumbent in the
34 abolished classified position shall be offered the opportunity to seek the commissioner's nomination
35 for the unclassified director of nursing position.

36 53 Department of Corrections; Unclassified Positions Established.

1 I. The following positions are hereby established in the department of corrections and shall
2 be qualified for the position by reason of education and experience and shall be nominated by the
3 commissioner of corrections for appointment by the governor and council, who shall serve at the
4 pleasure of the commissioner. The chief pharmacist shall oversee the pharmacy unit and supervise
5 the pharmacist I-IV as well as perform such duties that the commissioner from time to time may
6 authorize:

- 7 (a) Department of corrections, chief pharmacist.
- 8 (b) Department of corrections, pharmacist I.
- 9 (c) Department of corrections, pharmacist II.
- 10 (d) Department of corrections, pharmacist III.
- 11 (e) Department of corrections, pharmacist IV.

12 II. The salary of these positions shall be determined after assessment and review of the
13 appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the positions which shall be
14 conducted pursuant to RSA 94:1-d and RSA 14:14-c.

15 III. Upon completion of this action and appointment of the positions identified in paragraph
16 I, the following positions shall be abolished to allow for the transition of these classified positions
17 with their available appropriations into the unclassified positions. Funding shall be transferred into
18 expenditure class 011, within accounting unit 02-46-46-465010-8236. The incumbents in the
19 abolished classified positions shall be offered the opportunity to seek the commissioner's nomination
20 for the unclassified positions:

- 21 (a) Chief pharmacist #19851.
- 22 (b) Pharmacist #12997.
- 23 (c) Pharmacist #19553.
- 24 (d) Pharmacist #19848.
- 25 (e) Pharmacist #16290.

26 54 State Commission for Human Rights. Amend RSA 354-A:3, I to read as follows:

27 I. There is hereby created a commission to be known as the New Hampshire commission for
28 human rights, *which shall be administratively attached to the department of justice*
29 *pursuant to RSA 21-G:10*. Such commission shall consist of 7 members, who shall be appointed by
30 the governor, with the consent of the council, and one of whom shall be designated as chair by the
31 governor. The term of office of each member of the commission shall be for 5 years.

32 55 Boxing and Wrestling Commission. Amend RSA 285:2 to read as follows:

33 285:2 Establishment of Commission. There is hereby established a boxing and wrestling
34 commission which shall oversee amateur and professional fighting sports in the state. *The*
35 *commission shall be administratively attached to the department of state pursuant to RSA*
36 *21-G:10*.

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1 56 Annual Grant for Leased Space; Charter Schools. Amend the introductory paragraph of RSA
2 198:15-hh, I to read as follows:

3 I. The amount of the annual grant for a lease to any school district duly organized, any city
4 maintaining a school department within its corporate organization, any cooperative school district as
5 defined in RSA 195:1, or any receiving district operating an area school as defined in RSA 195-A:1,
6 shall be a sum equal to 30 percent of the amount of the annual payment of the lease incurred, for the
7 cost of leasing permanent space in a building or buildings not owned by the school district or school
8 administrative unit which is used for the operation of a high school vocational technical education
9 program, to the extent approved by the state board of education. For the purposes of this section,
10 the amount of the annual grant for a lease to a vocational technical education center shall be
11 calculated in the same manner as a cooperative school district. The amount of the annual grant for a
12 chartered public school authorized under RSA 194-B:3-a shall be a sum equal to 30 percent of the
13 annual lease payment incurred for the cost of leasing space; ***provided that no annual grant for***
14 ***leased space provided to a chartered public school in accordance with this section shall***
15 ***exceed \$30,000 in any fiscal year.*** The total amount of grants to schools pursuant to this section
16 shall not exceed the state appropriation for leased space. If the amount appropriated is insufficient
17 therefor, the appropriation shall be prorated proportionally among the schools eligible for a grant.
18 Such lease agreements shall be eligible for grants under this section, provided all of the following
19 conditions apply:

20 57 Meals and Rooms Tax; Distribution to Cities and Towns. For the fiscal years ending June 30,
21 2020 and June 30, 2021, the state treasurer shall fund the distribution of revenue to cities and towns
22 pursuant to the formula for determining the amount of revenue returnable to cities and towns under
23 RSA 78-A:26, I and II at no more than the amount of the fiscal year 2019 distribution.

24 58 Department of Health and Human Services; Social Services Block Grant Cost of Living
25 Adjustment to Income Levels. Notwithstanding any other provision of law, for the biennium ending
26 June 30, 2021, the department of health and human services shall raise the income eligibility for
27 elderly and adult clients under the social services block grant program each January, by the
28 percentage amount of the cost of living increase in social security benefits on a yearly basis provided
29 such amount is consistent with federal law and regulations relative to the social services block grant
30 income eligibility.

31 59 County Reimbursement of Funds; Limitations on Payments. Amend RSA 167:18-a, II(a) to
32 read as follows:

33 II.(a) The total billings to all counties made pursuant to this section shall not exceed the
34 amounts set forth below for state fiscal years [~~2018-2019~~] **2020-2021**:

35 (1) State fiscal year [~~2018~~] **2020**, [~~\$117,573,000~~] **\$123,372,750.**

36 (2) State fiscal year [~~2019~~] **2021**, [~~\$119,925,000~~] **\$126,923,933.**

1 60 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children;
2 Definitions. Amend RSA 167:6, VII to read as follows:

3 VII. For purposes hereof, a person shall be eligible for medical assistance as categorically
4 needy or as medically needy. A person shall be eligible as categorically needy if [~~he~~] **such person**
5 receives financial assistance under RSA 167:6, I, IV, V or VI, or is otherwise eligible to receive such
6 assistance but does not, **or is otherwise eligible, but does not due to receiving a finding of**
7 **clinical ineligibility for federal cash benefits under paragraph VI**. A person shall be eligible
8 as medically needy if [~~he~~] **such person** meets the categorical, age, and technical requirements under
9 RSA 167:6, I, IV, V or VI, and if his **or her** income and assets meet the standards as prescribed for
10 the medically needy program. A person shall also be eligible as categorically needy or as medically
11 needy who is eligible for medical assistance pursuant to the mandates of federal law or regulation or
12 pursuant to optional state coverage groups which are allowed by federal regulation and defined by
13 the commissioner of the department of health and human services in accordance with rules adopted
14 under RSA 541-A, but who does not receive assistance or would not be otherwise eligible to receive
15 assistance under paragraph I, IV, V, or VI.

16 61 Prospective Repeal Regarding Eligibility for Services Extended. Amend 2011, 209:6, I, as
17 amended by 2013, 140:1, I, as amended by 2015, 276:41, I, as amended by 2017, 156:85, I to read as
18 follows:

19 I. Section 5 of this act shall take effect July 1, [~~2019~~] **2021**.

20 62 Department of Health and Human Services; Suspension of Direct and Indirect Graduate
21 Medical Education Payments. The commissioner of the department of health and human services
22 shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and
23 Medicaid Services to suspend the provision of direct and indirect graduate medical education
24 payments to hospitals as provided in 42 C.F.R. section 413.75 for the biennium ending June 30,
25 2021. Upon approval of the state plan amendment, and as of the effective date of the state plan
26 amendment, any obligations for payment of direct and indirect graduate medical education shall be
27 suspended for the biennium ending June 30, 2021.

28 63 Health and Human Services; Suspension of Catastrophic Aid Payments to Hospitals. The
29 commissioner of the department of health and human services shall submit a Title XIX Medicaid
30 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend
31 catastrophic aid payments to hospitals. Upon approval of the state plan amendment, and as of the
32 effective date of the state plan amendment, any obligations for catastrophic aid payments to
33 hospitals shall be suspended for the biennium ending June 30, 2021.

34 64 Department of Health and Human Services; Prospective Repeal Regarding the Exemption
35 from Certain Transfer Procedures Extended. Amend 2018, 163:11, IV to read as follows:

36 IV. Section 10 of this act shall take effect June 30, [~~2019~~] **2021**.

37 65 Department of Health and Human Services; Program Eligibility; Additional Revenues. For

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1 the biennium ending June 30, 2021, the department of health and human services shall not
2 authorize, without prior consultation with the house health, human services and elderly affairs
3 committee and the senate health and human services committee, and the approval of the fiscal
4 committee of the general court and governor and council, any change to program eligibility
5 standards or benefit levels that might be expected to increase or decrease enrollment in the program
6 or increase expenditures from any source of funds; provided, however, that no such prior approval
7 shall be required if a change to a federal program in which the state is participating as of the
8 effective date of this section is required by federal law.

9 66 Appropriation; Department of Safety, Division of Fire Standards and Training and
10 Emergency Medical Services. There is hereby appropriated to the department of safety, division of
11 fire standards and training and emergency medical services, the sum of \$500,000, for the biennium
12 ending June 30, 2021, for the purpose of providing grants to local firefighters for medical
13 examinations conducted pursuant to RSA 281-A:17. The sum shall be a charge against the fire
14 standards and training and emergency medical services fund established pursuant to RSA 21-P:12-d,
15 and shall not lapse.

16 67 Commissioner of Health and Human Services; Quarterly Reports. During the biennium
17 ending June 30, 2021, the commissioner of health and human services shall make quarterly reports
18 to the governor, the speaker of the house of representatives, and the senate president on the status
19 of estimated Medicaid payments in relation to actual costs. Further contents of the such reports
20 shall be as specified by the governor.

21 68 Department of Health and Human Services; Unfunded Positions; Authorization.
22 Notwithstanding any other provision of law to the contrary, the department of health and human
23 services may fill unfunded positions during the biennium ending June 30, 2021, provided that the
24 total expenditure for such positions shall not exceed the amount appropriated for personnel services.

25 69 Eligibility for Home and Community-Based Services; Suspension. RSA 151-E:18, regarding
26 presumptive eligibility for home and community based services, shall be suspended for the biennium
27 ending June 30, 2021.

28 70 New Section; Department of Health and Human Services; Developmental Services;
29 Establishing Certain Funds and Transfers of Certain Appropriations. Amend RSA 171-A by
30 inserting after section 8-a the following new section:

31 171-A:8-b Establishing Certain Dedicated Funds and Transfers of Certain Appropriations.

32 I. There is hereby established the developmental services fund. The fund, from
33 appropriations provided in accounting unit 05-95-93-930010-7100, shall be used to carry out the
34 provisions of this chapter. The fund shall be nonlapsing and shall be continually appropriated to the
35 commissioner for the purposes of this chapter.

36 II. There is hereby established the acquired brain disorder services fund. The fund, from
37 appropriations provided in accounting unit 05-95-93-930010-7016, shall be used to carry out the

1 provisions of this chapter. The fund shall be nonlapsing and shall be continually appropriated to the
2 commissioner for the purposes of this chapter.

3 III. There is hereby established the in-home support waiver fund. The fund, from
4 appropriations provided in accounting unit 05-95-93-930010-7110, shall be used to carry out the
5 provisions of this chapter. The fund shall be nonlapsing and shall be continually appropriated to the
6 commissioner for the purposes of this chapter.

7 IV. The funds in paragraphs I through III shall only be transferred between these funds
8 and/or accounting units for those particular services for the purposes of this chapter.

9 71 New Subparagraphs; Department of Health and Human Services; Developmental Services;
10 Certain Accounts. Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new
11 subparagraphs:

12 (344) Moneys deposited in the developmental services fund established under RSA
13 171-A:8-b, I.

14 (344) Money deposited in the acquired brain disorder services fund established
15 under RSA 171-A:8-b, II.

16 (344) Money deposited in the in-home support waiver fund established under RSA
17 171-A:8-b, III.

18 72 Department of Health and Human Services; Transfer of Certain Trust Funds.

19 I. The trust established in *In Re: Laconia State School Trust Funds*, Docket Number 317-
20 2017-EQ-599 (6th Circuit-Probate Division-Concord) shall be dissolved upon the final distribution of
21 funds pursuant to the court order issued in that case.

22 II. Distributions shall be made from the trust to former residents of Laconia state school
23 pursuant to court order. When there are no longer any surviving former residents of Laconia state
24 school, any funds remaining in the trust shall be distributed to persons receiving services from the
25 state developmental services system, in accordance with the court order, until all of the funds in the
26 trust are fully expended.

27 73 Study Committee on Outdated Non-regulatory Boards, Commissions, Councils, and Advisory
28 Bodies.

29 I. There is hereby established a committee to review all non-regulatory boards, commissions,
30 councils, and advisory bodies which exist in statute to determine which such non-regulatory boards,
31 commissions, councils, and advisory bodies should be repealed.

32 II.(a) The committee shall be composed of 5 members as follows:

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

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

1 (b) The governor shall appoint 2 persons who shall represent the executive branch and
2 shall serve as an advisory council to the members of the committee. The advisory council shall
3 advise and assist the members in the completion of the committee's duties.

4 III. Members of the committee shall receive mileage at the legislative rate when attending
5 to the duties of the committee. The first meeting of the committee shall be called no later than 30
6 days after the effective date of this section. The first-named house member shall call the first
7 meeting of the committee. Three members of the committee shall constitute a quorum.

8 IV. In determining which non-regulatory boards, commissions, councils, and advisory bodies
9 should be repealed, the committee shall consider the following:

10 (a) Frequency of meetings.

11 (b) Attendance records and the level of difficulty in achieving quorum for meetings.

12 (c) Whether there is duplication of purpose or activities.

13 (d) Any other factors which the committee deems relevant.

14 V. The committee shall report its findings and any recommendations for legislation,
15 including recommendations for repeal of non-regulatory boards, commissions, councils, or other
16 advisory bodies to the president of the senate, the speaker of the house of representatives, the senate
17 clerk, the house clerk, the governor, and the state library on or before February 1, 2020.

18 74 Department of Health and Human Services; Plan to Close the Cliff Effect for Individuals and
19 Families who Receive Public Benefits.

20 I. The purpose of this section is to coordinate poverty reduction strategies across agencies
21 and employers to provide necessary support mechanisms to ensure the long-term success for New
22 Hampshire's families and children for economic independence achieved through employment, and to
23 demonstrate successful outcomes for families and children for identifying supportive transitions
24 from public benefits to self-sufficiency while enhancing New Hampshire's workforce. Families
25 include parents, grandparents, caretaker relatives, and other individuals caring for children
26 acknowledging that the opioid crisis has impacted the care of New Hampshire's children.

27 II. In this section, "cliff effect" means the experience of individuals or families who receive
28 public benefits when new or increased income results in a reduction or loss of public benefits, but the
29 increased income does not fully compensate for or exceed the loss of public benefits. This results in
30 the individual and or family with less public benefits and an increase in out-of-pocket expenses that
31 eliminates any financial gain from the new or increased income.

32 III. The department of health and human services shall develop a plan to close the cliff effect
33 so New Hampshire individuals and families are afforded a full opportunity to participate in the New
34 Hampshire workforce. The plan shall include the development and implementation of a "benefits
35 cliff calculator" to measure the effect of increased income for individuals or families who receive
36 public benefits and shall include related policy options such as, but not limited to, an earned income

1 disregard, transportation accessibility, and incentives for employment retention based on an updated
2 economic analysis.

3 IV. No later than 30 days after the effective date of this section, the commissioner of the
4 department of health and human services shall convene a working group consisting, at a minimum
5 of, representatives of the following departments or agencies: the commissioner of the department of
6 employment security or designee, the commissioner of the department of education or designee, the
7 commissioner of the department of business and economic affairs or designee, the chancellor of the
8 community college system of New Hampshire or designee, the executive director of the New
9 Hampshire housing finance authority or designee, a representative of a philanthropic agency
10 appointed by the governor, a representative from a community action program appointed by the
11 governor, a private employer appointed by the governor, an individual who is receiving or who has
12 received public benefits appointed by the governor, a member of the house of representatives
13 appointed by the speaker of the house of representatives, and a member of the senate appointed by
14 the senate president.

15 V. The meetings of the working group shall be subject to RSA 91-A. The department, in
16 consultation with the working group, shall prepare a plan to close the cliff effect for individuals and
17 families receiving public benefits. The plan shall include, but not be limited to, policy change
18 recommendations, the development of a benefits cliff calculator which may be used by public and
19 private employers to navigate and close the cliff effect.

20 VI. The working group shall submit an initial report on the plan including policy
21 recommendations to the speaker of the house of representatives, the senate president, and the
22 governor on or before March 1, 2020, and quarterly thereafter for the remainder of the biennium
23 ending June 30, 2021.

24 VII. The sum of \$1 for the fiscal year ending June 30, 2020 and the sum of \$1 for the fiscal
25 year ending June 30, 2021 are hereby appropriated to the department of health and human services
26 for the purposes of developing and implementing the plan required in this section. The governor is
27 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
28 appropriated.

29 75 Revenue Sharing; Suspension. RSA 31-A, relative to revenue sharing with cities and towns
30 shall be suspended for the biennium ending June 30, 2021.

31 76 Liquor Commission; Processing of Merchant Cards. For the biennium ending June 30, 2021,
32 the liquor commission, for purposes of supporting merchant card activity, may:

33 I. Implement necessary business strategies in the event of a disaster or loss of services to
34 insure the continuity of the commission's business operations, including the processing of merchant
35 cards, which includes the ability to transfer funds from accounting unit 01-03-03-030010-7677 in
36 consultation with the commissioner of the department of information technology. The commissioner
37 shall report to the fiscal committee of the general court within 30 days any instances where it would

1 need to implement such business strategies, including any costs and loss of revenue associated with
2 the disaster or loss of services and the implementation of such business strategies.

3 II. Enter into contracts for technical and hosting services to support retail operations and
4 merchant card processing. The commission shall comply with RSA 176:18 for any contracts entered
5 into to support retail operations and merchant card processing.

6 III. Hire information technology technical support personnel to support its merchant card
7 activity and related technical support operations in retail stores.

8 77 Electric Utility Restructuring; Policy Principles; System Benefits Charge. Amend RSA 374-
9 F:3, VI to read as follows:

10 VI. Benefits for All Consumers. Restructuring of the electric utility industry should be
11 implemented in a manner that benefits all consumers equitably and does not benefit one customer
12 class to the detriment of another. Costs should not be shifted unfairly among customers. A
13 nonbypassable and competitively neutral system benefits charge applied to the use of the
14 distribution system may be used to fund public benefits related to the provision of electricity. Such
15 benefits, as approved by regulators, may include, but not necessarily be limited to, programs for low-
16 income customers, energy efficiency programs, funding for the electric utility industry's share of
17 commission expenses pursuant to RSA 363-A, support for research and development, and
18 investments in commercialization strategies for new and beneficial technologies. Legislative
19 approval of the New Hampshire general court shall be required to increase the system benefits
20 charge. This requirement of prior approval of the New Hampshire general court shall not apply to
21 the energy efficiency portion of the system benefits charge [~~consistent with or authorized only by~~
22 ~~Order No. 25,932 issued by the commission, dated August 2, 2016.~~] ***if the increase is authorized***
23 ***by an order of the commission to implement the 3-year planning periods of the Energy***
24 ***Efficiency Resource Standard framework established by commission Order No. 25,932***
25 ***dated August 2, 2016, ending in 2020 and 2023, or, if for purposes other than implementing***
26 ***the Energy Efficiency Resource Standard, is authorized by the fiscal committee of the***
27 ***general court; provided, however, that no less than 20 percent of the portion of the funds***
28 ***collected for energy efficiency shall be expended on low-income energy efficiency programs.***
29 ***Energy efficiency programs should include the development of relationships with third-***
30 ***party lending institutions to provide opportunities for low-cost financing of energy***
31 ***efficiency measures to leverage available funds to the maximum extent, and shall also***
32 ***include funding for workforce development to minimize waiting periods for low-income***
33 ***energy audits and weatherization.***

34 78 Department of Education; Acceptance of Gifts. For the biennium ending June 30, 2021, the
35 department of education may, subject to the approval of the governor and council, accept gifts,
36 contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and

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1 other organizations or institutions for the purpose of funding appropriations for New Hampshire
2 scholars made in accounting unit 06-56-56-562010-7534.

3 79 Repeal. RSA 78-A:26, I(b), relative to disposition of income from meals and rooms tax
4 revenue, is repealed.

5 80 Application of Receipts. Amend RSA 6:12, I(b)(21) to read as follows:

6 (21) The money received under [~~RSA 78-A:26, I(b) and~~] RSA 230:52, II, which shall
7 be credited to the division of travel and tourism development, department of business and economic
8 affairs.

9 81 Division of Travel and Tourism Budget; Meals and Rooms Tax Revenue. Amend RSA 12-O to
10 insert after section 11-a the following new section:

11 12-O:11-b Division of Travel and Tourism Budget; Meals and Rooms Tax Revenue. The budget
12 of the division of travel and tourism, including the travel and tourism development fund established
13 by RSA 12-O:16, shall be funded at an amount no less than 3.15 percent of the net income identified
14 by RSA 78-A:26, I for the most recently completed fiscal year.

15 82 Suspensions of Law; Travel and Tourism; Integrated Land Development:

16 I. Distribution of Meals and Rooms Tax; Division of Travel and Tourism Development. The
17 provisions of RSA 12-O:11-b, crediting a portion of meals and rooms tax revenue to the division of
18 travel and tourism development, are hereby suspended for the biennium ending June 30, 2021.

19 II. Integrated Land Development Permits; Procedure Suspended. Due to budgetary and
20 staffing constraints, RSA 489, establishing a procedure to obtain an integrated land development
21 permit from the department of environment services, is suspended for the biennium ending June 30,
22 2021.

23 83 State Aid Grants; Department of Environmental Services. Notwithstanding RSA 486, for the
24 biennium ending June 30, 2021, no state aid grants shall be made for any new infrastructure
25 projects that would have otherwise been eligible for state aid grants under RSA 486, RSA 486-A, or
26 RSA 149-M, except that infrastructure projects that have achieved substantial completion by
27 December 31, 2019, shall be eligible for state aid grants, subject to availability of funding and in
28 accordance with other provisions of current law. Nothing in this section shall affect the provision of
29 the future water supply land protection grants under RSA 486-A if funding is available for such
30 purposes.

31 84 Judicial Branch; Reimbursement of Sheriff's Office for Court Security. For the biennium
32 ending June 30, 2021, the state shall reimburse the sheriff's office for court security at the rates
33 provided in the collective bargaining agreement applicable to per diem court security officers
34 employed by the judicial branch to attend any official business, for any person employed as a bailiff
35 by the sheriff's office.

36 85 Treasury Department; Revenue Information Management System Account. Amend RSA 21-
37 J:1-b, II to read as follows:

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1 II. The revenue increase from existing taxes attributable to the RIMS collected by the
2 department and deposited in the revenue information management system account shall be no
3 greater than \$4,000,000 each fiscal year beginning in the fiscal year ending June 30, ~~[2022]~~ **2020**,
4 and ending ~~[in the fiscal year ending June 30, 2031]~~ **when deposits total \$40,000,000**. The
5 commissioner shall report annually on the methodology used to determine the revenue increase to
6 the capital budget overview committee and house and senate ways and means committees.

7 86 Capital Appropriations. Amend the footnote to 2017, 228:1, XIX to read as follows:

8 *To provide funds for the appropriations made in subparagraph A, the state treasurer is hereby
9 authorized to borrow upon the credit of the state not exceeding the sum of \$24,160,000 and for said
10 purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in
11 accordance with RSA 6-A. Payments of principal and interest on the bonds and notes for the
12 \$6,000,000 state appropriation shall be made from the general fund for fiscal years 2018, 2019, 2020,
13 and 2021. Beginning with fiscal year 2022, payments of principal and interest on the bonds and
14 notes for the appropriation of \$24,160,000 shall be made from revenue credited to a revenue
15 information management system account established within RSA 21-J by legislation during the 2017
16 regular legislative session. ~~[If no such dedicated fund for a revenue information management~~
17 ~~system account within RSA 21-J becomes law during the 2017 regular legislative session, the~~
18 ~~appropriation for the project shall be reduced to the \$6,000,000 of state funds authorized in~~
19 ~~subparagraph A with payments of principal and interest on the bonds and notes to be made from the~~
20 ~~general fund]~~ **Notwithstanding the prescribed commencement of principal repayment from**
21 **the revenue information management system replacement account, the repayment of**
22 **principal from the general fund shall total \$6,000,000, plus interest.**

23 87 Department of Natural and Cultural Resources; Forest Lands. Amend RSA 227-G:5, I(b) to
24 read as follows:

25 (b) The forest management and protection fund shall be a nonlapsing fund administered
26 by the treasurer of the state of New Hampshire. The fund shall be expended at the discretion of the
27 director of the division and the commissioner. Any funds in excess of that appropriated from the
28 fund may be expended by the commissioner, with prior approval of the fiscal committee **pursuant to**
29 **RSA 9:16-a** and governor and council, in accordance with RSA 227-G:5, I(a). Revenues shall be
30 derived from the proceeds of the sale of timber and other forest products from state-owned
31 forestlands, less 13 percent which shall be deposited into the general fund. Revenues shall also be
32 derived from the lease of state-owned forestlands, or billable services provided by the division of
33 forests and lands, if the revenues are not dedicated to any other purpose. Revenues for the fund
34 shall also be derived from administrative fines collected pursuant to RSA 227-J:1.

35 88 Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment, and Recovery;
36 Faith-Based Member. Amend RSA 12-J:1, IV to read as follows:

1 IV.(a)(1) A representative of the Business and Industry Association of New Hampshire,
2 appointed by the association.

3 (2) A representative of the New Hampshire Medical Society, appointed by the
4 society.

5 (3) The chancellor of the community college system of New Hampshire, or designee.

6 (4) The chairman of the New Hampshire Suicide Prevention Council.

7 (5) A representative of the New Hampshire Nurses' Association, appointed by the
8 association.

9 (6) A representative of the New Hampshire Charitable Foundation, appointed by the
10 foundation.

11 **(7) A representative of the New Hampshire Hospital Association, appointed**
12 **by the association.**

13 **(b) A representative of the state's faith-based community, who shall be a**
14 **nonvoting member, appointed by the governor.**

15 **(c)** The members under this paragraph shall serve 3-year terms.

16 89 Repeal. RSA 6:12, I(b)(237), relative to the moneys deposited in the civil legal services fund,
17 is repealed.

18 90 Civil Legal Assistance. Amend RSA 525-A:1 and 525-A:2 to read as follows:

19 525-A:1 ~~[Civil Legal Assistance]~~ **Statement of Purpose.** Funds appropriated to New
20 Hampshire Legal Assistance for the purposes of civil legal assistance shall be used ~~[only for the~~
21 ~~provision of civil legal representation to low-income persons in this state. New Hampshire Legal~~
22 ~~Assistance shall make reports to the judicial council by June 30 and December 31 of each year on its~~
23 ~~use of state funds]~~ **to enable the state to fund civil legal services to low-income persons in the**
24 **state.**

25 525-A:2 Civil Legal Services ~~[Fund]. [There is established in the office of the state treasurer a~~
26 ~~separate fund to be known as the civil legal services fund. The money in this fund shall be~~
27 ~~distributed to]~~ **Funds appropriated to** New Hampshire Legal Assistance ~~[to]~~ **shall** be used to
28 ~~[establish and operate offices in the cities of Nashua and Concord to]~~ provide civil legal services to
29 low-income persons in ~~[the cities of Nashua and Concord and the surrounding areas, and to provide~~
30 ~~additional attorneys, paralegals, or both, to the staff of the New Hampshire Legal Assistance offices~~
31 ~~in Manchester, Claremont, Portsmouth, and Littleton]~~ **the state.** These civil legal services shall
32 include services related to such issues as housing, social security and other government benefits,
33 health care, domestic violence, and consumer issues. New Hampshire Legal Assistance shall report
34 semi-annually to the judicial council as to its use of these funds ~~[in accordance with RSA 525-A:1].~~

35 91 Operation of Keno Games; Fees for Research. Amend RSA 284:47, II to read as follows:

36 II. A licensee may retain 8 percent of the proceeds from keno games. ~~[Of the remaining 92~~
37 ~~percent:~~

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1 ~~(a) One percent shall be paid to the department of health and human services to support~~
2 ~~research, prevention, intervention, and treatment services for problem gamblers.~~

3 ~~(b)]~~ The remainder, less the administrative costs of the lottery commission and prize
4 payouts, shall be deposited in the education trust fund established in RSA 198:39.

5 92 Tobacco Tax; Definitions. RSA 78:1, XIII is repealed and reenacted to read as follows:

6 XIII. "Tobacco products" means any product containing, made, or derived from tobacco or
7 nicotine that is intended for human consumption, including but not limited to cigarettes, electronic
8 cigarettes, loose tobacco, smokeless tobacco, and cigars. Tobacco products shall not include premium
9 cigars or any product that has been approved by the United States Food and Drug Administration
10 for sale as a tobacco cessation product and is being marketed and sold exclusively for such approved
11 use.

12 93 New Paragraph; Electronic Cigarette; Definition. RSA 78:1 by inserting after paragraph III
13 the following new paragraph:

14 III-a. "Electronic cigarette" means a noncombustible device regardless of shape or size that
15 can be used to deliver aerosolized or vaporized nicotine to a person inhaling from the device,
16 including but not limited to a device manufactured, distributed, marketed, or sold as an electronic
17 cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or any
18 other similar product or device under any other product name or descriptor. The term includes any
19 liquid or other substance containing nicotine that is intended to be used with or in such a device,
20 including in a closed cartridge or container that is not intended to be opened.

21 94 Tobacco Tax; Tax Imposed on Tobacco Products Other Than Cigarettes. RSA 78:2, II is
22 repealed and reenacted to read as follows:

23 II.(a) A tax on all other tobacco products sold at retail in this state is imposed on tobacco
24 products other than cigarettes, except electronic cigarettes, at a rate of 65.03 percent of the
25 wholesale sales price.

26 (b) A tax upon electronic cigarettes sold at retail in this state is imposed as follows:

27 (1) For closed cartridges or containers of liquid or other substances containing
28 nicotine that are not intended to be opened, at a rate of \$0.30 per milliliter on the volume of the
29 liquid or other substance in the cartridge or container as listed by the manufacturer; and

30 (2) For containers of liquid or other substances containing nicotine that are intended
31 to be opened, at a rate of 8 percent of the wholesale sales price.

32 (c) The tax under this paragraph may be rounded to the nearest cent if the commissioner
33 determines that the amount of tax would not thereby be made materially disproportionate. No such
34 tax shall be imposed on premium cigars.

35 95 Youth Access to and Use of Tobacco Products; Definitions. Amend RSA 126-K:2, II-a to read
36 as follows:

37 II-a. ***"Device" means any product composed of a mouthpiece, a heating element, a***

1 *battery, and electronic circuits designed or used to deliver any aerosolized or vaporized*
2 *substance including, but not limited to, nicotine or cannabis. Device may include, but is*
3 *not limited to, hookah, e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.*

4 *II-b.* "E-cigarette" means any electronic smoking device composed of a mouthpiece, a heating
5 element, a battery, and electronic circuits that [~~provides a vapor of pure~~] *may or may not contain*
6 nicotine [~~mixed with propylene glycol to the user as the user simulates smoking~~] *or e-liquid.* This
7 term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes,
8 or under any other product name.

9 *II-c. "E-liquid" means any liquid, oil, or wax product containing, but not limited to,*
10 *nicotine or cannabis intended for use in devices used for inhalation.*

11 96 Youth Access to and Use of Tobacco Products; Definition of E-Cigarette. RSA 126-K:2, II-b is
12 repealed and reenacted to read as follows:

13 II-b. "E-cigarette" means any electronic smoking device composed of a mouthpiece, a heating
14 element, a battery, and electronic circuits that may or may not contain nicotine. This term shall
15 include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under
16 any other product name.

17 97 Access to and Use of Tobacco Products; Purpose. Amend RSA 126-K:1 to read as follows:

18 126-K:1 Purpose. The purpose of this chapter is to protect the [~~children~~] *citizens* of New
19 Hampshire from the possibility of addiction, disability, and death resulting from the use of tobacco
20 products by ensuring that tobacco products will not be supplied to [~~minors~~] *persons under the age*
21 *of 19.*

22 98 Access to and Use of Tobacco Products; Proof of Age of Purchaser. Amend the introductory
23 paragraph of RSA 126-K:3, I to read as follows:

24 I. For the purposes of this chapter, any person responsible for monitoring sales from a
25 tobacco vending machine or any person making the sale of tobacco products, e-cigarettes, or liquid
26 nicotine which vending machine or other sale is to be made to any person who does not appear to be
27 at least [~~18~~] *19* years of age, shall require the purchaser to furnish any of the following
28 documentation that such person is [~~18~~] *19* years of age or over:

29 99 Access to and Use of Tobacco Products; Proof of Age of Purchaser. Amend RSA 126-K:3, III
30 to read as follows:

31 III. The establishment of all of the following facts by a person responsible for monitoring
32 sales from a vending machine or a person or sampler making a sale or distribution of tobacco
33 products, e-cigarettes, or liquid nicotine to a person under [~~18~~] *19* years of age shall constitute prima
34 facie evidence of innocence and a defense to any prosecution for such sale:

35 (a) That the person falsely represented in writing and supported by some official
36 documents that the person was [~~18~~] *19* years of age or older;

1 (b) That the appearance of the person was such that an ordinary and prudent person
2 would believe such person to be at least [~~18~~] **19** years of age or older; and

3 (c) That the sale was made in good faith relying on such written representation and
4 appearance in the reasonable belief that the person was actually [~~18~~] **19** years of age or over.

5 100 Access to and Use of Tobacco Products; Sale and Distribution. Amend the section heading
6 and paragraph I of RSA 126-K:4 to read as follows:

7 126-K:4 Sale and Distribution of Tobacco Products, E-cigarettes, or Liquid Nicotine to [~~Minors~~]
8 ***Persons Who Have Not Attained 19 Years of Age*** Prohibited.

9 I. No person shall sell, give, or furnish or cause or allow or procure to be sold, given, or
10 furnished tobacco products, e-cigarettes, or liquid nicotine to a [~~minor~~] ***person who has not***
11 ***attained 19 years of age***. The prohibition established by this paragraph shall not be deemed to
12 prohibit [~~minors~~] ***persons who have not attained 19 years of age*** employed by any manufacturer,
13 wholesaler, sub-jobber, vending machine operator, sampler, or retailer from performing the
14 necessary handling of tobacco products, e-cigarettes, or liquid nicotine during the duration of their
15 employment.

16 101 Access to and Use of Tobacco Products; Rolling Papers. Amend RSA 126-K:4-a to read as
17 follows:

18 126-K:4-a Rolling Papers.

19 I. No person shall sell, give, or furnish rolling papers to a minor. Violations of this
20 paragraph shall be civil infractions punishable by administrative action of the commission against
21 the licensee. The fines for violations of this paragraph shall not exceed \$250 for the first offense,
22 \$500 for the second offense, and \$750 for the third and subsequent offenses.

23 II. No person under [~~18~~] **19** years of age shall purchase, [~~attempt to purchase,~~] possess, or
24 use any rolling paper. Any [~~minor~~] ***person*** who violates this section shall be guilty of a violation and
25 shall be punished by a fine not to exceed \$100 for each offense.

26 102 Access and Use of Tobacco Products; Distribution of Free Samples. Amend RSA 126-K:5, I
27 and II to read as follows:

28 I. No person may distribute or offer to distribute samples of tobacco products, e-cigarettes,
29 or liquid nicotine in a public place ***or to a person who has not attained 19 years of age***. This
30 prohibition shall not apply to sampling:

31 (a) In an area to which minors are denied access.

32 (b) In a store to which a retailer's license has been issued.

33 (c) At factory sites, construction sites, conventions, trade shows, fairs, or motorsport
34 facilities in areas to which minors are denied access.

35 II. The commission shall adopt rules, pursuant to RSA 541-A, concerning the distribution of
36 free samples of tobacco products, e-cigarettes, or liquid nicotine to prevent their distribution to
37 [~~minors~~] ***persons who have not attained 19 years of age***.

1 103 Access to and Use of Tobacco Products; Possession and Use of Tobacco Products, E-
2 Cigarettes, or Liquid Nicotine. Amend RSA 126-K:6 to read as follows:

3 126-K:6 Possession and Use of Tobacco Products, E-cigarettes, or Liquid Nicotine by ~~[Minors]~~
4 ***Persons Who Have Not Attained 19 Years of Age.***

5 I. No person under ~~[18]~~ **19** years of age shall purchase, attempt to purchase, possess, or use
6 any tobacco product, e-cigarette, or liquid nicotine.

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

11 III. A ~~[minor]~~ ***person who has not attained 19 years of age*** shall not misrepresent his or
12 her age for the purpose of purchasing tobacco products.

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

15 V. Any ~~[minor]~~ ***person who has not attained 19 years of age*** who violates this section
16 ~~[shall]~~ ***may*** be guilty of a violation and shall be punished by a fine not to exceed \$100 for each
17 offense or shall be required to complete up to 20 hours of community service for each offense, or both.
18 Where available, punishment may also include participation in an education program.

19 104 Access to and Use of Tobacco Products; Special Provisions. Amend RSA 126-K:8, I to read
20 as follows:

21 I. **(a)** No person shall sell, give, or furnish tobacco products, e-cigarettes, or liquid nicotine to
22 a ~~[minor]~~ ***person who has not attained 19 years of age*** who has a note from an adult requesting
23 such sale, gift, or delivery. ***Tobacco products, e-cigarettes, or liquid nicotine shall only be***
24 ***delivered to a person who provides an identification as enumerated in RSA 126-K:3***
25 ***establishing that the person has attained 19 years of age.***

26 ***(b) Each school shall establish a policy regarding violations of this paragraph.***
27 ***The policy may include, but not be limited to, mandatory education classes on the hazards***
28 ***of using tobacco products, e-cigarettes, or liquid nicotine, and suspensions and other***
29 ***penalties.***

30 105 Delinquent Children; Limitations of Authority Conferred. Amend RSA 169-B:32 to read as
31 follows:

32 169-B:32 Limitations of Authority Conferred. This chapter shall not be construed as applying to
33 persons 16 years of age or over who are charged with the violation of a motor vehicle law, an
34 aeronautics law, a law relating to navigation or boats, a fish and game law, a law relating to title
35 XIII, a law relating to fireworks under RSA 160-B or RSA 160-C, any town or municipal ordinance
36 which provides for a penalty not exceeding \$100 plus the penalty assessment, and shall not be
37 construed as applying to any minor charged with the violation of any law relating to the possession,

1 sale, or distribution of tobacco products to or by a person under [~~18~~] **19** years of age. However, if
2 incarceration takes place at any stage in proceedings on such violations, incarceration shall be only
3 in a juvenile facility certified by the commissioner of the department of health and human services.

4 106 Children in Need of Services; Limitations of Authority Conferred. Amend RSA 169-D:22 to
5 read as follows:

6 169-D:22 Limitations of Authority Conferred. This chapter shall not be construed as applying to
7 persons 16 years of age or over who are charged with the violation of a motor vehicle law, an
8 aeronautics law, a law relating to navigation of boats, a fish and game law, a law relating to title
9 XIII, or a law relating to fireworks under RSA 160-B or RSA 160-C, and shall not be construed as
10 applying to any minor charged with the violation of any law relating to the possession, sale, or
11 distribution of tobacco products to or by a person under [~~18~~] **19** years of age.

12 107 Retail Tobacco License. Amend RSA 178:19-a, III to read as follows:

13 III. The commission, when issuing or renewing a retail tobacco license, shall furnish a sign
14 which shall read or be substantially similar to the following: "State Law prohibits the sale of tobacco
15 products or e-cigarettes to persons under age [~~18~~] **19**. Warning: violators of these provisions may be
16 subject to a fine."

17 108 Cigar Bars. Amend RSA 178:20-a, II(c) to read as follows:

18 (c) Does not allow any person under the age of [~~18~~] **19** on the premises unless
19 accompanied by a parent, legal guardian, or adult spouse.

20 109 Adequate Public Education; Policy Regarding Tobacco Products. Amend RSA 193-E:2-a, I(g)
21 to read as follows:

22 (g) Health education, ***including a policy for violations of RSA 126-K:8, I(a).***

23 110 Alcoholic Beverages; Definition of E-Cigarette and E-Liquid Added. Amend RSA 175:1,
24 XXXI-a to read as follows:

25 XXXI-a. ***"E-cigarette" means any electronic smoking device composed of a***
26 ***mouthpiece, a heating element, a battery, and electronic circuits that may or may not***
27 ***contain nicotine or e-liquid. This term shall include such devices whether they are***
28 ***manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name. "E-***
29 ***liquid" means any liquid, oil, or wax product containing, but not limited to, nicotine or***
30 ***cannabis intended for use in devices used for inhalation.***

31 ***XXXI-aa.*** "Farmers' market" means an event or series of events at which 2 or more vendors
32 of agricultural commodities gather for purposes of offering for sale such commodities to the public.
33 Commodities offered for sale must include, but are not limited to, products of agriculture, as defined
34 in RSA 21:34-a. "Farmers' market" shall not include any event held upon any premises owned,
35 leased, or otherwise controlled by any individual vendor selling therein.

36 111 Definition of License. Amend RSA 175:1, XXXIX to read as follows:

1 XXXIX. "License" means the authority granted by the commission to engage in the sale of
2 liquor, wine, beverages, [Ø] tobacco products, **or e-cigarettes** otherwise unlawful unless evidenced
3 by such document.

4 112 Definition of Retailer. Amend RSA 175:1, LIX-a to read as follows:

5 LIX-a. "Retailer," when used with respect to tobacco products **or e-cigarettes**, means any
6 person who sells tobacco products **or e-cigarettes** to consumers, and any vending machine in which
7 tobacco products are sold.

8 113 Liquor Commission; Liquor Investigator. Amend RSA 176:9, III to read as follows:

9 III. The commissioner, deputy commissioner, assistant, or liquor investigator may enter any
10 place where liquor, beverages, [Ø] tobacco products, **e-cigarettes** are sold or manufactured, at any
11 time, and may examine any license or permit issued or purported to have been issued under the
12 terms of this title. They shall make complaints for violations of this title.

13 114 Liquor Licenses and Fees; Licenses Required. Amend RSA 178:1, VI to read as follows:

14 VI. No person shall sell tobacco products **or e-cigarettes** to individuals or the public in any
15 method or manner, directly or indirectly, or keep for sale any tobacco products **or e-cigarettes**
16 without first registering to do business with the secretary of state and obtaining a license for such
17 activity under the provisions of this title. The commission shall provide a list of persons licensed
18 under this section to the commissioner of the department of revenue administration upon request.

19 115 Licenses Authorized; Sale of Tobacco Products. Amend RSA 178:2, I to read as follows:

20 I. The commission may issue licenses to individuals, partnerships, limited liability
21 companies and partnerships, or corporations but not to unincorporated associations, on applications
22 duly made therefor for the manufacture, warehousing, sale, offer for sale, or solicitation of orders for
23 sale of liquor or beverages and for retail sales of tobacco products **or e-cigarettes** within the state,
24 subject to the limitations and restrictions imposed by this title. The commission shall keep a full
25 record of all applications for licenses, of all recommendations for and remonstrances against the
26 granting of licenses, and of the action taken on such applications.

27 116 Combination License; Sale of Tobacco Products or E-Cigarettes. Amend RSA 178:18 to read
28 as follows:

29 178:18 Combination License.

30 I. Off-premises licenses shall be issued only for grocery and drug stores not holding on-
31 premises licenses. Such licenses shall authorize the licensees to sell fortified wine, table wine, and
32 beverages for consumption only off the premises designated in the licenses and not to other licensees
33 for resale. Such sale shall be made only in the immediate container in which the beverage, wine, or
34 fortified wine was received by the off-premises combination licensee; except that in the case of the
35 holder of a wholesale distributor license, beverages may be sold only in such barrels, bottles, or other
36 containers as the commission may by rule prescribe. Off-premises licenses may also authorize the
37 licensee to sell tobacco products **or e-cigarettes**. There shall be no restriction on the number of

1 combination licenses held by any person. The license shall authorize the licensee to transport and
2 deliver beverages, tobacco products, ***e-cigarettes***, and table or fortified wines ordered from and sold
3 by the licensee in vehicles operated under the licensee's control or an employee's control.

4 II. All sales of tobacco, ***e-cigarettes***, beverages, fortified wines, and table wine shall be
5 recorded on cash registers. No additional registers shall be added during the remainder of the year
6 without prior approval of the commission. No rebate shall be allowed for cash registers discontinued
7 during the license year.

8 III. The commission may suspend the tobacco, ***e-cigarettes***, or alcohol sales portion of the
9 license separately under the provisions of RSA 179:57; any revocation shall revoke the entire license.

10 117 Retail Wine License; Sale of Tobacco Products. Amend RSA 178:19 to read as follows:

11 178:19 Retail Wine License.

12 I. A retail wine license may be issued by the commission to any person operating a retail
13 outlet in this state which shall allow the licensee to sell tobacco products, ***e-cigarettes***, fortified
14 wines, and table wines directly to individuals at retail on the premises for consumption off the
15 premises; provided, however, that persons holding any license authorizing the sale of liquor or wine
16 by the glass under this chapter shall sell the wines authorized pursuant to this section in a separate
17 area of the premises from the areas licensed for on-premises consumption. A separate license shall
18 be required with respect to each place of business of an applicant. The license shall authorize the
19 licensee to transport and deliver fortified and table wines ordered from and sold by the commission
20 and sold by the licensee in vehicles operated under the licensee's control or an employee's control.

21 II. All sales of wine, ~~and~~ tobacco products, ***and e-cigarettes*** shall be recorded on cash
22 registers. No additional registers shall be added during the remainder of the year without prior
23 approval of the commission. No rebate shall be allowed for cash registers discontinued during the
24 license year.

25 III. On-premises licensees licensed under this chapter shall maintain separate rooms for
26 storage, shelving, display, and sale of tobacco products, ***e-cigarettes***, and fortified and table wine for
27 consumption off the premises. Such rooms shall be equipped with at least one cash register which
28 shall be capable of separately registering wine sales, and such rooms shall have an attendant at all
29 times while open for business. Wine purchased for resale by virtue of the retail wine license shall be
30 purchased on separate invoices from that wine intended for consumption in the dining room or
31 lounge, and separate sales records shall be maintained for this purpose.

32 IV. The commission may suspend the tobacco, ***e-cigarette***, or alcohol sales portion of the
33 license separately under the provisions of RSA 179:57; any revocation shall revoke the entire license.

34 118 Retail Tobacco License; Sale of E-Cigarettes. Amend RSA 178:19-a to read as follows:

35 178:19-a Retail Tobacco License.

36 I. The commission may issue a retail tobacco license to a person engaged in the business of
37 retail sales and distribution of tobacco products ***or e-cigarettes*** in this state. Each retail outlet

1 shall have a separate license regardless of the fact that one or more outlets may be owned or
2 controlled by a single person.

3 II. A retail tobacco license shall be prominently displayed on the premises described in it.

4 III. The commission, when issuing or renewing a retail tobacco license, shall furnish a sign
5 which shall read or be substantially similar to the following: "State Law prohibits the sale of tobacco
6 products *or e-cigarettes* to persons under age [18]19. Warning: violators of these provisions may be
7 subject to a fine."

8 119 Beer Specialty License; Tobacco Products and E-Cigarette Sales. Amend RSA 178:19-d, I to
9 read as follows:

10 I. A beer specialty license may be issued by the commission to any person operating a retail
11 outlet in this state the primary business of which is the sale of beer as defined in RSA 175:1. A beer
12 specialty license shall allow the licensee to sell beverage, wine, [and] tobacco, *and e-cigarettes*
13 products directly to individuals at retail on the premises for consumption off the premises; beer may
14 be sold in such barrels, bottles, or other containers as the commission may by rule prescribe.

15 120 Beer Specialty License; Sale of Tobacco Products and E-Cigarettes. Amend RSA 178:19-d,
16 V-VI to read as follows:

17 V. All sales of beer, [and] tobacco products, *and e-cigarettes* shall be recorded on cash
18 registers. No additional registers shall be added during the remainder of the year without prior
19 approval of the commission. No rebate shall be allowed for cash registers discontinued during the
20 license year.

21 VI. The commission may suspend the tobacco, *e-cigarette*, or alcohol sales portion of the
22 license separately under the provisions of RSA 179:57.

23 121 Board of Veterinary Medicine; Transfer to Office of Professional Licensure and Certification.
24 Amend RSA 332-B:3 to read as follows:

25 332-B:3 Board; Compensation.

26 I. There shall be a board of veterinary medicine consisting of 7 members: 5 veterinarians,
27 the state veterinarian, and one public member. The members, other than the state veterinarian,
28 shall be appointed by the governor, with the approval of the council, to a term of 5 years, and until a
29 successor is appointed. No appointed member of the board shall be appointed to 2 consecutive 5-year
30 terms. Vacancies shall be filled for the remainder of the term and in the same manner as the
31 original appointment. Any appointed member of the board may be removed by the governor after a
32 hearing by the board determines cause for removal. The state veterinarian [may] *shall* serve as an
33 ex officio member, provided any duties of the state veterinarian relative to this chapter shall be
34 agreed upon in writing by the board and the commissioner of agriculture, markets, and food and
35 which agreement may include:

36 (a) [~~Supervision of the board's administrative office and employees~~] *Recording and*
37 *producing meeting minutes for regular board meetings;*

1 (b) ~~[Assistance with administrative activities]~~ ***Representing the board on the***
2 ***advisory council established in RSA 318-B:38;***

3 (c) Submission of periodic reports to the board; and

4 (d) Participation in complaint investigations.

5 II. When a vacancy has occurred, or is due to occur in a veterinary position on the board, the
6 New Hampshire Veterinary Medical Association shall nominate 3 qualified persons and forward the
7 nominations to the governor. The governor may make appointments from those nominated by the
8 association, but shall not be required to appoint one of those so nominated.

9 III. Each appointed member of the board shall be paid \$75 for each day or portion of a day of
10 at least 3 consecutive hours in which the member is engaged in the work of the board, in addition to
11 such reimbursement for travel and other expenses as is normally allowed to state employees.

12 IV. ~~[The board shall be an administratively attached agency, under RSA 21-G:10, to the~~
13 ~~department of agriculture, markets, and food.]~~ ***All administrative, clerical, and business***
14 ***processing functions of the board shall be transferred to the office of professional licensure***
15 ***and certification established in RSA 310-A:1 through RSA 310-A:1-e.***

16 122 Department of Environmental Services; Modification of Qualifications for Director of
17 Division of Water. Amend RSA 21-O:2, III(a) to read as follows:

18 (a) The commissioner shall, after consulting with the water council, nominate for
19 appointment by the governor and council a director of the division of water. The nominee shall have
20 a baccalaureate or master's degree from an accredited college or university~~[- hold a valid license or~~
21 ~~certificate of registration to practice civil, sanitary, or environmental engineering issued by the~~
22 ~~lawfully constituted registration board of any state of the United States,]~~ and shall have a minimum
23 of 5 years' responsible experience in the administration of sanitary or environmental engineering
24 programs in the public or private sector.

25 123 Department of Environmental Services; Certified Application Preparer Program. Amend
26 RSA 482-A:3, XX(a)-(b) to read as follows:

27 (a) The department shall develop a voluntary certified application preparer program for
28 submission of applications for all qualifying minimum impact projects. The commissioner shall
29 adopt rules to establish the qualifications to become a certified application preparer and to identify
30 qualifying minimum impact projects. The qualifications established shall include that the individual
31 is a permitted septic system designer or is licensed or certified by the office of professional licensure
32 and certification as a certified wetland scientist, certified soil scientist, professional engineer,
33 licensed land surveyor, or any other professional designated by the department, and shall include
34 training and continuing education requirements. ~~[Qualifying minimum impact projects shall~~
35 ~~include, but not necessarily be limited to, all projects which the department has designated as~~
36 ~~minimum impact projects in its wetlands rules.]~~

1 (b) Applications for qualifying minimum impact projects submitted by a certified
2 application preparer shall not require technical review by the department. [~~and the~~] *The*
3 department shall issue a [~~permit~~] ***decision on the application*** within 10 days of receipt of a
4 complete application[-] , ***as follows:***

5 (1) ***If the application is approvable and is submitted with a waiver of review***
6 ***by the appropriate conservation commissions, the department's approval shall be final***
7 ***upon issuance.***

8 (2) ***If the application is approvable but is not submitted with a waiver of***
9 ***review by the appropriate conservation commissions, the department's approval shall be***
10 ***conditional pending expiration of the 14-day period for conservation commission***
11 ***intervention established in RSA 482-A:11, III(a). If the department receives a timely notice***
12 ***of intervention from a conservation commission, the application shall be converted to a***
13 ***regular application, with credit given for the fee paid with the application.***

14 (3) ***If the application is not approvable as a minimum impact project but***
15 ***might be approvable as a minor impact or major impact project, the application shall***
16 ***automatically be converted to an application for a standard permit, with credit given for***
17 ***the fee paid with the application.***

18 (4) ***If the application is not approvable as a minimum impact, minor impact,***
19 ***or major impact project, the application shall be denied.***

20 124 Department of Environmental Services; Public Bathing Facilities. RSA 485-A:26 is
21 repealed and reenacted to read as follows:

22 485-A:26 Swimming Pools and Bathing Places Public Bathing Facilities.

23 I. In this section:

24 (a) "Pool" means a man-made structure and associated pump, filter, drain, and electrical
25 equipment that is used for recreational or therapeutic bathing, swimming, diving, or other contact
26 with the water such as by wading, splashing, tubing, or sliding. "Pool" shall include, but is not
27 limited to, swimming pools, therapy pools, spas, special recreation pools, slides, and tubing courses,
28 at hotels, motels, health facilities, water parks, condominium complexes, apartment complexes,
29 youth recreation camps, public parks, and recreational campgrounds or camping parks as defined in
30 RSA 216-I:1, VII. "Pool" shall not include any pool, spa, or other pool that serves 3 or fewer living
31 units and is used only by the residents of the living units and their guests, and does not include
32 baptismal fonts or similar structures owned by a religious organization and used for religious
33 rituals.

34 (b) "Public bathing facility" means a pool that is operated by or for any governmental
35 subdivision, public or private corporation, partnership, association, or educational institution and
36 that is open to the public, members, or students, whether for a fee or free.

1 II.(a) No person shall construct or install, operate or maintain an artificial swimming pool or
2 bathing place open to and used by the public, or as a part of a business venture, or a public bathing
3 facility unless the construction, design, and physical specifications of such pool or bathing place have
4 received prior approval from the department. The department shall charge a non-refundable design
5 review fee of \$100 for a pool 400 square feet in area and an additional \$25 for every additional 100
6 square feet. The fee shall be paid to the department upon submission of such plans for review. Fees
7 collected under this paragraph shall be deposited in the public bathing facility program fund.

8 (b) Effective January 1, 2020, no person shall operate or maintain a public bathing
9 facility unless the facility is registered with the department under this section. The owner of a
10 public bathing facility shall register the facility using a form provided by the department. If all of
11 the requirements for the form are adopted in narrative rules, the form shall not be subject to RSA
12 541-A.

13 (c) The owner of a public bathing facility that existed as of January 1, 2019 shall register
14 within 60 days of the effective date of this provision. All other public bathing facilities shall register
15 prior to initiating operations. The owner or operator of the facility shall report any changes in the
16 information provided under subparagraph (b) within 10 days of the change.

17 (d) The registration required under this section shall be valid for the life of the facility.
18 The owner shall notify the department in writing that the facility has closed within 30 days of the
19 closure. The notice of closure shall include the date of such closure.

20 III. The commissioner shall adopt rules under RSA 541-A relative to safety standards to
21 protect persons using said facilities. Nothing in this section shall be deemed to affect the powers of
22 local health officers or the department of health and human services, with respect to nuisances.

23 IV. The department may take samples of the water of any such public bathing facility for
24 analysis to determine compliance with water quality requirements. The costs of such sampling and
25 analysis shall be paid by the owner or operator of such facility. The costs recovered for such
26 sampling shall be deposited in the public bathing facility program fund. The costs recovered for
27 analysis shall be consistent with the fee structure established in RSA 131:3-a and deposited as
28 provided in RSA 131:3-a. Any municipality which establishes a program of sampling and analysis
29 which is equivalent to the department's program shall not be subject to additional sampling and
30 analysis by the department.

31 V. There is hereby established a public bathing facility program fund. This separate,
32 nonlapsing fund shall be continually appropriated to the department and used to administer the
33 public bathing facility program under this chapter. Fees collected by the department shall be
34 deposited with the state treasurer to the credit of such fund and may be invested as provided by law.
35 Interest received on such investment shall also be credited to the fund.

36 125 New Subparagraph; Public Bathing Facility Fund. Amend RSA 6:12, I(b) by inserting after
37 subparagraph 343 the following new subparagraph:

1 (344) Moneys deposited in the public bathing facility program fund under RSA 485-
2 A:26.

3 126 New Section; Public Bathing Facility Compliance Self-Certification. Amend RSA 485-A by
4 inserting after section 26 the following new section:

5 485-A:26-a Public Bathing Facility Compliance Self-Certification.

6 I. The owner of a public bathing facility that is open for 9 months or more in a calendar year
7 shall on an annual basis submit to the department, a self-certification declaration stating that each
8 pool at the facility is in compliance with all applicable public bathing facility requirements.

9 II. The owner of a public bathing facility that is open fewer than 9 months in a calendar year
10 shall on an annual basis submit to the department, prior to opening a self-certification declaration
11 stating that each pool at the facility is in compliance with all applicable public bathing facility
12 requirements.

13 III. The self-certifications required by paragraphs I and II shall be on a form provided by the
14 department. If all of the requirements for the form are adopted in narrative rules, the form shall not
15 be subject to RSA 541-A.

16 IV.(a) The owner of a public bathing facility shall pay a non-refundable fee of \$250 per pool
17 up to a maximum of \$1,500 per public bathing facility with each self-certification, to cover
18 department expenses for conducting the self-certification program and hiring of program staff.

19 (b) If the self-certification fee is not paid within 30 days of the due date, a late fee shall
20 accrue at the rate of \$50 per 3-month period or portion thereof that the fee is not paid. The
21 commissioner may waive all or any portion of the late payment fee for good cause.

22 (c) Political subdivisions of the state shall be exempt from the fee for submitting a self-
23 certification declaration, but not from the requirement to submit the self-certification.

24 V.(a) Effective January 1, 2021, the owner of a public bathing facility that is open for 9
25 months or more in a calendar year and that existed as of January 1, 2019 shall file the initial self-
26 certification within 60 days of January 1, 2021.

27 (b) The owner of a public bathing facility that is open fewer than 9 months in a calendar
28 year and that existed as of January 1, 2019 shall file the initial self-certification prior to initiating
29 operations in 2021.

30 127 Public Bathing Facilities; Injunctions; Emergency Closures. RSA 485-A:27 is repealed and
31 reenacted to read as follows:

32 485-A:27 Injunction; Emergency Closures.

33 I. Any person operating or maintaining a recreation camp, youth skill camp, or public
34 swimming pool, or bathing place facility without the same having been approved by the department
35 may be enjoined by the superior court or any justice of the court upon petition brought by the
36 attorney general.

1 II. Whenever the department determines that conditions at a public bathing facility
2 jeopardize the health and safety of patrons of the facility, the department shall issue an emergency
3 closure notice. The department shall apply the following procedure in determining whether to issue
4 an emergency closure notice:

5 (a) The department shall perform an on-site inspection to determine whether each pool
6 at the facility is in compliance with the following standards established in rules adopted by the
7 commissioner pursuant to RSA 541-A:

8 (1) Bacteriological, chemical, and physical water quality standards; and

9 (2) Patron safety requirements relating to emergency response, emergency rescue
10 equipment, first aid kits, suction outlet covers/grates, and security fencing.

11 (b) If the department determines that a pool at the facility is not in compliance with the
12 standards and safety requirements specified in subparagraph (a) and that the deficiencies threaten
13 the health or safety of patrons of the facility, the department shall issue an emergency closure notice
14 to the owner of the facility or the owner's on-site representative. The notice shall identify which pool
15 must be closed and specify the reason for the emergency closure.

16 (c) Upon receipt of an emergency closure notice, the owner shall immediately close the
17 identified pool. The owner shall not reopen the pool until each deficiency cited in the emergency
18 closure notice has been corrected and the department has confirmed the corrections.

19 (d) If an owner believes an emergency closure notice has been issued in error, the owner
20 shall notify the department in writing, which may be sent by email, fax, United States Postal Service
21 delivery, or private delivery. The written notice shall identify each reason why the owner or
22 operator believes the emergency closure notice is not appropriate. The department shall provide the
23 owner or operator with an opportunity for an adjudicative hearing within 10 days of receiving the
24 written notice.

25 128 New Section; Public Bathing Facilities; Certified Operators Required. Amend RSA 485-A by
26 inserting after section 27 the following new section:

27 485-A:27-a Certified Operator Training Required.

28 I. Effective January 1, 2022, a public bathing facility shall be operated only under the
29 supervision of an individual who has successfully completed a certified pool and spa operator
30 certification program offered by the Association of Pool and Spa Professionals, National Swimming
31 Pool Foundation, or other pool and spa operator certification programs approved by the department.

32 II.(a) By January 1, 2022, each owner of a public bathing facility that is open for 9 months or
33 more in a calendar year shall submit to the department the name and daytime telephone number
34 including area code of each certified pool operator engaged by the owner to supervise the pool at the
35 facility. The submission of this information shall occur as part of the self-certification in RSA 485-
36 A:26-a.

1 (b) For facilities that begin operation after January 1, 2022, the information in
2 subparagraph (a) shall be submitted prior to beginning operation.

3 129 Repeal. The following are repealed:

4 I. RSA 6:12, I(b)(295), relative to the dam maintenance revolving loan fund.

5 II. RSA 482:55-a, relative to the dam maintenance revolving loan fund. Any funds
6 remaining in the dam maintenance revolving loan fund shall be credited to the dam maintenance
7 fund established in RSA 482:55.

8 III. RSA 482:89, VI, relative to the deposit of proceeds from penalties into the dam
9 maintenance revolving loan fund.

10 130 Terrain Alteration; Modify Reporting Requirements. Amend RSA 485-A:17, II-c to read as
11 follows:

12 II-c. [~~Beginning October 1, 2007 and each fiscal quarter thereafter, the~~] **The** department
13 shall submit a [~~quarterly~~] **biennial** report to the house and senate finance committees, the house
14 resources, recreation, and [~~economic~~] development committee, and the senate energy[~~-environment,~~]
15 and [~~economic development committee~~] **natural resources committee** relative to administration of
16 the terrain alteration review program.

17 131 State Treasurer and State Accounts; Application of Receipts. Amend RSA 6:12, I(b)(315) to
18 read as follows:

19 (315) Moneys deposited into the recreation camp and youth skill camp fund
20 established in [~~RSA 485-A:24-a~~] **RSA 170-E:57**.

21 132 Child Day Care Licensing; Definitions. Amend RSA 170-E:2, IV(g) to read as follows:

22 (g) "School-age program" means a child day care agency providing child day care for up
23 to 5 hours per school day, before or after, or before and after, regular school hours, and all day
24 during school holidays and vacations, and which is not licensed under [~~RSA 149~~] **RSA 170-E:56**, for
25 6 or more children who are 4 years and 8 months of age or older. The number of children shall
26 include all children present during the period of the program, including those children related to the
27 caregiver.

28 133 New Subdivision; Recreation Camp Licensing. Amend RSA 170-E by inserting after section
29 52 the following new subdivision:

30 Recreation Camp Licensing

31 170-E:53 Purpose. The purpose of this subdivision is to provide for the licensing of recreation
32 camps and certification of criminal background checks for youth skill camps.

33 170-E:54 Rulemaking.

34 I. The commissioner shall adopt rules under RSA 541-A relative to:

35 (a) Issuance of licenses to recreation camp operators under RSA 170-E:56, I.

1 (b) Requirements for performing criminal background checks at youth skill camps and
2 certifying acceptable results as required under RSA 170-E:56 and establishing appropriate sanctions
3 and penalties for failing to perform the required background checks.

4 II. The commissioner shall adopt all other necessary rules under RSA 541-A, relative to
5 public health and safety issues for the protection of persons attending recreation camps regulated
6 under RSA 170-E:56, I.

7 170-E:55 Definitions.

8 I. "Recreation camp" means any place set apart for recreational purposes for boys and girls.
9 It shall not apply to private camps owned or leased for individual or family use, or to any camp
10 operated for a period of less than 10 days in a year.

11 II. "Youth skill camp" means a nonprofit or for-profit program that lasts 8 hours total or
12 more in a year for the purpose of teaching a skill to minors. Such camps include, but are not limited
13 to, the teaching of sports, the arts, and scientific inquiry.

14 170-E:56 Recreation Camp License; Youth Skill Camp Certification of Criminal Background
15 Check.

16 I. No person shall for profit or for charitable purposes operate any recreation camp, as
17 defined in RSA 170-E:55, I, designed or intended as a vacation or recreation resort, without a license
18 issued by the department. Such license shall be conditioned upon the maintenance of clean,
19 healthful sanitary conditions and methods, as determined and approved by said department, good
20 only for the calendar year in which it is issued and subject to suspension or revocation at any time
21 for cause. The fee for such license shall be \$200 which shall be paid into the recreation camp and
22 youth skill camp fund established in RSA 170-E:57.

23 II.(a) No person or entity shall for profit or for charitable purposes operate any youth skill
24 camp, as defined in RSA 170-E:55, II without maintaining an appropriate policy regarding
25 background checks for camp owners, employees and volunteers who may be left alone with any child
26 or children. Certification of background checks shall be made to the department demonstrating that
27 no individual has a criminal conviction for any offense involving:

28 (1) Causing or threatening direct physical injury to any individual; or

29 (2) Causing or threatening harm of any nature to any child or children.

30 (b) Any person or entity required to perform background checks and provide certification
31 to the department pursuant to subparagraph (a) shall pay a fee of \$25 to the department. All such
32 fees collected by the department shall be deposited into the recreation camp and youth skill camp
33 fund established in RSA 170-E:57.

34 (c) Subparagraphs (a) and (b) shall not apply to any person or entity which owns
35 property used to operate a youth skill camp or any buildings or structures on such property used in
36 the operation of a youth skill camp, provided such person or entity obtains written certification

1 signed by the youth skill camp operator stating that background checks in accordance with this
2 paragraph have been completed.

3 (d) Nothing in this section shall preclude more stringent requirements for background
4 checks on the part of camp owners, directors, or operators.

5 (e) Such policies shall be made available to the department and shall include the
6 frequency of the background checks and the sources used to conduct the background checks. The
7 department shall provide information on each youth skill camp's policy on the department's website.

8 (f) If an employee or volunteer has been the subject of a background check performed by
9 another person or entity within 12 months, the previous background check may, with the signed and
10 written consent of the employee or volunteer, be shared with the operator of the youth skill camp
11 and may be used to satisfy the requirements of this paragraph, notwithstanding any other law
12 providing for the confidentiality of such information.

13 170-E:57 Recreation Camp and Youth Skill Camp Fund. There is established the recreation
14 camp and youth skills camp fund. This fund shall be nonlapsing and continually appropriated to
15 the commissioner of the department of health and human services, for the purpose of paying costs
16 associated with administering the provisions of this subdivision.

17 170-E:58 Statement of Health for Recreational Camps. Notwithstanding any law or rule to the
18 contrary, any physical examination which is required before a child may enter a recreational camp
19 may be conducted by a physician, an advance practice registered nurse, or a physician assistant.

20 170-E:59 Possession and Use of Epinephrine Auto-Injectors at Recreation Camps. A recreation
21 camp shall permit a child with severe, potentially life-threatening allergies to possess and use an
22 epinephrine auto-injector, if the following conditions are satisfied:

23 I. The child has the written approval of the child's physician and the written approval of the
24 parent or guardian. The camp shall obtain the following information from the child's physician:

25 (a) The child's name.

26 (b) The name and signature of the licensed prescriber and business and emergency
27 numbers.

28 (c) The name, route, and dosage of medication.

29 (d) The frequency and time of medication administration or assistance.

30 (e) The date of the order.

31 (f) A diagnosis and any other medical conditions requiring medications, if not a violation
32 of confidentiality or if not contrary to the request of the parent or guardian to keep confidential.

33 (g) Specific recommendations for administration.

34 (h) Any special side effects, contraindications, and adverse reactions to be observed.

35 (i) The name of each required medication.

36 (j) Any severe adverse reactions that may occur to another child, for whom the
37 epinephrine auto-injector is not prescribed, should such a child receive a dose of the medication.

1 II. The recreational camp administrator or, if a nurse is assigned to the camp, the nurse
2 shall receive copies of the written approvals required by paragraph I.

3 III. The child's parent or guardian shall submit written verification from the physician
4 confirming that the child has the knowledge and skills to safely possess and use an epinephrine
5 auto-injector in a camp setting.

6 IV. If the conditions provided in this section are satisfied, the child may possess and use the
7 epinephrine auto-injector at the camp or at any camp-sponsored activity, event, or program.

8 V. In this section, "physician" means any physician or health practitioner with the authority
9 to write prescriptions.

10 170-E:60 Use of Epinephrine Auto-Injector. Immediately after using the epinephrine auto-
11 injector, the child shall report such use to the nurse or another camp employee to enable the nurse or
12 camp employee to provide appropriate follow-up care.

13 170-E:61 Availability of Epinephrine Auto-Injector. The recreational camp nurse or, if a nurse
14 is not assigned to the camp, the recreational camp administrator shall maintain for the use of a
15 child with severe allergies at least one epinephrine auto-injector, provided by the child or the child's
16 parent or guardian, in the nurse's office or in a similarly accessible location.

17 170-E:62 Immunity. No recreational camp or camp employee shall be liable in a suit for
18 damages as a result of any act or omission related to a child's use of an epinephrine auto-injector if
19 the provisions of RSA 170-E:59 have been met, unless the damages were caused by willful or wanton
20 conduct or disregard of the criteria established in that section for the possession and self-
21 administration of an epinephrine auto-injector by a child.

22 170-E:63 Possession and Use of Asthma Inhalers at Recreation Camps. A recreation camp shall
23 permit a child to possess and use a metered dose inhaler or a dry powder inhaler to alleviate
24 asthmatic symptoms, or before exercise to prevent the onset of asthmatic symptoms, if the following
25 conditions are satisfied:

26 I. The child has the written approval of the child's physician and the written approval of the
27 parent or guardian. The camp shall obtain the following information from the child's physician:

28 (a) The child's name.

29 (b) The name and signature of the licensed prescriber and business and emergency
30 numbers.

31 (c) The name, route, and dosage of medication.

32 (d) The frequency and time of medication administration or assistance.

33 (e) The date of the order.

34 (f) A diagnosis and any other medical conditions requiring medications, if not a violation
35 of confidentiality or if not contrary to the request of the parent or guardian to keep confidential.

36 (g) Specific recommendations for administration.

37 (h) Any special side effects, contraindications, and adverse reactions to be observed.

1 (i) The name of each required medication.

2 (j) At least one emergency telephone number for contacting the parent or guardian.

3 II. The recreational camp administrator or, if a nurse is assigned to the camp, the nurse
4 shall receive copies of the written approvals required by paragraph I.

5 III. The child's parent or guardian shall submit written verification from the physician
6 confirming that the child has the knowledge and skills to safely possess and use an asthma inhaler
7 in a camp setting.

8 IV. If the conditions provided in this section are satisfied, the child may possess and use the
9 inhaler at the camp or at any camp sponsored activity, event, or program.

10 V. In this section, "physician" includes any physician or health practitioner with the
11 authority to write prescriptions.

12 170-E:64 Immunity. No recreational camp or camp employee shall be liable in a suit for
13 damages as a result of any act or omission related to a child's use of an inhaler if the provisions of
14 RSA 170-E:63 have been met, unless the damages were caused by willful or wanton conduct or
15 disregard of the criteria established in that section for the possession and self-administration of an
16 asthma inhaler by a child.

17 170-E:65 Injunction. Any person operating or maintaining a recreation camp or youth skill
18 camp without the same having been approved by the department may be enjoined by the superior
19 court or any justice of the court upon petition brought by the attorney general.

20 170-E:66 Penalty; Administrative Fines.

21 I. Whoever violates any of the provisions of this subdivision, or rules adopted under this
22 subdivision shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other
23 person.

24 II. The commissioner, after notice and hearing, may impose an administrative fine not to
25 exceed \$2,000 for each offense upon any person who violates any provision of this subdivision, any
26 rule adopted under this subdivision, or any license or approval issued under this subdivision. Re-
27 hearings and appeals from a decision of the commissioner under this paragraph shall be in
28 accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the
29 imposition of further penalties under this chapter. The proceeds of administrative fines levied
30 pursuant to this paragraph shall be deposited in the general fund. The commissioner shall adopt
31 rules, under RSA 541-A, relative to:

32 (a) A schedule of administrative fines which may be imposed under this paragraph; and

33 (b) Procedures for notice and hearing prior to the imposition of an administrative fine.

34 134 Water Pollution and Waste Disposal; Safety Regulations for Pools and Bathing Places.
35 Amend the subdivision heading preceding RSA 485-A:23 to read as follows:

36 Safety Regulations for [Camps,] Pools[,] and Bathing Places

37 135 Water Pollution and Waste Disposal; Injunction. Amend RSA 485-A:27 to read as follows:

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1 485-A:27 Injunction. Any person operating or maintaining a [~~recreation camp, youth skill~~
2 ~~camp,~~] public swimming pool[~~;~~] or bathing place without the same having been approved by the
3 department may be enjoined by the superior court or any justice of the court upon petition brought
4 by the attorney general.

5 136 Repeal. The following are repealed:

6 I. RSA 485-A:6, IX, relative to rulemaking for camp licenses and camp safety standards.

7 II. RSA 485-A:23, relative to safety regulations for camps, pools, and bathing places;
8 definitions.

9 III. RSA 485-A:24, relative to safety regulations for camps, pools, and bathing places;
10 recreation camp license; youth skill camp certification of criminal background check.

11 IV. RSA 485-A:24-a, relative to safety regulations for camps, pools, and bathing places;
12 recreation camp and youth skill camp fund.

13 V. RSA 485-A:25, relative to safety regulations for camps, pools, and bathing places;
14 rulemaking.

15 VI. RSA 485-A:25-a, relative to safety regulations for camps, pools, and bathing places;
16 statement of health for recreational camps.

17 VII. RSA 485-A:25-b, relative to safety regulations for camps, pools, and bathing places;
18 possession and use of epinephrine auto-injectors at recreation camps.

19 VIII. RSA 485-A:25-c, relative to safety regulations for camps, pools, and bathing places; use
20 of epinephrine auto-injector; availability of epinephrine auto-injector.

21 IX. RSA 485-A:25-d, relative to safety regulations for camps, pools, and bathing places;
22 availability of epinephrine auto-injector.

23 X. RSA 485-A:25-e, relative to safety regulations for camps, pools, and bathing places;
24 immunity.

25 XI. RSA 485-A:25-f, relative to safety regulations for camps, pools, and bathing places;
26 possession and use of asthma inhalers at recreation camps.

27 XII. RSA 485-A:25-g, relative to safety regulations for camps, pools, and bathing places;
28 immunity.

29 137 Cross Reference Changed; Safety Regulations for Camps. Amend RSA 216-I:1, VII to read
30 as follows:

31 VII. "Recreational campground or camping park" means a parcel of land on which 2 or more
32 campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes
33 only, and not for permanent year-round residency, excluding recreation camps as defined in [~~RSA~~
34 ~~485-A:23~~] ***RSA 170-E:55, I.***

35 138 Cross Reference Changed; Safety Regulations for Camps. Amend RSA 275:35, IX to read as
36 follows:

1 IX. Employees of a recreation camp or a youth skill camp licensed pursuant to ~~[RSA 485-~~
2 ~~A:24]~~ **RSA 170-E:56.**

3 139 Sale of Property; National Guard Armory in Berlin. The adjutant general and the
4 department of military affairs and veterans services are authorized to offer for sale the national
5 guard armory land and buildings in the city of Berlin. The adjutant general and the department
6 shall submit quarterly reports on the progress of the sale to the fiscal committee of the general court.
7 Any sale of such land and buildings shall be subject to the requirements of RSA 4:40. All proceeds
8 from the sale may be used for the purchase of a new armory in general proximity to the current
9 armory in Berlin, and any proceeds from the sale that are not used for such a purchase shall lapse to
10 the general fund.

11 140 Department of Business and Economic Affairs; Rest Areas and Welcome Centers. Amend
12 RSA 12-O:18, I to read as follows:

13 I. The department of business and economic affairs shall be responsible for the staffing of
14 **all operational** rest areas and welcome centers ~~[along the state's highways]~~ **owned by the**
15 **department of transportation.** There is established in the department a bureau of visitor service
16 **within the office of the commissioner** to administer this function. The commissioner may consult
17 with ~~[the]~~ local ~~[chambers of commerce]~~ **business representatives** relative to said function, and
18 shall have the authority to enter into contracts with private or public entities for said function as the
19 commissioner deems appropriate.

20 141 New Paragraphs; Department of Business and Economic Affairs; Rest Areas and Welcome
21 Centers. Amend RSA 12-O:18 by inserting after paragraph II the following new paragraphs:

22 III. Subject to a memorandum of understanding with the department of transportation, the
23 bureau of visitor service shall provide rest area management and operational services without
24 limitation, to include staffing, training, fiscal management, grounds and building maintenance, and
25 customer service to the traveling public.

26 IV. The bureau of visitor service shall seek to advance initiatives and strategies to reduce
27 state operational responsibility and cost, to provide an improved user experience for visitors, and to
28 focus state resources on customer service for those visitors.

29 142 Labor; Workers' Compensation; Safety Provisions; Administrative Penalty. Amend RSA
30 281-A:64, VIII to read as follows:

31 VIII. The commissioner may assess an administrative penalty of up to \$250 a day on any
32 employer not in compliance with the written safety program required under paragraph II of this
33 section, the joint loss management committee required under paragraph III of this section, or the
34 directives of the department under paragraph IV of this section. Each violation shall be subject to a
35 separate administrative penalty. All penalties collected under this paragraph shall be deposited in
36 the ~~[general fund]~~ **department of labor restricted fund established pursuant to RSA 273:1-b.**

37 143 Labor; Workers' Compensation; Definitions. Amend RSA 281-A:2, VI(d) to read as follows:

1 (d) If the commissioner finds that an employer has misrepresented the relationship
2 between the employer and the person providing services, the commissioner may assess a civil
3 penalty of up to \$2,500; in addition, such employer may be assessed a civil penalty of \$100 per
4 employee for each day of noncompliance. The fines may be assessed from the first day of the
5 infraction but not to exceed one year. Notwithstanding any provision of law to the contrary, any
6 person with control or responsibility over decisions to disburse funds and salaries and who
7 knowingly violates the provisions of this subparagraph shall be held personally liable for payments
8 of fines. All funds collected under this subparagraph shall be ~~[continually appropriated and~~
9 ~~deposited into a nonlapsing workers' compensation fraud fund dedicated to the investigation and~~
10 ~~compliance activities required by this section and related sections pertaining to labor and insurance~~
11 ~~law.] **deposited into the department of labor restricted fund established pursuant to RSA**~~
12 **273:1-b.** The commissioner of labor shall appoint as many individuals as necessary to carry out the
13 department's responsibilities under this section.

14 144 Repeal. RSA 6:12, I(b)(267), relative to moneys deposited in the workers' compensation
15 fraud fund, is repealed.

16 145 Administration of Transportation Laws; Certification of Current Workers' Compensation
17 Coverage Required. Amend RSA 228:4-b, IV to read as follows:

18 IV. All funds collected under this section shall be deposited into the ~~[general fund]~~
19 **department of labor restricted fund established pursuant to RSA 273:1-b.**

20 146 New Subdivision; Community College System; Finish Line New Hampshire Program.
21 Amend RSA 188-F by inserting after section 68 the following new subdivision:

22 Finish Line New Hampshire Program

23 188-F:69 Finish Line New Hampshire Program.

24 I. The community college system of New Hampshire may establish and administer the finish
25 line New Hampshire program. The program shall be designed to support eligible students to
26 complete a postsecondary credential.

27 II. The program shall be open to any student attending an institution within the community
28 college system who is over 25 years of age and is enrolled in a field which the community college
29 system has identified as being in high demand based on New Hampshire labor market and
30 employment information.

31 III. The community college system shall establish procedures for the administration of the
32 program, identification of high demand fields of employment, and the criteria by which a student
33 shall qualify, provided that such procedures and criteria shall be consistent with this section.

34 147 New Section; Department of Transportation; Bulk Disposal of Highway or Turnpike Funded
35 Real Estate. Amend RSA 4 by inserting after section 39-e the following new section:

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1 4:39-f Bulk Disposal of Highway or Turnpike Funded Real Estate. Notwithstanding RSA 4:39-c,
2 the bulk disposal of real estate purchased with state or federal highway funds, or both, or with
3 turnpike funds shall occur as follows:

4 I. The commissioner of the department of transportation may recommend the bulk disposal
5 of real estate purchased with state or federal highway funds or both, or turnpike funds. The request
6 for bulk disposal shall be presented for review and approval by the long range capital planning and
7 utilization committee before submission to the governor and council for approval. Upon
8 determination that the property is no longer needed by the state, the governor and council shall first
9 offer it to the government of the town, city, or county in which the property is located. If the town,
10 city, or county refuses the offer, the governor and council may sell, convey, transfer, or lease the real
11 property.

12 II. Sales of real property under this section shall be at not less than current market value of
13 the subject property, as may be determined by the governor and council.

14 III. The proceeds due back to the department of transportation from a sale, conveyance, or
15 transfer under this section shall be credited as restricted revenue to the highway fund, or the
16 turnpike fund, or whichever fund provided money for the original purchase. The funds shall be
17 nonlapsing and continually appropriated to the department to be used for right-of-way property
18 management, maintenance, operations, or betterment of state roads and bridges.

19 IV. The commissioner of the department of transportation shall, at least once annually,
20 report to the long range capital planning and utilization committee on the status of all real estate
21 previously approved under this section.

22 V. As used in this section "bulk disposal" means multiple properties within the department
23 of transportation's real estate inventory, which are valued and presented to the long range capital
24 planning and utilization committee as a whole for review and approval to be sold to multiple buyers.

25 148 Number Plates; Official Cover Plates. Amend RSA 261:90 to read as follows:

26 261:90 Official Cover Plates. Upon payment of a fee, the director may issue and shall designate
27 official cover plates with the reproduction of the state seal thereon to be affixed to a vehicle of United
28 States senators from this state, representatives to congress from this state, the governor, members
29 of the governor's council, the president of the senate, members of the senate, the speaker of the
30 house of representatives, members of the house of representatives, the attorney general, the
31 secretary of state, the state treasurer, the President of the United States and members of his or her
32 executive staff, **and** any ambassador or member of the foreign diplomatic corps~~[-and members of the~~
33 ~~Maine New Hampshire Interstate Bridge Authority]~~. The fee for official cover plates shall be \$1 in
34 addition to any other number plate manufacturing fee otherwise required. The official cover plates,
35 exclusive of the seal, shall be white with green lettering, which shall alternate with red lettering
36 every other biennium. Official cover plates shall have the title of the person requesting the plates,
37 except for members of the governor's council whose plates shall have their council district numbers

1 embossed on them, and members of the general court, whose plates shall have their house seat
2 numbers or their senate district numbers embossed on them unless the president of the senate, for
3 members of the senate, or the speaker of the house of representatives, for members of the house of
4 representatives, shall designate a title for their plates. The president of the senate, or a designee,
5 and the speaker of the house of representatives, or a designee, shall provide the director with input
6 as needed on the cover plate design for members of the general court. The director shall not issue
7 more than 2 sets of official cover plates to any person. Official cover plates may be attached only to
8 vehicles registered in the name of the person issued the plates or the name of the spouse of a
9 member of the general court, or any vehicle being operated by a member of the general court.
10 Nothing herein shall be construed as affecting the issuance of regular motor vehicle plates and the
11 payment of the registration fee therefor. Official cover plates shall be manufactured at the state
12 prison and the prison shall provide the plates to the department at the prison's cost.

13 149 Repeal; Maine-New Hampshire Interstate Bridge Authority. The following are repealed:

14 I. RSA 234:43-66, relative to the Maine-New Hampshire Interstate Bridge Authority and the
15 Portsmouth-Kittery Bridge, also known as the Sarah Mildred Long Bridge.

16 II. RSA 234:67-69, relative to the Sarah Mildred Long Bridge.

17 III. RSA 100-A:3, VIII, relative to New Hampshire retirement system membership for
18 employees of the Maine-New Hampshire Interstate Bridge Authority.

19 150 Executive Branch Code of Ethics; Complaints. Amend RSA 21-G:31, VI to read as follows:

20 VI. In proceedings under this subdivision, the committee shall have the power to issue
21 subpoenas and administer oaths. Such subpoena powers may be exercised for the committee by the
22 chairperson or legal counsel to the committee. The fees for witnesses ~~[shall be consistent with RSA~~
23 ~~516:16 and]~~ shall be borne by the committee or the party requesting the subpoena.

24 151 Insurance Holding Companies; Examination. Amend RSA 401-B:6, V to read as follows:

25 V. Compelling Production. In the event the insurer fails to comply with an order, the
26 commissioner shall have the power to examine the affiliates to obtain the information. The
27 commissioner shall also have the power to issue subpoenas, to administer oaths, and to examine
28 under oath any person for purposes of determining compliance with this section. Upon the failure or
29 refusal of any person to obey a subpoena, the commissioner may petition a court of competent
30 jurisdiction, and upon proper showing, the court may enter an order compelling the witness to
31 appear and testify or produce documentary evidence. Failure to obey the court order shall be
32 punishable as contempt of court. Every person shall be obliged to attend as a witness at the place
33 specified in the subpoena, when subpoenaed, anywhere within the state. He or she shall be entitled
34 to the same fees and mileage, if claimed, as a witness in RSA 516:13[*and* RSA 516:14~~, and RSA~~
35 ~~516:16],~~ which fees, mileage, and actual expense, if any, necessarily incurred in securing the
36 attendance of witnesses, and their testimony, shall be itemized and charged against, and be paid by,
37 the company being examined.

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1 152 Payment of Witnesses in Criminal Cases. Amend RSA 592-A:12 to read as follows:

2 592-A:12 ~~[Payment of]~~ Witnesses in Criminal Cases. Any person who attends any court for the
3 state in criminal cases pursuant to subpoena ~~[shall be paid the witness fees provided by RSA 516:16.~~
4 ~~Any such person]~~ shall sign a witness log, which shall be available in the office of the clerk of court,
5 on which the individual shall provide the following information: name, mailing address, and the
6 name of the case for which the person was subpoenaed. The prosecuting agency shall review the log
7 each day and certify that each individual appeared as indicated on the log. ~~[The attorney general~~
8 ~~shall pay all witness fees to all such persons who are entitled to such fees.]~~

9 153 Parole Revocation. Amend RSA 651-A:17 to read as follows:

10 651-A:17 Parole Revocation. Any parolee arrested under RSA 651-A:15-a shall be entitled to a
11 hearing before the board within 45 days, in addition to any preliminary hearing which is required
12 under RSA 504-A:5. The parolee shall have the right to appear and be heard at the revocation
13 hearing. The board shall have power to subpoena witnesses~~[-, pay said witnesses such fees and~~
14 ~~expenses as allowed under RSA 516:16,]~~ and administer oaths in any proceeding or examination
15 instituted before or conducted by it, and to compel, by subpoena duces tecum, the production of any
16 accounts, books, contracts, records, documents, memoranda, papers or tangible objects of any kind.
17 If the board, after a hearing, finds that the parolee has violated the conditions of parole, violated the
18 law, or associated with criminal companions and in its judgment should be returned to the custody of
19 the commissioner of corrections, the board shall revoke the parole. A prisoner whose parole is
20 revoked shall be recommitted to the custody of the commissioner of corrections. This provision shall
21 not apply to a parolee who has accepted an option, offered by a probation/parole officer, to participate
22 in an intermediate sanction program and has waived his or her right to counsel and to a preliminary
23 hearing under RSA 504-A:5.

24 154 Arbitration of Disputes; Witnesses. Amend RSA 542:5 to read as follows:

25 542:5 Witnesses; Summoning; Compelling Attendance. When more than one arbitrator is
26 agreed to, all the arbitrators shall sit at the hearing of the case unless, by consent in writing, all
27 parties shall agree to proceed with the hearing with a less number. Any person may be summoned
28 as provided in RSA 516~~[-]~~ to attend before the arbitrators as a witness ~~[and the fees for such~~
29 ~~attendance shall be the same as the fees of witnesses in the superior court]~~. If any person or persons
30 so summoned to testify shall refuse or neglect to attend, upon petition the court in and for the county
31 in which such arbitrators are sitting may compel the attendance of such person or persons before
32 said arbitrator or arbitrators, or punish said person or persons for contempt in the same manner
33 now provided in RSA 516.

34 155 Midwifery; Powers and Duties of the Council. Amend RSA 326-D:4, II to read as follows:

35 II. The council shall have the power to subpoena witnesses and administer oaths in any
36 hearing or disciplinary proceedings, and to compel, by subpoena duces tecum, the production of
37 papers and records. ~~[Witnesses summoned before the council shall be paid the same fees as~~

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1 ~~witnesses summoned to appear before the superior court, and such summons shall have the same~~
2 ~~effect as though issued for appearance before such court.]~~

3 156 Alcoholic Beverages; Hearings and Investigations. Amend RSA 179:56, I to read as follows:

4 I. The commission shall adopt and publish rules pursuant to RSA 541-A, to govern its
5 proceedings and to regulate the mode and manner of all investigations and hearings before it. All
6 hearings before the commission shall be in accordance with RSA 541-A:31-36. In any such
7 investigation or hearing the commission shall not be bound by the technical rules of evidence. The
8 commission may subpoena witnesses and administer oaths in any proceeding or examination
9 instituted before or conducted by it, and may compel, by subpoena, the production of any accounts,
10 books, contracts, records, documents, memoranda, and papers of any kind whatever. ~~[Witnesses~~
11 ~~summoned before the commission shall be paid the same fees as witnesses summoned to appear~~
12 ~~before the superior court, and such]~~ A summons issued by any justice of the peace shall have the
13 same effect as though issued for appearance before such court.

14 157 Repeal. The following are repealed:

15 I. RSA 21-J:26, relative to witness fees for witnesses summoned to appear before the
16 commissioner of the department of revenue administration.

17 II. RSA 153:20, relative to witness fees for witnesses summoned to appear before the state
18 fire marshal.

19 III. RSA 326-H:17, III, relative to witness fees for witnesses summoned before the board of
20 dieticians.

21 IV. RSA 365:11, relative to witness fees for witnesses summoned before the public utilities
22 commission.

23 V. RSA 516:16, relative to fees of witnesses for attendance and travel.

24 VI. RSA 516:16-a, relative to defaults and witness fees for law enforcement officers.

25 VII. RSA 665:13, relative to witness fees for witnesses summoned before the ballot law
26 commission.

27 158 Granite Workforce. 2018, 342:3 through 342:9 are repealed and reenacted to read as
28 follows:

29 342:3 Granite Workforce; Program Established.

30 I. The commissioner of the department of health and human services may use allowable
31 funds from the Temporary Assistance to Needy Families (TANF) program along with other available
32 funds, including but not limited to the job training fund established under RSA 282-A:138-a, to
33 create a network of assistance to remove barriers to work for eligible low income families as well as
34 low income individuals and to provide subsidies to employers in high need areas, as determined by
35 the department of employment security based upon workforce shortages. The funds shall be used to
36 fund the granite workforce program, which shall operate as part of the New Hampshire granite
37 advantage health care program established in RSA 126-AA. The program shall be jointly

1 administered by the department of health and human services and the department of employment
2 security. No cash assistance shall be provided to eligible participants through granite workforce.

3 II. To be eligible for the granite workforce program, applicants shall be enrolled in the New
4 Hampshire granite advantage health care program, established in RSA 126-AA, whether or not the
5 applicant is subject to the work and community engagement requirement.

6 III. An eligible recipient, participating in the granite workforce program, whose wages
7 subsequently cause the household to exceed 138 percent of the federal poverty level shall continue to
8 receive granite workforce program services as needed, including the subsidy for employers, provided
9 the recipient's wages do not cause the household to exceed 250 percent of the federal poverty level.
10 After the second employer subsidy is paid on behalf of a granite workforce recipient, the recipient
11 shall no longer be eligible for granite workforce services as long as household income exceeds 138
12 percent of the federal poverty level.

13 IV. The department of employment security shall determine eligibility and entry into the
14 program, using nationally recognized assessment tools for vocational and job readiness assessments.
15 Vocational assessments shall include consideration of educational needs, vocational interest,
16 personal values, and aptitude. The department shall use the assessment results to work with the
17 participant to produce a long term career plan.

18 V. Except as otherwise provided in paragraphs II regarding program eligibility,
19 administrative rules governing the New Hampshire employment program, adopted under RSA 541-
20 A, shall apply to the granite workforce program.

21 342:4 Granite Workforce; Subsidies for Employers.

22 I. After 3 months of employment and upon verification of continued employment and wages
23 from the employer, the department of employment security shall authorize payment of a subsidy
24 equal to 50 percent of the employee's wages for the prior month, not to exceed \$2,000, to the
25 participant's employer.

26 II. After 9 months of employment and upon verification of continued employment and wages
27 from the employer, the department of employment security shall authorize payment of a subsidy
28 equal to 50 percent of the employee's wages for the prior month, not to exceed \$2,000, to the
29 participant's employer.

30 III. Upon notice by the department of an overpayment, the employer shall reimburse the
31 department the amount of the overpayment.

32 IV. In this section, "employer" means a tax exempt organization pursuant to section
33 501(c)(3) of the Internal Revenue Code.

34 342:5 Granite Workforce; Referral for Barriers to Employment.

35 I. The department of health and human services, in consultation with the department of
36 employment security, shall issue a request for applications for community providers interested in
37 offering case management services to participants with barriers to employment.

1 II. Participants shall be identified by the department of employment security using an
2 assessment process that screens for barriers to employment, including but not limited to
3 transportation, child care, substance use, mental health, and domestic violence.

4 III. The department of employment security shall refer to community providers individuals
5 with identified barriers to employment. When child care is identified as a barrier to employment,
6 the department of employment security or the community provider shall refer the individual to
7 available child care service programs, including the child care scholarship program administered by
8 the department of health and human services.

9 IV. In addition to employer subsidies, TANF and other funds allocated to the granite
10 workforce program shall be used to fund other services that eliminate barriers to work, as
11 established through rulemaking.

12 342:6 Granite Workforce; Network of Education and Training.

13 I. If after the assessment conducted by the department of employment security additional
14 job training, education, or skills development is necessary prior to job placement, the department of
15 employment security shall address those needs by:

16 (a) Referring individuals to training and apprenticeship opportunities offered by the
17 community college system of New Hampshire;

18 (b) Referring individuals to the department of business and economic affairs to utilize
19 available training funds and support services;

20 (c) Referring individuals to education and employment programs for youth available
21 through the department of education; or

22 (d) Referring individuals to training available through other colleges and training
23 programs.

24 II. Any industry specific skills and training shall be provided for jobs in high need areas, as
25 determined by the department of employment security based upon workforce shortages.

26 342:7 Granite Workforce; Job Placement. Upon determining the participant is job ready, the
27 department of employment security shall place individuals into jobs with employers in high need
28 areas, as determined by the department of employment security based upon workforce shortages.
29 High need areas include but are not limited to jobs in the fields of healthcare, advanced
30 manufacturing, construction/building trades, information technology, and hospitality. Training and
31 job placement shall focus on:

32 I. Supporting health care/safety issues: training and jobs to combat the opioid crisis,
33 including nurses, nursing assistants, clinicians, social workers, and treatment providers at the
34 licensed alcohol and drug addictions counselor and licensed mental health counselor levels.
35 Additionally, jobs to address long term care needs, home healthcare services, and expanding
36 mental/behavioral health services.

1 II. Advanced manufacturing to meet employer needs: training and jobs that include
2 computer aided drafting and design, electronic and mechanical engineering, precision welding,
3 computer numerical controlled precision machining, robotics, and automation.

4 III. Construction/building trades to address critical infrastructure needs: training and jobs
5 for building roads, bridges, municipality infrastructure, and ensuring safe drinking water.

6 IV. Information technology: training and jobs to allow businesses to excel in an ever
7 increasing network dependent business environment.

8 V. Hospitality training and jobs to support New Hampshire's tourism industry: including
9 but not be limited to hotel workers, restaurant workers, campground workers, lift operators, state
10 park workers, and amusement park workers.

11 342:8 Reporting Requirement; Measurement of Outcomes.

12 I. The department of health and human services shall prepare a report on the outcomes of
13 the granite workforce program using appropriate standard common performance measures.
14 Program partners, as a condition of participation, shall be required to provide the department with
15 the relevant data. Metrics to be measured shall include, but are not limited to:

16 (a) Degree of participation.

17 (b) Progress with overcoming barriers.

18 (c) Entry into employment.

19 (d) Job retention.

20 (e) Earnings gain.

21 (f) Movement within established federal poverty level measurements, including the
22 Supplemental Nutrition Assistance Program (SNAP) and the New Hampshire granite advantage
23 health care program under RSA 126-AA.

24 (g) Attainment of education or training, including credentials.

25 II. The report shall be issued to the speaker of the house of representatives, the president of
26 the senate, the governor, the commission to evaluate the effectiveness and future of the New
27 Hampshire granite advantage health care program established under RSA 126-AA:4, and the state
28 library on or before March 1, 2020.

29 342:9 Termination of Granite Workforce Program.

30 I. The commissioner of the department of health and human services shall be responsible for
31 determining, every 3 months commencing no later than December 31, 2018, whether available TANF
32 reserve funds total at least \$5,000,000. If at any time the commissioner determines that available
33 TANF reserve funds have fallen below \$5,000,000, the commissioners of the departments of health
34 and human services and employment security shall, within 20 business days of such determination,
35 terminate the granite workforce program. The commissioners shall notify the governor, the speaker
36 of the house of representatives, the president of the senate, the chairperson of the fiscal committee of
37 the general court, and granite workforce participants of the program's pending termination.

1 II. If at any time the New Hampshire granite advantage health care program, established
2 under RSA 126-AA, terminates, the commissioners of the departments of health and human services
3 and employment security shall terminate the granite workforce program. The date of the granite
4 workforce program's termination shall align with that of the New Hampshire granite advantage
5 health care program.

6 159 Department of Natural and Cultural Resources; Exemption from Transfer Restrictions.
7 Amend RSA 9:16-a, II-a(d) as follows:

8 (d) The following account units within the department of natural and cultural resources
9 shall be exempt from the transfer restrictions in subparagraphs (a), (b), and (c): 03-35-35-351510-
10 3701, 03-35-35-351510-3745, 03-35-35-351510-3720, 03-35-35-351510-7300, 03-35-35-351510-3414,
11 03-35-35-351510-3556, 03-35-35-351510-3558, 03-35-35-351510-3484, 03-35-35-351510-3486, 03-35-
12 35-351510-3488, 03-35-35-351510-3562, 03-35-35-351510-3415, 03-35-35-351510-3746, 03-35-35-
13 351510-3777, 03-35-35-351510-3717, ~~and~~ 03-35-35-351510-3703, **and 03-35-35-351510-4016.**

14 160 Motor Vehicles; Waiver in Lieu of Court Appearance. Amend RSA 262:44, I to read as
15 follows:

16 I. Such defendant shall receive, in addition to the summons, a uniform fine schedule entitled
17 "Notice of Fine, Division of Motor Vehicles" which shall contain the normal fines for violations of the
18 provisions of title XXI on vehicles for which a plea may be entered by mail. The defendant shall be
19 given a notice of fine indicating the amount of the fine plus penalty assessment at the time the
20 summons is issued; except if, for cause, the summoning authority wishes the defendant to appear
21 personally. Defendants summoned to appear personally shall do so on the arraignment date
22 specified in the summons, unless otherwise ordered by the court. Defendants who are issued a
23 summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on
24 the summons and return it with payment of the fine plus penalty assessment to the director of the
25 division of motor vehicles within 30 days of the date of the summons. The director of the division of
26 motor vehicles may accept payment of the fine by credit card in lieu of cash payment. Any
27 transaction costs assessed by the issuer of the credit card shall be paid out of the portion of the fine
28 amount which is credited ~~[as agency income]~~ **to the highway fund** and not out of the penalty
29 assessment charged by the district court. The director of the division of motor vehicles shall remit
30 the penalty assessments collected to the state treasurer to be credited and continually appropriated
31 to the state general fund and to the victims' assistance fund and the judicial branch information
32 technology fund in the percentages and manner prescribed in RSA 106-L:10. Fines shall be paid
33 over to the state treasurer, and shall be credited ~~[as agency income by the department of safety]~~ **to**
34 **the highway fund** within 14 days of their receipt ~~[and shall not lapse to the general fund until the~~
35 ~~second year of each biennium].~~

36 161 Business Finance Authority Revenue Bonds; Additional State Guarantees. Amend RSA
37 162-I:9-b, I(a) to read as follows:

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1 I.(a) The governor and council may award an unconditional state guarantee of the principal
2 of and interest on bonds issued under this chapter. The full faith and credit of the state shall be
3 pledged for any such guarantee, but the total amount of bonds guaranteed by the state under this
4 section ~~[shall not exceed in the aggregate at any time \$10,000,000, plus interest, provided that such~~
5 ~~amount shall be increased to \$20,000,000 plus interest on January 1, 1993, to \$30,000,000 plus~~
6 ~~interest on January 1, 1994, to \$40,000,000 plus interest on January 1, 1995, and to \$50,000,000~~
7 ~~plus interest on January 1, 1996. In addition, the amount of bonds guaranteed by the state under~~
8 ~~this section]~~ shall not cause the contingent credit limit under RSA 162-A:22 to be exceeded. The
9 governor, with the advice and consent of the council, is authorized to draw his warrant for such sum
10 as may be necessary out of any money in the treasury not otherwise appropriated, for the purpose of
11 honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on
12 each guaranteed bond by an endorsement signed by the state treasurer in substantially the following
13 form:

14 The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the
15 principal and interest on the within bond and for the performance of such guarantee the full faith
16 and credit of the state are pledged.

17 _____
18 State Treasurer

19 162 Repeal. RSA 162-I:9-b, II, relative to the total amount of state guarantees issued by the
20 business finance authority, is repealed.

21 163 Business Finance Authority; Unified Contingent Credit Limit. Amend RSA 162-A:22 to
22 read as follows:

23 162-A:22 Unified Contingent Credit Limit. The total amount of state guarantees in force under
24 RSA 162-A:7-a, RSA 162-A:8, RSA 162-A:10, III, RSA 162-A:13, RSA 162-A:13-a, RSA 162-A:17,
25 ~~[RSA 162-I:9-a,]~~ and RSA 162-I:9-b shall not exceed in the aggregate at any time \$50,000,000 plus
26 interest, provided that such amount shall be increased to \$80,000,000 plus interest on January 1,
27 1993, to \$95,000,000 plus interest on January 1, 1994, and to \$115,000,000 plus interest on May 1,
28 2015. ~~[After May 1, 2015, an amount not to exceed \$30,000,000 plus interest may be used solely for~~
29 ~~bonds guaranteed pursuant to RSA 162-I:9-a, and an amount not to exceed the remaining~~
30 ~~\$85,000,000 plus interest may be used solely for bonds issued pursuant to sections other than RSA~~
31 ~~162-I:9-a.]~~

32 164 Repeal. The following are repealed:

33 I. RSA 12-G:33, relative to submission of a comprehensive development plan by the Pease
34 development authority.

35 II. RSA 12-G:35, relative to loans to Pease development authority to enable the authority to
36 obtain matching funds.

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1 165 Office of Professional Licensure and Certification; Fees. Amend RSA 310-A:1-e, I(b) to read
2 as follows:

3 (b) There is hereby established the office of professional licensure and certification fund
4 into which the fees collected under subparagraph (a) shall be deposited. [~~The fund shall be a~~
5 ~~separate, nonlapsing fund, continually appropriated to the office for the purpose of paying all costs~~
6 ~~and salaries associated with the office]~~ ***After paying all costs and salaries associated with the***
7 ***office, moneys in this fund shall lapse to the general fund at the close of each fiscal year.***

8 166 New Paragraphs; Department of Justice; Director of the Office of Victim/Witness
9 Assistance. Amend RSA 21-M:3 by inserting after paragraph X the following new paragraphs:

10 XI. The attorney general, subject to the approval of the governor and council, may appoint a
11 director of the office of victim/witness assistance, within the limits of the appropriation made for the
12 appointment, who shall hold office for a term of 5 years. Any vacancy in such office may be filled for
13 the unexpired term. The director of the office of victim/witness assistance may be removed only as
14 provided by RSA 4:1.

15 XII. The attorney general, subject to the approval of the governor and council, may appoint a
16 director of communications within the limits of the appropriation made for the appointment, who
17 shall hold office for a term of 5 years. Any vacancy in such office may be filled for the unexpired
18 term. The director of communications may be removed only as provided by RSA 4:1.

19 167 Department of Justice; Office of Victim/Witness Assistance. Amend the introductory
20 paragraph in RSA 21-M:8-b, II to read as follows:

21 II. There is hereby established within the criminal justice bureau of the department of
22 justice, the office of victim/witness assistance. ***The office shall be supervised by the director of***
23 ***victim/witness assistance who shall be appointed by the attorney general in accordance***
24 ***with the provisions of RSA 21-M:3, XI and who shall carry out the duties imposed by this***
25 ***section under the supervision of the attorney general and perform such other work as the***
26 ***attorney general may assign.*** The office shall provide information and services to victims and
27 witnesses in criminal cases prosecuted by the attorney general and shall develop and coordinate a
28 statewide victim/witness rights information program. The victim/witness rights information
29 program shall:

30 168 New Paragraph; Department of Justice; Officer-Involved Deadly Force Investigator Position
31 Established. Amend RSA 21-M:8 by inserting after paragraph III the following new paragraph:

32 IV.(a) To assist the attorney general in his or her duty to exercise general supervision of
33 officer-involved use of deadly force investigations and to provide training to local law enforcement
34 officers, the department of justice may hire an unclassified full-time investigator assigned the
35 bureau, who shall work on officer-involved use of deadly force investigations.

36 (b) There is established within the department of justice an unclassified full-time
37 investigator position for the purpose of working on officer-involved use of deadly force investigations

1 as required in this paragraph. Notwithstanding RSA 14:14-c and RSA 94:1-d, the salary for the full-
2 time investigator position shall be established as a labor grade BB pursuant to RSA 94:1-a, I(a).

3 169 Department of Justice; Position Reclassified and Established.

4 I. The position of administrator II-public/legislative information officer, position number
5 18030, within the department of justice shall be designated as an unclassified position.

6 II. There is established within the department of justice the unclassified position of director
7 of communications. The salary of the director of communications shall be determined after
8 assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for
9 the positions which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of
10 this action and appointment of the director of communications, position number 18030 shall be
11 abolished to allow for the transition of its available appropriations into the unclassified position of
12 director of communications. Funding shall be transferred into the proper unclassified expenditure
13 class for the attorney general accounting unit. The incumbent in the abolished classified position
14 shall be offered the opportunity to seek the attorney general's nomination for the unclassified
15 position of director of communications.

16 170 Department of Justice; Position Reclassified and Established.

17 I. The position of attorney III-assistant director of charitable trusts, position number 10321,
18 within the department of justice shall be designated as an unclassified position.

19 II. There is established within the department of justice the unclassified position of
20 assistant attorney general. The salary of the assistant attorney general is established in RSA 94:1-a,
21 I-c. Upon completion of this action and appointment of the assistant attorney general, position
22 number 10321 shall be abolished to allow for the transition of its available appropriations into the
23 unclassified position of assistant attorney general. Funding shall be transferred into the proper
24 unclassified expenditure class for the charitable trust accounting unit. The incumbent in the
25 abolished classified position shall be offered the opportunity to seek the attorney general's
26 nomination for the unclassified position of assistant attorney general.

27 171 Department of Administrative Services; Rehiring of Laid Off Classified State Employees.

28 I. For purposes of this section, "laid off" means any person in a classified position as
29 described in RSA 21-I:49 who receives written notice of the state's intent to lay him or her off or who
30 is laid off between July 1, 2019 and June 30, 2021, as a result of reorganization or downsizing of
31 state government.

32 II. It is the intent of the general court that any classified position which becomes available
33 in a department or establishment, as defined in RSA 9:1, shall be filled, if possible, by a state
34 employee laid off, as defined in paragraph I, if such person is not currently employed by the state of
35 New Hampshire, if he or she meets the minimum qualifications for the position, and if he or she does
36 not receive a promotion as a result of the rehire.

1 III. The head of each department or agency shall submit the name and classification of any
2 individual laid off between July 1, 2019 and June 30, 2021, to the director of the division of
3 personnel within 10 days of the layoff.

4 172 Appropriation; State Treasurer; Municipal Aid.

5 I. The sum of \$40,000,000 for the fiscal year ending June 30, 2020 is hereby appropriated to
6 the state treasurer for the purpose of providing municipal aid to each city, town, and unincorporated
7 place in the state. The treasurer shall distribute \$20,000,000 of the municipal aid to each city, town,
8 and unincorporated place in the state by October 1 of the fiscal year ending June 30, 2020 and
9 \$20,000,000 of the municipal aid to each city, town, and unincorporated place in the state by October
10 1 of the fiscal year ending June 30, 2021. The proportion of municipal aid distributed to each
11 municipality pursuant to this paragraph shall be calculated pursuant to paragraph II. The governor
12 is authorized to draw a warrant for said sums out of any money in the treasury not otherwise
13 appropriated. The appropriation in this section shall not lapse until June 30, 2021. Municipal aid
14 received by October 15, 2019 may be considered unanticipated revenue under RSA 31:95-b and may
15 be accepted and expended pursuant to RSA 31:95-b, II through IV whether or not a town has
16 adopted the provisions of RSA 31:95-b.

17 II. For each fiscal year of the biennium beginning July 1, 2019, the state treasurer shall
18 reserve the amount in the treasury as determined in paragraph I. Such moneys shall not be used for
19 any purpose other than to distribute grants to municipalities. From such funds, the treasurer shall
20 disburse to each municipality in the state:

21 (a) Twenty percent of such funds for the determination year shall be distributed to
22 municipalities on the basis of the ratio that each municipality's average daily membership in
23 residence bears to the statewide total membership in residence, as determined by the department
24 and provided to the treasurer.

25 (b) Eighty percent of such funds for the determination year shall be distributed to
26 municipalities on the basis of the ratio that each municipality's number of pupils in the
27 municipality's average daily membership in residence eligible for a free or reduced-price meal bears
28 to the total statewide membership in residence eligible for a free or reduced-price meal, as
29 determined by the department and provided to the treasurer.

30 III. The grant determined in this section shall be distributed to each municipality in one
31 payment of 100 percent on or before October 1 of the fiscal year.

32 IV. For purposes of this section:

33 (a) "Average daily membership in residence" or "ADMR" means the average daily
34 membership in attendance of pupils who are legal residents of the school district, pursuant to RSA
35 193:12 or RSA 193:27, IV, in kindergarten through grade 12 in the determination year and attend a
36 state-approved public or nonpublic school as assigned by the school district in which the pupil
37 resides, or by the state, or attend an approved chartered public school, and who are educated at the

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1 school district's expense, which may include costs of attendance at public academies or out-of-district
2 placements.

3 (b) "Department" means the department of education.

4 (c) "Determination year" means the school year immediately preceding the school year
5 for which aid is determined.

6 (d) "Eligible for a free or reduced-price meal" means the ADMR of pupils in kindergarten
7 through grade 12 who are eligible for the federal free or reduced-price meal program.

8 (e) "Municipality" means a city, town, or unincorporated place.

9 173 New Section; Community Development Fund for New Hampshire Established. Amend RSA
10 162-L by inserting after section 4 the following new section:

11 162-L:4-a Community Development Fund for New Hampshire. There is hereby established in
12 the state treasury the community development fund for New Hampshire, which shall be kept
13 distinct and separate from all other funds. All moneys in the fund shall be nonlapsing and
14 continually appropriated to the community development finance authority. In addition to any state
15 appropriations, the community development finance authority may accept gifts, grants, and
16 donations from other sources, including contributions and loans from businesses, for deposit into the
17 fund. The fund shall be used to provide flexible loan capital for community development initiatives
18 and for one-time capital infrastructure revitalization and strategic investments.

19 174 New Subparagraph; Dedicated Funds or Accounts; Community Development Fund. Amend
20 RSA 6:12, I(b) by inserting after subparagraph (343) the following new subparagraph:

21 (344) Moneys deposited in the community development fund for New Hampshire
22 established in RSA 162-L:4-a.

23 175 Appropriation; Community Development Finance Authority; Community Development
24 Fund for New Hampshire. There is hereby appropriated to the community development finance
25 authority the sum of \$1,000,000 for the biennium ending June, 30 2021, for deposit in the
26 community development fund for New Hampshire established in RSA 162-L:4-a. The governor is
27 authorized to draw a warrant for such sum from any money in the treasury not otherwise
28 appropriated.

29 176 State Aid Grant Program; Appropriation to Department of Environmental Services.

30 I. The sum of \$3,652,347 for the fiscal year ending June 30, 2020, is hereby appropriated to
31 the department of environmental services for the purpose of funding state aid grant programs under
32 RSA 486 for wastewater SAG 03-44-44-442010-1003-073-500580. The governor is authorized to
33 draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

34 II. The sum of \$3,781,024 for the fiscal year ending June 30, 2021, is hereby appropriated to
35 the department of environmental services for the purpose of funding state aid grant programs under
36 RSA 486 for wastewater SAG 03-44-44-442010-1003-073-500580. The governor is authorized to
37 draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

1 177 Department of Justice; Victim/Witness Specialist Positions Reclassified and Established.
2 The positions of victim/witness specialist position numbers 18674, 19419, 9T2817, and 9T2811,
3 within the department of justice shall be designated as unclassified positions. There are hereby
4 established within the department of justice 4 unclassified victim/witness specialist positions. The
5 salary of the victim/witness specialist positions shall be determined after assessment and review of
6 the appropriate temporary letter grade allocation for the positions which shall be conducted
7 pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action and appointments to the
8 unclassified positions, position numbers 18674, 19419, 9T2817, and 9T2811 shall be abolished to
9 allow for the transition of the available appropriations to the unclassified positions. Funding shall
10 be transferred into the proper unclassified expenditure class in the victim witness general
11 accounting unit. The incumbents in the abolished classified positions shall be offered the
12 opportunity to seek the attorney general's nomination for the unclassified victim/witness specialist
13 positions.

14 178 New Paragraphs; Department of Justice; Criminal Justice Bureau; Victim/Witness
15 Specialist Positions Established. Amend RSA 21-M:8-b by inserting after paragraph IV the following
16 new paragraphs:

17 V. The attorney general, subject to the approval of the governor and council, may appoint
18 permanent victim/witness specialists within the limits of the appropriation made for the
19 appointments, who shall hold office for a term of 5 years. Any vacancy in such position may be filled
20 for the unexpired term. The victim/witness specialists may be removed only as provided by RSA 4:1.

21 VI. The attorney general, subject to the approval of the governor and council, may appoint
22 unclassified, full-time temporary victim/witness specialists within the federal appropriations made
23 for the appointment, who shall hold office subject to continuation of the federal grant funds
24 supporting the victims/witness program. Any vacancy shall be filled in the same manner as the
25 original appointment. The victim/witness specialists may be removed only as provided by RSA 4:1,
26 or if the federal appropriation no longer supports the positions.

27 VII. There is established within the department of justice an unclassified full-time elections
28 attorney. The salary of the elections attorney is established in RSA 94:1-a, I(c).

29 179 Department of Natural and Cultural Resources; Curatorial Responsibilities Suspended.
30 Due to inadequate funding and staffing resources at the department of natural and cultural
31 resources, the commissioner of the department of natural and cultural resources may suspend the
32 requirements of RSA 227-C and RSA 12-A relative to curatorial responsibilities, for each year of the
33 biennium ending June 30, 2021.

34 180 Statewide Public Boat Access Fund; Appropriation to Department of Natural and Cultural
35 Resources. Amend RSA 233-A:13 to read as follows:

36 233-A:13 Statewide Public Boat Access Fund Established. There is hereby established a
37 nonlapsing statewide public boat access fund. The \$5 boat registration surcharge collected pursuant

1 to RSA 270-E:5, II(d) and any other public access funds donated to the state shall be placed in this
2 fund. [A] Funds received under this section are continually appropriated to the fish and game
3 department for the purposes of the statewide public boat access program established under this
4 chapter, ***except for sufficient funds which are hereby appropriated to the department of***
5 ***natural and cultural resources for payment of principal and interest on bonds and notes***
6 ***for the Mount Sunapee state park beach boat ramp project.***

7 181 Department of State; Archives and Records Management; Appointment of Director. Amend
8 RSA 5:28 to read as follows:

9 5:28 Appointment of Director. The secretary of state, with the approval of governor and council,
10 shall appoint the director of the division of archives and records management, who shall be known as
11 the state archivist and who shall be an unclassified state employee. The director shall have a
12 minimum of a master's degree in library science [or], history, ***or equivalent*** or 10 years prior
13 experience as an archivist or experience in a related field. The term of office for the state archivist
14 shall be for 4 years. Any vacancy shall be filled for the unexpired term. The salary of the state
15 archivist shall be as specified in RSA 94:1-a.

16 182 Department and Secretary of State; Election Fund. Amend RSA 5:6-d, I-III to read as
17 follows:

18 I. There is established in the office of the state treasurer a nonlapsing fund to be known as
19 the election fund which shall be kept distinct and separate from all other funds. The election fund is
20 established to meet the requirements of section 254(b) of the Help America Vote Act, Public Law
21 107-252 ***and the 2018 Election Reform Program authorized by the Consolidated***
22 ***Appropriations Act of 2018, Public Law 115-141, hereafter referred to as the "2018 Election***
23 ***Reform Program"***.

24 II. The treasurer shall deposit in the election fund all monies received by the state pursuant
25 to the Help America Vote Act of 2002, Public Law 107-252 ***and the 2018 Election Reform***
26 ***Program***. The treasurer shall also deposit in the election fund such other funds received under
27 state or federal law, or donated to the state by private parties, for the purposes of conducting
28 elections, voter and election official education, election law enforcement, and related information
29 technology projects and improvements, and shall credit any interest or income earned on monies on
30 deposit to the fund.

31 III. The secretary of state is authorized to accept, budget, and, subject to the limitations of
32 this paragraph, expend monies in the election fund received from any party for the purposes of
33 conducting elections, voter and election official education, the purchase or lease of equipment that
34 complies with the Help America Vote Act of 2002, Public Law 107-252, or with RSA 659:13, V,
35 reimbursing the department of safety for the actual cost of voter identification cards, election law
36 enforcement, ***enhancing election technology, making election security improvements,*** and
37 improvements to related information technology, including acquisition and operation of an

1 automated election management system. *With the exception of federal and state portions of*
2 *funds associated with the 2018 Election Reform Program*, the secretary of state shall not
3 expend any monies in the election fund unless the balance in the fund following such expenditures
4 shall be at least 12 times the estimated annual cost of maintaining the programs established to
5 comply with the Help America Vote Act of 2002, Public Law 107-252.

6 183 Short Title. Sections 184-190 of this act shall be known as the Granite State Jobs Act of
7 2019.

8 184 Findings. The general court finds it is in the public interest to enhance public-private
9 partnerships to recruit, train, and re-employ workers in order to meet New Hampshire's skills gap
10 and worker shortage, efficiently and timely assisting Granite state businesses and Granite staters
11 looking for work, including those in recovery.

12 185 Unemployment Compensation; Contribution Rates. Amend RSA 282-A:87, IV(a) to read as
13 follows:

14 IV.(a)(1) Each employer subject to payment of contributions pursuant to RSA 282-A:69, I
15 shall have its rate reduced by ~~[2/10]~~ **2/5** of one percent beginning in the ~~[second]~~ **fourth** quarter of
16 ~~[2007]~~ **2019**. An administrative contribution equal to the amount of this reduction shall be paid by
17 all such employers.

18 (2) Commencing ~~[July 1, 2007]~~ **January 1, 2020**, after deduction of all costs
19 incurred in the collection of the administrative contribution, 1/3 of the quarterly administrative
20 contribution collected, not to exceed ~~[\$2,000,000]~~ **\$6,000,000** annually, shall be deposited each
21 quarter in the fund established by ~~[RSA 282-A:138-a]~~ **RSA 282-A:182** and shall be expended only as
22 provided by and for the purposes provided in that section **and shall lapse to the unemployment**
23 **trust fund account established in RSA 282-A:104, I(b) if unspent or unencumbered at the**
24 **end of the relevant program year**. The remaining quarterly administrative contribution collected
25 shall be **divided so that the proportional share of the quarterly administrative contribution**
26 **resulting from the increase over 2/10 of one percent shall be deposited in the unemployment**
27 **compensation fund established in RSA 282-A:103 and the remaining amount** deposited in the
28 fund established by RSA 282-A:140 and shall be expended only as provided by and for the purposes
29 provided in that section, and not for any other purpose.

30 186 Department of Employment Security; Job Training Program. Amend RSA 282-A by
31 inserting after section 180 the following new subdivision:

32 Job Training Program

33 282-A:181 Job Training Program. The department of employment security shall administer the
34 job training program in this subdivision. The commissioner of the department of employment
35 security shall adopt rules under RSA 541-A, relative to the grant award process and general
36 administration of this subdivision.

37 I. Training programs may include, but shall not be limited to:

- 1 (a) Structured, on-site laboratory or classroom training.
- 2 (b) Basic skills.
- 3 (c) Technical skills.
- 4 (d) Quality improvement.
- 5 (e) Safety.
- 6 (f) Management and supervision.
- 7 (g) English as a second language.

8 II. No more than \$500,000 annually, from sources other than the WorkReadyNH program,
9 shall be provided to support programs offered as of January 1, 2019, and, in addition to programs
10 offered as of January 1, 2019, funding shall be provided for:

11 (a) Training individuals not otherwise eligible for state or federal training funds
12 available as of January 1, 2019, including the cost of certificate programs, apprenticeship programs
13 as defined under 29 C.F.R. Part 29, and occupational skills training in order to fill current, in-
14 demand employment in New Hampshire with employers having immediate employment needs, with
15 a priority for jobs identified through the state's sector partnership initiative and for employers who
16 pay individuals during training periods.

17 (b) Enhanced support services, including child care and transportation assistance, which
18 would not otherwise be available through any other state, federal, or other programs, with such
19 assistance limited to income eligible individuals with an identified career path and who are
20 determined to be in need of such support services to successfully compete for employment
21 opportunities;

22 (c) The WorkReadyNH program established by the community college system of New
23 Hampshire in an amount not to exceed \$500,000 annually.

24 (d) Certificate programs, apprenticeship programs as defined under 29 C.F.R. Part 29,
25 and occupational skills training opportunities for New Hampshire high school students upon
26 graduation in order to fill current, in-demand employment in New Hampshire.

27 (e) Marketing of New Hampshire's workforce development initiatives to employers and
28 business community representatives in New Hampshire.

29 (f) Recruitment and coordination of services provided in this section to populations with
30 higher than average unemployment in New Hampshire, including persons in need of training to
31 change careers, persons with substance use disorders who are in recovery programs, persons with
32 disabilities, inmates transitioning to the general population, persons who are homeless, senior
33 citizens, legal immigrants and speakers of languages other than English, including documented
34 outreach to and priority given to persons with substance use disorders who are in recovery
35 programs.

36 282-A:182 Training Fund.

1 I. There is hereby created in the state treasury a special fund to be known as the training
2 fund. Commencing January 1, 2020, the moneys in this fund shall be used solely as determined by
3 the commissioner of the department of employment security in accordance with rules and guidelines
4 adopted by the department for funding training under the job training program established in this
5 subdivision. The commissioner of the department of employment security shall make rules relative
6 to administration of the grant award process under this subdivision.

7 II. The commissioner shall act as the fiscal agent for moneys deposited in the training fund.
8 All costs incurred by the commissioner acting as fiscal agent of the training fund shall be paid from
9 such fund.

10 III. Any interest earned on the moneys in this fund shall remain in the fund and shall be
11 expended as provided in paragraph I.

12 IV. Any moneys paid into the training fund during a calendar year, which are either not
13 obligated by June 30 of the following year or spent by June 30 of the year thereafter, shall be
14 continually appropriated and shall not lapse.

15 282-A:183 Expenditure for Job Training Program. The department of employment security
16 shall use no more than 10 percent, or \$600,000, of any moneys received from the training fund
17 established in RSA 282-A:182, whichever is less, to administer the job training program in this
18 subdivision, including support for the sector partnership initiative.

19 282-A:184 Report. The commissioner shall annually submit a report to the governor's state
20 workforce innovation board, the speaker of the house of representatives, the president of senate, the
21 chairperson of the senate committee with jurisdiction over commerce issues, and the chairperson of
22 the house committee with jurisdiction over labor issues concerning the effectiveness of the job
23 training program established in this subdivision.

24 187 Commission to Review and Evaluate Workforce and Job Training Programs in New
25 Hampshire. Amend RSA 273:28, IV(g)(12) to read as follows:

26 (12) Department of [~~business and economic affairs~~] **employment security**, job
27 training program [~~for economic growth~~] pursuant to RSA [~~12-O:30-37~~] **282-A:181-184**.

28 188 Application of Receipts. Amend RSA 6:12, I(b)(74) to read as follows:

29 (74) Moneys deposited in the training fund established by RSA [~~282-A:138-a~~] **282-**
30 **A:182**.

31 189 New Hampshire Workforce Opportunity Fund. Amend RSA 12-O:45, V to read as follows:

32 V. In accordance with RSA [~~12-O:30~~] **282-A:181** through RSA [~~12-O:37~~] **282-A:184**, the
33 commissioner of the department of employment security shall have the authority to make grants to
34 New Hampshire employers for the purpose of training employees in accordance with this chapter,
35 such grants not to exceed the amounts specified in RSA 282-A:87, IV(a)(2), and not to exceed to any
36 single employer in any grant year the sum of \$70,000, unless first approved by governor and council.
37 The commissioner shall provide the governor and council an information item not less frequently

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1 than semi-annually describing all such grants expended pursuant thereto. Such grants shall be
2 made pursuant to a form of agreement that shall be approved by governor and council after review
3 by the attorney general and the commissioner of the department of administrative services.

4 190 Repeal. The following are repealed:

5 I. RSA 12-O:30 through RSA 12-O:37, relative to the job training program for economic
6 growth.

7 II. RSA 282-A:138-a, relative to the training fund.

8 191 Contingent Nullification. If sections 184-190 of this act, relative to the granite state jobs act
9 of 2019 become law, then SB 2-FN of the 2019 regular legislative session is nullified and shall not
10 take effect.

11 192 Applicability. If SB 2-FN of the 2019 regular legislative session becomes law, section 191 of
12 this act shall take effect one minute after the effective date of SB 2-FN.

13 193 Appropriation; Affordable Housing Fund. The sum of \$5,000,000 for the fiscal year ending
14 June 30, 2020, is hereby appropriated to the housing finance authority for deposit in the affordable
15 housing fund established in RSA 204-C:57, for the purpose of providing financing or state matching
16 funds for affordable housing. The appropriation shall be in addition to any other funds appropriated
17 to the housing finance authority. The governor is authorized to draw a warrant for said sum out of
18 any money in the treasury not otherwise appropriated.

19 194 New Section; Special Account. Amend RSA 432 by inserting after section 30 the following
20 new section:

21 432:30-a Special Account. There is established a separate account to which shall be credited all
22 funds appropriated or acquired to provide financial and technical assistance associated with this
23 subdivision. This shall be a nonlapsing account, and funds in said account are hereby appropriated
24 for the purpose of this subdivision.

25 195 Appropriation. Department of Agriculture, Markets and Food. There is hereby
26 appropriated to the department of agriculture, markets and food the sum of \$250,000 for the fiscal
27 year ending June 30, 2020 and \$500,000 for the fiscal year ending June 30, 2021 for deposit in the
28 special account established in RSA 432:30-a. The governor is authorized to draw a warrant for said
29 sum out of any money in the treasury not otherwise appropriated.

30 196 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after
31 subparagraph (343) the following new subparagraph:

32 (344) Moneys deposited in the special account for agriculture development rights
33 under RSA 432:30-a.

34 197 State Demographer. For the biennium ending June 30, 2021, the provisions of RSA 4-C:36
35 and RSA 14:46, VII are hereby suspended. For said biennium, the director of the office of strategic
36 initiatives may provide assistance to the commission on demographic trends established pursuant to

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1 RSA 4-C:37, the department of health and human services pursuant to RSA 9:9-e, or the legislative
2 budget assistant pursuant to RSA 9:9-f, in place of the state demographer.

3 198 Board of Tax and Land Appeals; Staff. Amend RSA 71-B:14 to read as follows:

4 71-B:14 Staff. The board shall have upon its staff [2] **at least one** review [appraisers]
5 **appraiser** who shall be **a** classified state [employees] **employee** and who shall be competent to
6 review the value of property for tax and eminent domain purposes. In addition, the board shall have
7 such clerical and technical staff as may be necessary within the limits of appropriation made
8 therefor.

9 199 Coos County Job Creation Tax Credit Extended. Amend RSA 77-E:3-c, II to read as follows:

10 II. [~~The initial job creation tax credit allowed under this paragraph shall not apply to any~~
11 ~~tax period ending prior to the effective date of this section, or to any tax period ending after~~
12 ~~December 31, 2018.~~] After being initially granted, the tax credit shall be renewable for 4 consecutive
13 additional years, provided that no additional tax credit shall be granted under this chapter for any
14 tax period after December 31, [2022] **2027**.

15 200 Business Profits Tax; Imposition of Tax. RSA 77-A:2 is repealed and reenacted to read as
16 follows:

17 77-A:2 Imposition of Tax.

18 I. For all taxable periods ending on or after December 31, 2019, a tax is imposed at the rate
19 of 7.7 percent upon the taxable business profits of every business organization.

20 II. For all taxable periods ending on or after December 31, 2021, a tax is imposed at the rate
21 of 7.9 percent upon the taxable business profits of every business organization.

22 III. For all taxable periods ending on or after December 31, 2021, a tax is imposed at the
23 rate of 7.5 percent upon the taxable business profits of every business organization.

24 IV. Upon completion of the audited comprehensive annual report performed pursuant to
25 RSA 21-I:8, II(a), the commissioner of the department of revenue administration shall report the
26 total amount of combined unrestricted general and education trust fund revenue collected for the
27 fiscal year ending June 30, 2020, as reported in the schedule of undesignated/unassigned fund
28 balance for the general fund and education fund, to the secretary of state with copies to the governor,
29 speaker of the house of representatives, the senate president, the fiscal committee of the general
30 court, and the director of the office of legislative services. If the combined amount of general and
31 education trust fund revenue collected, not including sums appropriated to the education trust fund
32 in section 386 of this act, for the fiscal year ending June 30, 2020 is 6 percent or more below the
33 official revenue estimates for said fiscal year, the tax shall be imposed at the rate in paragraph II
34 and the rate in paragraph III shall not take effect. If the combined amount of general and education
35 trust fund revenue collected, not including sums appropriated to the education trust fund in section
36 386 of this act, for the fiscal year ending June 30, 2020 is 6 percent or more above the official
37 revenue estimates for said fiscal year, the tax shall be imposed at the rate in paragraph III and the

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1 rate in paragraph II shall not take effect. If the combined amount of general and education trust
2 fund revenue collected, not including sums appropriated to the education trust fund in section 386 of
3 this act, for the fiscal year ending June 30, 2020 is not 6 percent or more below or above the official
4 revenue estimates for said fiscal year, the tax shall continue to be imposed at the rate in paragraph
5 I, and the rates in paragraphs II and III shall not take effect.

6 201 Business Enterprise Tax; Imposition of Tax. RSA 77-E:2 is repealed and reenacted to read
7 as follows:

8 77-E:2 Imposition of Tax.

9 I. For all taxable periods ending on or after December 31, 2019, a tax is imposed at the rate
10 of 0.6 percent upon the taxable enterprise value tax base of every business enterprise.

11 II. For all taxable periods ending on or after December 31, 2021, a tax is imposed at the rate
12 of 0.675 percent upon the taxable enterprise value tax base of every business enterprise.

13 III. For all taxable periods ending on or after December 31, 2021, a tax is imposed at the
14 rate of 0.5 percent upon the taxable enterprise value tax base of every business enterprise.

15 IV. Upon completion of the audited comprehensive annual report performed pursuant to RSA
16 21-I:8, II(a), the commissioner of the department of revenue administration shall report the total
17 amount of combined unrestricted general and education trust fund revenue collected for the fiscal
18 year ending June 30, 2020, as reported in the schedule of undesignated/unassigned fund balance for
19 the general fund and education fund, to the secretary of state with copies to the governor, speaker of
20 the house of representatives, the senate president, the fiscal committee of the general court, and the
21 director of the office of legislative services. If the combined amount of general and education trust
22 fund revenue collected, not including sums appropriated to the education trust fund in section 386 of
23 this act, for the fiscal year ending June 30, 2020 is 6 percent or more below the official revenue
24 estimates for said fiscal year, the tax shall be imposed at the rate in paragraph II and the rate in
25 paragraph III shall not take effect. If the combined amount of general and education trust fund
26 revenue collected, not including sums appropriated to the education trust fund in section 386 of this
27 act, for the fiscal year ending June 30, 2020 is 6 percent or more above the official revenue estimates
28 for said fiscal year, the tax shall be imposed at the rate in paragraph III and the rate in paragraph II
29 shall not take effect. If the combined amount of general and education trust fund revenue collected,
30 not including sums appropriated to the education trust fund in section 386 of this act, for the fiscal
31 year ending June 30, 2020 is not 6 percent or more below or above the official revenue estimates for
32 said fiscal year, the tax shall continue to be imposed at the rate in paragraph I, and the rates in
33 paragraphs II and III shall not take effect.

34 202 Repeal of Prospective Amendments. The following are repealed:

35 I. 2017, 156:215, relative to the rate of the business profits tax in 2021.

36 II. 2017, 156:216, relative to the rate of the business enterprise tax in 2021.

37 III. 2017, 156:217, II, relative to the applicability of the 2021 rates changes.

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1 203 Business Profits Tax; Apportionment. Amend RSA 77-A:3, II(b)(5) to read as follows:

2 (5) Apply the resulting percentage to the foreign dividends *less such amount of*
3 *foreign dividends previously included in gross business profits and subject to tax as global*
4 *intangible low-taxed income as determined in accordance with section 951A of the United*
5 *States Internal Revenue Code as defined in RSA 77-A:1, XX adjusted by the deduction*
6 *provided in RSA 77-A:4, XIX.*

7 204 New Paragraph; Business Profits Tax; Additions and Deductions. Amend RSA 77-A:4 by
8 inserting after paragraph XVIII the following new paragraph:

9 XIX. A deduction of such amount of gross business profits as is attributable to global
10 intangible low-taxed income under section 951A of the United States Internal Revenue Code as
11 defined in RSA 77-A:1, XX, as determined in accordance with section 250(a) of the United States
12 Internal Revenue Code as defined in RSA 77-A:1, XX.

13 205 Repeal. RSA 77-A:3-b, II, relative to Internal Revenue Code adjustments for determining
14 gross business profits, is repealed.

15 206 Applicability. Sections 203-205 of this act shall apply to taxable periods beginning on or
16 after January 1, 2020.

17 207 Education Trust Fund. Notwithstanding RSA 198:39, I, for the biennium ending June 30,
18 2021, the education trust fund may be used for the purpose of distributing school building aid to
19 school districts and approved chartered public schools pursuant to RSA 198:15-b, distributing tuition
20 and transportation funds to school districts for students attending career and technical education
21 programs pursuant to RSA 188-E:9, and distributing special education aid to school districts
22 pursuant to RSA 186-C:18.

23 208 New Section; The Budget; Transmission to the Legislature; Changes to Statutory Law.
24 Amend RSA 9 by inserting after section 2 the following new section:

25 9:2-a Transmission to the Legislature; Changes to Statutory Law. Not later than February 15 of
26 the first year of each biennial legislative session, the governor shall transmit to the legislature a
27 document to be known as the trailer bill containing any changes to statutory law deemed necessary
28 for the ensuing biennium. This document shall be separate from the document known as the budget
29 as provided in RSA 9:2 and shall not be considered a budget bill as provided in part II, article 18-a of
30 the New Hampshire constitution. This document shall be available in printed format and at least
31 one electronic computer file format in common use at the time.

32 209 Department of Safety; Deputy Director of Administration; Position Established. There is
33 established within the department of safety the unclassified position of deputy director of
34 administration. The deputy director of administration shall be qualified to hold that position by
35 reason of education and experience, and shall be appointed by and serve at the pleasure of the
36 commissioner of safety. The deputy director of administration shall assist the director of
37 administration in carrying out the duties of the department of safety. The salary of the deputy

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1 director of administration shall be determined after assessment and review of the appropriate
2 temporary letter grade allocation in RSA 94:1-a, I for the position which shall be conducted pursuant
3 to RSA 94:1-d and RSA 14:14-c. Funding shall be appropriated from expenditure class 012, within
4 accounting unit 02-23-23-232015-2310.

5 210 New Section; Department of Safety; Deputy Director of Administration. Amend RSA 21-P
6 by inserting after section 6 the following new section:

7 21-P:6-a Deputy Director of Administration.

8 I. The commissioner of safety shall nominate a deputy director of administration for
9 appointment by the governor, with the consent of the council. The deputy director of administration
10 shall serve a term of 4 years, and may be reappointed. The deputy director of administration shall
11 be qualified to hold that position by reason of education and experience.

12 II. The deputy director of administration shall perform such duties as are assigned by the
13 director of administration. The deputy director of administration shall assume the duties of the
14 director of administration in the event that the director of administration is unable for any reason to
15 perform such duties.

16 III. The salary of the deputy director of administration shall be as specified in RSA 94:1-a.

17 211 Assistant Director of Division of Fire Standards and Training and Emergency Medical
18 Services; Membership in New Hampshire Retirement System. Notwithstanding any provision of
19 RSA 100-A to the contrary, the current assistant director of the division of fire standards and
20 training and emergency medical services, department of safety, shall be considered to have been
21 properly enrolled as a member in group II of the New Hampshire retirement system as of his
22 original date of hire with the division of fire standards and training and emergency medical services
23 and he shall retain such membership for the duration of service in his present capacity.

24 212 Motor Vehicles; Copies of Certificates and Motor Vehicle Records. Amend RSA 260:15, II to
25 read as follows:

26 II. The department may issue a copy of any motor vehicle record upon the request of an
27 insurance company or any other authorized agent, and notwithstanding RSA 91-A shall require
28 payment by the insurance company or authorized agent of a fee of [~~\$12~~] **\$13** for email or other
29 computer-generated requests where payment is debited against an account established with the
30 department, or \$15 for all other requests, which shall be deposited in the fire standards and training
31 and emergency medical services fund established in RSA 21-P:12-d.

32 213 Motor Vehicles; Drivers' Licenses; Real ID Compliant; Fee. Amend RSA 263:42, I to read as
33 follows:

34 I. For each original driver's license and examination or driver's license renewal, other than
35 for a commercial vehicle or motorcycle- **\$60 for a Real ID Act compliant license under RSA**
36 **263:14-b or \$50 for each other license**; for each license issued under RSA 263:5-f- \$10; for each
37 youth operator's license and examination- \$10 per year, not to exceed \$50; for each license issued to a

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1 nonresident alien for less than 5 years- \$10 per year or portion thereof; for each original commercial
2 driver license and examination or commercial driver license renewal- \$60; for each commercial
3 driver license reexamination in a one-year period- \$20; for each commercial vehicle endorsement,
4 renewal of an endorsement, or removal of a restriction- \$10; for each special motorcycle original
5 license and examination or special motorcycle license renewal- \$50; for each original motorcycle
6 endorsement- \$25; for each 3-wheeled motorcycle endorsement- \$25; for each motorcycle
7 endorsement and 3-wheeled motorcycle endorsement renewal- no charge. For each original driver's
8 license issued, \$5 shall be credited to the driver training fund established by RSA 263:52. Except as
9 provided in RSA 263:5-f, I, RSA 263:14, and RSA 263:39-a, III, every license shall expire on the
10 licensee's birthdate in the fifth year following the issuance of such license. No fee collected under
11 this paragraph shall be refunded once an examination has been taken or a license issued, except as
12 provided in RSA 263:43.

13 214 Department of Transportation; Capital Corridor Rail Expansion. The department of
14 transportation is hereby authorized to access the Boston Urbanized Area Formula Funding program
15 of the Federal Transit Administration, 49 U.S.C. section 5307, identified in the 2019-2028 Ten Year
16 Transportation Improvement Plan, to complete the project development phase of the project named
17 Nashua-Manchester-Concord, project number 40818. The department may use toll credits pursuant
18 to RSA 228:12-a for this project.

19 215 Department of Transportation; Use of Toll Credits. Amend RSA 228:12-a to read as follows:

20 228:12-a Use of Toll Credits. The department may use toll credits as a match for federal
21 highway funds solely for the funding of highway and road projects, ~~or~~ projects concerning the travel
22 of motor vehicles on such highways and roads, ***and the completion of the project development***
23 ***phase of the project named Nashua-Manchester-Concord, project number 40818, in the***
24 ***2019-2028 Ten Year Transportation Improvement Plan.*** Any other use of toll credits shall
25 require approval of the joint legislative capital budget overview committee, established in RSA 17-
26 J:1, prior to moving the project forward for approval in the state 10-year transportation
27 improvement program.

28 216 Department of Transportation; Appropriation. There is hereby appropriated to the
29 department of transportation the sum of \$1,870,000 for the fiscal year ending June 30, 2020, for the
30 purpose of demolition and environmental mitigation of structures on state-owned property. Such
31 funds shall not lapse. The governor is authorized to draw a warrant for said sum out of any money
32 in the treasury not otherwise appropriated.

33 217 Rulemaking Exception; Medicaid Rate of Reimbursement Methodology for Nursing
34 Facilities. Amend RSA 541-A:21 by inserting after paragraph III the following new paragraph:

35 III-a. Rules adopted relative to the budget adjustment factor contained within the Medicaid
36 rate of reimbursement methodology for nursing facilities shall be exempt from the provisions of 541-
37 A:5 through RSA 541-A:14 provided that the budget adjustment factor applied to the reimbursement

1 methodology is equal to or less than 28.76 percent. If the budget adjustment factor to be applied to
2 the reimbursement methodology is greater than 28.76 percent, the provisions of 541-A shall apply.

3 218 Alcohol Abuse Prevention and Treatment Fund; Disbursements. Amend RSA 176-A:1, III to
4 read as follows:

5 III. Moneys received from all other sources other than the liquor commission pursuant to
6 RSA 176:16, III, ***including any community benefit contribution made by New Hampshire's***
7 ***hospitals***, shall be disbursed from the fund upon the authorization of the governor's commission on
8 alcohol and drug abuse prevention, treatment, and recovery established pursuant to RSA 12-J:1 ***and***
9 ***shall not be diverted for any other purposes***. Funds disbursed shall be used for alcohol and
10 other drug abuse prevention, treatment, and recovery services, and other purposes related to the
11 duties of the commission under RSA 12-J:3; provided, however, that funds received from any source
12 other than the liquor commission, pursuant to RSA 176:16, III, shall not be used to support the New
13 Hampshire granite advantage health care program and shall not be deposited into the fund
14 established in RSA 126-AA:3.

15 219 Appropriation; Department of Health and Human Services; Inpatient Psychiatric
16 Treatment Facility for Children.

17 I. There is hereby appropriated the sum of \$5,000,000 for the fiscal year ending June 30,
18 2020, which shall be nonlapsing, to the department of health and human services for the purpose of
19 operating a psychiatric treatment facility for children who are in need of acute inpatient psychiatric
20 treatment. The governor is authorized to draw a warrant for said sum out of any money in the
21 treasury not otherwise appropriated.

22 II.(a) Before entering into any contractual obligation regarding the facility, the
23 commissioner of the department of health and human services shall prepare a report which
24 describes how the operational plan shall certify and provide for:

25 (1) Continued Joint Commission accreditation;

26 (2) Age- and developmentally- appropriate education, recreation, and rehabilitation
27 services; and

28 (3) Backup staffing and security services so that the capacity for response to staffing
29 shortages and emergencies, including psychiatric emergencies of children, is no less effective and no
30 less protective than now exists at New Hampshire hospital.

31 (b) The report shall be provided to the governor, the speaker of the house of
32 representatives, the president of the senate, and the fiscal committee of the general court no later
33 than 30 days before the issuance of a request for proposals or the entrance into any contractual
34 obligation for the development of the facility.

35 (c) In addition, the commissioner shall ensure that the facility is operated consistently
36 with the principles and requirements of RSA 135-F, regarding the system of care for children's
37 mental health.

1 220 Appropriation; Department of Health and Human Services; New Hampshire Hospital
2 Repurposing. There is hereby appropriated to the department of health and human services the sum
3 of \$4,000,000 for the fiscal year ending June 30, 2020, which shall be nonlapsing, for the purpose of
4 repurposing the children’s unit at New Hampshire Hospital for up to 48 adult beds. The unit shall
5 be operational for adult patients by June 1, 2021. The governor is authorized to draw a warrant for
6 said sum out of any money in the treasury not otherwise appropriated. The appropriation made in
7 this section shall be contingent upon the department submitting and presenting a plan to the fiscal
8 committee of the general court.

9 221 Appropriation; Department of Health and Human Services; Transitional Housing Beds.
10 There is hereby appropriated to the department of health and human services the sum of \$5,000,000
11 for the fiscal year ending June 30, 2020, which shall be nonlapsing, for the purpose of funding 40
12 new transitional housing beds for forensic patients and/or patients with complex behavioral health
13 conditions including those transitioning from the New Hampshire hospital. The plans for
14 constructing such beds shall be completed by January 1, 2020, and the beds shall be operational by
15 June 1, 2021. The appropriation made in this section shall be contingent upon the department
16 submitting and presenting a plan to the fiscal committee of the general court. The governor is
17 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
18 appropriated.

19 222 Appropriation; Department of Health and Human Services; Patients Residing in Hospital
20 Emergency Rooms.

21 I. There is hereby appropriated to the department of health and human services the sum of
22 \$750,000 for the fiscal year ending June 30, 2020, which shall be nonlapsing, and shall be expended
23 for the purpose of providing due process for involuntary emergency admissions patients currently
24 residing in emergency rooms in hospitals; provided that no hospital shall receive more than
25 \$100,000. The appropriation made in this section shall only cover the portion of costs not
26 reimbursable by insurance carriers. The commissioner of the department of health and human
27 services shall establish the application process for such funds. The governor is authorized to draw a
28 warrant for said sum out of any money in the treasury not otherwise appropriated.

29 II. If the expenditure is greater than the appropriation contained in this section, the
30 commissioner of the department of health and human services may request and receive additional
31 funding, with the prior approval of the fiscal committee of the general court and governor and
32 council. The governor is hereby authorized to draw a warrant for said sum out of any money in the
33 treasury not otherwise appropriated.

34 223 Transfer of Funds for Operation of the Sununu Youth Services Center. Notwithstanding
35 RSA 9:16-a and RSA 9:16-c, for the biennium ending June 30, 2021, prior approval of the fiscal
36 committee of the general court shall be required for any transfer of funds required for the operation
37 of the Sununu youth services center.

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1 224 Medicaid Managed Care Program; Dental Benefits. RSA 126-A:5, XIX(a) is repealed and
2 reenacted to read as follows:

3 XIX.(a) The commissioner shall employ a managed care model for administering the
4 Medicaid program and its enrollees to provide for managed care services for all Medicaid populations
5 throughout New Hampshire consistent with the provisions of 42 U.S.C. section 1396u-2. Models for
6 managed care may include, but not be limited to, a traditional capitated managed care organization
7 contract, an administrative services organization, an accountable care organization, or a primary
8 care case management model, or a combination thereof, offering the best value, quality assurance,
9 and efficiency, maximizing the potential for savings, and presenting the most innovative approach
10 compared to other externally administered models. Services to be managed within the model shall
11 include all mandatory Medicaid covered services and may include, but shall not be limited to, care
12 coordination, utilization management, disease management, pharmacy benefit management,
13 provider network management, quality management, and customer services. The commissioner
14 shall enter into contracts with the vendors that demonstrate the greatest ability to satisfy the state's
15 need for value, quality, efficiency, innovation, and savings. The commissioner shall establish rates
16 based on the appropriate model for the contract that is full risk to the vendors. The rates shall be
17 established in rate cells or other appropriate units for each population or service provided including,
18 but not limited to, persons eligible for temporary assistance to needy families (TANF), aid for the
19 permanently and totally disabled (APTD), breast and cervical cancer program (BCCP), home care for
20 children with severe disabilities (HC-CSD), and those residing in nursing facilities. The rates and/or
21 payment models for the program shall be presented to the fiscal committee of the general court on an
22 annual basis. The managed care model or models' selected vendors providing the Medicaid services
23 shall emphasize patient-centered, value-based care and include enhanced care management of high-
24 risk populations as identified by the department. In contracting for the managed care program, the
25 department shall ensure no reduction in the quality of care of services provided to enrollees in the
26 managed care model and shall exercise all due diligence to maintain or increase the current level of
27 quality of care provided. The commissioner may, in consultation with the fiscal committee, adopt
28 rules, if necessary, to implement the provisions of this paragraph. The department shall seek, with
29 the approval of the fiscal committee, all necessary and appropriate waivers to implement the
30 provisions of this paragraph.

31 225 Department of Health and Human Services; Adult Dental Benefit; Development of Plan.
32 The department of health and human services shall develop a plan for the incorporation of an adult
33 dental benefit into a value-based care platform, as follows:

34 I. In this section, "value-based care" means an oral health care delivery model in which
35 providers are paid based upon making positive health outcomes while reducing costs.

36 II. No later than 30 days after the effective date of this section, the department shall
37 convene a working group consisting, at a minimum, of representatives of the following stakeholders:

1 each managed care plan under contract with the state, the New Hampshire Oral Health Coalition, a
2 public health dentist and a solo private practice dentist recommended by the New Hampshire Dental
3 Society, the New Hampshire Dental Hygienist Association, and the Bi-State Primary Care
4 Association, a representative of a New Hampshire dental insurance carrier designated by the
5 governor, 2 members of the house of representatives, one of whom shall be from the majority party
6 and one of whom shall be from the minority party, appointed by the speaker of the house of
7 representatives, 2 members of the senate, one of whom shall be from the majority party and one of
8 whom shall be from the minority party, appointed by the president of the senate, a member of the
9 commission to evaluate the effectiveness and future of the New Hampshire granite advantage health
10 care program designated by the commission, and 2 members of the New Hampshire medical care
11 advisory committee, one of whom shall be a consumer advocate, designated by the committee.

12 III. The working group shall be convened by the commissioner of health and human services
13 and shall be subject to RSA 91-A. The department, in consultation with the working group, shall
14 prepare a plan for the incorporation of an adult dental benefit into a value-based care platform. The
15 adult dental benefit shall become effective on April 1, 2021. Each plan shall include, at a minimum,
16 a detailed description of the following: eligibility and enrollment covered benefits and scope of
17 services, cost benefit analysis including projected expenditures and anticipated cost savings,
18 transition planning, prior authorization, transportation, pharmacy, case management, network
19 adequacy, credentialing, quality metrics and outcome measurements, patient safety, utilization
20 management, finance and reimbursement, rates and payment, grievance and appeals, and office of
21 ombudsman. Each plan shall also address how the incorporation of the services into a value-based
22 care platform shall achieve the legislative intent of providing value, quality, efficiency, innovation,
23 and savings.

24 IV. Under no circumstances shall a fee for service model be included in the plan. The plan
25 shall promote the development of an adult value-based dental benefit and/or an alternative payment
26 model.

27 226 Reports.

28 I. The department of health and human services shall present an update on the status of the
29 plan preparation each month to the fiscal committee of the general court and the oversight
30 committee on health and human services, established in RSA 126-A:13, until the plan has been
31 implemented. The department's updates shall also include managed care organization and
32 department readiness for implementation.

33 II. No later than January 1, 2020, the commissioner shall submit to the speaker of the house
34 of representatives, the president of the senate, and the governor, all proposed changes to state law
35 the commissioner believes may be necessary for the incorporation of an adult dental benefit into a
36 value-based care platform.

1 227 Repeal. RSA 126-A:5, XIX(b), relative to relative to enrollment in the managed care
2 program, is repealed.

3 228 New Subdivision; Child Abuse Specialized Medical Evaluation Program. Amend RSA 169-C
4 by inserting after section 39-k the following new subdivision:

5 Child Abuse Specialized Medical Evaluation Program

6 169-C:39-1 Child Abuse Specialized Medical Evaluation Program Established. A child abuse
7 specialized medical evaluation program is hereby established in the department. The program shall
8 include the following elements:

9 I. Child protective service workers shall have on-call access, 24 hours a day and 7 days a
10 week, to an experienced health care professional who is trained in and can advise on the
11 standardized diagnostic methods, treatment, and disposition of suspected child sexual abuse and
12 physical abuse.

13 II. Department nurses and child protective service workers performing screenings and
14 assessments of reported cases of child abuse shall receive pre-service training in the standardized
15 medical diagnostic methods, treatment, and disposition as well as periodic in-service training by
16 health care providers experienced in child abuse and neglect.

17 III. Annually, a limited number of designated health care providers geographically
18 distributed shall be trained in nationally recognized curricula to respond to initial presentations of
19 child sexual abuse, physical abuse, and neglect.

20 IV. Health care professionals who participate in the training or are members of a
21 multidisciplinary team, working with the department of health and human services or law
22 enforcement, shall participate in periodic peer or expert reviews of their evaluations and undertake
23 continuing education in the medical evaluation of child abuse and neglect according to professional
24 standards.

25 V. The department shall contract with a health care provider with experience in child abuse
26 and neglect to administer the program in collaboration with participating private and public entities.

27 VI. Reimbursement rates for health care providers who participate in the program shall
28 reflect the average cost to deliver such services, including the participation in multidisciplinary team
29 activities and associated court proceedings. The rates shall be periodically reviewed and, if
30 necessary, revised.

31 VII. The commissioner of the department shall adopt rules, under RSA 541-A, relative to the
32 medical evaluation program, training and continuing education requirements, and reimbursement
33 rates.

34 229 Federal Family Planning Funding. If the proposed federal rule on Compliance with
35 Statutory Program Integrity Requirements, 83 Fed. Reg. 25,502 (to be codified at 42 C.F.R. pt 59)
36 does not go into effect and federal family planning funds are made available to the providers funded

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1 out of account 05-95-90-902010-5530, the unused portion of general funds appropriated to that
2 account for the purpose of replacing lost federal funds shall lapse to the general fund.

3 230 New Section; Commission to Study School Funding. Amend RSA 193-E by inserting after
4 section 2-d the following new section:

5 193-E:2-e Commission Established.

6 I. There is established a commission to study school funding.

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

8 (a) Four members of the house of representatives, appointed by the speaker of the house
9 of representatives.

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

11 (c) Six members of the public, 3 of whom shall be appointed by the president of the
12 senate and 3 of whom shall be appointed by the speaker of the house of representatives.

13 (d) One member appointed by the governor.

14 (e) Three members appointed by the chairperson of the commission pursuant to
15 paragraph V.

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

18 IV. The commission shall:

19 (a) Review the education funding formula and make recommendations to ensure a
20 uniform and equitable design for financing the cost of an adequate education for all public school
21 students in pre-kindergarten through grade 12 in the state.

22 (b) Determine whether the New Hampshire school funding formula complies with court
23 decisions mandating the opportunity for an adequate education for all students in pre-kindergarten
24 through grade 12, with a revenue source that is uniform across the state.

25 (c) Identify trends and disparities across the state in student performance in pre-
26 kindergarten through grade 12 based on current school funding options.

27 (d) Re-establish the baseline for the costs, programs, staffing, and facilities needed to
28 provide the opportunity for an adequate education.

29 (e) Act as an independent commission.

30 (f) Study and produce recommendations regarding all costs and existing funding for
31 special education, including listing any currently unfunded special education mandates issued to
32 date by the state department of education.

33 (g) Study integrating into the education funding adequacy formula a factor that accounts
34 for the number of Class A, B, and C properties in a community, and the distribution of education
35 funding costs across those numbers and classes of properties.

1 (h) Consider other policy issues as the commission deems necessary. The commission
2 may consult with outside resources and state agencies, including but not limited to the department
3 of education, the department of revenue administration, and the legislative budget office.

4 V. The members of the study commission shall elect a chairperson from among the
5 members. The chairperson shall appoint 3 individuals to be members of the commission. The first
6 meeting of the commission shall be called by the first-named house member. The first meeting of the
7 commission shall be held within 60 days of the effective date of this section. Eight members of the
8 commission shall constitute a quorum. The commission shall establish a calendar to meet on a
9 regular basis.

10 VI. The commission shall establish a budget and hire staff with an understanding of school
11 finance options. Such staff shall be independent of government agencies.

12 VII. The commission shall make an initial report to the speaker of the house of
13 representatives, the president of the senate, the senate clerk, the house clerk, the governor, and the
14 state library 9 months after its first meeting, with a subsequent report to the house clerk, the senate
15 clerk, the governor, and the state library on or before September 1, 2020. The commission shall
16 remain active until and when the general court addresses its recommendations.

17 231 Appropriation. The sum of \$500,000 for the biennium ending June 30, 2021 is hereby
18 appropriated to the commission to study school funding established in RSA 193-E:2-e for the purpose
19 of administration, staffing, and the utilization of independent school finance experts.
20 Notwithstanding restrictions on the use of moneys in the education trust fund in RSA 198:39, said
21 appropriation shall be a charge against the education trust fund and shall be nonlapsing.

22 232 School Money; Definitions. Amend RSA 198:38, I(a) to read as follows:

23 (a) "Average daily membership in attendance" or "ADMA" means the average daily
24 membership in attendance, as defined in RSA 189:1-d, III, of pupils in kindergarten through grade
25 12, in the determination year~~[- provided that no kindergarten pupil shall count as more than 1/2 day~~
26 ~~attendance per school year]~~. ADMA shall only include pupils who are legal residents of New
27 Hampshire pursuant to RSA 193:12 and educated at school district expense which may include
28 public academies or out-of-district placements. For the purpose of calculating funding for
29 municipalities, the ADMA shall not include pupils attending chartered public schools, but shall
30 include pupils attending a charter conversion school approved by the school district in which the
31 pupil resides.

32 233 Repeal. RSA 198:48-c, III, relative to distribution of a kindergarten grant based on Keno
33 revenue, is repealed.

34 234 School Money; Additional Aid Based on Free or Reduced Price Meals; Fiscal Capacity
35 Disparity Aid. RSA 198:40-b and RSA 198:40-c are repealed and reenacted to read as follows:

36 198:40-b Additional Aid Based on Free or Reduced-Price Meals.

1 I. In a school district in which 48 percent or more of the ADMA is eligible to receive a free or
2 reduced-priced meal, an additional \$350 for each pupil in the ADMA who is eligible for a free or
3 reduced-priced meal.

4 II. In a school district in which at least 12 percent but less than 48 percent of the ADMA is
5 eligible to receive a free or reduced-priced meal, an amount equal to \$87.50 plus \$0.0729 for each
6 0.01 percent that its free or reduced-priced meal eligibility rate exceeds 12 percent, for each pupil in
7 the ADMA who is eligible for a free or reduced-priced meal.

8 III. A school district in which less than 12 percent of the ADMA is eligible to receive a free or
9 reduced-priced meal shall receive no additional aid under this section.

10 198:40-c Fiscal Capacity Disparity Aid.

11 I. In addition to aid for the cost of the opportunity for an adequate education provided under
12 RSA 198:40-a, each biennium the commissioner shall calculate fiscal capacity disparity aid and
13 provide that amount of aid in each year of the biennium to a municipality's school districts as
14 follows:

15 (a) A municipality with an equalized valuation per pupil of \$350,000 or less shall receive
16 \$1,750 per pupil in the municipality's ADMA.

17 (b) A municipality with an equalized valuation per pupil between \$350,001 and \$999,999
18 shall receive a grant equal to \$0.0027 for each dollar of difference between its equalized valuation
19 per pupil and \$1,000,000, per pupil in the municipality's ADMA.

20 (c) A municipality with an equalized valuation per pupil of \$1,000,000 or more shall
21 receive no fiscal capacity disparity aid.

22 II. Fiscal capacity disparity aid shall be distributed pursuant to RSA 198:42.

23 III. In this section, "equalized valuation per pupil" means a municipality's equalized
24 valuation, including properties subject to taxation under RSA 82 and RSA 83-F, as determined by
25 the department of revenue administration, that was the basis for the local tax assessment in the
26 determination year, divided by the school district's kindergarten through grade 12 ADMA in the
27 determination year.

28 235 Determination of Adequate Education Grants. Amend RSA 198:41, I(b) to read as follows:

29 (b) Subtract the amount of the education tax warrant to be issued by the commissioner
30 of revenue administration for such municipality reported pursuant to RSA 76:8 for the next tax
31 year[-] ; ***and***

32 (c) ***Add the municipality's additional aid for free or reduced-price meals***
33 ***pursuant to RSA 198:40-b and fiscal capacity disparity aid pursuant to RSA 198:40-c.***

34 236 Repeal. The following are repealed:

35 I. RSA 198:40-b, relative to additional aid based on free or reduced-price meals.

36 II. RSA 198:40-c, relative to fiscal capacity disparity aid.

37 III. RSA 198:41, I(c), relative to determination of adequate education grants.

1 237 Transfer; Education Trust Fund. At the close of the fiscal year ending June 30, 2019, the
2 state treasurer shall transfer the sum of \$62,500,000 from education trust fund surplus to a
3 restricted account under the department of education for purposes of funding additional aid based on
4 free or reduced-price meals pursuant to RSA 198-40-b, and fiscal capacity disparity aid pursuant to
5 RSA 198:40-c for fiscal year 2021. Any balance in said account at the end of fiscal year 2021 shall
6 lapse to the education trust fund.

7 238 Determination of Education Grants. Amend RSA 198:41, IV(d) to read as follows:

8 (d) For fiscal year 2017 and each fiscal year thereafter, the department of education
9 shall distribute a total education grant to each municipality in an amount equal to the total
10 education grant for the fiscal year in which the grant is calculated plus a percentage of the
11 municipality's fiscal year 2012 stabilization grant, if any, distributed to the municipality; the
12 percentage shall be 96 percent for fiscal year 2017, ~~[and shall be reduced by 4 percent of the amount~~
13 ~~of the 2012 education grant for]~~ **92 percent for fiscal year 2018, 88 percent for fiscal year 2019,**
14 **and 100 percent for fiscal year 2020 and** each fiscal year thereafter. No stabilization grant shall
15 be distributed to any municipality for any fiscal year in which the municipality's education property
16 tax revenue collected pursuant to RSA 76 exceeds the total cost of an adequate education or to any
17 municipality for any fiscal year in which the municipality's ADMA is zero.

18 239 Adjustments to Education Aid. For the fiscal year ending June 30, 2020, the commissioner
19 of the department of education is hereby authorized to:

20 I. Adjust fiscal year 2020 stabilization grants to reflect the provisions of RSA 198:41, IV(d),
21 as amended by this act; and

22 II. Reduce fiscal year 2020 adequate education grants by the amount of any fiscal year 2020
23 kindergarten grants received pursuant to RSA 198:48-c, III prior to the effective date of this act.

24 240 General Fund Surplus; Revenue Stabilization Reserve Account. Notwithstanding RSA 9:13-
25 e, after transferring \$5,000,000 to the revenue stabilization reserve account at the close of the fiscal
26 biennium ending June 30, 2019, the remainder of the general fund surplus for said biennium shall
27 remain in the general fund.

28 241 Appropriation; Internet Crimes Against Children Fund; Reductions.

29 I. The sum of \$250,000 for the fiscal year ending June 30, 2020, and \$250,000 for the fiscal
30 year ending June 30, 2021 are hereby appropriated to the New Hampshire Internet crimes against
31 children fund established in RSA 21-M:17. The governor is authorized to draw a warrant for said
32 sums out of any money in the treasury not otherwise appropriated.

33 II. In order to offset sums appropriated under paragraph I, the department of education
34 shall reduce state general fund appropriations to account 06-56-56-567010-3058, expenditure class
35 631-building aid lease, by \$300,000 for the fiscal year ending June 30, 2020.

36 242 Governor's Commission on Disability; Analysis and Report. The governor's commission on
37 disability, established in RSA 275-C, shall analyze the state's system of support for individuals with

1 developmental disabilities and recommend reforms and improvements to ensure that the state's
2 service delivery model is structured to provide maximum benefit and tailored services to individuals
3 with developmental disabilities. The governor's commission on disability shall consult with the
4 university of New Hampshire institute on disability, the department of health and human services,
5 the New Hampshire council on developmental disabilities, Granite State Independent Living,
6 Community Support Network, Inc., Disability Rights Center-NH, the developmental services quality
7 council of the department of health and human services, and any other relevant stakeholders
8 including individuals with developmental disabilities and their families and/or guardians, and may
9 accept and expend any applicable federal funds, and any gifts, grants, or donations that may be
10 available for the purposes of this section. The commission shall also coordinate with the New
11 Hampshire council on developmental disabilities to secure any funds that may be used for this
12 purpose under the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 (PL
13 106-402) and in conjunction with the development and amendment of the state plan goals and
14 objectives. The governor's commission on disability shall report its findings to the governor, the
15 speaker of the house of representatives, the president of the senate, the house clerk, the senate
16 clerk, and the state library on or before February 1, 2020.

17 243 Department of Administrative Services; Study of Personnel System.

18 I. In order to ensure that the state is as effective an organization as possible in the 21st
19 century to deliver quality public services to the people of New Hampshire while also operating as
20 model employer for its workforce, the department of administrative services shall conduct a
21 comprehensive study of the state's personnel system. The study shall include a review of all laws,
22 administrative rules, and collective bargaining agreements related thereto, and by February 1, 2020,
23 the commissioner of the department of administrative services shall issue a report with
24 recommendations to the governor, the speaker of the house of representatives, and the president of
25 the senate.

26 II. The sum of \$150,000 for the fiscal year ending June 30, 2020 is hereby appropriated to
27 the department of administrative services for the purpose of a study of the state's personnel system
28 as specified in paragraph I of this section. Said sum shall not lapse until June 30, 2021. The
29 governor is hereby authorized to draw a warrant for said sum out of any money in the treasury not
30 otherwise appropriated.

31 244 Appropriation; Department of Administrative Services. The sum of \$1,300,000 for the fiscal
32 year ending June 30, 2020 is hereby appropriated to the department of administrative services for
33 the purpose of obtaining scheduling software. Said sum shall not lapse until June 30, 2021. The
34 governor is hereby authorized to draw a warrant for said sum out of any money in the treasury not
35 otherwise appropriated.

36 245 Joint Legislative Historical Committee; Annual Appropriation. Amend RSA 17-I:5 to read
37 as follows:

1 17-I:5 Annual Appropriation. There is hereby appropriated annually the sum of [~~\$10,000~~
2 **\$25,000** to the joint legislative historical committee established in RSA 17-I for deposit in the
3 nonlapsing historical fund established under RSA 177:8, II for the purpose of carrying out its
4 statutory duties. The governor is authorized to draw [~~his~~] **a** warrant for said sum out of any money
5 in the treasury not otherwise appropriated.

6 246 Legislative Branch; Special Account. Amend 2011, 224:217, II(c), as amended by 2013,
7 144:102, 2015, 276:214, and 2017, 156:129 to read as follows:

8 (c) [~~Beginning in~~] **For** fiscal year 2017 and for each fiscal year thereafter, unexpended
9 and unencumbered appropriations shall be transferred to the appropriate subaccount.

10 (d) ***Beginning in fiscal year 2020 and for each year thereafter, any unexpended***
11 ***and unencumbered appropriations of the house of representatives, senate, joint offices, and***
12 ***office of legislative budget assistant remaining at the close of the fiscal year shall not***
13 ***lapse.***

14 247 Office of Professional Licensure and Certification; Division Directors. Amend RSA 310-A:1-
15 c to read as follows:

16 310-A:1-c Division Directors[~~;- Positions Transferred~~].

17 I. There is established in the office of professional licensure and certification 2 [~~classified~~
18 ~~positions, at salary grade 35, of~~] ***unclassified directors: The*** director of the division of technical
19 ***professions and director of the division of health professions. Each director shall be qualified to***
20 ***hold that position by reason of education and experience and shall perform such duties as***
21 ***the executive director from time to time may authorize.***

22 ***II. The executive director shall nominate for appointment by the governor, with the***
23 ***consent of the council, each unclassified division director, each of whom shall serve for a***
24 ***term of 4 years.***

25 [~~II. Every classified or unclassified state employee position authorized in the boards,~~
26 ~~councils, and commissions under RSA 310 A:1 a shall be transferred to the office of professional~~
27 ~~licensure and certification and subject to the supervisory authority of the executive director.~~

28 ~~III. The authority granted to the executive director of the real estate commission under RSA~~
29 ~~331 A:8, relative to the issuance and denial of licenses, hearing and procedures on denial of licenses,~~
30 ~~the hiring of clerical, administrative, and investigative staff, maintenance of the official record, and~~
31 ~~implementation of a program for consumer education, is hereby transferred to the executive director~~
32 ~~of the office of professional licensure and certification.~~

33 ~~IV. The unclassified position of executive director of the real estate commission shall be~~
34 ~~converted from an unclassified position to a similar classified position when the incumbent serving~~
35 ~~as the executive director of the real estate commission upon transfer to the office of professional~~
36 ~~licensure and certification vacates the position. Any funds appropriated for the compensation of the~~

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1 ~~unclassified position of executive director of the real estate commission shall be used for~~
2 ~~compensation of the classified position at the office of professional licensure and certification.]~~

3 248 Division Directors; Salary; OPLC.

4 I. The salary of the unclassified director of the division of technical professions and director
5 of the division of health professions shall be determined after assessment and review of the
6 appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be
7 conducted pursuant to RSA 94:1-d and RSA 14:14-c.

8 II. Upon completion of the action in paragraph I, and appointment of the director of the
9 division of technical professions, position number 44018 shall be abolished to allow for the transition
10 of this classified position with its available appropriations into the unclassified position of director of
11 the division of technical professions. Funding shall be transferred into a new expenditure class
12 number 11 within accounting unit 01-21-21-212010-2405. The incumbent in the abolished classified
13 position shall be offered the opportunity to seek the executive director's appointment to the
14 unclassified position of director of the division of technical professions.

15 III. Upon completion of the action in paragraph I, and appointment of the director of the
16 division of health professions, position number 44019 shall be abolished to allow for the transition of
17 this classified position with its available appropriations into the unclassified position of director of
18 the division of health professions. Funding shall be transferred into a new expenditure class number
19 11 within accounting unit 01-21-21-215010-2406. The incumbent in the abolished classified position
20 shall be offered the opportunity to seek the executive director's appointment to the unclassified
21 position of director of the division of health professions.

22 249 Board of Nursing. Amend RSA 326-B:3, VI to read as follows:

23 VI. No more than ~~one~~ **2** board ~~member~~ **members** shall be associated with a particular
24 agency, corporation, or other enterprise or subsidiary at one time.

25 250 New Paragraph; Tax on Transfer of Real Property; Distribution of Funds. Amend RSA 78-
26 B:13 by inserting after paragraph II the following new paragraph:

27 III. Annually, on or before October 1, the commissioner shall direct the state treasurer to
28 transfer the sum of \$5,000,000 from revenue collected pursuant to the tax imposed by RSA 78-B:1 to
29 the affordable housing fund established in RSA 204-C:57.

30 251 New Subparagraph; Business Profits Tax; Definition; Internal Revenue Code. Amend RSA
31 77-A:1, XX by inserting after subparagraph (n) the following new subparagraph:

32 (o) For all taxable periods beginning on or after January 1, 2020, the United States
33 Internal Revenue Code of 1986 in effect on December 31, 2018, subject to RSA 77-A:3-b.

34 252 Communications Services Tax; Purpose; Basic Communications Services Deleted. Amend
35 RSA 82-A:1 to read as follows:

36 82-A:1 Statement of Purpose. It is the intent of the general court to impose a tax on those who
37 use 2-way communications services and to source mobile telecommunications services to the place of

1 primary use. It is also the intent of the general court that Internet access service [~~and basic~~
2 ~~communications services essential to public health, safety, and welfare~~] shall not be subject to the
3 tax imposed by this chapter.

4 253 Definitions; Communications Services. Amend the introductory paragraph of RSA 82-A:2,
5 III to read as follows:

6 III. "Communications services" means services for transmitting, emitting, or receiving signs,
7 signals, writing, images, sounds or intelligence of any nature by any electromagnetic system capable
8 of 2-way communication and includes, without limitation, messages or information transmitted
9 through use of local, toll and wide area telephone service; private line services and networks,
10 whether leased, rented or owned; channel services; telegraph services; teletypewriter services; cable
11 television; computer exchange services; mobile telecommunications services; ***prepaid wireless***
12 ***telecommunications services; VoIP***; facsimile services; specialized mobile radio; stationary 2-way
13 radio; paging services; or any other form, whether stationary, portable or mobile, of 2-way
14 communications; or any other transmission of messages or information by electronic or similar
15 means, between or among points by wire, cable, fiber-optics, laser, microwave, radio, satellite or
16 similar facilities. "Communications services" shall not include:

17 254 Definitions; Retailer. Amend RSA 82-A:2, X to read as follows:

18 X. "Retailer" means and includes every person engaged in the business of making sales at
19 retail as defined in this chapter. The department may, in its discretion, upon application, authorize
20 the collection of the tax hereby imposed by any retailer not maintaining a place of business within
21 this state, who, to the satisfaction of the department, furnishes adequate security to insure collection
22 and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax.
23 When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross
24 charges for communications services in this state in the same manner and subject to the same
25 requirements as a retailer maintaining a place of business within this state. The permit may be
26 revoked by the department at its discretion. ***For purposes of the tax imposed by this chapter on***
27 ***prepaid wireless telecommunications service, "retailer" has the same meaning as "seller."***

28 255 New Paragraphs; Definitions; Prepaid Wireless Telecommunications Service; VoIP. Amend
29 RSA 82-A:2 by inserting after paragraph XXVI the following new paragraphs:

30 XXVII. "Prepaid wireless telecommunications service" means "prepaid commercial mobile
31 radio service," as that term is defined in RSA 106-H:2, VIII-b.

32 XXVIII. "Retail transaction" means the purchase of prepaid wireless telecommunications
33 service from a seller for any purpose other than resale.

34 XXIX. "Seller" means a person who sells prepaid wireless telecommunications service to
35 another person.

36 XXX. "Voice over Internet Protocol" or "VoIP" means any service that:

37 (a) Enables real-time, 2-way voice communications that originate from or terminate to

1 the user's location in Internet Protocol or any successor protocol;

2 (b) Requires a broadband connection from the user's location; and

3 (c) Permits users generally to receive calls that originate on the public switched
4 telephone network and to terminate calls to the public switched telephone network.

5 256 Imposition of Tax; Reference Added. Amend RSA 82-A:4 to read as follows:

6 82-A:4 Imposition of Tax; Interstate Communications Services. Except as provided in RSA 82-
7 A:4-b, ***RSA 82-A:4-d, and RSA 82-A:4-e***, a tax is imposed upon interstate communications services
8 and private communications services furnished to a person in this state and purchased at retail from
9 a retailer by such person, at the rate of 7 percent of the gross charge when such service purchased on
10 a call-by call basis originates in this state and terminates outside this state or originates outside this
11 state and terminates in this state and the service address is in this state, or when such service
12 purchased on a basis other than a call-by-call basis is provided to a person with a place of primary
13 use in this state or when such private communications services are apportioned to this state in
14 accordance with RSA 82-A:4-c. Provided however, a tax is imposed upon interstate paid calling
15 service furnished to a person in this state and purchased at retail from a retailer by such person, at
16 the rate of 7 percent of the gross charge when the origination point of the communications signal (as
17 first identified by either (a) the seller's telecommunications system, or (b) information received by
18 the seller from its service provider, where the system used to transport such signals is not that of the
19 seller) is in this state. To prevent actual multi-state taxation of communications services that are
20 subject to taxation under this section, any taxpayer, upon proof that the taxpayer has paid a tax in
21 another state on such services, shall be allowed a credit against the tax imposed in this section to the
22 extent of the amount of such tax properly due and paid in such other state. However, such tax is not
23 imposed on communications services to the extent such services may not, under the Constitution and
24 statutes of the United States, be made the subject of taxation by the state.

25 257 New Sections; Special Rules for VOIP Services and Prepaid Wireless Telecommunications
26 Service. Amend RSA 82-A by inserting after section 4-c the following new sections:

27 82-A:4-d Special Rules for VoIP Services. A tax is imposed on intrastate and interstate
28 communications services that are VoIP services provided by a retailer to a person with a place of
29 primary use in this state, regardless of where the VoIP services originate, terminate, or pass
30 through. The tax shall be imposed on the gross charge at the rate specified in RSA 82-A:3 and RSA
31 82-A:4. No tax shall be imposed on a person whose place of primary use is outside this state.

32 82-A:4-e Special Rules for Prepaid Wireless Telecommunications Service.

33 I. A tax is imposed on each retail transaction in this state of intrastate and interstate
34 communications services that are prepaid wireless telecommunications services. The tax shall be
35 imposed on the gross charge at the rate specified in RSA 82-A:3 and 82-A:4.

36 II. For purposes of paragraph I, a retail transaction is sourced to New Hampshire:

37 (a) If the retail transaction occurs in person at a seller's location in New Hampshire; or

1 (b) If subparagraph (a) does not apply, the prepaid wireless telecommunications service
2 is evidenced by a physical item, such as a card, and the purchaser provides a New Hampshire
3 delivery address for such item; or

4 (c) If subparagraphs (a) and (b) do not apply, the consumer gives a New Hampshire
5 address during the consummation of the sale, including the address associated with the consumer's
6 payment instrument if no other address is available, and the address is not given in bad faith; or

7 (d) If subparagraphs (a)-(c) do not apply, the consumer's mobile telephone number is
8 associated with a postal zip code, telephone area code, or location within New Hampshire.

9 III. The tax imposed by this section shall be collected by the seller from the consumer with
10 respect to each retail transaction sourced to New Hampshire, in accordance with RSA 82-A:6;
11 provided, however, the amount of the tax shall be either separately stated on an invoice, receipt, or
12 other similar document that is provided by the seller to the consumer, or otherwise disclosed to the
13 consumer.

14 IV. If prepaid wireless telecommunications service is sold with one or more other products or
15 services for a single, non-itemized charge, then the tax shall apply to the entire non-itemized charge
16 except as provided in RSA 82-A:2, V(e).

17 V. If a minimal amount of prepaid wireless telecommunications service is sold with a
18 prepaid wireless device for a single, non-itemized charge, then the seller may elect not to apply the
19 tax to such transaction. For purposes of this subparagraph, an amount of service denominated as 10
20 minutes or less, or \$5 or less, is minimal.

21 VI. The seller shall be liable to remit all taxes required by this section that are collected
22 from consumers, including all such taxes that the seller is deemed to collect where the amount of the
23 tax has not been separately stated on an invoice, receipt, or other similar document provided by the
24 seller to the consumer, in accordance with RSA 82-A:7.

25 VII. The prepaid commercial mobile radio service E911 surcharge imposed under RSA 106-
26 H:9, I-a shall not be subject to the tax imposed by this section.

27 258 Applicability. Sections 252-257 of this act shall apply to taxable periods ending after
28 December 31, 2019.

29 259 Findings. The general court declares that:

30 I. An adequate supply of housing that is affordable to a range of incomes is essential to New
31 Hampshire's economic and community development goals.

32 II. Access to an efficient and inexpensive legal appeals process is fundamental to protecting
33 private property rights against unreasonable governmental regulation and processes.

34 III. Individual homeowners who are denied local permits for additions or other simple
35 modifications to their homes often abandon their legal right to appeal because of the time and
36 expense involved in a superior court appeal.

1 IV. Abutters and other parties with standing to appeal local land use decisions on housing
2 developments often abandon their legal right to appeal because of the costs associated with court
3 appeals.

4 V. There are several factors that inhibit builders' ability to meet the demand for new
5 housing in New Hampshire. Significant among these factors are local land use regulations and
6 board practices that can arbitrarily thwart development or impose costly delays. These powers are
7 delegated to municipalities by the state, and must be used in a manner that is consistent with state
8 law.

9 VI. Builders may appeal local land use decisions to the superior court, but such appeals are
10 expensive and time consuming, often leading builders to either abandon their appeals or completely
11 avoid seeking development permits.

12 VII. The cost of litigating such matters in court is significant, and by establishing an
13 alternative process, but without eliminating the option of court appeals, will help to reduce costs of
14 litigation for all parties.

15 VIII. It is appropriate and necessary to establish an alternative track for review of local
16 decisions on housing and housing development without diminishing anyone's existing legal right to
17 pursue a remedy in superior court and without affecting local control or changing the legal standards
18 by which local decisions are adjudicated.

19 260 New Chapter; Housing Appeals Board. Amend RSA by inserting after chapter 678 the
20 following new chapter:

21 CHAPTER 679

22 HOUSING APPEALS BOARD

23 679:1 Board Established. There is hereby established a housing appeals board, hereinafter
24 referred to as the board, which shall be composed of 3 members who shall individually and
25 collectively be learned and experienced in questions of land use law or housing development or both.
26 At least one member shall be an attorney licensed to practice law in the state of New Hampshire,
27 and at least one member shall be either a professional engineer or land surveyor. The members of
28 the board shall be full-time employees and shall not engage in any other employment, appointments,
29 or duties during their terms that is in conflict with their duties as members of the board.

30 679:2 Appointment; Term; Chair. The members of the board shall be appointed by the supreme
31 court and commissioned by the governor for a term of 5 years and until their successors are
32 appointed and qualified; provided, however, that any vacancy on the board shall be filled for the
33 unexpired term. The initial members of the board shall serve staggered terms of 3, 4, and 5 years.
34 The supreme court shall designate one member as chair to serve in that capacity for the duration of
35 his or her term.

1 679:3 Removal. Any member may be removed by the same authority for inefficiency, neglect of
2 duty, or malfeasance in office; but, before removal, the member shall be furnished with a copy of the
3 charges and have an opportunity to be heard in defense.

4 679:4 Compensation. Each member of the board shall receive the annual salary prescribed by
5 RSA 94:1-a and reasonable expenses, including transportation, subject to the approval of the
6 governor and council.

7 679:5 Authority; Duties.

8 I. It shall be the duty of the board and it shall have power and authority to hear and affirm,
9 reverse, or modify, in whole or in part, appeals of final decisions of municipal boards, committees,
10 and commissions regarding questions of housing and housing development. This includes, but is not
11 limited to:

12 (a) Planning board decisions on subdivisions or site plans.

13 (b) Board of adjustment decisions on variances, special exceptions, administrative
14 appeals, and ordinance administration.

15 (c) The use of innovative land use controls.

16 (d) Growth management controls and interim growth management controls.

17 (e) Decisions of historic district commissions, heritage commissions, and conservation
18 commissions.

19 (f) Other municipal permits and fees applicable to housing and housing developments.

20 (g) Matters subject to the board's authority may include mixed-use combinations of
21 residential and nonresidential uses. Such different uses may occur on separate properties, provided
22 such properties are all part of a common scheme of development.

23 II. In exercising its authority under this chapter, the board shall have the power to award
24 all remedies available to the superior courts in similar cases, including permission to develop the
25 proposed housing.

26 III. Relative to RSA 674:58 through RSA 674:61, the board shall have the power and
27 authority to hear and determine appeals of decisions of local land use boards regarding proposals for
28 workforce housing, including but not limited to whether the municipality's land use ordinances and
29 regulations provide a reasonable and realistic opportunity for the development of workforce housing;
30 whether the local land use board has imposed conditions of approval that render the proposal
31 economically unviable; and whether a denial by a local land use board was unreasonable or
32 unlawful.

33 IV. After local remedies have been exhausted, appeals may be brought before the board by
34 an applicant to the municipal board, committee, or commission, or by any other aggrieved or injured
35 party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15. The
36 municipality shall be a party to the action. If the applicant is not the party initiating the action
37 before the board, then the applicant shall automatically be an intervenor. The board shall grant

1 intervenor status to abutters and to any other aggrieved or injured party who can demonstrate legal
2 standing to appeal pursuant to RSA 677:4 or RSA 677:15.

3 679:6 Timing of Appeals and Board Proceedings.

4 I. Appeals shall be filed with the board within 30 days of the final decision of a municipal
5 board, committee, or commission. At the same time an appeal is filed with the board, the applicant
6 shall notify the municipal board, committee, or commission of such appeal.

7 II. The municipal board, committee, or commission shall within 30 days of receipt of such
8 notice submit to the board a certified record of its proceedings on the matter subject to the appeal.

9 III. The board shall hold a hearing on the merits within 90 days of its receipt of a notice of
10 appeal.

11 IV. The board shall make a decision on an appeal within 60 days after conducting a hearing
12 on the merits.

13 679:7 Jurisdiction; Court Appeals.

14 I. In matters within its authority the board shall have concurrent, appellate jurisdiction
15 with the superior court. An election by any party to bring an action before the board shall be deemed
16 a waiver of any right to bring an action in the superior court, but shall not abrogate any party's right
17 to appeal decisions of the board to the supreme court; as such, the board shall retain jurisdiction of
18 any matter originally brought before it. At any time during an appeal to the board, if the board
19 determines that it does not have jurisdiction to hear the appeal, the appellant shall have 30 days to
20 file an appeal with the superior court.

21 II. In an appeal of a local decision on housing or housing development, any claim that is
22 within the board's authority under RSA 679:5 and that has previously been or is subsequently
23 included in an appeal in superior court by another party to the decision or by any other aggrieved or
24 injured party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15
25 shall automatically be stayed by the court to provide the party with standing the opportunity to
26 intervene in the matter before the board. If intervenor status is granted, the stay of the court action
27 regarding those claims shall continue during the pendency of the appeal to the board. After the
28 board has decided the appeal, the court shall dismiss the matter before it to the extent the matter
29 has been resolved by the board. Any claim included in an appeal to superior court that is not within
30 the board's authority shall not be subject to automatic stay by the court.

31 679:8 Quorum; Disqualification; Temporary Members.

32 I. In all matters a majority of the board shall constitute a quorum to transact business.

33 II. No member of the board shall represent a party or testify as an expert witness or render
34 any professional service for any party or interest before the board, and any member having an
35 interest in the subject matter shall be disqualified to act therein.

36 III. If, in the event of a disqualification or temporary disability of a member or members of
37 the board, it shall become necessary to do so, the board, subject to the approval of the supreme court,

1 shall appoint such number of temporary board members as shall be necessary to meet the
2 requirements herein imposed. Such temporary board members shall serve with respect to such
3 matter until the same has been fully disposed of before the board.

4 IV. Temporary board members shall have the same qualifications as regular board members
5 in whose place they are acting.

6 V. A temporary board member shall be compensated at the rate of \$75 for each day devoted
7 to the work of the board and shall be reimbursed the necessary and reasonable expenses incurred by
8 him or her in the performance of his or her duties.

9 VI. In the event of a vacancy on the board, the appellant may elect to continue the
10 proceedings while awaiting the appointment of a successor board member.

11 679:9 Hearing Procedure; Standard of Review.

12 I. Appeals to the board shall be consistent with appeals to the superior court pursuant to
13 RSA 677:4 through RSA 677:16. Appeals shall be on the certified record, and except in such cases as
14 justice may warrant, in the sole discretion of the board, no additional evidence will be introduced.
15 Consistent with the contested case provisions of RSA 541-A, the rules of evidence shall not strictly
16 apply. In addition to the provisions of RSA 91-A, the board shall record the proceedings of any
17 hearing before it and shall make such recording available to the public for inspection and recording
18 from the date of the hearing to a date which is 15 working days after the board has made a final
19 decision on the matter which is the subject of the hearing, or, if an appeal is made from such
20 decision, the date upon which the matter has been finally adjudicated, whichever date is later.

21 II. The board shall not reverse or modify a decision except for errors of law or if the board is
22 persuaded by the balance of probabilities, on the evidence before it, that said decision is
23 unreasonable.

24 679:10 Representation by Nonattorneys. Nonattorneys, including professional engineers,
25 architects, and land surveyors, may represent any party before the board. Nothing in this section
26 shall prevent the board from denying representation by any individual it deems to be improper,
27 inappropriate, or unable to adequately represent the interests of the applicant to the municipal
28 board, committee, or commission.

29 679:11 Board Meetings. The board's deliberative processes in adjudicatory proceedings held
30 pursuant to RSA 541-A shall be exempt from the public meeting and notice provisions of RSA 91-A.
31 Decisions and orders in adjudicatory proceedings shall be publicly available, but only after they have
32 been reduced to writing, signed by a quorum of the board, and served upon the parties, and shall set
33 forth the board's rulings of law and findings of fact in support of its decisions. Discussions and
34 actions by the board concerning procedural, administrative, legal, and internal matters shall be
35 exempt from the meeting and notice provisions of RSA 91-A:2.

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1 679:12 Rules and Regulations. The board may adopt rules under RSA 541-A necessary for
2 carrying out its functions including but not limited to rules of procedure to be followed in hearings
3 conducted by it not inconsistent with the provisions of this chapter.

4 679:13 Administration of Oaths, Subpoenas, Etc.; Fees. The board shall have authority to
5 administer oaths and to compel the attendance of witnesses to proceedings before it. The board shall
6 have the power to subpoena and subpoena duces tecum. Witnesses compelled to appear shall be paid
7 the same fee and mileage that are paid to witnesses in the superior court of the state. A subpoena or
8 subpoena duces tecum of the board may be served by any person designated in the subpoena or
9 subpoena duces tecum to serve it. Any testimony given by a person duly sworn shall be subject to
10 the pains and penalties of perjury. All applications or petitions to the board for which no filing fee
11 has been otherwise specified by statute shall be accompanied by a \$250 filing fee. Costs and
12 attorney's fees may be taxed as in the superior court.

13 679:14 Notice. The board shall serve notice in writing of the time, place, and cause of any
14 hearing upon all parties at least 20 days prior to the date of the hearing.

15 679:15 Appeal. Decisions of the board may be appealed to the supreme court by any party in
16 accordance with the provisions of RSA 541 as from time to time amended.

17 679:16 Enforcement of Decisions. After a decision of the board becomes final, the board shall, at
18 the request of any party, file a certified abstract thereof in the Merrimack county superior court.
19 The clerk of said court shall forthwith enter judgment thereon and such judgment may be enforced
20 as with any final judgment of the superior court.

21 679:17 Staff. The board shall have such clerical, administrative, and technical staff as may be
22 necessary within the limits of the appropriation made therefor.

23 679:18 Office. The board shall be provided with an office in Concord in which its records,
24 documents, and books shall be kept, and with a suitable room in which it may hold hearings.

25 679:19 Neglect to Comply With Board's Orders. Neglect or failure on the part of any
26 municipality to comply with such orders shall be deemed willful neglect of duty, and it shall be
27 subject to the penalties and damages provided by law in such cases.

28 261 Salaries Established; Amend RSA 94:1-a, I(b) by inserting in salary grade DD the following
29 new positions:

30 DD	housing appeals board	member
31 DD	housing appeals board	chair

32 262 Appropriation; Housing Appeals Board. The sum of \$415,000 for the fiscal year ending June
33 30, 2021 is hereby appropriated to the housing appeals board established pursuant to RSA 679 for
34 the proper administration of said chapter. Said sum shall not lapse until June 30, 2021. The
35 governor is authorized to draw a warrant for said sum out of any money in the treasury not
36 otherwise appropriated.

1 263 Adequate Representation for Indigent Defendants in Criminal Cases; Repayment. RSA
2 604-A:9, I, I-a, I-b, and I-c are repealed and reenacted to read as follows:

3 I.(a) Any adult defendant or juvenile respondent who has been assigned counsel or a public
4 defender shall be subject to an order by the court, pursuant to this section, regarding payment to the
5 state for counsel fees and expenses paid by the state on behalf of the defendant or juvenile, and
6 regarding payment of an administrative service assessment. Any payment obligation shall apply
7 only to a defendant who has been convicted or a juvenile who has been found delinquent.

8 (b) Upon entering a judgment of conviction or a finding of delinquency, and the issuance
9 of sentence or disposition, the court shall enter a separate written order setting forth the reasons for
10 the court's conclusion regarding the financial ability of the defendant or the juvenile, including any
11 person liable for the support of the juvenile pursuant to RSA 604-A:2-a, to make payment of counsel
12 fees and expenses, and administrative service assessment. In its discretion, the court may conduct
13 an ability-to-pay hearing to assist in its determination. If the court finds that there is an ability to
14 pay some or all of the counsel fees and expenses and the assessment, either presently or in the
15 future, it shall order payment in such amounts and upon such terms and conditions it finds
16 equitable; any payment obligation shall not commence until the conviction and sentence or the
17 finding of delinquency and disposition has become final. If the court finds that there is no such
18 ability to pay, it shall so order, and any payment obligation shall terminate.

19 (c) In assessing ability to pay upon or after the entering of a judgment of conviction and
20 the issuance of a sentence, neither the court nor the office of cost containment shall consider income
21 that is exempt from execution, levy, attachment, garnishment, or other legal process under any state
22 or federal law, and shall be reduced only by the amount of expenses which are reasonably necessary
23 for the maintenance of the defendant and his dependents.

24 (d) If the court determines that the defendant is financially unable to repay any fees and
25 expenses to the state, the repayment obligation shall be waived. A copy of each order finding that
26 the defendant has an ability to pay fees and assessments shall be forwarded to the commissioner of
27 the department of administrative services and the office of cost containment. An order waiving the
28 repayment obligation shall not be forwarded. Neither the commissioner of the department of
29 administrative services nor the office of cost containment shall have the authority to alter the court's
30 determination that a repayment obligation is waived.

31 (e) After the judgment of conviction is entered and a repayment order is issued, a
32 defendant subject to a repayment order under this section may, if his or her circumstances have
33 changed since the date of the court's order, petition the court for relief from the obligation imposed
34 by this section, which may be granted upon a finding that the defendant is unable to comply with the
35 terms of the court's order or any modification of the order by the court.

36 (f) The maximum payment amount for counsel fees and expenses shall be according to a
37 schedule established by the administrator of the office of cost containment with the approval of the

1 administrative justices of the courts. Any payment obligation for fees and expenses shall not exceed
2 the amount of the state's flat rate payable to a contract attorney as established pursuant to RSA
3 604-B. The administrative service assessment shall not exceed 10 percent of the counsel fees and
4 expenses. Payment shall be made to the office of cost containment unless the defendant or juvenile
5 is placed on probation or sentenced to a period of conditional discharge, in which case repayment
6 shall be made to the state through the department of corrections. Any payment obligation
7 attributable to a juvenile shall terminate when the juvenile reaches the age of majority, except when
8 the juvenile has been certified and tried as an adult.

9 (g) In a case where counsel has been appointed, and a repayment order issued, the
10 defendant shall be required to notify the clerk of the court and the office of cost containment of each
11 change of mail address and actual street address. Whenever notice to the defendant is required,
12 notice to the last mail address on file shall be deemed notice to and binding on the defendant.

13 264 Adequate Representation for Indigent Defendants in Criminal Cases; Repayment. Amend
14 RSA 604-A:9, II to read as follows:

15 II. All petitions for court appointed counsel shall bear the following words in capital letters:
16 I UNDERSTAND THAT I MAY BE REQUIRED TO REPAY THE SERVICES PROVIDED TO ME
17 BY COURT APPOINTED COUNSEL ***IF I AM CONVICTED*** UNLESS THE COURT FINDS THAT
18 I AM OR WILL BE FINANCIALLY UNABLE TO PAY.

19 265 Reference Change; Appointment of Counsel; Payment Obligation. Amend RSA 604-A:2-f, IV
20 to read as follows:

21 IV. When the court appoints counsel to represent a defendant in a proceeding under this
22 section, the court shall grant the defendant relief from the obligation to repay the state for appointed
23 counsel fees under ~~[RSA 604-A:9, I b]~~ ***RSA 604-A:9, I(b)***, if the court determines that the defendant
24 is financially unable to repay.

25 266 Committee to Study the Costs to the State for the Appointment of Counsel to Represent
26 Indigent Defendants in Criminal Cases.

27 I. There is established a committee to study the costs to the state for the appointment of
28 counsel to represent indigent defendants in criminal cases.

29 II. The members of the committee shall be as follows:

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

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

33 III. The committee shall convene an advisory group consisting of the following individuals,
34 who shall not be voting members of the committee, but shall provide the committee members with
35 information and expertise on matters related to the committee's objective:

36 (a) The chief justice of the supreme court, or designee.

37 (b) The commissioner of the department of administrative services, or designee.

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1 (c) An individual representing the judicial council, appointed by the judicial council.

2 (d) An individual representing the New Hampshire Public Defender, appointed by that
3 office.

4 IV. Legislative members of the committee shall receive mileage at the legislative rate when
5 attending to the duties of the committee.

6 V. The committee shall study the cost to the state for the appointment of counsel pursuant
7 to RSA 604-A to represent indigent defendants in criminal cases. The committee shall:

8 (a) Determine, from the most recent information and data available, the percentage of
9 indigent defendants in criminal cases who have been appointed counsel pursuant to RSA 604-A who
10 are found guilty, and the percentage of indigent defendants in criminal cases who have been
11 appointed counsel pursuant to RSA 604-A who are found not guilty.

12 (b) Calculate the cost to the state for the appointment of counsel pursuant to RSA 604-A
13 for such indigent defendants.

14 VI. The members of the study committee shall elect a chairperson from among the members.
15 The first meeting of the committee shall be called by the first-named senate member. The first
16 meeting of the committee shall be held within 45 days of the effective date of this section. Three
17 members of the committee shall constitute a quorum.

18 VII. The committee shall report its findings and any recommendations for proposed
19 legislation to the president of the senate, the speaker of the house of representatives, the senate
20 clerk, the house clerk, the governor, the fiscal committee of the general court, and the state library
21 on or before January 1, 2020.

22 267 New Paragraph; Department of Justice; Bureau of Civil Law; Authority to Hire Additional
23 Staff for Campaign Finance, Election Law, Inaugural Committee Oversight, and Lobbying Matters.
24 Amend RSA 21-M:11 by inserting after paragraph III the following new paragraph:

25 IV. To assist the attorney general in his or her duty to exercise supervision of campaign
26 finance, election law, inaugural committee oversight, and lobbying matters, the department of
27 justice may hire:

28 (a) An unclassified full-time investigator assigned to the bureau, who shall work
29 exclusively on, campaign finance, election law, inaugural committee oversight, and lobbying matters.
30 Notwithstanding RSA 14:14-c, the salary for the full-time investigator position shall be established
31 as a salary grade BB.

32 (b) A classified full-time investigative paralegal assigned to the bureau, who shall work
33 exclusively on campaign finance, election law, inaugural committee oversight, and lobbying matter.
34 The classification shall be a paralegal II, labor grade 19.

35 268 Off Highway Recreational Vehicles and Trails; Regulations of Political Subdivisions.
36 Amend RSA 215-A:15, V to read as follows:

1 V. Enforcement of ~~paragraph~~ **paragraphs IV and VII** shall be the joint responsibility of
2 the city of Concord and the state of New Hampshire.

3 269 New Paragraph; Off Highway Recreational Vehicles and Trails; Regulations of Political
4 Subdivisions. Amend RSA 215-A:15 by inserting after paragraph VI the following new paragraph:

5 VII. OHRVs shall be prohibited from traveling on Hoit Road Marsh in the city of Concord.

6 270 Statement of Findings and Purpose. The general court hereby finds that outdoor recreation
7 is vital to a diverse economy, is a delineating asset for the state in competition for workforce and
8 employer recruitment, represents an opportunity for communities of the state to connect to a
9 statewide asset, and contributes to a healthy community. In furtherance of these objectives, the
10 general court hereby establishes an office of outdoor recreation industry development in the
11 department of business and economic affairs.

12 271 New Section; Department of Business and Economic Affairs; Outdoor Recreation Industry
13 Development; Office and Position Established. Amend RSA 12-O by inserting after section 23 the
14 following new section:

15 12-O:23-a Office of Outdoor Recreation Industry Development Established.

16 I. There is established in the department the office of outdoor recreation industry
17 development. The office shall be under the supervision of a classified director of the office of outdoor
18 recreation industry development, who shall serve under the supervision of the commissioner. The
19 director shall provide administrative oversight and ensure that the responsibilities of the office
20 described in this section are fulfilled.

21 II. The office of outdoor recreation industry development shall:

22 (a) Coordinate outdoor recreation policy, management, and promotion among state and
23 federal agencies and local government entities.

24 (b) Promote economic development in the state by:

25 (1) Coordinating with outdoor recreation stakeholders.

26 (2) Using outdoor recreational infrastructure and industry to promote tourism and
27 recruit members of the general workforce.

28 (3) Working with stakeholders and academic institutions to develop relevant
29 training and curricula for members of the outdoor industry and manufacturing workforce.

30 (4) Improving motorized and nonmotorized recreational opportunities in cooperation
31 with the department of natural and cultural resources.

32 (5) Recruiting outdoor recreation business and industry.

33 (c) Recommend policies and initiatives to enhance recreational amenities and
34 experiences in the state and help implement those policies and initiatives.

35 (d) Develop outcome-driven data regarding the effect of outdoor recreation in the state.

36 (e) Promote the health and social benefits of outdoor recreation, especially to young
37 people.

1 (f) Advance sustainable land stewardship initiatives recognizing the relationship
2 between outdoor recreation and its economic benefit to the state.

3 III. Provided that any federally funded programs managed by the department of natural and
4 cultural resources, division of parks on the effective date of this section shall continue to be managed
5 by the division of parks, the office of outdoor recreation industry development may:

6 (a) Seek federal grants or loans.

7 (b) Seek private foundation partnerships.

8 (c) Seek to participate in federal programs.

9 (d) In accordance with applicable federal program guidelines, administer federally
10 funded outdoor recreation programs.

11 272 New Paragraph; Community Recreation Service; Duties. Amend RSA 12-B:3 by inserting
12 after paragraph X the following new paragraph:

13 XI. To serve as liaison to the office of outdoor recreation industry development established
14 pursuant to RSA 12-O:23-a.

15 273 Appropriation; Department of Business and Economic Affairs. The sum of \$125,000 for the
16 fiscal year ending June 30, 2020 and the sum of \$125,000 for the fiscal year ending June 30, 2021 are
17 hereby appropriated to the department of business and economic affairs for the purpose of
18 supporting the small business development center and its programs. The governor is authorized to
19 draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

20 274 Fill and Dredge in Wetlands; Excavating and Dredging Permits. Amend RSA 482-A:3, I(b)
21 and (c) as follows:

22 (b) The application fee for shoreline structure projects shall be [~~\$200~~] **\$400** plus an
23 amount based on the area of dredge, fill, or dock surface area proposed, or a combination thereof,
24 which shall be [~~\$2~~] **\$4** per square foot for permanent dock surface area; [~~\$1~~] **\$2** per square foot for
25 seasonal dock surface area; and [~~\$.20~~] **\$.40** per square foot for dredge or fill surface area or both. For
26 projects involving only the repair, reconstruction, or reconfiguration of an existing docking structure,
27 the application fee shall be [~~\$200~~] **\$400**.

28 (c) The application fee shall be [~~\$200~~] **\$400** for minimum impact dredge and fill projects
29 [~~under this chapter~~] **and for non-enforcement related publicly funded and supervised**
30 **restoration projects as defined by rules, regardless of impact classification, if undertaken**
31 **by other than the person or persons responsible for causing the restoration to be needed.**
32 The application fee for all projects under this chapter which are not covered by subparagraph (b) or
33 (c) or paragraphs IV-a, V, X through XII, XV, XVI, or XVII through XIX shall be [~~\$.20~~] **\$.40** per
34 square foot of proposed impact, with a minimum fee of [~~\$200~~] **\$400** for all such projects that impact
35 fewer than [~~1,000~~] **600** square feet.

36 275 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Use of Fees. Amend RSA
37 482-A:3, III to read as follows:

1 III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), XII(c), and X are
2 continually appropriated to and shall be expended by the department for paying per diem and
3 expenses of the public members of the council, hiring additional staff, reviewing applications and
4 activities relative to ~~[the] wetlands [of the state]~~ **under RSA 482-A**, ~~[and]~~ protected shorelands
5 under RSA 483-B, **alteration of terrain under RSA 485-A:17**, conducting field investigations, and
6 holding public hearings. Such fees **and any monetary grants, gifts, donations, or interest**
7 **generated by these funds** shall be **deposited with and** held by the treasurer in a nonlapsing fund
8 identified as the ~~[wetlands and shorelands review]~~ **water resources fund**.

9 276 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certain Fees. Amend RSA
10 482-A:3, X(a) to read as follows:

11 (a) The maximum cash application fee for the New Hampshire department of
12 transportation shall be ~~[\$10,000]~~ **\$30,000** per application plus provisions for technical or consulting
13 services or a combination of such services as necessary to meet the needs of the department. The
14 department may enter into a memorandum of agreement with the New Hampshire department of
15 transportation to accept equivalent technical or consulting services or a combination of such services
16 in lieu of a portion of their standard application fees.

17 277 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Review of Applications.
18 Amend RSA 482-A:3, XIV(b)(1) to read as follows:

19 (1) The time limits prescribed by this paragraph shall supersede any time limits
20 provided in any other provision of law. **The time limits prescribed by this paragraph shall not**
21 **apply to applications submitted by the department of transportation, for which time limits**
22 **shall be set by a memorandum of agreement between the commissioner of the department of**
23 **environmental services and the commissioner of the department of transportation.** If the
24 department fails to act within the applicable time frame established in subparagraphs (a)(3), (a)(4),
25 and (a)(5), the applicant may ask the department to issue the permit by submitting a written
26 request. If the applicant has previously agreed to accept communications from the department by
27 electronic means, a request submitted electronically by the applicant shall constitute a written
28 request.

29 278 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Review of Applications.
30 Amend RSA 482-A:3, XIV(e) to read as follows:

31 (e) **Any request for an amendment to an application or permit shall be**
32 **submitted to the department on the appropriate amendment form.** Any request for a
33 significant amendment to a pending application or an existing permit which changes the footprint of
34 the permitted fill or dredge area shall be deemed a new application subject to the provisions of RSA
35 482-A:3, I and the time limits prescribed by this paragraph. "Significant amendment" means an
36 amendment which changes the proposed or previously approved acreage of the permitted fill or
37 dredge area by 20 percent or more, ~~[relocates the proposed footprint of the permitted fill or dredge~~

1 area,] includes a prime wetland, or [~~surface waters of the state, includes a wetland of a different~~
2 ~~classification as classified by the department, or includes non-wetland areas requiring permits for~~
3 ~~filling and dredging]~~ **elevates the project's impact classification.** This meaning of "significant
4 amendment" shall not apply to an application amendment that is in response to a request from the
5 department.

6 279 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Permit Duration and
7 Extensions. Amend RSA 482-A:3, XIV-a to read as follows:

8 XIV-a.(a) With the exception of permits issued under subparagraph (b) **or paragraph XIV-**
9 **b,** all permits issued pursuant to this chapter shall be valid for a period of 5 years. Requests for
10 extensions of such permits may be made to the department **by submitting the information**
11 **required in rules adopted by the department.** The department shall grant one extension of up to
12 5 additional years, provided the applicant demonstrates all of the following:

13 (1) The permit for which extension is sought has not been revoked or suspended
14 without reinstatement.

15 (2) Extension would not violate a condition of law or rule **other than that**
16 **established in this paragraph relative to permit duration.**

17 (3) The project is proceeding towards completion in accordance with plans and other
18 documentation referenced by the permit.

19 (4) The applicant proposes reasonable mitigation measures to protect the public
20 waters of the state from deterioration during the period of extension.

21 (b) Any permit issued to repair or replace shoreline structures to maintain the integrity
22 and safety of such structures including, but not limited to docks, sea walls, breakwaters, riprap,
23 access ramps and stairs, that are damaged by storms or ice, shall expire 10 years from the date the
24 permit was issued as long as any work performed after the initial permitted work complies with the
25 following:

26 (1) The work is not in violation of the original permit or subparagraphs (a)(1)-(4).

27 (2) All structures are repaired or replaced to the original permitted location and
28 configuration.

29 (3) All significant work is reported to the department in accordance with the
30 reporting requirements for the original permit.

31 **(c) After review, if the department determines that a request to extend a permit**
32 **for a major project in public waters meets the stated criteria, the department shall submit**
33 **the request to the governor and executive council with a recommendation that the request**
34 **be approved. The department shall issue decisions on all other extension requests.**

35 280 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Utilities. Amend the
36 introductory paragraph of RSA 482-A:3, XV(b):

1 (b) ~~[Appropriate]~~ ***The utility provider shall provide an annual*** notice to the
2 department, ***which*** shall include the following information:

3 281 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Utilities. Amend RSA 482-
4 A:3, XV(d) to read as follows:

5 (d) A ~~[one-time annual]~~ ***non-refundable*** filing fee of ~~[\$200]~~ ***\$400*** per town~~[, not to~~
6 ~~exceed a maximum of \$10,000,]~~ per year shall accompany the notice to the department. Such fees
7 shall be held in accordance with paragraph III.

8 282 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certified Culvert
9 Maintainers. Amend RSA 482-A:3, XVIII and XIX to read as follows:

10 XVIII. The department shall develop ~~[an installer's]~~ ***a certification program for culvert***
11 ***maintainers***, in accordance with paragraph XVII, and shall determine the educational
12 requirements for certification, including continuing education requirements. Professional engineers
13 who are duly licensed by the New Hampshire board of professional engineers are exempt from the
14 program requirements of this section. All certified individuals who perform such work shall submit
15 a quarterly report to the department fully identifying work that they performed during each quarter
16 and documentation of continuing education requirements.

17 XIX. The department shall issue ~~[an installer's permit]~~ ***a culvert maintainer certificate***
18 to any individual who submits an application provided by the department, and has satisfactorily
19 completed the program in accordance with paragraphs XVII and XVIII. ~~[Permits]~~ ***Initial***
20 ***certificates*** shall be ~~[issued]~~ ***valid through December 31 of the year following the year of***
21 ***issue. Renewal certificates shall be valid*** from January 1 ~~[and shall expire]~~ ***through*** December
22 31 of every other year. ~~[Permits]~~ shall be renewable upon proper application, and documentation of
23 compliance with the continuing education requirement of paragraph XVIII. The installer's permit
24 may be suspended, revoked, or not renewed for just cause, including, but not limited to, the
25 installation of culverts in violation of this chapter or the refusal by a permit holder to correct
26 defective work. The department shall not suspend, revoke, or refuse to renew a permit except for
27 just cause until the permit holder has had an opportunity to be heard by the department. An appeal
28 from such decision to revoke, suspend, or not renew a permit may be taken pursuant to RSA 21-
29 O:14.

30 283 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certified Application
31 Preparer Program. Amend RSA 482-A:3, XX(d) to read as follows:

32 (d) The certification shall be valid for one year from the date of issuance and may be
33 renewed every year. The initial fee for certification shall be \$200 and the fee for renewal shall be
34 \$50. The department shall not issue a certification or a renewal certification if the required fee is
35 not paid. All fees shall be deposited into the ~~[wetlands and shoreland review]~~ ***water resources***
36 ***fund*** established in RSA 482-A:3, III.

37 284 Aquatic Resources Fund. Amend RSA 482-A:29, II to read as follows:

1 II. A separate, non-lapsing account shall be established within the fund into which all
2 administrative assessments collected under RSA 482-A:30, III and RSA 482-A:30-a, II shall be
3 placed. Such account moneys shall ~~[only]~~ be used ~~[to support up to 2 full-time positions]~~ for
4 administration of the fund, **including staff**, and **aquatic resource mitigation** related projects.
5 ~~[No other fund moneys shall be used for state personnel costs.]~~

6 285 Shoreland Water Quality Protection; Permit Application Fees. Amend the introductory
7 paragraph of RSA 483-B:5-b, VI:

8 VI. All permits issued pursuant to this chapter shall be valid for a period of 5 years.
9 Requests for extensions of such permits may be made to the department **by providing such**
10 **information as is required by rules adopted pursuant to RSA 541-A**. The department shall
11 grant one extension of up to 5 additional years, provided the applicant demonstrates all of the
12 following:

13 286 Shoreland Water Quality Protection; Permit Application Fees. Amend RSA 483-B:5-b, I(b)
14 to read as follows:

15 (b) The permit application fee shall be ~~[\$100]~~ **the base fee specified in this**
16 **subparagraph** plus **an impact fee of** ~~[\$.10]~~ **\$.20** per square foot of area affected by the proposed
17 activities and shall be deposited in the ~~[wetlands and shorelands review]~~ **water resources** fund
18 established under RSA 482-A:3, III. ~~[Such fees shall be capped as follows:~~

19 ~~(1)~~ For projects that qualify for permit by notification under this paragraph or RSA
20 483-B:17, X, ~~[\$100]~~, **the base fee shall be \$200** for restoration of water quality improvement
21 projects, and ~~[\$250]~~ **the base fee shall be \$400** for all other permit by notification projects.

22 ~~(2) For projects of 0-9,999 square feet, that do not qualify for a permit by~~
23 ~~notification, \$750.~~

24 ~~(3) For projects of 10,000-24,999 square feet, \$1,875.~~

25 ~~(4) For projects of 25,000 square feet or more, \$3,750.]~~

26 287 Shoreland Water Quality Protection; Other Required Permits and Approvals. Amend RSA
27 483-B:6, II to read as follows:

28 II. In applying for approvals and permits, pursuant to paragraph I, applicants shall
29 demonstrate that the proposal meets or exceeds the development standards of this chapter. The
30 department shall develop minimum standards for information to be required on or with all
31 applications under paragraph I. The department or municipality shall grant, deny, or attach
32 reasonable conditions to approvals or permits listed in subparagraphs I(a)-(f) **and RSA 483-B:5-b**, to
33 protect the public waters or the public health, safety, or welfare. Such conditions shall be related to
34 the purposes of this chapter.

35 288 Terrain Alteration; Permit Application Fees. Amend RSA 485-A:17, II to read as follows:

36 II.(a) The department shall charge a fee for each review of plans, including project
37 inspections, required under this section. The **plan review** fee shall be based on the ~~[extent of~~

1 ~~contiguous~~ **total** area to be disturbed. Except for **property subject to** RSA 483-B:9, the fee for
2 **review of** plans encompassing an area of at least 100,000 square feet but less than 200,000 square
3 feet shall be [~~\$1,250~~] **\$3,125**. For the [~~purposes of~~] **property subject to** RSA 483-B:9, the fee for
4 **review of** plans encompassing an area of at least 50,000 square feet but less than 200,000 square
5 feet shall be [~~\$1,250~~] **\$3,125**. An additional fee of [~~\$500~~] **\$1,250** shall be assessed for each additional
6 area of up to 100,000 square feet to be disturbed. No [~~permit~~] **application** shall be [~~issued~~]
7 **accepted** by the department until the fee required by this paragraph is paid. All fees required
8 under this paragraph shall be paid when plans are submitted for review and shall be deposited in
9 the [~~terrain alteration~~] **water resources** fund established in [~~paragraph II-a~~] **RSA 482-A:3, III**.

10 **(b) The department shall charge a non-refundable fee of \$500 plus a \$.10 per**
11 **square foot fee for each request to amend a permit that requires plans to be reviewed.**

12 289 Wetlands and Shorelands Review Fund Renamed. Amend RSA 6:12, I(b)(131) to read as
13 follows:

14 (131) Moneys deposited in the [~~wetlands and shorelands review~~] **water resources**
15 fund **established** under RSA 482-A:3, III.

16 290 Repeal. The following are repealed.

17 I. 2008, 5:27, I, relative to repealing permit application fees.

18 II. RSA 6:12, I(b)(256), relative to the terrain alteration fund.

19 III. RSA 482-A:3, XV(e), relative to the additional fee for amendments to the notification for
20 maintenance to existing utility services.

21 IV. RSA 485-A:17, II-a, relative to the terrain alteration fund.

22 291 Appropriation; Department of Environmental Services; Ossipee Lake Dam Reconstruction.
23 There is hereby appropriated the sum of \$1,500,000 for the fiscal year ending June 30, 2020 to the
24 department of environmental services to supplement the capital appropriation in 2017, 228:1, VIII,
25 H, for the purpose of reconstructing the Ossipee Lake Dam. This appropriation shall not lapse until
26 June 30, 2021. The governor is authorized to draw a warrant for said sum out of any money in the
27 treasury not otherwise appropriated.

28 292 New Paragraph; Pease Development Authority; Real Estate Transfer Tax Exemption for
29 Leases. Amend RSA 78-B:2 by inserting after paragraph XXIII the following new paragraph:

30 XXIV. To a lease of any term by and between the Pease development authority and any
31 other person, including any sales, transfers, or assignments of any interest in the leased property.

32 293 Hazardous Waste Clean Up; Civil Actions; Cost Recovery. Amend RSA 147-B:10, III(a) to
33 read as follows:

34 (a) The attorney general may institute an action before the superior court for the county
35 in which the facility is located against any person liable pursuant to paragraph I of this section to
36 recover all costs incurred by the state. Costs recovered under this section shall be deposited into the
37 fund **except that costs recovered to offset expenditures made from the drinking water and**

1 *groundwater trust fund established in RSA 6-D:1 shall be deposited into the drinking*
2 *water and groundwater trust fund.*

3 294 New Section; Deposits to Drinking Water and Groundwater Trust Fund. Amend RSA 485-F
4 by inserting after section 6 the following new section:

5 485-F:7 Deposits to Drinking Water and Groundwater Trust Fund. Any money received by the
6 state related to the contamination of drinking water or groundwater, other than fees, fines,
7 penalties, oil or hazardous waste cost recovery, or any other money already allocated to a specified
8 fund, shall be deposited into the drinking water and groundwater trust fund. This paragraph shall
9 not be construed to limit any damages otherwise awarded in a related private cause of action.

10 295 New Paragraph; Recovered Costs; Deposited in Drinking Water and Groundwater Trust
11 Fund. Amend RSA 485-F:3 by inserting after paragraph II the following new paragraph:

12 III. Costs paid from the drinking water and groundwater trust fund for the action described
13 in paragraph I(a) and recovered by the state under RSA 147-B:10, shall be deposited to the trust
14 fund. In addition, upon payment from the trust fund for any costs for which a third party would
15 otherwise be liable, the right to recover payment from such third party shall be assumed by the
16 drinking water and groundwater advisory commission to the extent of payment made from the trust
17 fund. Any money so recovered shall be repaid to the trust fund. No party shall receive multiple
18 compensation for the same injury, and any such compensation shall be repaid to the trust fund.

19 296 Repeal. RSA 176:16-a, relative to liquor commission revenue shortfalls, is repealed.

20 297 Definition of Pet Vendor. Amend RSA 437:1, IV to read as follows:

21 IV. "Pet vendor" means any person, firm, corporation, or other entity ~~[engaged in the~~
22 ~~business of transferring live animals or birds]~~ **that transfers 25 or more dogs, 25 or more cats,**
23 **30 or more ferrets, or 50 or more birds,** live animals or birds customarily used as household pets
24 to the public, with or without a fee or donation required, and whether or not a physical facility is
25 owned by the licensee in New Hampshire, when transfer to the final owner occurs within New
26 Hampshire, **between July 1 and June 30 of each year. Pet vendor also means any person,**
27 **firm, corporation, or other entity that transfers amphibians, reptiles, fish, or small**
28 **mammals customarily used as household pets to the public in quantities set in rules**
29 **adopted by the department, with or without a fee or donation required, and whether or not**
30 **a physical facility is owned by the licensee in New Hampshire between July 1 and June 30**
31 **of each year. Nothing in this paragraph shall be construed to alter or affect the municipal**
32 **zoning regulations that a pet vendor shall conform with under RSA 437:3.**

33 298 Exemptions; Commercial Kennel Deleted. Amend RSA 437:7 to read as follows:

34 437:7 Exceptions. The license provisions of this subdivision shall not apply to breeders of dogs
35 that do not meet the definition of ~~[commercial kennel]~~ **pet vendor** in RSA 437:1, veterinarians, or
36 the transfer of livestock or poultry.

1 299 New Paragraph; Health Certificates for Dogs, Cats, and Ferrets. Amend RSA 437:8 by
2 inserting after paragraph V the following new paragraph:

3 VI. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
4 without first being protected against infectious diseases using a vaccine approved by the state
5 veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
6 unless accompanied by an official health certificate issued by a licensed veterinarian. No transfer
7 shall occur unless the transferred animal is accompanied by a health certificate issued within the
8 prior 14 days. The certificate shall be in triplicate, one copy of which shall be retained by the signing
9 veterinarian, one copy of which shall be for the licensee's records, and one copy of which shall be
10 given to the transferee upon transfer as provided in paragraph III. If an official health certificate is
11 produced, it shall be prima facie evidence of transfer. The signing veterinarian shall provide a copy
12 of the health certificate to the department of agriculture, markets, and food upon request.

13 300 New Chapter; Cost of Care Fund. Amend RSA by inserting after chapter 437-A the
14 following new chapter:

15 CHAPTER 437-B
16 COST OF CARE FUND

17 437-B:1 Cost of Care Fund.

18 I. There is established in the department of agriculture, markets, and food a nonlapsing
19 fund to be known as the cost of care fund which shall be kept distinct and separate from all funds.
20 The cost of care fund is established to assist municipalities in covering the costs of care incurred
21 from caring for animals pending the resolution of any action brought for animal cruelty under RSA
22 644:8 or RSA 644:8-a.

23 II. The treasurer shall deposit in the cost of care fund court-ordered restitution for care in
24 animal cruelty cases under RSA 644:8 or RSA 644:8-a as specified in paragraph VI.

25 III. The arresting officer or his or her designee may apply to the commissioner of the
26 department of agriculture, markets, and food for a grant from the cost of care fund to reimburse
27 costs incurred caring for animals in animal cruelty cases brought under RSA 644:8 or RSA 644:8-a
28 during pretrial care, for the period between when the animals are seized and until the final
29 disposition of the case. The commissioner of the department of agriculture, markets, and food and
30 the state veterinarian shall review such applications, respond to such applications within 15 days,
31 and distribute no more than \$500,000 per application.

32 IV. The commissioner shall establish rules under RSA 541-A relative to:

33 (a) The administration and disbursement of the cost of care fund, including guidelines to
34 ensure that multiple applicants would have equitable access to grants.

35 (b) The application process by an arresting officer or his or her designee for financial
36 assistance to cover the cost of emergency veterinary treatment.

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1 V. The commissioner may accept private gifts and donations of any kind for the purpose of
2 supporting the cost of animal care which shall be deposited into the cost of care fund.

3 VI. If a person is convicted of animal cruelty and is ordered by the court to make restitution,
4 the municipality shall report such restitution to the department of agriculture, markets, and food. If
5 the restitution exceeds the costs incurred by the municipality in caring for the seized animals, that
6 excess shall be remitted to the department and shall be deposited into the cost of care fund.

7 301 Department of Agriculture, Markets, and Food; Cost of Care Fund. The sum of \$100,000 for
8 the fiscal year ending June 30, 2020, and the sum of \$100,000 for the fiscal year ending June 30,
9 2021 are hereby appropriated to the department of agriculture, markets, and food to fund the cost of
10 care fund established in RSA 437-B:1. The governor is authorized to draw a warrant for said sums
11 out of any money in the treasury not otherwise appropriated.

12 302 Repeal. RSA 437:1, II, relative to the definition of commercial kennel, is repealed.

13 303 New Paragraph; Cemetery Operations. Amend RSA 110-B:77 by inserting after paragraph
14 III the following new paragraph:

15 IV. All federal funds received and income earned from internment fees shall be nonlapsing
16 and continually appropriated for the sole purpose of supporting the New Hampshire state veterans
17 cemetery.

18 304 Appropriation; Department of Environmental Services; Report Required.

19 I. The sum of \$6,000,000 for the fiscal year ending June 30, 2020 is hereby appropriated to
20 the department of environmental services for the purpose of studying, investigating, and testing for
21 contamination caused by perfluorinated chemicals, and the preliminary design for a treatment
22 system for such contamination. This appropriation shall not lapse until June 30, 2021. Such
23 appropriation shall be a charge against the drinking water and groundwater trust fund established
24 in RSA 6-D:1.

25 II. The department of environmental services, in coordination with the attorney general,
26 shall report to the fiscal committee of the general court upon any significant developments relative
27 to the state's lawsuit against companies for the manufacturing and dissemination of perfluorinated
28 chemicals in New Hampshire.

29 305 New Paragraph; Organization of Executive Branch; Purpose. Amend RSA 21-G:2 by
30 inserting after paragraph III the following new paragraph:

31 IV. The various scopes in the mission of the executive branch departments, agencies, and
32 commissions require a delineation of their organization within the executive branch.

33 306 Organization of Executive Branch; Definitions. RSA 21-G:5 is repealed and reenacted to
34 read as follows:

35 21-G:5 Definitions. In this chapter:

36 I. "Administratively attached agency" means an independent agency linked to a department
37 for purposes of reporting and sharing support services.

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1 II. "Administrative head of the agency" means the individual, by whatever title conferred
2 upon them by the relevant statute, who is in charge of operations of an executive agency, executive
3 commission, or administratively attached agency.

4 III. "Advisory committee" means a committee established pursuant to RSA 21-G:11 which
5 shall furnish advice, gather information, make recommendations and perform such other activities
6 as may be instructed or as may be necessary to fulfill advisory functions or to comply with federal
7 funding requirements, but which shall not administer a program or function or set policy.

8 IV. "Agency" means any department, commission, board, institution, bureau, office, or other
9 entity, by whatever name called, other than the legislative and judicial branches of state
10 government, established in the state constitution, statute, session law, or executive order.

11 V. "Bureau" means the principal unit within a division, which is directly responsible to the
12 division level and is concerned with individual program management.

13 VI. "Commissioner" means the individual in charge of the operations of an executive
14 department, who is directly responsible to the governor.

15 VII. "Constitutional office" means an executive department that also comprises a
16 constitutional office established by the state constitution and common law practice.

17 VIII. "Division" means the principal unit within a department, which is directly responsible
18 to the department level and is concerned with related major functional programs and activities.

19 IX. "Executive agency" means an administrative unit within the executive branch of state
20 government, which is concerned with a specific objective or administrative function.

21 X. "Executive commission" means an administrative unit within the executive branch of
22 state government established to provide a specific enterprise or regulatory function.

23 XI. "Executive department" means the principal administrative unit within the executive
24 branch of state government, which is concerned with broad functional responsibilities.

25 XII. "Field operations" means district or area offices which may combine division, bureau,
26 and section functions.

27 XIII. "Section" means the principal unit of a bureau, which is directly responsible to the
28 bureau level and is concerned with direct provision of services to the public or other state agencies.

29 307 Structure of Executive Branch. Amend the section heading of RSA 21-G:6 to read as
30 follows:

31 21-G:6 Structure of Executive Branch ***Departments.***

32 308 Repeal. RSA 21-G:6, II(d), relative to division into subsections, is repealed.

33 309 New Section; Organization of Executive Branch. Amend RSA 21-G by inserting after
34 section 6-a the following new section:

35 21-G:6-b Organization of the Executive Branch.

36 I. Constitutional offices are as follows:

37 (a) The executive department, comprising the office of the governor.

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- 1 (b) The department of state, comprising the office of the secretary of state.
- 2 (c) The state treasury, comprising the office of the state treasurer.
- 3 (d) The department of justice, comprising the office of the attorney general.

4 II. The executive departments are as follows:

- 5 (a) The department of administrative services.
- 6 (b) The department of agriculture, markets, and food.
- 7 (c) The department of banking.
- 8 (d) The department of business and economic affairs.
- 9 (e) The department of corrections.
- 10 (f) The department of education.
- 11 (g) The department of employment security.
- 12 (h) The department of environmental services.
- 13 (i) The department of health and human services.
- 14 (j) The department of information technology.
- 15 (k) The department of insurance.
- 16 (l) The department of labor.
- 17 (m) The department of military affairs and veteran services.
- 18 (n) The department of natural and cultural resources.
- 19 (o) The department of revenue administration.
- 20 (p) The department of safety.
- 21 (q) The department of transportation.

22 III. The executive agencies are as follows:

- 23 (a) Council on developmental disabilities.
- 24 (b) Veterans' home.
- 25 (c) The office of professional licensure and certification.
- 26 (d) The police standards and training council.
- 27 (e) The public employee labor relations board.
- 28 (f) The board of tax and land appeals.
- 29 (g) The judicial council.

30 IV. The executive commissions are as follows:

- 31 (a) The fish and game commission.
- 32 (b) The public utilities commission.
- 33 (c) The state liquor commission.
- 34 (d) The state lottery commission.

35 310 New Subdivision; Component Units of State Government. Amend RSA 6 by inserting after
36 section 43 the following new subdivision:

37 Component Units of State Government

1 6:44 Component Units of State Government.

2 I. All systems, authorities, and organizations established by the state which are not part of
3 the executive, legislative, or judicial branches shall be considered component units of the state
4 government. For the purpose of this section, the following shall be considered component units:

- 5 (a) Community college system of New Hampshire.
- 6 (b) Community development finance authority.
- 7 (c) Judicial retirement plan.
- 8 (d) Land and community heritage authority.
- 9 (e) Business finance authority.
- 10 (f) Health and educational facilities authority.
- 11 (g) Housing finance authority.
- 12 (h) Municipal bond bank.
- 13 (i) Pease development authority.
- 14 (j) Retirement system of New Hampshire.
- 15 (k) University system of New Hampshire.

16 II. All component units shall report to the state treasurer, in a manner determined by the
17 treasurer, on a quarterly basis. These quarterly reports shall include interim financial information,
18 performance metrics, and all relevant information on the component unit's activities. The state
19 treasurer shall provide the governor, president of the senate, and speaker of the house of
20 representatives the compiled quarterly reports on an ongoing basis.

21 311 General Fund Transfer to Highway Fund. The sum of \$3,963,000 for the fiscal year ending
22 June 30, 2020 is hereby appropriated to the highway fund. The governor is authorized to draw a
23 warrant for said sum out of any money in the treasury not otherwise appropriated.

24 312 Administration of Motor Vehicle Laws; Road Tolls; Exception. Amend RSA 260:60 to read
25 as follows:

26 260:60 Exception. Notwithstanding all other laws and rules to the contrary, annually, on or
27 before June 1, the road toll administrator shall compare the number of gallons on which refunds
28 have been made for the preceding calendar year for motor fuel used in the propulsion of boats on
29 inland public waters of the state, with the number of gallons of such motor fuel sold and delivered
30 directly into the fuel tanks, or supplementary fuel tanks, of boats or outboard motors upon the
31 inland public waters for use in such boats or outboards, based on the number of boats registered in
32 the state at 100 gallons usage per boat, and if there is any balance of unrefunded tolls so collected,
33 the administrator shall report the same to the comptroller who shall, on July 1, next following, credit
34 1/2 of said balance to the general fund and credit 1/2 of said balance to the fish and game
35 department. The funds credited to the fish and game department shall be used by said department
36 to carry out its program and be accounted for as **unrestricted revenue to** the fish and game fund [~~is~~
37 ~~accounted for~~]. Any funds credited to the fish and game department as above provided shall not

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1 lapse at the end of the fiscal year. The department shall pay monthly to the state treasurer all
2 revenue from the aircraft landing area toll.

3 313 Administration of Motor Vehicle Laws; Road Tolls; Credit Provided. Amend RSA 260:61, I
4 to read as follows:

5 I. Annually, on or before June 30, the comptroller shall transfer, from road tolls collected, an
6 amount equal to the number of licensed OHRVs and snowmobiles for the previous year times the
7 average number of gallons consumed per year per OHRV and snowmobile times the gasoline road
8 toll imposed under RSA 260:32, less any amount refunded for OHRV and snowmobile use for the
9 previous year, to the fish and game department and the bureau of trails as follows. The road toll
10 administrator shall report to the comptroller if there is a balance of unrefunded road tolls collected.
11 The administrator shall certify the amount to the comptroller who shall credit 1/2 of such balance to
12 the bureau of trails for use as provided in paragraph I-a, and 1/2 of such balance to the fish and
13 game department ***as unrestricted revenue to the fish and game fund***. For the purposes of this
14 section, "the average number of gallons consumed per year per OHRV or snowmobile" is 100.

15 314 Department of Safety Appropriations; Revenue from Motor Vehicle Fines; Exemption. For
16 the fiscal year ending June 30, 2019, department of safety appropriations funded with agency income
17 from restricted revenue collected under RSA 262:44, I, shall be exempt from 2017, 155:1.08(I).

18 315 Department of Safety; Fund Transfer; Authorization. Notwithstanding the provisions of
19 RSA 9:16-a, for the biennium ending June 30, 2021, the department of safety may transfer funds
20 between accounting units in classes 027-transfers to the department of information technology, 028-
21 transfers to general services, 064-retiree pension benefit-health insurance compensation, and 211-
22 property and casualty insurance, upon approval of the department of administrative services' budget
23 office.

24 316 Substance Abuse Enforcement Program; Appropriations.

25 I. The sum of \$587,700 for the fiscal year ending June 30, 2020 is hereby appropriated to the
26 department of safety. This sum shall be expended as follows:

27 (a) \$171,600 shall be expended for the purpose of funding overtime at the state forensic
28 laboratory as a result of increased caseloads attributable to narcotics related enforcement and
29 investigations with no more than 50 percent of the appropriation expended in each fiscal year of the
30 biennium ending June 30, 2021.

31 (b) \$416,100 shall be expended for the purpose of funding overtime at the state police for
32 narcotics related enforcement and investigations with no more than 50 percent of the appropriation
33 expended in each fiscal year of the biennium ending June 30, 2021.

34 II. The sum of \$2,400,000 for the fiscal year ending June 30, 2020 is hereby appropriated to
35 the department of safety to disburse grants to county and local law enforcement agencies for the
36 purpose of funding overtime costs for county and local law enforcement officers performing law
37 enforcement activities attributable to the substance abuse enforcement program established in RSA

1 21-P:66. No more than 50 percent of the appropriation shall be expended in each fiscal year of the
2 biennium ending June 30, 2021.

3 III. The governor is authorized to draw a warrant for said sums out of any money in the
4 treasury not otherwise appropriated.

5 IV. No appropriation made in this section shall lapse until July 1, 2021.

6 317 Department of Safety; Appropriation. There is hereby appropriated to the department of
7 safety the sum of \$195,000 for the fiscal year ending June 30, 2020, for the purpose of providing
8 administrative support to the state building code review board. The governor is authorized to draw
9 a warrant for said sums out of any money in the treasury not otherwise appropriated and said sums
10 shall not lapse until June 30, 2021.

11 318 Public School Infrastructure Fund. Amend RSA 198:15-y, II to read as follows:

12 II. There is hereby established in the office of the state treasurer the public school
13 infrastructure fund which shall be kept distinct and separate from all other funds and which shall be
14 administered by the department of education. After transferring sufficient funds to the revenue
15 stabilization reserve account to bring the balance of that account to \$100,000,000, the state treasurer
16 shall transfer the remainder of the general fund surplus for fiscal year 2017, as determined by the
17 official audit performed pursuant to RSA 21-I:8, II(a), to the fund. Any earnings on fund moneys
18 shall be added to the fund. All moneys in the fund shall be nonlapsing and continually appropriated.
19 ***The department of education may retain up to 3 percent of the total annual appropriation***
20 ***of the public school infrastructure fund on or after July 1, 2019, to be used to administer***
21 ***the public school infrastructure program.*** Any unexpended or unencumbered balance as of
22 June 30, 2021 shall be transferred to the general fund.

23 319 Public School Infrastructure Fund. Amend RSA 198:15-y, III(e) to read as follows:

24 (e) ***A school building or infrastructure proposal which is necessary to comply***
25 ***with Americans with Disabilities Act (ADA) regulations.***

26 (f) Other school building or infrastructure needs the governor, in consultation with the
27 public school infrastructure commission, may identify, except for school building aid projects that are
28 otherwise prohibited by law.

29 320 Department of Education; Vocational Rehabilitation Programs or Services. For the
30 biennium ending June 30, 2021, the department of education may request funds not otherwise
31 appropriated for the purpose of funding unanticipated costs relative to vocational rehabilitation
32 programs or services, with review and approval of the joint fiscal committee of the general court.

33 321 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, I to read as follows:

34 I. Each school board shall make [a] ***at least one*** meal available during school hours to every
35 pupil under its jurisdiction. Such meals shall be served without cost or at a reduced cost to any
36 [needy] child who ~~[is unable to pay the full cost of said meals]~~ ***meets federal income eligibility***
37 ***guidelines.*** The state board of education shall [insure] ***ensure*** compliance with this section and

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1 shall establish minimum nutritional standards for such meals [~~and shall further establish~~] **as well**
2 **as** income guidelines [~~setting forth~~] **set for** the [~~minimum~~] family size [~~annual income levels to be~~]
3 used in determining eligibility for free and reduced price meals. Nothing in this section shall
4 prohibit the operation of both a breakfast and lunch program in the same school. [~~Further any~~
5 ~~requirement of this section which conflicts with any federal statute or regulation may be waived by~~
6 ~~the state board of education.~~]

7 322 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, VII(b) to read as
8 follows:

9 (b) Such school which demonstrates to the department of education that an approved
10 school wellness policy, as required under the [~~Child Nutrition and WIC Reauthorization Act of 2004~~]
11 **Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296, and the Richard B. Russell**
12 **National School Lunch Act, 42 U.S.C. section 1758b** is in effect, and that such school is
13 providing breakfast meals to pupils that meet or exceed the United States Department of
14 Agriculture's child nutrition criteria may apply for and receive a 3 cent reimbursement for each
15 breakfast meal served to a pupil **and an additional 27 cent reimbursement for each meal**
16 **served to students eligible for a reduced price meal.** The department of education shall request
17 biennial appropriations in an amount sufficient to meet projected school breakfast reimbursements
18 **to ensure students eligible for reduced price meals are offered breakfast at no cost.** The
19 department of education shall prescribe forms as necessary under this paragraph.

20 323 New Section; Department of Education; New Position; School Nurse Coordinator. Amend
21 RSA 21-N by inserting after section 6 the following new section:

22 21-N:6-a School Nurse Coordinator. There is established within the division of learner support
23 the position of school nurse coordinator who shall be a classified employee. The school nurse
24 coordinator shall be a licensed RN eligible for New Hampshire school nurse certification under RSA
25 200:29 and shall be qualified to hold such position by reason of education and experience. The
26 position shall be subject to any other employment requirements as determined by the department.
27 The school nurse coordinator shall coordinate and provide technical assistance to guide school nurses
28 and other school personnel responsible for student health care in the areas of student health and
29 wellness, safety, behavioral and mental health, and alcohol and substance use disorder. The school
30 nurse coordinator shall also be a resource for administrators, educators, families, and policymakers
31 across the state.

32 324 New Subdivision; Family and Medical Leave Coverage. Amend RSA 189 by inserting after
33 section 72 the following new subdivision:

Family and Medical Leave Coverage

35 189:73 Family and Medical Leave Coverage. A school district employee who has been employed
36 by the school district for at least 12 months and who has worked at least 900 hours in the previous
37 12-month period shall be eligible for family and medical leave under the same terms and conditions

1 as leave provided to eligible employees under the federal Family and Medical Leave Act of 1993
2 (Pub. L. 103-3), 29 U.S.C. section 2611, et seq., as amended.

3 325 Heat and Hot Water System Purchase and Replacement; Appropriation. The sum of
4 \$1,000,000 for the fiscal year ending June 30, 2020 is hereby appropriated to the department of
5 administrative services to be disbursed to the Concord school district no later than December 1,
6 2019, which shall be used for the purchase and replacement of all systems providing heat to those
7 buildings in the Concord school district which previously obtained steam from the former Concord
8 Steam corporation. The Concord school district is authorized to expend such appropriation for the
9 purpose set forth in this section. The Concord school district shall advise the commissioner of the
10 department of administrative services of cost and expenditure estimates relating to the project. The
11 governor is authorized to draw a warrant for said sum out of any money in the treasury not
12 otherwise appropriated.

13 326 Appropriation; Community College System of New Hampshire. In addition to funds
14 otherwise appropriated, there is hereby appropriated to the community college system of New
15 Hampshire the sum of \$3,200,000 in the fiscal year ending June 30, 2020, which shall not lapse. The
16 governor is authorized to draw a warrant for said sum out of any money in the treasury not
17 otherwise appropriated.

18 327 Appropriation; Department of Education. The sum of \$500,000 for the fiscal year ending
19 June 30, 2020 is hereby appropriated to the department of education for the purpose of providing
20 funding to Granite State Independent Living to support the IMPACCT (Inspiring the Mastery of
21 Post-Secondary Achievement in College, Career, and Training) program. Of this amount, \$400,000
22 shall be a charge against the state general fund and \$100,000 shall be federal funds. This
23 appropriation shall be in addition to any other funds appropriated to the department of education
24 and shall not lapse. The governor is authorized to draw a warrant for the general fund share of said
25 sum out of any money in the treasury not otherwise appropriated.

26 328 Department of Safety Position Reallocation; Appropriation.

27 I. The sum of \$1,450,000 is hereby appropriated, upon approval of the fiscal committee of
28 the general court by June 30, 2020, to the department of safety for the biennium ending June 30,
29 2021 for the purpose of funding reallocation of all sworn police troopers from the rank of
30 probationary trooper through the rank of executive major for the last 6 months of the biennium
31 ending June 30, 2021. The department of administrative services shall conduct an assessment
32 review of the reallocation request and shall report its findings to the fiscal committee prior to the
33 fiscal committee vote. Reallocated pay shall take effect January 1, 2021.

34 II. The sum of \$50,000 for the biennium ending June 30, 2021 is hereby appropriated to the
35 department of administrative services for the purpose of retaining a consultant to assist with the
36 assessment review conducted pursuant to paragraph I.

1 III. The governor is authorized to draw a warrant for said sums in this section out of any
2 money in the treasury not otherwise appropriated. Such funds shall not lapse until June 30, 2021.

3 329 Statement of Findings.

4 I. The general court hereby finds that:

5 (a) The ongoing mental health, substance misuse, and child protection crises have taken
6 a significant toll on New Hampshire’s children and families, impacting all child-serving systems and
7 placing increased pressure on the children’s behavioral health system;

8 (b) The New Hampshire department of health and human services recently released an
9 Adequacy and Enhancement Assessment of New Hampshire’s child welfare system, which called for
10 sweeping reforms including further integration of services with the children’s behavioral health
11 system; immediate enhancements to the service array for children with significant emotional,
12 behavioral and mental health needs; and transformation of New Hampshire’s child-serving system
13 to one that is based on early intervention, evidence-based services, and accountability for outcomes;

14 (c) Recent changes to child welfare funding at the federal level with the passage of the
15 federal Family First Prevention Services Act also drive the need to transform New Hampshire’s
16 child-serving system;

17 (d) The state of New Hampshire faces a significant shortage in its capacity to provide
18 children with early and effective home and community-based services and therefore must rely on
19 expensive, residential and inpatient treatment that drain the state resources;

20 (e) Adoption of interventions that are proven to be effective such as mobile crisis and
21 stabilization services will provide support and treatment to families in crisis and will in many cases
22 avoid costly, restrictive, and often unnecessary institutional care;

23 (f) Increasing access to mobile crisis response and stabilization services for children can
24 also help the state meet its legal obligations under the Early and Periodic Screening, Diagnostic and
25 Treatment (“EPSDT”) provisions of the federal Medicaid Act and the integration mandate of the
26 federal Americans with Disabilities Act. EPSDT is a federally mandated robust benefit for Medicaid-
27 eligible children under age 21, designed to address children’s health concerns before they become
28 advanced and treatment is more difficult and costlier;

29 II. Therefore, the department of health and human services shall expand home and
30 community-based behavioral health services for children to include mobile crisis response and
31 stabilization services and make the following improvements to the child-serving system as
32 recommended by the Adequacy and Enhancement Assessment and in alignment with the federal
33 Family First Prevention Services Act and EPSDT.

34 330 System of Care for Children's Mental Health. Amend RSA 135-F:3, III(e) to read as follows:

35 (e) Services that are family-driven, youth-guided, community-based, ***trauma-informed***,
36 and culturally and linguistically competent.

1 331 New Paragraph; System of Care for Children's Mental Health; Duties of the Department of
2 Health and Human Services; Care Management Entities. Amend RSA 135-F:4 by inserting after
3 paragraph II the following new paragraph:

4 III. Establish and maintain at least one care management entity to oversee and coordinate
5 the care for children with complex behavioral health needs who are at risk for residential, hospital,
6 or corrections placement or involved in multiple service systems. In this section, "care management
7 entity" means an organizational entity that serves as a centralized entity to coordinate all care for
8 youth with complex behavioral health challenges who are involved in multiple systems and their
9 families.

10 (a) The care management entity shall oversee and manage residential treatment,
11 psychiatric hospitalization, and the development of a continuum of community-based services and
12 supports for children and youth with more complex needs.

13 (b) Beginning January 1, 2020, the care management entity shall coordinate behavioral
14 health services in no less than 25 percent of cases involving referrals for residential treatment.
15 Beginning January 1, 2021, the care management entity shall coordinate services in no less than 50
16 percent of such cases, and, beginning January 1, 2022 and thereafter, the care management entity
17 shall coordinate services in no less than 75 percent of such cases.

18 332 New Sections; Family Support Clearinghouse; System of Care Advisory Committee. Amend
19 RSA 135-F by inserting after section 7 the following new sections:

20 135-F:8 Family Support Clearinghouse.

21 I. The department of health and human services shall establish and maintain an
22 information clearinghouse for families seeking information regarding children's behavioral health
23 services. The clearinghouse functions required by this section may be assigned to an entity that has
24 responsibilities in addition to those required by this section.

25 II. The information provided shall be available on the department of health and human
26 services website and shall include:

27 (a) Access to mobile crisis and stabilization services.

28 (b) Insurance coverage and other reimbursement sources.

29 (c) The results of assessments of the quality of service providers and whether they
30 utilize evidence-based practices.

31 (d) Referral information for legal service organizations.

32 (e) Referral information, including links to websites and contact telephone numbers, for
33 behavioral health service providers, organized by region.

34 (f) Advice and guidance regarding family navigation of the behavioral health system.

35 135-F:9 System of Care Advisory Committee. The department of education and the department
36 of health and human services shall create a system of care advisory committee to improve the well-
37 being of children and families; promote coordination across state agencies; identify cost-savings,

1 opportunities to increase efficiency, and improvements to the service array and service delivery
2 system and effectiveness; and assist and advise the commissioners of the department of education
3 and the department of health and human services on the system of care principles and values and
4 implementation of RSA 135-F. The committee shall include youth and families with relevant
5 experience and members of child-serving public and private agencies, including experts in education,
6 community-based and facility-based behavioral health services, and effective administration of
7 private and public educational and health services. The committee shall meet at least 6 times per
8 year and at such other times as the chairperson deems necessary.

9 333 Home and Community-Based Behavioral Health Services for Children; Mobile Crisis
10 Response and Stabilization Services Included. Amend RSA 167:3-1 to read as follows:

11 167:3-1 Home and Community-Based Behavioral Health Services for Children.

12 **I.** The department shall establish a Medicaid home and community-based behavioral health
13 services program for children with severe emotional disturbances whose service needs cannot be met
14 through traditional behavioral health services. The department may establish such services through
15 a state plan amendment as provided in Section 1915(i) of the Social Security Act or a waiver under
16 other provisions of the Act, **as needed**. If the department proceeds with a waiver, it shall not limit
17 the geographic availability of services.

18 **II.** Such services shall include the following services or their functional equivalent:

- 19 (a) Wraparound care coordination.
- 20 (b) Wraparound participation.
- 21 (c) In-home respite care.
- 22 (d) Out-of-home respite care.
- 23 (e) Customizable goods and services.
- 24 (f) Family peer support.
- 25 (g) Youth peer support.

26 **III. Mobile crisis response and stabilization services for children under 21 shall be**
27 **provided and delivered using system of care values and principles in compliance with RSA**
28 **135-F.**

29 (a) **The department shall contract with one or more third-party entities to**
30 **ensure that all children in the state under 21 years of age have access to mobile crisis**
31 **response and stabilization services, that such services are available with a response time of**
32 **no more than one hour, and that such services are available in every part of the state.**

33 (b) **The department shall ensure the development of a performance**
34 **measurement system for monitoring quality and access to mobile crisis response and**
35 **stabilization services.**

36 (c) **All providers of mobile crisis response and stabilization services shall**
37 **coordinate with the child's wraparound care coordinator, primary care physician, and any**

1 *other care management program or other behavioral health providers providing services*
2 *to the youth throughout the delivery of the service.*

3 *(d) Development and procurement of the mobile crises and stabilization services*
4 *required under this section shall begin on the effective date of this section; implementation*
5 *shall occur upon completion of the procurement process and approval by the governor and*
6 *council.*

7 334 Delinquent Children; Arraignment. Amend RSA 169-B:13, I(f)(1)(C) to read as follows:

8 (C) Identified as eligible for special education services[-]; *or*

9 *(D) Previously referred to a care management entity as defined in RSA*
10 *135-F:4, III.*

11 335 New Paragraph; Delinquent Children; Court Referrals; Referral to Care Management
12 Entity. Amend RSA 169-B:13 by inserting after paragraph II the following new paragraph:

13 II-a. The court may, at the arraignment or at any time thereafter, with the consent of the
14 minor and the minor's family, refer the minor and family to a care management entity, as defined in
15 RSA 135-F:4, III, for evaluation and/or behavioral health services to be coordinated and supervised
16 by that entity.

17 336 New Subparagraph; Delinquent Children; Disposition; Referral to Care Management
18 Entity. Amend RSA 169-B:19, I by inserting after subparagraph (k) the following new
19 subparagraph:

20 (l) With the consent of the minor and the minor's family, refer the minor and family to a
21 care management entity, as defined in RSA 135-F:4, III, for behavioral health services to be
22 coordinated and supervised by that entity. Such referral may be accompanied by one or more other
23 dispositions in this section, if otherwise authorized and appropriate.

24 337 New Paragraph; Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19 by
25 inserting after paragraph I the following new paragraph:

26 I-a. In the case of a child for whom behavioral health services are being coordinated by a
27 care management entity as defined in RSA 135-F:4, III, the court shall solicit and consider treatment
28 and service recommendations from the entity. If the court orders a disposition which is not
29 consistent with the care management entity's recommendations, it shall make written findings
30 regarding the basis for the disposition and the reasons for its determination not to follow the
31 recommendations.

32 338 Children in Need of Services; Initial Appearance. Amend RSA 169-D:11, II(e)(2) and (3) to
33 read as follows:

34 (2) Determined to have a mental illness, emotional or behavioral disorder, or another
35 disorder that may impede the child's decision-making abilities; ~~or~~

36 (3) Identified as eligible for special education services[-] ; *or*

1 **(4) *Previously referred to a care management entity as defined in RSA 135-***
2 ***F:4, III.***

3 339 New Paragraph; Children in Need of Services; Initial Appearance; Referral to Case
4 Management Entity. Amend RSA 169-D:11 by inserting after paragraph II-a the following new
5 paragraph:

6 II-b. The court may, at the initial appearance or at any time thereafter, with the consent of
7 the minor and the minor's family, refer the minor and family to a care management entity as defined
8 in RSA 135-F:4 III for evaluation and/or behavioral health services to be coordinated and supervised
9 by that entity.

10 340 New Paragraph; Children in Need of Services; Dispositional Hearing; Recommendations of
11 Care Management Entity. Amend RSA 169-D:17 by inserting after paragraph I the following new
12 paragraph:

13 I-a. In the case of a child for whom behavioral health services are being coordinated by a
14 care management entity as defined in RSA 135-F:4, the court shall solicit and consider treatment
15 and service recommendations from the entity. If the court orders a disposition which is not
16 consistent with the entity's recommendations, it shall make written findings regarding the basis for
17 the disposition and the reasons for its determination not to follow the recommendations.

18 341 New Paragraph; Children in Need of Services; Dispositional Hearing; Referral to Care
19 Management Entity. Amend RSA 169-D:17 by inserting after paragraph III the following new
20 paragraph:

21 III-a. In addition to any other disposition, the court may, with the consent of the minor and
22 the minor's family, refer the minor and family to a care management entity as defined in RSA 135-
23 F:4 III for behavioral health services to be coordinated and supervised by that entity. Such a
24 referral may be accompanied by one or more other dispositions in this section, if otherwise
25 authorized and appropriate.

26 342 New Paragraph; Services for Children Youth and Families; Definition of Evidence-Based
27 Practice. Amend RSA 170-G:1 by inserting after paragraph V the following new paragraph:

28 V-a. "Evidence-based practice" means a practice that has been recognized as supported by
29 research evidence by an evidence-based clearinghouse, such as the California Evidence-Based
30 Clearinghouse for Child Welfare and the Title IV-E Prevention Services Clearinghouse. Other
31 acceptable evidence-based practices shall include practices and programs evaluated using research
32 which utilizes methods that meet high scientific standards. Acceptable methods shall include:

33 (a) Systematic, empirical techniques that draw on observation or experiment.

34 (b) Rigorous data analyses that are adequate to test stated hypotheses and justify
35 general conclusions.

1 (c) Measurements or observational methods that provide reliable and valid data across
2 evaluators and observers, across multiple measurements and observations, and across studies by the
3 same or different investigators.

4 (d) Randomized controlled trials when possible and appropriate.

5 343 New Paragraph; Services for Children, Youth, and Families; Duties of the Department of
6 Health and Human Services. Amend RSA 170-G:4 by inserting after paragraph XX the following
7 new paragraph:

8 XXI. Utilize, to the fullest permissible extent, available public reimbursement for behavioral
9 health and other services provided pursuant to this chapter and RSA 169-B, 169-C, and 169-D, in
10 settings including the home, schools, and treatment facilities. Such reimbursement includes, but is
11 not limited to, the federal Early and Periodic Screening, Diagnosis and Treatment Program under 42
12 U.S.C. section 1396d.

13 344 New Sections; Services for Children Youth and Families. Amend RSA 170-G by inserting
14 after section 4-a the following new sections:

15 170-G:4-b Evidence-Based Practices.

16 I. On or before July 1, 2020, at least 10 percent of state funds received by the department for
17 children's behavioral health services, whether or not they are subject to this chapter, shall be
18 expended for evidence-based practices. Beginning July 1, 2022, the percentage of state funds
19 expended for evidence-based practices shall be at least 25 percent; and beginning July 1, 2025, the
20 percentage expended for evidence-based practices shall be at least 50 percent.

21 II. The department shall submit a biennial report containing:

22 (a) An assessment of each service provider on which the department expends funds,
23 including but not limited to whether each service provided is an evidence-based practice, and
24 whether the service provider is in compliance with the contract accountability requirements of RSA
25 170-G:4-d.

26 (b) The percentage of state funds the department receives for behavioral health services
27 that is being expended on evidence-based practices.

28 (c) The percentage of federal and other funds the department receives for behavioral
29 health services that is being expended on evidence-based practices.

30 (d) A description of the efforts the department is making to increase the use of evidence-
31 based practices for children's behavioral health and other services.

32 III. The department shall submit the report required under paragraph II no later than
33 January 15 of each odd-numbered year to the governor, the administrative justice of the circuit
34 court, and the house and senate finance committees. The report shall also be posted on the
35 department's website.

36 170-G:4-c Establishment of Resource Center for Children's Behavioral Health. The department
37 shall establish and maintain a resource center for children's behavioral health, which shall:

1 I. Provide technical assistance to the department and to service providers to support the
2 implementation and operation of evidence-based practices, along with the provision of services
3 according to the system of care characteristics described in RSA 135-F:3.

4 II. Provide training on a statewide basis to persons employed in the children's behavioral
5 health system, relating to:

6 (a) The use of evidence-based practices.

7 (b) The analysis of quality assurance protocols to determine whether service providers
8 are utilizing evidence-based practices with fidelity.

9 III. Act as a clearinghouse for information and statewide resources on evidence-based
10 practices for children receiving services pursuant to RSA 169-B, 169-C, 169-D, and 170-G.

11 IV. Facilitate collaboration among state and local agencies and service providers to increase
12 access to such providers.

13 V. Provide support for the assessment of the implementation of evidence-based practices by
14 such state and local agencies.

15 170-G:4-d Content of Provider Contracts.

16 I. All contracts between the department and providers of services under this chapter, or any
17 behavior health service to children, shall include provisions addressing outcome measurement,
18 incentives for the use of evidence-based practices, and accountability for high-quality services. Such
19 provisions shall, at minimum, include the following:

20 (a) Required use of a uniform assessment instrument developed and/or approved by the
21 department pursuant to RSA 170-G:4-e.

22 (b) In the case of providers of services to children pursuant to the dispositional authority
23 of the circuit court under RSA 169-B and 169-D, outcome measurement which includes recidivism as
24 measured by post-service arrests, violations of parole, conditional release, or other conditional
25 liberty, and behavior meeting the definition of a child in need of service under RSA 169-D:2.
26 Contracts with such providers shall also include incentives for recidivism reduction.

27 (c) Reporting to the department changes in assessment results following provision of the
28 contracted service for each child served.

29 II. The department shall include substantially similar requirements in its standards for
30 provider certification and other processes administered by the department to qualify providers to
31 deliver services pursuant to this chapter.

32 170-G:4-e Assessment, Treatment, and Discharge Planning.

33 I. In every case in which a placement outside the home is being considered, the department
34 shall require the completion of a written clinical assessment of the behavioral health and other
35 treatment needs of the child.

36 II. A written treatment plan shall be required upon a child's placement in a residential or
37 other treatment program. The plan shall have definable goals and strategies to achieve those goals

1 and include concrete, outcome-oriented interventions with the objective of restoring, rehabilitating,
2 or maintaining the child's capacity to successfully function in the community and diminish the need
3 for a more intensive level of care.

4 III. The development of a written discharge plan for each child shall begin upon admission
5 to any treatment program, and shall be available to the parents or guardians of the child no later
6 than 10 days following admission to the program. Treatment and discharge plans shall be updated
7 on an ongoing basis as treatment proceeds and a child's condition changes.

8 IV. All assessments conducted pursuant to this section shall include the use of a universal,
9 strengths-based assessment tool which is adopted by the department and used throughout the
10 system of care for children's mental health as defined in RSA 135-F.

11 V. The assessment of the child's behavioral health and other treatment needs shall be
12 repeated upon discharge from any residential treatment program or commitment pursuant to RSA
13 169-B:19, I(j).

14 VI. Assessments required by this section may not be conducted by employees of a residential
15 treatment provider or commitment pursuant to RSA 169-B:19, I(j).

16 170-G:4-f Medical Assistance Screening. The department of health and human services shall
17 establish a procedure to assess court-involved children for eligibility for private and public medical
18 insurance, including the medical assistance program under RSA 167. This procedure shall apply to
19 any child who is subject to proceedings under RSA 169-B or 169-D, or receives services pursuant to
20 RSA 169-C. Children who may be eligible and their families shall be provided assistance by the
21 department in making application for such assistance. The circuit court shall make any necessary
22 adjustments to its arraignment and other procedures to facilitate such assessments.

23 345 Establishment of Resource Center for Children's Behavioral Health; RFP Required. On or
24 before January 1, 2020, the department of health and human services shall issue a request for
25 proposals to establish the resource center for children's behavioral health pursuant to RSA 170-G:4-
26 c, as inserted by this act, and shall establish the resource center no later than July 1, 2020.

27 346 New Paragraph; Release and Discharge from the Youth Services Center. Amend RSA
28 621:19 by inserting after paragraph III the following new paragraph:

29 III-a. In every case in which there is a diagnosis or other evidence that a minor at the center
30 may have a serious emotional disturbance or other behavioral health disorder, the center shall, with
31 the consent of the minor and the minor's family, refer the minor to a care management entity, as
32 defined in RSA 135-F:4, III, for evaluation and recommendations for behavioral health services to be
33 coordinated and supervised by that entity before and after discharge from the facility. Discharge
34 plans shall incorporate the recommendations of the care management entity whenever appropriate.
35 In any case where the recommendations of the care management entity are not incorporated into the
36 discharge planning process, the minor, the minor's family, and counsel for the minor shall be notified
37 in writing of the decision and of the basis for the decision.

1 347 Appropriation; Department of Health and Human Services; Child Welfare Behavioral
2 Health Services. The sum of \$6,084,000 for the fiscal year ending June 30, 2020, and the sum of
3 \$13,164,000 for the fiscal year ending June 30, 2021, are hereby appropriated to the department of
4 health and human services for the purposes of sections 330-346 of this act. Notwithstanding RSA
5 14:30-a, VI, the department may accept and expend any federal fund match to the appropriation in
6 this section without prior approval of this fiscal committee of the general court. The governor is
7 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
8 appropriated.

9 348 Department of Health and Human Services; Medicaid Rate Increases.

10 I. The commissioner of the department of health and human services shall increase all
11 Medicaid provider rates, including all state plan services and waiver programs, excluding any
12 provider rate increases for inpatient-only substance use disorder treatment services, by 3.1 percent
13 effective January 1, 2020 and an additional 3.1 percent effective January 1, 2021. The commissioner
14 shall apply the rate increases to the Medicaid fee-for-service fee schedule for the purpose of
15 determining payments for all services not delivered through managed care, and shall require the
16 department's actuary to incorporate the rate increases into the capitation payment for all services
17 provided in the care management program. Nothing in this section shall be construed to alter the
18 traditional method of establishing the county contribution for the Medicaid federal medical
19 assistance percentage.

20 II. The department of health and human services shall, beginning on April 1, 2020 and every
21 3 months thereafter, provide a report to the fiscal committee of the general court on the status of the
22 rate increases described in paragraph I. Such reports shall include, but not be limited to, year-to-
23 date expenditures compiled by funding source and provider type.

24 349 Department of Health and Human Services; Appropriation.

25 I. The sum of \$31,000,000 for the biennium ending June 30, 2021 is hereby appropriated to
26 the department of health and human services for the purposes of section 348 of this act. Said sums
27 shall be charged as follows:

28 (a) The sum of \$22,238,000 shall be a charge against the state general fund, and the
29 governor is authorized to draw a warrant for said sum out of any money in the treasury not
30 otherwise appropriated;

31 (b) The sums of \$3,753,000 in the fiscal year ending June 30, 2020 and \$3,966,000 in the
32 fiscal year ending June 30, 2021 shall be a charge against state general funds appropriated in
33 account 05-95-93-930010-7100;

34 (c) The sums of \$74,000 in the fiscal year ending June 30, 2020 and \$79,000 in the fiscal
35 year ending June 30, 2021 shall be a charge against state general funds appropriated in account 05-
36 95-48-482010-2152;

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1 (d) The sums of \$92,000 in the fiscal year ending June 30, 2020 and \$92,000 in the fiscal
2 year ending June 30, 2021 shall be a charge against state general funds appropriated in account 05-
3 95-93-930010-7110; and

4 (e) The sums of \$353,000 in the fiscal year ending June 30, 2020 and \$353,000 in the
5 fiscal year ending June 30, 2021 shall be a charge against state general funds appropriated in
6 account 05-95-93-930010-7016.

7 II. Notwithstanding RSA 14:30-a, VI, in addition to the amounts appropriated in paragraph
8 I, the department of health and human services may accept and expend any matching federal funds
9 available for the purposes of this section without the prior approval of the fiscal committee of the
10 general court.

11 III. Nothing in this section shall be construed to provide a rate increase of an amount other
12 than 3.1 percent during each fiscal year to providers funded in accounts 05-95-93-930010-7100, 05-
13 95-48-482010-2152, 05-95-93-930010-7110, and 05-95-93-930010-7016.

14 350 Appropriation; Pease Development Authority; Fish Pier. There is hereby appropriated to
15 the Pease development authority, division of ports and harbors, the sum \$3,250,000 for the fiscal
16 year ending June 30, 2020, for the purpose of repair and construction costs associated with the
17 commercial fish pier in Portsmouth. Said funds shall not lapse, and the governor is authorized to
18 draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

19 351 New Hampshire Granite Advantage Health Care Program; Trust Fund. Amend RSA 126-
20 AA:3, VI to read as follows:

21 VI. The commissioner, in accordance with the most current available information, shall be
22 responsible for determining, quarterly commencing no later than December 31, 2018, whether there
23 is sufficient funding in the fund to cover projected program costs for the nonfederal share for the
24 next 6-month period. If at any time the commissioner determines that a projected shortfall exists,
25 ***then the sum necessary to cover such shortfall shall be transferred to the fund from the***
26 ***liquor commission fund established in RSA 176:16. In the event the commissioner***
27 ***determines that there are not sufficient funds in the liquor commission fund to cover the***
28 ***shortfall, then*** he or she shall terminate the program in accordance with the federally approved
29 terms and conditions issued by CMS. Upon making a determination that a projected shortfall exists
30 ***and that there are insufficient funds in the liquor commission fund to cover the shortfall,***
31 the commissioner shall:

32 (a) Within 48 hours of making the determination, notify the governor, the speaker of the
33 house of representatives, the president of the senate, and the chairperson of the fiscal committee of
34 the general court of the program's pending termination; and

35 (b) Within 10 business days of making the determination, notify program
36 participants of the program's pending termination.

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1 352 Appropriation; Department of Health and Human Services; Safe Stations. The sum of
2 \$375,000 for the fiscal year ending June 30, 2020 and the sum of \$375,000 for the fiscal year ending
3 June 30, 2021 is hereby appropriated to the department of health and human services for the
4 purpose of funding existing Safe Stations located in Manchester and Nashua. The governor is
5 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
6 appropriated.

7 353 Department of Health and Human Services; Supported Housing. The commissioner of the
8 department of health and human services shall contract with programs that enable individuals with
9 serious mental illness to attain and maintain integrated, affordable, supported housing. The
10 department shall use funding not to exceed \$500,000 from existing appropriations for the biennium
11 ending June 30, 2021. Eligibility for such funding shall include persons who are not eligible for
12 existing housing subsidy programs. The department shall submit a monthly report to the fiscal
13 committee of the general court regarding implementation of this section.

14 354 Department of Health and Human Services; Appropriation. Notwithstanding RSA 126-
15 AA:2, I(a) and RSA 126-AA:3, the sum of \$8,000,000 for the fiscal year ending June 30, 2020 is
16 hereby appropriated to the department of health and human services, which shall be nonlapsing, for
17 the purpose of enhancing provider rates for mental health and substance use disorder inpatient and
18 outpatient services consistent with 2018, 342. The governor is authorized to draw a warrant for said
19 sum out of any money in the treasury not otherwise appropriated. The commissioner of the
20 department of health and human services shall, within 21 days of the effective date of this section,
21 issue a report to the finance committees of the senate and the house of representatives stating how
22 he intends to expend the appropriation. Notwithstanding RSA 14:30-a,VI, the department may
23 accept and expend any federal fund match to the appropriation in this section without prior approval
24 of the fiscal committee of the general court.

25 355 Repeal. 2019, 41:1, relative to an appropriation to the department of health and human
26 services for increasing diagnosis-related group (DRG) rates for designated receiving facilities (DRF)
27 beds, is repealed.

28 356 Department of Health and Human Services; Designated Receiving Facilities Beds. 2019,
29 41:3 is repealed and reenacted to read as follows:

30 41:3 Department of Health and Human Services; Designated Receiving Facilities; Community
31 Residential Beds.

32 I.(a) The commissioner of the department of health and human services is authorized to
33 enter into a contract with an acute care hospital to establish no fewer than 8 and no more than 10
34 new designated receiving facility (DRF) beds to be operational no later than January 1, 2020. If the
35 contract is approved by the governor and executive council by December 15, 2019, the department
36 shall be appropriated the amounts specified in paragraph II to increase the diagnosis related group
37 (DRG) base rate reimbursement of all existing and newly established DRF beds. If a contract is not

1 approved by the governor and executive council by December 15, 2019, then no funds in paragraph II
2 shall be appropriated to increase the DRG base rate for all existing and new DRF beds.

3 (b) A hospital that establishes between 8 and 10 new DRF beds shall allocate the beds
4 based on the statewide need. The commissioner shall report monthly to the oversight committee on
5 health and human services established in RSA 126-A:13 commencing on February 1, 2020, relative
6 to the county of residence of all community DRF admissions for all community DRF beds. The new
7 beds shall be awarded based on a procurement process conducted by the department.

8 II. The sum of \$732,000 in the fiscal year ending June 30, 2020 and the sum of \$976,000 for
9 the fiscal year ending June 30, 2021 are hereby appropriated for the purpose of increasing the DRG
10 rates for all community based DRF beds in New Hampshire. Of the amounts appropriated, 50
11 percent shall be general funds and 50 percent shall be federal funds. Such funds shall be
12 nonlapsing. The governor is authorized to draw a warrant for the general fund portion of said sums
13 in the treasury not otherwise appropriated.

14 357 Appropriation; Secure Psychiatric Unit Facility. The sum of \$8,750,000 for the biennium
15 ending June 30, 2021 is hereby appropriated to the department of health and human services and
16 shall be expended for the purpose of constructing a new 25-bed secure psychiatric unit facility on the
17 New Hampshire Hospital grounds. The sum appropriated shall be nonlapsing, provided that any
18 unexpended amount following construction shall lapse to the general fund. The facility shall be built
19 to house such persons that do not require continued joint commission accreditation. The department
20 of administrative services shall prioritize this project in its workload. The department of
21 administrative services and the department of health and human shall provide reports each quarter
22 to the fiscal committee of the general court and the senate finance and house finance committees
23 concerning the progress of the project. Appropriate persons housed in the secure psychiatric unit of
24 the state prison shall be safely transferred to this facility no later than 2 weeks after it is
25 operational. This facility shall be operated and managed by the department of health and human
26 services. The state shall not enter into a contract with a private or for-profit prison company for the
27 construction or operation of the secure psychiatric facility unit. The governor is authorized to draw a
28 warrant for said sum out of any money in the treasury not otherwise appropriated.

29 358 Repeal. The following are repealed:

30 I. RSA 84-D, relative to the ICF quality assessment.

31 II. RSA 151-E:15-a, relative to expenditure of funds from ICF quality assessment.

32 359 Department of Health and Human Services; State Plan Amendment; Medicaid for Older
33 Employed Adults with Disabilities (MOAD) Work Incentive Program. On or before January 15,
34 2020, the commissioner of the department of health and human services shall apply to the Centers
35 for Medicare and Medicaid Services for an amendment to the state Medicaid plan pursuant to 42
36 C.F.R. section 430.12 to allow working persons with disabilities who are age 65 and older to receive
37 medical assistance pursuant to 42 U.S.C. section 1396a(a)(10)(A)(ii)(XIII) and as permitted under

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1 the Balanced Budget Act of 1997, to be known as Medicaid for Older Employed Adults with
2 Disabilities (MOAD). The state plan amendment shall be used to create a program similar to the
3 state's Medicaid for Employed Adults with Disabilities (MEAD) program, established pursuant to
4 RSA 167:3-i, which is currently limited to individuals between 18 and 64 years of age. Program
5 eligibility under the state plan amendment shall be structured to provide the broadest range of
6 Medicaid coverage consistent with federal eligibility criteria, and to utilize available income and
7 asset disregards so that, to the extent possible, persons eligible for the MEAD program shall also be
8 eligible for the MOAD program when they reach age 65.

9 360 New Paragraph; Definitions; MOAD Program. Amend RSA 167:6 by inserting after
10 paragraph IX the following new paragraph:

11 IX-a. A person with a disability age 65 and older who is eligible to participate in the work
12 incentive program, known as Medicaid for employed older adults with disabilities (MOAD), shall be
13 eligible for medical assistance as medically needy or categorically needy but not to exclude Medicare
14 coverage. The department of health and human services shall establish a sliding fee scale for
15 participants to contribute to the cost of such medical assistance. Participants in the MOAD program
16 shall be employed at the time of enrollment, and may remain enrolled during temporary
17 unemployment for medical reasons or other good cause.

18 361 New Section; MOAD Work Incentive Program. Amend RSA 167 by inserting after section 3-
19 l the following new section:

20 167:3-m MOAD Work Incentive Program.

21 I. Pursuant to section 1902(a)(10)(A)(ii)(XIII) of the Social Security Act, 42 U.S.C. section
22 1396a(a)(10)(A)(ii)(XIII), the department of health and human services shall establish and
23 administer a work incentive program, known as Medicaid for employed older adults with disabilities
24 (MOAD). The purpose of the program shall be to ensure the availability of long-term supports to
25 workers age 65 and older with disabilities who are medically eligible for Medicaid, enabling them to
26 maximize their employment potential and financial independence and prevent impoverishment and
27 dependence upon cash assistance programs.

28 II. In addition to the requirements of RSA 167:6, IX-a, the MOAD program shall:

29 (a) Exclude from consideration resources accumulated from earnings, including interest
30 earned by the resource, by a MOAD-eligible individual beginning on or after the date of eligibility
31 through the period of MOAD eligibility and kept in a separate account from other resources, when
32 determining future eligibility for other medical assistance programs.

33 (b) Provide continued eligibility during periods of temporary unemployment provided
34 that the individual is unable to work for medical reasons but is likely to return to work, or the
35 individual becomes unemployed for other good cause and is actively seeking employment.

36 (c) Define employment for eligibility purposes in a manner that permits a self-employed
37 individual to earn less than the federal minimum wage.

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1 (d) Permit individuals who are eligible for home and community-based care waiver
2 services and who qualify for a special income limit, to receive medical assistance through the MOAD
3 program, if they so choose.

4 (e) Provide notice and an opportunity for a fair hearing in the event of any adverse
5 action affecting eligibility for or enrollment in the MOAD program.

6 (f) Establish oversight and enforcement procedures to prevent fraud and to assure that
7 participants are consistently engaging in gainful employment.

8 III. Pursuant to section 1902(a)(10)(A)(ii)(XIII) of the Social Security Act, 42 U.S.C. section
9 1396a(a)(10)(A)(ii)(XIII), individuals shall be eligible for MOAD if their income does not exceed 250
10 percent of the federal poverty level, and they meet all criteria for receiving benefits under the
11 Supplemental Security Income (SSI) program.

12 362 New Paragraph; Rulemaking; MOAD Program. Amend RSA 167:3-c by inserting after
13 paragraph XII the following new paragraph:

14 XII-a. Administration of the MOAD work incentive program established pursuant to RSA
15 167:6, IX-a and RSA 167:3-m.

16 363 Applicability; MOAD. Sections 360-362 of this act shall take effect on the date that the
17 commissioner of the department of health and human services certifies to the secretary of state and
18 the director of legislative services that the state plan amendment submitted under section 359 of
19 this act has been approved by the Centers for Medicare and Medicaid Services.

20 364 Appropriation; Department of Health and Human Services; Child Protective Service
21 Workers and Supervisors. Amend 2019, 43:1 and 43:2 to read as follows:

22 43:1 Appropriation; Department of Health and Human Services; Child Protective Service
23 Workers. The sum of \$1,998,005 for the fiscal year ending June 30, 2020, and the sum of \$4,119,845
24 for the fiscal year ending June 30, 2021, are hereby appropriated to the department of health and
25 human services for the purpose of hiring 27 child protective service workers in fiscal year 2020 and
26 an additional 30 child protective service workers in fiscal year 2021. Of these amounts, \$1,398,604
27 for the fiscal year ending June 30, 2020 and \$2,883,892 for the fiscal year ending June 30, 2021 shall
28 be state general funds, and the remainder shall be federal funds. ***The funds appropriated in this***
29 ***section shall only be used for the purposes of this section, and shall not be transferred or***
30 ***used for any other purpose.*** The governor is authorized to draw a warrant for the general fund
31 share of said sums out of any money in the treasury not otherwise appropriated.

32 43:2 Appropriation; Department of Health and Human Services; Child Protective Service
33 Supervisors. The sum of \$773,552 for the fiscal year ending June 30, 2020, and the sum of
34 \$1,703,152 for the fiscal year ending June 30, 2021, are hereby appropriated to the department of
35 health and human services for the purpose of hiring 9 child protective service supervisors in fiscal
36 year 2020 and an additional 11 supervisors in fiscal year 2021. Of these amounts, \$541,487 for the
37 fiscal year ending June 30, 2020 and \$1,192,207 for the fiscal year ending June 30, 2021 shall be

1 state general funds, and the remainder shall be federal funds. ***The funds appropriated in this***
2 ***section shall only be used for the purposes of this section, and shall not be transferred or***
3 ***used for any other purpose.*** The governor is authorized to draw a warrant for the general fund
4 share of said sums out of any money in the treasury not otherwise appropriated.

5 365 Statement of Purpose. The purpose of sections 366-367 of this act is to set minimum
6 training requirements for staff members working in facilities or programs regulated by the health
7 facilities administration, department of health and human services which include persons with
8 Alzheimer's disease or other dementias in the populations they serve. The dementia-specific
9 training curriculum shall incorporate principles of person-centered dementia care including:
10 thorough knowledge of the person and the person's abilities and needs; advancement of optimal
11 functioning and a high quality of life; and use of problem-solving approaches to care. Staff members
12 shall be trained adequately and appropriately to best address the needs of the population of care
13 recipients they serve. Training shall be culturally competent both for the staff member and the care
14 recipient.

15 366 New Subdivision; Dementia Training for Direct Care Staff in Residential Facilities and
16 Community-Based Services. Amend RSA 151 by inserting after section 46 the following new
17 subdivision:

18 Dementia Training for Direct Care Staff in Residential Facilities
19 and Community-Based Services

20 151:47 Definitions. In this subdivision:

21 I. "Covered administrative staff member" means the senior manager of the facility or
22 program, including administrators, as well as managerial staff members that directly supervise
23 covered direct service staff members.

24 II. "Covered direct service staff member" means a staff member whose work involves
25 extensive contact with residents or program participants. Such staff members include: certified
26 nursing assistants, nurse aides, personal care assistants, home health or personal care aides,
27 licensed practical nurses, licensed vocational nurses, registered nurses, social workers, activity
28 directors, and dietary staff.

29 III. "Department" means the department of health and human services.

30 IV. "Facilities or programs" means residential facilities or home and community-based
31 programs, serving an adult population, licensed as appropriate under this chapter, that provide
32 supportive services including, but not limited to, skilled care facilities, intermediate care facilities,
33 assisted living facilities, residential care for the elderly, adult day programs, home health, in-home
34 services, or adult family care homes or programs that advertise specialty memory care that have
35 residents or program participants with Alzheimer's disease or other dementias.

36 V. "Other covered staff member" means a staff member who has incidental contact on a
37 recurring basis with residents or program participants, including housekeeping staff, front desk

1 staff, maintenance staff, other administrative staff, and other individuals who have such incidental
2 contact.

3 VI. "Staff member" includes full and part-time employees, independent consultants, and
4 staff of contractors and subcontractors.

5 151:48 Initial and Continuing Training in Dementia Required.

6 I. Facilities and programs shall provide initial training to:

7 (a) All covered staff members hired on or after July 1, 2019, who shall complete initial
8 training within 6 months of the commencement of employment.

9 (b) All covered staff members who were employed prior to the date under subparagraph
10 (a) and who have not received equivalent training; such training shall be completed within 6 months
11 of that date.

12 II. Each facility or program shall establish a system for ongoing onsite support, supervision,
13 and mentoring for its staff with regard to the treatment and care of persons with dementia.

14 III. For covered direct service staff members and covered administrative staff members, at a
15 minimum, the curriculum used for the initial training shall adhere to the latest nationwide
16 Alzheimer's Association Dementia Care Practice Recommendations and, at a minimum, cover the
17 following topics:

18 (a) Alzheimer's disease and dementia;

19 (b) Person-centered care;

20 (c) Assessment and care planning;

21 (d) Activities of daily living; and

22 (e) Dementia-related behaviors and communication.

23 IV. For other covered staff members, training shall include, at a minimum, communication
24 issues related to dementia.

25 V. Initial dementia training shall be considered complete only after the staff member has
26 taken and passed an evaluation.

27 151:49 Portability.

28 I. The facility or staff shall issue a certificate to covered staff members upon completion of
29 initial training, which shall be portable between settings. Provided that the covered staff member
30 does not have a lapse of dementia related direct service or administration employment for 24
31 consecutive months or more, the covered staff member shall not be required to repeat the initial
32 dementia training.

33 II. Covered staff members shall be responsible for maintaining records of certificates
34 received.

35 151:50 Continuing Education. In addition to initial training, the commissioner shall adopt rules
36 to determine when and how often continuing education on dementia shall be required. Such
37 continuing education shall include new information on best practices in the treatment and care of

1 persons with dementia. The department shall require at least a minimum of 6 hours of initial
2 continuing education for covered administrative staff members and covered direct service staff
3 members and shall require at least a minimum of 4 hours of ongoing training each calendar year.
4 Such continuing education shall include new information on best practices in the treatment and care
5 of persons with dementia.

6 151:51 Requirements for Trainers; Training Costs. Persons responsible for conducting in-person
7 dementia trainings shall meet minimum criteria including: 2 years of work experience related to
8 Alzheimer's disease or other dementias or in health care, gerontology, or other related field; and
9 have completed training equivalent to the requirements provided herein. Covered staff members
10 shall not be required to bear any of the cost of training or to attend trainings and shall receive their
11 normal compensation when attending required trainings.

12 151:52 Departmental Oversight.

13 I. The department shall exercise oversight of a facility's or program's dementia training
14 program as part of its comprehensive regulatory responsibilities. Such oversight shall:

15 (a) Ensure that the facility or program provides continuing education opportunities.

16 (b) Ensure that the facility or program uses designated online training programs or
17 facility-based training that meets the requirements for dementia training in the state.

18 (c) Ensure compliance with any other requirements specified in this subdivision.

19 II. The department may use all of its enforcement tools to ensure that facilities and
20 programs comply with paragraph I.

21 367 Applicability; Dementia Training. Section 366 of this act is intended to address gaps in
22 current dementia training requirements for covered staff and improve the quality of training. If
23 prior-enacted laws or rules contain more rigorous training requirements for some covered staff
24 members, those laws or rules shall apply. Where there is overlap between these provisions and
25 other laws and rules, the department shall interpret this statute to avoid duplication of
26 requirements while ensuring that the minimum requirements set forth in this act are met.

27 368 Reproductive Health Care Facilities. Unless specifically appropriated in the biennial
28 budget, no state funds awarded by the department of health and human services to a reproductive
29 health care facility, as defined in RSA 132:37, I, shall be used to provide abortion services. This
30 section shall not apply to funding available from the state pursuant to Title XIX of the Social
31 Security Act to the minimum extent necessary to comply with federal conditions for the state's
32 participation in the Medicaid program.

33 369 County Nursing Homes; Proportionate Share Payments. Amend RSA 167:18-h to read as
34 follows:

35 167:18-h County Nursing Homes; Proportionate Share Payments.

36 I. Proportionate share payments to county nursing homes shall be made each state fiscal
37 year in an amount equal to the maximum permissible by federal regulations. All payments shall be

1 ~~[apportioned]~~ **specific** to each facility in ~~[a percentage equal to that facility's proportion of total~~
2 ~~county nursing home medicaid utilization]~~ **accordance with the methodology in the approved**
3 **Medicaid state plan amendment.** If the federal government makes adjustments to any
4 proportionate share payments that have been made by the state, the amounts due under this section
5 shall be amended accordingly and adjusted payments shall be made to or from the state as
6 necessary.

7 II. ~~[Notwithstanding any provision of law to the contrary, each county government shall~~
8 ~~reimburse the state for 50 percent of the total cost of proportionate share payments made to the~~
9 ~~county pursuant to paragraph I.]~~

10 (a) **The certified public expenditure (CPE) nursing facilities group shall be**
11 **financed on the basis of a CPE methodology and shall not require a transfer of funds from**
12 **the respective county to the state to effectuate the federal match.**

13 (b) **Any intergovernmental transfers (IGT) specific to the IGT nursing facilities**
14 **group that serve as the basis for generating the federal match shall be in accordance with**
15 **the approved Medicaid state plan amendment.**

16 370 New Paragraph; Services for Children, Youth and Families; Department of Health and
17 Human Services Funding for Juvenile Diversion Programs. Amend RSA 170-G:4 by inserting after
18 paragraph XXI the following new paragraph:

19 XXII. Encourage cities, towns, counties, and non-governmental organizations to develop and
20 maintain court-approved diversion programs for juveniles. The amount to be distributed to the
21 diversion programs shall be not more than \$600,000 for the biennium ending June 30, 2021, from
22 which the sum of \$30,000 in each year of the biennium shall be reserved for newly approved
23 programs, with the remainder divided equally among existing, approved programs that make
24 application for such funding. The judicial branch family division shall establish requirements for
25 court-approved diversion programs under this section and RSA 169-B:10.

26 371 Appropriation; Department of Health and Human Services; Juvenile Diversion Programs.
27 The sum of \$300,000 annually, for the biennium ending June 30, 2021, is hereby appropriated to the
28 department of health and human services for distribution to juvenile diversion programs developed
29 and maintained by municipalities, counties, and non-governmental organizations pursuant to RSA
30 170-G:4, XXII, as inserted by this act. The governor is authorized to draw a warrant for said sum
31 out of any money in the treasury not otherwise appropriated.

32 372 Department of Health and Human Services; Appropriation. The sum of \$450,000 in the
33 fiscal year ending June 30, 2020 and the sum of \$450,000 in the fiscal year ending June 30, 2021 are
34 hereby appropriated to the department of health and human services for the purpose of funding
35 existing supervised visitation centers in New Hampshire. The governor is authorized to draw a
36 warrant for said sums out of any money in the treasury not otherwise appropriated.

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1 373 Department of Health and Human Services; Rural Health and Primary Care Section;
2 Positions Established. There is established within the department of health and human services,
3 division of public health services, rural health and primary care section, 2 full-time, unclassified
4 positions. The salary for such positions shall be as set forth in RSA 94:1-a, provided that the salary
5 for such positions shall be determined after assessment and review of the appropriate temporary
6 letter grade allocation in RSA 94:1-a, I(b) for the positions which shall be conducted pursuant to RSA
7 94:1-d and RSA 14:14-c.

8 374 Appropriations; Department of Health and Human Services; Rural Health and Primary
9 Care Section.

10 I. State Loan Repayment Program. The sum of \$6,500,000 for the biennium ending June 30,
11 2021 is hereby appropriated to the department of health and human services, division of public
12 health services, rural health and primary care section to accounting unit 05-95-90-901010-7965, line
13 103, Contracts for Op Services, and to fund one of the positions established in section 373 of this act.
14 This appropriation shall be nonlapsing. Of this appropriation, the sums of \$750,000 for the fiscal
15 year ending June 30, 2020 and \$750,000 for the fiscal year ending June 30, 2021 shall be expended
16 by clinicians solely to deliver mental health and substance use disorder treatment services in
17 Carroll, Cheshire, and Coos counties. The governor is authorized to draw a warrant for said sums
18 out of any money in the treasury not otherwise appropriated.

19 II. Primary Care Workforce Program. The sum of \$120,000 for the fiscal year ending June
20 30, 2020 and the sum of \$120,000 for the fiscal year ending June 30, 2021 are hereby appropriated to
21 the department of health and human services, division of public health services, rural health and
22 primary care section, for the purpose of funding one of the positions established in section 373 of this
23 act. The commissioner of the department of health and human services may use up to \$20,000 of the
24 appropriation in each fiscal year towards the upgrade of an existing position in the rural health and
25 primary care section. The governor is authorized to draw a warrant for said sums out of any money
26 in the treasury not otherwise appropriated.

27 375 Appropriation; Department of Business and Economic Affairs. The sum of \$100,000 for the
28 fiscal year ending June 30, 2020 and the sum of \$100,000 for the fiscal year ending June 30, 2021 are
29 hereby appropriated to the department of business and economic affairs for the purpose of
30 supporting the education and acceleration programs within New Hampshire's non-profit business
31 technology incubators. The governor is authorized to draw a warrant for said sum out of any money
32 in the treasury not otherwise appropriated.

33 376 New Subdivision; Lead Paint Hazard Remediation Fund. Amend RSA 204-C by inserting
34 after section 87 the following new subdivision:

Lead Paint Hazard Remediation Fund

36 204-C:88 Definitions. In this subdivision:

37 I. "Multi-unit" means more than one dwelling unit.

1 II. "Property" means a rental or owner-occupied residential property, or a child care facility
2 licensed under RSA 170-E.

3 III. "Unit" means a single dwelling unit within a structure that contains more than one
4 dwelling unit. "Unit" may also include any dwelling unit within a structure that is otherwise used
5 for non-residential purposes.

6 204-C:89 Lead Paint Hazard Remediation Fund Established.

7 I. There is hereby established within the authority a fund to be used for the purposes of
8 remediating lead paint hazards in housing, to be known as the lead paint hazard remediation fund.
9 The lead paint hazard remediation fund shall be composed of appropriations, gifts, grants,
10 donations, bequests, or other moneys from any public or private source, but such revenues shall not
11 be deemed to be money received from the state, and nothing in this subdivision shall be construed as
12 pledging the faith and credit of the state.

13 II. The authority may use the lead paint hazard remediation fund to make loans to owners
14 of properties for the costs of remediation of lead paint hazards. The authority may also make loans
15 to owners of licensed child care facilities for remediation of lead in water. Loans may be made
16 provided that such remediation is conducted in accordance with lead-safe practices under applicable
17 laws and regulations.

18 III. The authority may use up to 5 percent of any funds deposited in the lead paint hazard
19 remediation fund for program administration.

20 204-C:90 Eligibility. For a property to be eligible to use the funding under this subdivision, the
21 property shall be:

22 I. An owner-occupied single family home occupied by a household with a child under 6 years
23 or a pregnant woman and where household income is no more than 100 percent of the median
24 income adjusted for household size for the metropolitan area or county in which the housing is
25 located as published annually by the United States Department of Housing and Urban Development;

26 II. A unit in a multi-unit residential property or a renter-occupied single family home where
27 household income is no more than 90 percent of the median income adjusted for household size for
28 the metropolitan area or county in which the housing is located as published annually by the United
29 States Department of Housing and Urban Development; or

30 III. A child care facility licensed under RSA 170-E.

31 204-C:91 Use of Federal Funds. The lead paint hazard remediation fund shall only be used to
32 supplement, but not supplant, existing federal resources. If a property or unit is eligible for federal
33 funding from a program in operation by the authority, or by any state agency or political subdivision,
34 the owner of the property shall first apply to that program before applying to the lead paint hazard
35 remediation fund.

36 204-C:92 Rulemaking. Pursuant to RSA 204-C:53, the authority shall adopt rules governing the
37 distribution the lead paint hazard remediation fund.

1 377 Repeal. Loans for Lead Hazard Remediation Projects. RSA 130-A:15-a, relative to loans for
2 lead hazard remediation projects, is repealed.

3 378 Appropriation; Lead Paint Hazard Remediation Fund. The sum of \$3,000,000 for the fiscal
4 year ending June 30, 2020 is hereby appropriated to the lead paint hazard remediation fund
5 established in RSA 204-C:89. The governor is authorized to draw a warrant for said sum out of any
6 money in the treasury not otherwise appropriated.

7 379 Appropriation; Division of Public Health Services. Notwithstanding the provisions of RSA
8 485-F, \$500,000 in fiscal year 2020 shall be appropriated from the drinking water and groundwater
9 trust fund established in RSA 6-D:1 to the department of health and human services, division of
10 public health services to fund a study to determine the causes of high levels of pediatric cancer in
11 New Hampshire. These funds shall not lapse until June 30, 2021.

12 380 New Hampshire Veterans' Home; Transfer Among Accounts and Classes. Notwithstanding
13 any provision of law to the contrary, for the biennium ending June 30, 2021, the commandant of the
14 New Hampshire veterans' home is authorized to transfer funds within and among all accounting
15 units within the home and to create accounting units and expenditure classes as required and as the
16 commandant deems necessary and appropriate to address present or projected budget deficits, or to
17 respond to changes in federal law, regulations, or programs, and otherwise as necessary for the
18 efficient management of the home, including funding of unfunded positions, provided that if a
19 transfer does not include new accounting units or expenditure classes, only such transfers of
20 \$100,000 or more shall require prior approval of the fiscal committee of the general court and the
21 governor and council. The New Hampshire veterans' home shall be exempt from RSA 9:17-a, I and
22 RSA 9:17-c, subject to approval by the fiscal committee of the general court of any transfer of
23 appropriations from permanent personal services or employee benefits to any other use or purpose

24 381 Committee Established. There is established a committee to study the disparity in
25 reimbursement among organizations that provide case management under Social Security Act
26 section 1915(c) waiver programs.

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

28 (a) Two members of the senate finance committee, one of whom shall be from the
29 majority party and one of whom shall be from the minority party, appointed by the president of the
30 senate.

31 (b) Two members of the house of representatives finance committee, one of whom shall
32 from the majority party and one of whom shall be from the minority party, appointed by the speaker
33 of the house of representatives.

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

1 III.(a) The committee shall examine the extent of any disparity in reimbursement among
2 organizations that provide case management under Section 1915(c) waiver programs and the
3 potential causes of and solutions to such disparity.

4 (b) The study shall include a comparison between all Section 1915(c) waiver case
5 management reimbursements, including reimbursement for providers in the following programmatic
6 areas: developmental services, choices for independence, in-home support, and acquired brain
7 disorder services.

8 IV. The committee shall meet in duly noticed public meetings, take testimony when the
9 committee feels it is appropriate, and may accept and solicit information from any person or entity
10 the committee deems relevant to its study.

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

15 VI. The committee shall report its findings and any recommendations for proposed
16 legislation to the president of the senate, the speaker of the house of representatives, the senate
17 clerk, the house clerk, the governor, and the state library on or before February 15, 2020.

18 382 Statement of Purpose. The purpose of sections 383 and 384 this act is to assist lower
19 income seniors with prescription drug costs when they reach the coverage limit for prescription
20 drugs under the Medicare Part D program. Since most Medicare drug plans have a coverage gap,
21 often called the “donut hole,” the general court finds that there is a need for a state assistance plan
22 to supplement or wrap around the benefit available under the federal program to ensure that low
23 income seniors retain access to necessary medication during this gap in coverage.

24 383 New Subdivision; Department of Health and Human Services; New Hampshire
25 Pharmaceutical Assistance Pilot Program for Seniors. Amend RSA 126-A by inserting after section
26 79 the following new subdivision:

27 New Hampshire Pharmaceutical Assistance Pilot Program for Seniors

28 126-A:80 New Hampshire Pharmaceutical Assistance Pilot Program for Seniors.

29 I. The commissioner of the department of health and human services shall establish a
30 prescription drug assistance pilot program for seniors. The purpose of the pilot program shall be to
31 wraparound or supplement the federal prescription drug benefit under Medicare Part D by paying
32 the out-of-pocket costs for prescription drugs for eligible individuals who have reached the coverage
33 gap, known as the donut hole, under Medicare Part D. The pilot program shall be the payer of last
34 resort and shall cover all out-of-pocket prescription drug costs for which assistance is not otherwise
35 available in the coverage gap, known as the donut hole. The pilot program shall be available to the
36 first 1,000 individuals age 65 or older who apply for such assistance, who have a gross annual
37 household income of 250 percent or less of the federal poverty level, and who otherwise meet the

1 eligibility criteria established by the department. Assistance shall be available under the pilot
2 program from January 1, 2020 to January 1, 2021. The commissioner shall make available an online
3 application, a telephone number for applications and questions, and shall provide written
4 applications upon request. Applications shall include information on income, household size,
5 Medicare Part D enrollment and coverage information, the prescription drugs for which assistance is
6 sought, the age of the applicant, and the location of the applicant. On or before February 1, 2020,
7 the commissioner shall adopt rules, under RSA 541-A, relative to pilot program enrollment,
8 administration, and evaluation.

9 II. On or before March 1, 2021, the commissioner of the department of health and human
10 services shall submit an evaluation report of the pilot program to the senate president, the speaker
11 of the house of representatives, the governor, the senate finance committee, the house finance
12 committee, the senate health and human services committee, and the house health, human services
13 and elderly affairs committee. The report shall include information regarding the number of
14 applications, age and location of applicants, prescription drugs for which assistance was provided,
15 costs per eligible applicant, likely costs per non-eligible applicant, and descriptions regarding
16 applicant ineligibility.

17 384 Appropriation; Department of Health and Human Services. For the purpose of funding the
18 prescription drug assistance pilot program for seniors established in this act, the sum of \$2,000,000
19 for fiscal year ending June 30, 2020, is hereby appropriated to the department of health and human
20 services. Such appropriation shall not lapse. The governor is authorized to draw a warrant for said
21 sum out of any money in the treasury not otherwise appropriated.

22 385 Appropriation. The sum of \$1,000,000 for the fiscal year ending June 30, 2020 is hereby
23 appropriated to the department of health and human services for the purposes of upgrading existing
24 substance use disorder treatment and recovery housing facilities and creating new substance use
25 disorder treatment and recovery housing facilities. Funds appropriated under this section shall be
26 used for upgrading or renovating existing facilities to ensure compliance with fire code and safety
27 standards; expanding existing facilities to increase service capacity; and developing new substance
28 use disorder treatment and recovery housing facilities. Facilities receiving funds under this section
29 shall be in compliance with any state rules associated with the operation of such programs. The
30 governor is authorized to draw a warrant for said sum out of any money in the treasury not
31 otherwise appropriated. Funds appropriated in this section shall be nonlapsing.

32 386 Appropriation; Education Trust Fund. The sum of \$68,100,000 for the fiscal year ending
33 June 30, 2020 is hereby appropriated to the education trust fund. The governor is authorized to
34 draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

35 387 Board of Trustees, Community College System of New Hampshire. Amend RSA 188-F:4,
36 II(j) to read as follows:

1 (j) Two members who shall be New Hampshire residents and who are ~~[full-time]~~
2 students enrolled in ***a credit program at*** one of the colleges within the community college system.
3 The student trustees shall be voted from the colleges within the community college system of New
4 Hampshire locations proceeding in alphabetical order and shall be elected by the student body of the
5 campus responsible for providing the student trustee. The student trustees shall serve a one-year
6 term commencing June 1 of the year for which the student was elected and ending May 31 of the
7 next year. In the event that a student trustee ceases for any reason to attend the school from which
8 the student was elected, the chancellor of the community college system of New Hampshire shall
9 declare a vacancy in that student trustee position, and the next school in order shall elect the
10 student trustee who shall serve for the remainder of the predecessor's term and an additional one-
11 year term immediately.

12 388 Energy Infrastructure Development and Corridors; RSA 162-R; Contingency Revised.
13 Amend 2016, 218:3 and 4 to read as follows:

14 218:3 Updated and Revised Utility Accommodation Manual. The department of transportation
15 shall update and revise its utility accommodation manual in order to provide for the optional use of
16 the energy infrastructure corridors designated pursuant to RSA 162-R:2. The updated and revised
17 manual shall be approved by the Federal Highway Administration no later than ~~[June 1, 2017]~~
18 ***April 1, 2018***.

19 218:4 Contingency. If the updated and revised utility accommodation manual required by
20 section 3 of this act is adopted and approved by ~~[June 1, 2017]~~ ***April 1, 2018***, sections 1 and 2 of this
21 act shall take effect ~~[July 1, 2017]~~ ***April 15, 2018***. If the updated and revised utility accommodation
22 manual is not adopted and approved by ~~[June 1, 2017]~~ ***April 1, 2018***, sections 1 and 2 of this act
23 shall not take effect. The commissioner of the department of transportation shall certify the date of
24 approval of the manual to the secretary of state and the director of legislative services.

25 389 Attorney General; Criminal Justice Bureau. Amend 2018, 127:3, III(b) to read as follows:

26 (b) There is established within the department of justice an unclassified full-time
27 attorney position for the purpose of implementing and establishing a training program for regional,
28 county, and state prosecutors as required in this paragraph. The salary for the full-time attorney
29 position shall be ~~[determined after assessment and review of the appropriate temporary letter grade~~
30 ~~allocation in RSA 94:1-a, I(b) for the position which shall be conducted pursuant to RSA 94:1-d and~~
31 ~~RSA 14:14-e]~~ ***established as provided for in RSA 94:1-a, I(c)***.

32 390 Department of Health and Human Services; Emergency Shelter and Stabilization Services.

33 I. The sum of \$450,000 in general funds is hereby appropriated to the department of health
34 and human services for the fiscal year ending June 30, 2020, which shall be nonlapsing, for the
35 purpose of emergency shelter and stabilization services for persons experiencing substance use
36 disorder. The governor is authorized to draw a warrant for said sum out of any money in the
37 treasury not otherwise appropriated. Notwithstanding RSA 14:30-a, VI, the department is hereby

1 authorized to accept and expend any federal fund match to the appropriation in this section without
2 prior approval of the fiscal committee of the general court.

3 II. The commissioner of the department of health and human services shall allocate and
4 disburse such funds through a sole source contract or contracts and shall prioritize the use of the
5 funds to high need areas within the state of New Hampshire that are in immediate need for those
6 services. The contracted services shall be operational on or before March 31, 2020.

7 391 Health and Human Services; Amendment, Waiver; Supportive Housing Services. The
8 commissioner of the department of health and human services shall submit a state plan amendment
9 as provided in Section 1915(i) of the Social Security Act or a waiver under other provisions of the Act
10 to the Centers for Medicare and Medicaid Services to create a state Medicaid benefit for supportive
11 housing services.

12 392 Notice of Leased Interests in Public Property; Applicability to the Department of
13 Transportation Temporarily Suspended. RSA 72:23, I(b)(1)(B), requiring lessors of public property
14 to provide notice to assessing officials of the municipality in which the property is located, shall not
15 apply to the department of transportation until January 1, 2021.

16 393 Seasonal Workers; Exempt from Work Search Requirements for Unemployment; SB 62.
17 RSA 282-A:31, I(d)(4) is repealed and reenacted to read as follows:

18 (4) If availability is limited to part-time work, the claim for unemployment benefits
19 is based on wages earned in part-time work; and

20 (5) If the individual furnishes evidence satisfactory to the commissioner that such
21 individual has a definite date for returning to work which is within 11 weeks of the last day of work,
22 such person shall be exempt from the work search requirements in subparagraph (d).

23 394 Adequate Representation for Indigent Defendants in Criminal Cases; Appointment of
24 Counsel. Amend RSA 604-A:2, I to read as follows:

25 I. In every criminal case in which the defendant is charged with a felony or a class A
26 misdemeanor and appears without counsel, the court before which he or she appears shall advise the
27 defendant that he or she has a right to be represented by counsel and that counsel will be appointed
28 to represent him or her if he or she is financially unable to obtain counsel. Unless the defendant
29 waives the appointment of counsel, if the defendant indicates to the court that he or she is
30 financially unable to obtain counsel, the court shall instruct the defendant to complete a financial
31 ~~[affidavit]~~ **statement under oath** in such form as designated by the unit of cost containment. If
32 after review of the financial ~~[affidavit]~~ **statement under oath** and application of the rules
33 established pursuant to RSA 604-A:10, IV the court is satisfied that the defendant is financially
34 unable to obtain counsel, the court shall appoint counsel to represent him or her; provided, however,
35 that in any case in which the defendant is charged with a capital offense, the court may appoint 2
36 counsel to represent him or her. Whenever defendants have such conflicting interests that they
37 cannot be properly represented by the same counsel, or when other good cause is shown, the court

1 shall appoint separate counsel for each of them. In a post-conviction proceeding in which a
2 defendant seeks to attack the validity of an underlying conviction, the court shall appoint counsel or
3 approve a request for services other than counsel when the interests of justice or judicial economy
4 require.

5 395 Appointment of Counsel for Nonpayment or Nonperformance; Statement Under Oath.
6 Amend RSA 604-A:2-f, II(a) to read as follows:

7 (a) Provide the defendant with a financial [~~affidavit~~] **statement under oath** and direct
8 the defendant to complete the [~~affidavit~~] **financial statement under oath**;

9 396 New Subdivision; Statewide Threat Notification System for Schools. Amend RSA 21-P by
10 inserting after section 52 the following new subdivision:

11 Statewide Threat Notification System for Schools

12 21-P:52-a Statewide Threat Notification System for Schools.

13 I. The department of safety, in conjunction with the United States Department of Homeland
14 Security, shall commence a process of due diligence in anticipation of future deployment of a
15 statewide, real-time threat notification system for schools, the purpose of which shall be to link
16 school personnel directly to law enforcement in the event of a direct threat against the school
17 community or a general emergency situation in which law enforcement would respond.

18 II. The department of safety shall solicit requests for information (RFI) for a statewide, real-
19 time threat notification system based on the following criteria:

20 (a) The system would be activated by authorized school personnel using classroom
21 desktop computers, laptop computers, mobile phones, fobs, and other suitable devices.

22 (b) Upon activation, the system would determine the location of the nearest law
23 enforcement officers, regardless of jurisdiction, and directly notifies them of the activation.

24 (c) The system would notify the following state and local agencies of the activation:

25 (1) The bureau of emergency communications, or state 911 center.

26 (2) The New Hampshire state police.

27 (3) The New Hampshire information and analysis center.

28 (4) The department of safety, division of homeland security and emergency
29 management.

30 (5) The appropriate local or regional dispatch center for the school.

31 (d) The system would provide electronic school floor plans and related documents to
32 responding officers.

33 (e) The system would provide a communication method for responding officers to
34 communicate with school personnel.

35 III. The threat notification system for schools shall be a state-funded program, available to
36 all school districts and law enforcement agencies in the state. However, participation in the program
37 by local school districts and local law enforcement agencies shall be voluntary.

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1 IV. No state funds are appropriated for the due diligence process.

2 V. Deployment of a statewide real-time threat alert system is contingent on an
3 appropriation of funds from surplus revenues received by the state during the 2020-2021 biennium.

4 VI. The commissioner of the department of safety shall adopt rules, under RSA 541-A,
5 relative to implementation and operation of the real-time threat notification system for schools.

6 397 Statement of Purpose. The purpose of sections 398-422 of this act is to provide legislative
7 authorization for initiatives to improve the health coverage available through this state's individual
8 and small employer markets, including authorizing new forms of multiple employer welfare
9 arrangements contingent on the establishment of the legal validity of the United States Department
10 of Labor's Association Health Plan Rule codified at 29 C.F.R. section 2510.3-5(b), authorizing the
11 insurance commissioner to apply for a waiver on an expedited basis under section 1332 of the
12 Affordable Care Act to create a market stabilization mechanism for the individual market, and
13 creating a legislative commission on the status of health coverage markets for individuals and small
14 employers. The general court hereby seeks to help individuals and small businesses obtain more
15 affordable health care coverage and new coverage options while preserving protections for higher
16 risk individuals and groups and while protecting against adverse impacts on New Hampshire's
17 existing individual and small group health insurance markets.

18 398 Title. Sections 399-419 of this act shall be known as the Individual and Small Business
19 Health Care Reform Act of 2019.

20 399 Multiple-Employer Welfare Arrangements; Definitions. RSA 415-E:1 is repealed and
21 reenacted to read as follows:

22 415-E:1 Definitions. In this chapter:

23 I. "Bona fide association" means a bona fide pathway I association or a bona fide pathway II
24 association.

25 II. "Bona fide pathway I association" means a group or association that satisfies the criteria
26 established by the United States Department of Labor prior to the adoption in 2018 of 29 C.F.R.
27 section 2510.3-5, including the guidance provided in the United States Department of Labor
28 publication entitled "MEWAS, Multiple-Employer Welfare Arrangements under the Employee
29 Retirement Income Security Act (ERISA): A Guide to Federal and State Regulation, Revised August
30 2013" and including published United States Department of Labor ERISA Advisory Opinion Letters.

31 III. "Bona fide pathway II association" means a group or association that meets the
32 requirements of 29 C.F.R. section 2510.3-5(b).

33 IV. "Commissioner" means the insurance commissioner of the state of New Hampshire.

34 V. "Eligible employee" means a full-time or part-time employee who meets the requirements
35 for eligibility for group coverage set forth in RSA 415:18, I(q).

36 VI. "Employee welfare benefit plan" has the same meaning as in 29 U.S.C. section 1002(1).

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1 VII. "Fully insured health benefit plan" means a policy, contract, certificate, or agreement to
2 provide, deliver, arrange for, pay for, or reimburse any of the costs of health services, that is offered
3 or issued to bona fide association by a health insurer licensed to do business in New Hampshire and
4 that bears the risk under the plan.

5 VIII. "Fund balance" means the total assets in excess of total liabilities, except that assets
6 pledged to secure debts not reflected on the books of the multiple-employer welfare arrangement
7 shall not be included in the fund balance. Fund balance shall include other contributed capital,
8 retained earnings, and surplus notes.

9 IX. "Insolvency termination" means the termination of an arrangement where the fund
10 balance as of the termination date is inadequate.

11 X. "Insurer" means any insurer, nonprofit hospital or medical service corporation, health
12 maintenance organization, or managed care organization, including but not limited to an insurer
13 offering health coverage as defined in RSA 420-G:2, IX.

14 XI. "Multiple-employer welfare arrangement (MEWA)" or "association" means an employee
15 welfare benefit plan or any other arrangement which is established or maintained for the purpose of
16 offering or providing health benefits to the eligible employees of 2 or more employers, or to their
17 beneficiaries, and shall include a MEWA as defined in the Employee Retirement Income Security Act
18 of 1974, 29 U.S.C. section 1001 et seq. (ERISA). This shall include plans established by any political
19 subdivision of the state or religious organization, but shall not include any plan or arrangement
20 established or maintained under or pursuant to one or more agreements deemed collective
21 bargaining agreements under section 3(40)(A)(i) of (ERISA). For the purposes of this chapter, 2 or
22 more trades or businesses, whether or not incorporated, shall be deemed a single employer if such
23 trades or businesses are under common ownership or within the same control group as defined
24 under section 3(40)(B) of ERISA.

25 400 Multiple-Employer Welfare Arrangements; Applicability; General Eligibility. Amend RSA
26 415-E:2, I and II to read as follows:

27 I. No person shall ~~after April 1, 1992,~~ operate a multiple-employer welfare arrangement
28 unless such arrangement is approved by the commissioner. ~~[No person shall, after April 1, 1992,~~
29 ~~operate a multiple-employer welfare arrangement in existence prior to April 1, 1992, unless such~~
30 ~~arrangement has submitted for approval in compliance with RSA 415-E:4, or otherwise meets the~~
31 ~~special requirements of paragraph III of this section.]~~ ***A foreign or domestic MEWA or***
32 ***association shall be subject to the jurisdiction of this state if it provides a health benefit***
33 ***plan that covers the employees of at least one employer that maintains a work location in***
34 ***New Hampshire, which is the primary workplace of at least one New Hampshire resident,***
35 ***including any self-employed New Hampshire resident who is qualified to enroll in the plan.***

1 II. This chapter shall not apply to a multiple-employer welfare arrangement *that is a bona*
2 *fide pathway I association* which offers or provides benefits which are fully insured by an
3 authorized insurer or under the provisions of RSA 5-B.

4 401 Multiple-Employer Welfare Arrangements. RSA 415-E:3 is repealed and reenacted to read
5 as follows:

6 415-E:3 General Eligibility; Pathway I and Pathway II. To meet the requirements for approval
7 and to maintain a multiple employer welfare arrangement, an association not exempted under RSA
8 415-E:2, II shall be approved either as a self-insured bona fide pathway I association or as a bona
9 fide pathway II association as follows:

10 I. An association seeking approval as a self-insured bona fide pathway I association shall:

11 (a) Meet the definition in RSA 415-E:1, II of a bona fide pathway I association.

12 (b) Sponsor health coverage that is self-insured.

13 (c) Be nonprofit.

14 (d) Be established by a trade association, industry association, political subdivision of
15 the state, religious organization, or professional association of employers or professionals which has
16 a constitution or bylaws and which has been organized and maintained in good faith for a continuous
17 period of one year for purposes other than that of obtaining or providing insurance.

18 (e) Be operated pursuant to a trust agreement by a board of trustees which shall have
19 complete fiscal control over the arrangement and which shall be responsible for all operations of the
20 arrangement. The trustees selected shall be owners, partners, officers, directors, or employees of one
21 or more employers in the arrangement. A trustee may not be an owner, officer, or employee of the
22 administrator or service company of the arrangement. The trustees shall have the authority to
23 approve applications of association members for participation in the arrangement and to contract
24 with an authorized administrator or service company to administer the day-to-day affairs of the
25 arrangement.

26 (f) Be neither offered nor advertised to the public generally.

27 (g) Be operated in accordance with sound actuarial principles.

28 II. An association seeking approval as a bona fide pathway II association shall:

29 (a) Meet the definition in RSA 415-E:1, III of a bona fide pathway II association.

30 (b) Have a formal organizational structure with a governing body, bylaws, and other
31 similar indications of formality, and complies with RSA 415-E:3, I-a(e) and with all other
32 organizational requirements under this chapter and, if the association offers fully insured coverage,
33 under RSA 420-M.

34 (c) Have its functions and activities controlled by its employer members, and the
35 association's employer members that participate in the group health plan shall control the plan, both
36 in form and in substance.

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1 (d) Have a commonality of interest with its employer members, such that one or both of
2 the following standards are met, in a manner that is not a subterfuge for discrimination as
3 prohibited under RSA 415-E:1-e:

4 (1) The employers are in the same trade, industry, line of business, or profession; or

5 (2) Each employer has a principal place of business in the same region.

6 (e) Have at least one substantial business purpose unrelated to offering and providing
7 health coverage or other employee benefits to its employer members and their employees.

8 (f) Have each employer member of the association participating in the group health plan
9 who is a person acting directly as an employer of at least one employee who is a participant covered
10 under the plan.

11 (g) Not make health coverage through the association's group health plan available
12 other than to:

13 (1) An employee of a current employer member of the association; and

14 (2) A beneficiary of an individual eligible under subparagraph (1).

15 (h) Not be a health insurance issuer, or owned or controlled by a health insurance issuer,
16 or by a subsidiary or affiliate of a health insurance issuer, other than to the extent such entities
17 participate in the association in their capacity as employer members of the association.

18 402 New Sections; Multiple-Employer Welfare Arrangements. Amend RSA 415-E by inserting
19 after section 3 the following new sections:

20 415-E:3-a Bona Fide Pathway I and II Association Coverage; General Authorization. Bona fide
21 pathway association coverage as set forth in the United States Department of Labor's June 21, 2018
22 amendment to 29 C.F.R. section 2510, 83 Fed. Reg. 28,961 (codified at 29 C.F.R. section 2510.3-5)
23 shall be permissible in New Hampshire provided it conforms with this chapter and all of the
24 provisions of Title XXXVII concerning this coverage.

25 415-E:3-b Bona Fide Pathway I and II Association Coverage: Option to Offer Fully-Insured
26 Coverage.

27 I. A bona fide pathway I association may offer coverage on a fully insured basis if it is a
28 qualified association trust as defined in RSA 420-G:2, XV.

29 II. A bona fide pathway II association may offer coverage on a fully insured basis if it is
30 licensed as a qualified purchasing alliance under RSA 420-M and meets all of the pathway II
31 requirements under this chapter.

32 III. No insurer shall issue a fully-insured health benefit plan to an association or MEWA
33 with covered lives in New Hampshire unless the association or MEWA meets the requirements of
34 either paragraphs I or II.

35 IV. A fully-insured association or MEWA that is a qualified association trust or that has
36 been licensed by the department as a qualified purchasing alliance shall not be subject to the

1 financial reporting and solvency requirements of this chapter that are applicable only to self-funded
2 associations.

3 V. An insurer issuing a fully insured health benefit plan to an association or MEWA shall
4 ensure that the terms of the plan conform with all applicable requirements of this chapter with
5 respect to bona fide association coverage and that the coverage has received all required approvals
6 from the department.

7 415-E:3-c Bona Fide Pathway II Association Coverage; Benefit Requirements.

8 I. Each health benefit plan offered to or by a bona fide pathway II association, whether on a
9 fully insured or self-funded basis, shall, at a minimum, provide the following benefits:

10 (a) Coverage for each of the 10 essential health benefits as defined in 42 U.S.C. section
11 18022(b)(1), subject to approval of the commissioner based on the New Hampshire benchmark plan;

12 (b) Cost sharing requirements of 42 U.S.C. section 18022(c)(1)-(c)(3);

13 (c) Lifetime and annual limits as prescribed in 29 C.F.R. section 2590.715-2711;

14 (d) A level of coverage equal to or greater than that designed to provide benefits that are
15 actuarially equivalent to 60 percent of the full actuarial value of the benefits provided under the
16 plan; and

17 (e) All other benefits required to comply with applicable federal laws and regulations
18 and with any provision of title XXXVII that applies to large group health insurance coverage.

19 II. Every health benefit plan offered by any bona fide pathway II association, whether
20 offering coverage on a self-funded basis or fully insured basis, and any insurer contracting with an
21 offering association, shall comply with the following:

22 (a) Except as otherwise specifically provided herein, all requirements of RSA 420-G,
23 including claims data and other reporting requirements;

24 (b) Requirements contained in RSA 420-J, and any rules adopted thereunder by the
25 commissioner including, but not limited to, network adequacy, balance billing protections, and
26 appeal and grievance processes;

27 (c) Payment of premium tax as provided in RSA 400-A:31-35 and administrative
28 assessment under RSA 400-A:39;

29 (d) Requirements pertaining to examinations under RSA 400-A:37;

30 (e) Requirements pertaining to unfair insurance trade practices under RSA 417;

31 (f) Vaccine association assessment under RSA 126-Q; and

32 (g) Individual market assessment under RSA 404-G.

33 III. No health benefit plan or related policy, contract, certificate, or agreement offered or
34 issued in this state to a bona fide pathway II association, whether offering coverage on a self-funded
35 basis or fully insured basis, shall reserve discretion to the insurer or sponsoring association to
36 interpret the terms of the contract or to provide standards of interpretation or review that are

1 inconsistent with the laws of this state. Any such policy, contract, certificate, or agreement shall be
2 void and unenforceable to the extent it conflicts with this section.

3 IV. A bona fide pathway II association, whether offering coverage on a self-funded basis or
4 fully insured basis, shall not offer, and an insurer shall not deliver or issue for delivery to such
5 association, a health benefit plan covering lives located in this state that contains an exclusion or
6 limitation for pre-existing conditions or a waiting period on the coverage of pre-existing conditions.

7 V. For any bona fide pathway II association, whether offering coverage on a self-funded
8 basis or fully insured basis, if coverage is issued to a sole proprietor, the association sponsoring the
9 coverage shall be responsible for monitoring and ensuring that the sole proprietor meets the
10 requirements to qualify as an employer under 29 C.F.R. section 2510.3-5(b) and meets the per month
11 hourly work requirement contained in RSA 126-AA:2, III. Failure to ensure compliance with this
12 provision shall be a violation of this chapter.

13 415-E:3-d Rating Requirements for Bona Fide Pathway I Fully Insured Coverage and all
14 Pathway II Coverage; Rating Requirements.

15 I. Any fully insured bona fide pathway I association and any pathway II association,
16 whether self-funded or fully insured, or any insurer contracting with such bona fide pathway I or II
17 association to provide a health benefit plan, shall comply with all requirements of RSA 420-G, except
18 that, for any such association with 250 or more New Hampshire covered lives, the association as a
19 whole may be rated as a single risk pool separately from the small employer market.

20 II. Coverage for a fully insured bona fide pathway I association with 250 or more New
21 Hampshire covered lives and any bona fide pathway II association with 250 or more New Hampshire
22 covered lives may be rated as a single large group based on the association's group experience and in
23 accordance with all standards applicable to large employer groups under RSA 420-G. The following
24 additional requirements shall apply to such coverage:

25 (a) All premium rates charged shall be guaranteed for a rating period of at least 12
26 months, and shall not be changed for any reason, including, but not limited to, a change in the
27 group's case characteristics.

28 (b) For fully insured bona fide pathway I associations, the association may vary rates
29 among member small employers only in accordance with the provisions in RSA 420-G:10 applying to
30 qualified association trusts.

31 (c) For any pathway II association, whether self funded or fully insured, the association
32 may vary rates among member small employers, including participating self-employed New
33 Hampshire members, as follows:

34 (1) Variation associated with age shall not exceed 5:1.

35 (2) Variation associated with tobacco use shall not exceed 1.5 to 1.

36 (3) No other variation shall be permitted.

1 (d) The same rating methodology shall apply to newly covered member employer groups
2 and employee members renewing at each annual renewal date or anniversary date. The rating
3 methodology shall not be construed to include health carrier incentives to individual subscribers or
4 members to participate in wellness and fitness programs provided such incentives are approved by
5 the insurance department.

6 (e) Nothing in this chapter shall be construed to allow a member small employer group
7 within any association to be rated separately under large group rating standards.

8 415-E:3-e Bona Fide Pathway II Association Coverage; Nondiscrimination Requirements. In
9 accordance with 29 C.F.R. section 2590.702, bona fide pathway II association coverage shall comply
10 with the following:

11 I. The group or association shall not condition employer membership in the group or
12 association on any health factor of any individual who is or may become eligible to participate in the
13 group health plan sponsored by the group or association.

14 II. The group health plan sponsored by the group or association shall comply with 29 C.F.R.
15 section 2590.702(b) with respect to nondiscrimination in rules for eligibility of benefits.

16 III. The group health plan sponsored by the group or association shall comply with 29 C.F.R.
17 section 2590.702(c) with respect to nondiscrimination in premiums or contributions required by any
18 participant or beneficiary for coverage under the plan.

19 IV. In applying the nondiscrimination provisions of paragraphs II and III, the group or
20 association shall not treat the employees of different employer members of the group or association
21 as distinct groups of similarly-situated individuals based on a health factor of one or more
22 individuals.

23 415-E:3-f Free Movement Between Bona Fide Association Coverage and Small Group Coverage.
24 A small employer that leaves the small group market for bona fide pathway I or II association
25 coverage or that leaves pathway I or II association coverage for the small group market shall not be
26 subjected to a waiting period before being permitted to return to the original market, nor shall an
27 insurer or administrator be permitted to impose such a waiting period.

28 415-E:3-g Bona Fide Pathway II Association Coverage; Mitigation of Small Group Market
29 Impacts of Pathway II Association Coverage.

30 I. In order to mitigate potential adverse effects of pathway II association coverage on the
31 existing small group markets, the commissioner shall retain an independent actuarial firm to model
32 and quantify the impacts of pathway II coverage on the existing small group markets and to perform
33 the actuarial review necessary to support the small group risk adjustment program required under
34 RSA 420-K. The plan of operation for the small group risk adjustment program required under RSA
35 420-K shall be approved and in place before any pathway II association coverage may be issued.

36 II. Upon the recommendation of the commission on the status of health coverage markets for
37 individuals and small employers established under RSA 404-J, or upon the commissioner's own

1 initiative, the commissioner may limit pathway II associations to the writing of existing business
2 only and may adjust the risk score differential amount in RSA 420-K:4, I(d) as necessary to prevent
3 the pathway II association market from having an adverse impact on the availability and choice of
4 coverage in the small group market and as necessary to prevent average premiums for small groups
5 from increasing at a rate that is significantly higher than the trend in claims costs.

6 403 Multiple-Employer Welfare Arrangements; Filing of Application. Amend the section
7 heading and the introductory paragraph of RSA 415-E:4 to read as follows:

8 415-E:4 ***Self-Funded Arrangements***; Filing of Application. ***For self-funded arrangements***,
9 the sponsoring association shall file with the commissioner an application for approval of the
10 arrangement upon a form to be furnished by the commissioner, which shall include or have attached
11 the following:

12 404 Multiple-Employer Welfare Arrangements; Termination Liability Fund. RSA 415-E:5 is
13 repealed and reenacted to read as follows:

14 415-E:5 Self-Funded Arrangements: Termination Liability Fund.

15 I. Each self-funded multiple-employer welfare arrangement shall maintain a termination
16 liability fund wherein the fund balance of the multiple-employer welfare arrangement shall at no
17 time, for a consecutive 90-day period, be less than \$750,000 or 33 percent of the aggregate premiums
18 billed during the 12 prior months, whichever is greater. For purposes of this paragraph, that surety
19 amount, if any, deposited with the commissioner pursuant to RSA 415-E:7, I, may be credited as a
20 fund balance asset toward the termination liability fund amount.

21 II. Each self-funded multiple-employer welfare arrangement shall file with the
22 commissioner, not later than 4 months following the end of each fiscal year, a report on the financial
23 status of the termination liability fund, which report is filed under oath by a member of its board of
24 trustees, or by an administrative executive duly appointed by the board, and further certified to by
25 an independent certified public accountant.

26 405 Multiple-Employer Arrangements, Financial Condition, Loss Reserves. Amend RSA 415-
27 E:6 to read as follows:

28 415-E:6 ***Self-Funded Arrangements***; Financial Condition, Loss Reserves, Reinsurance, or
29 Working Capital; Determination of Inadequacy.

30 ***I. Each self-funded arrangement shall maintain specific excess insurance with a***
31 ***retention level determined in accordance with sound actuarial principles and approved by***
32 ***the commissioner.***

33 ***II. Each self-funded arrangement shall establish and maintain appropriate loss***
34 ***reserves determined in accordance with sound actuarial principles and approved by the***
35 ***commissioner.***

36 ~~I.~~ ***III.*** The commissioner may, upon reasonable notice, conduct an examination of the loss
37 reserves, financial condition, specific excess insurance, and working capital of a multiple-employer

1 welfare arrangement *the costs of which shall be borne by the arrangement*. If the
2 commissioner preliminarily finds that the reserves, specific excess insurance, or financial condition
3 may be inadequate, or that the arrangement does not have a combined working capital in an amount
4 establishing the financial strength and liquidity of the arrangement to pay claims promptly and
5 showing evidence of the financial ability of the arrangement to meet its obligations to covered
6 employees, the commissioner shall notify the arrangement of such inadequacy. Upon being so
7 notified, the arrangement shall within 30 days file with the commissioner all information which, in
8 the belief of the arrangement, proves the reasonableness and adequacy of the condition noted as
9 being inadequate.

10 ~~[H.]~~ **IV.** If the commissioner determines, after reviewing the information filed, that an
11 inadequate condition exists, the arrangement shall implement, within 30 days, a plan to correct the
12 inadequacy and shall file proof of reasonable improvement or adequate condition with the
13 commissioner within 6 months of the implementation of the plan. If the commissioner is satisfied
14 that the plan submitted to improve the inadequate condition of the arrangement is sufficient, he
15 shall so notify the arrangement. The arrangement shall report quarterly to the commissioner until
16 the causes of the inadequate condition have been corrected.

17 ~~[H.]~~ **V.** The commissioner may suspend or revoke the approval of an arrangement if he
18 finds that the arrangement has failed to correct or reasonably improve an inadequate condition
19 within the time authorized by paragraph ~~[H.]~~ **IV**.

20 406 Multiple-Employer Arrangements; Insolvency Protection. Amend RSA 415-E:7, I to read as
21 follows:

22 I. To assure the faithful performance of its obligations to its member employers and covered
23 employees *who are New Hampshire residents* and their dependents, every arrangement shall,
24 within 30 days after the close of the arrangement's fiscal year, deposit with the commissioner cash,
25 securities, or any combination of these or other measures acceptable to the commissioner, in an
26 amount equal to ~~[25 percent of the preceding 12 months' health care claims expenditures or 5~~
27 ~~percent of gross annual premiums for the succeeding year], \$100,000 or 25 percent of the~~
28 *aggregate premiums billed during the 12 prior months attributable to New Hampshire*
29 *residents*, whichever is greater~~;~~ ~~however, in no case shall the amount of the deposit exceed~~
30 ~~\$100,000].~~ All income from deposits shall belong to the depositing arrangement and shall be paid to
31 it as it becomes available. An arrangement that has made a securities deposit may withdraw that
32 deposit, or any part of such deposit, after making a substitute deposit of cash, securities, or any
33 combination of these or other measures of equal amount and value, upon approval by the
34 commissioner. No judgment creditor or other claimant of a multiple-employer welfare association
35 shall have the right to levy upon any of the assets or securities held in this state as a deposit under
36 this section.

1 407 Multiple-Employer Arrangements. Amend RSA 415-E:8 through RSA 415-E:13 to read as
2 follows:

3 415-E:8 Policy Forms.

4 I. ***Whether an arrangement is self-funded or fully insured***, no policy or contract form,
5 application form, certificate, rider, endorsement, summary plan description, or other evidence of
6 coverage shall be ***sponsored or*** issued by an arrangement unless the form and all changes to it have
7 been filed with the commissioner by or on behalf of the arrangement which proposed to use such
8 form and have been approved by the commissioner.

9 II. The commissioner shall disapprove any form filed under this section, or withdraw any
10 previous approval, only if the form:

11 (a) Is in any respect in violation of, or does not comply with, this chapter.

12 (b) Contains or incorporates by reference, where such incorporation is otherwise
13 permissible, any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions which
14 deceptively affect the risk purported to be assumed in the general coverage of the contract.

15 (c) Has any title, heading, or other indication of its provisions which is misleading.

16 (d) Is printed or otherwise reproduced in such manner as to render any material
17 provision of the form substantially illegible.

18 (e) Contains provisions which are unfair or inequitable, or contrary to the public policy
19 of this state or which encourage misrepresentation.

20 ***III. Each self-funded arrangement shall issue to each covered employee a policy***
21 ***contract, certificate, summary plan description, or other evidence of the benefits and***
22 ***coverages provided. The evidence of the benefits and coverages provided shall contain in***
23 ***boldfaced print in a conspicuous location, the following statement: "The benefits and***
24 ***coverages described herein are provided through a trust fund established and funded by a***
25 ***group of employers."***

26 ***IV. Each self-funded arrangement shall provide to each covered employee, on***
27 ***request, a written statement of the dollar amount of allowable benefit for any procedure***
28 ***which is requested by the appropriate procedure code.***

29 415-E:9 ***Self-Funded Arrangements; Employer Participants' Liability. For self-funded***
30 ***arrangements:***

31 I. The liability of each employer participant for the obligations of the multiple-employer
32 welfare arrangement shall be individual, several, and proportionate, but not joint.

33 II. Each employer participant shall have a contingent assessment liability pursuant to 415-
34 E:10 for payment of actual losses and expenses incurred while the policy was in force.

35 III. Each policy issued by the arrangement shall contain a statement of the contingent
36 liability. Both the application for insurance and policy shall contain, in contrasting color and not
37 less than 10-point type, the following statement: "This is a fully assessable policy. In the event the

1 arrangement is unable to pay its obligations, policyholders (employers) shall be required to
2 contribute on a pro rata earned premium basis the money necessary to meet any unfulfilled
3 obligations."

4 415-E:10 **Self-Funded Arrangements; Termination of Arrangement. For self-funded**
5 **arrangements**, if an arrangement is terminated for any reason, it shall pay all outstanding claims,
6 debts, and obligations. The arrangement may retain sufficient funds to provide coverage for such
7 additional period as the trustees of the arrangement consider prudent. In addition, the trustees may
8 purchase such additional insurance as they consider necessary for protection against potential future
9 claims. Any funds remaining in the arrangement after satisfaction of all obligations upon
10 termination shall be paid to participating employers and/or covered employees as of the termination
11 date in some equitable manner meeting with the approval of the commissioner, including, without
12 ruling out other alternatives, equally on a per capita basis to each participating employer and/or
13 employee who is covered under the arrangement as of the effective date of termination.

14 415-E:11 **Self-Funded Arrangements; Annual Reports and Triennial Actuarial Reports. For**
15 **self-funded arrangements:**

16 I. Every **such** arrangement shall, annually within 4 months of the end of the fiscal year or
17 within such extension of time as the commissioner for good cause may grant, file a report with the
18 commissioner, verified by the oath of a member of the board of trustees or by an administrative
19 executive appointed by the board, showing its condition on the last day of the preceding fiscal year.
20 The report shall contain a financial statement of the arrangement, including its balance sheet and a
21 statement of operations for the preceding year certified by an independent certified public
22 accountant. The report shall also include an analysis of the adequacy of reserves and contributions
23 or premiums charged, based on a review of past and projected claims and expenses.

24 II. In addition to information called for and furnished in connection with the annual report,
25 if reasonable grounds exist, the commissioner may request information which summarizes paid and
26 incurred expenses, and contributions or premiums received, and may request evidence satisfactory
27 to the commissioner that the arrangement is actuarially sound. Such information and evidence shall
28 be furnished to the commissioner by the arrangement as soon as reasonably possible after requested
29 by the commissioner, but no later than 30 days after such request, unless the commissioner, for good
30 cause, grants an extension.

31 III. At least once every 3 years, each **such** arrangement shall have a report prepared by an
32 actuary who is a member of the Society of Actuaries of the American Academy of Actuaries as to the
33 actuarial soundness of the arrangement. The report shall be made available to the commissioner
34 upon request. The report shall consist of, but shall not be limited to, the following:

35 (a) Adequacy of contribution rate in meeting the level of benefits provided and changes,
36 if any, needed in the contribution rates to achieve or preserve a level of funding deemed adequate to
37 enable payment of the benefit amounts provided under the arrangement, which shall include a

1 valuation of present assets, based on statement value, and prospective assets and liabilities of the
2 plan and the extent of any unfunded accrued liabilities.

3 (b) A plan to amortize any unfunded liabilities and a description of actions taken to
4 reduce unfunded liabilities.

5 (c) A description and explanation of actuarial assumptions.

6 (d) A schedule illustrating the amortization of any unfunded liabilities.

7 (e) A comparative review illustrating the level of funds available to the arrangement
8 from rates, investment income, and other sources realized over the period covered by the report,
9 indicating the assumptions used.

10 (f) A statement by the actuary that the report is complete and accurate and that in his
11 opinion the techniques and assumptions used are reasonable and meet the requirements and intent
12 of this chapter.

13 (g) Other factors or statements as may be reasonably required by the commissioner in
14 order to determine the actuarial soundness of the plan.

15 415-E:12 [~~Place of Business;~~] Maintenance of Records. Each arrangement shall [~~have and~~
16 ~~maintain its principal place of business in this state and shall~~] make available to the commissioner
17 complete records of its assets, transactions, and affairs in accordance with such methods and
18 systems as are customary for, or suitable to, the kind or kinds of business transacted.

19 415-E:13 ***Qualification for Approval and*** Suspension^[7] ***or*** Revocation of Approval.

20 I. Subject to other provisions in this chapter, the commissioner shall deny, suspend, or
21 revoke an arrangement's approval if it finds that the arrangement:

22 (a) Has failed to meet the financial requirements of this chapter, RSA 420-G, or has
23 violated any lawful order or rules.

24 (b) Has refused to be examined or to produce its accounts, records and files for
25 examination, or if any of its officers has refused to give information with respect to its affairs or to
26 perform any other legal obligation as to such examination, when required by the commissioner.

27 (c) Has failed to pay any final judgment rendered against it in this state within 60 days
28 after the judgment became final.

29 (d) No longer meets the requirements for the authority originally granted.

30 II. The commissioner may, in his discretion, deny, suspend, or revoke the approval of any
31 arrangement if it finds that the arrangement:

32 (a) Has violated any lawful order or rule of the commissioner, provision of this chapter,
33 RSA 420-J, or relevant provision of RSA 161-H.

34 (b) Has refused to be examined or to produce its accounts, records, and files for
35 examination, or if any of its officers have refused to give information with respect to its affairs or to
36 perform any other legal obligation as to such examination, when required by the commissioner.

37 ***III. The commissioner shall not grant or continue approval until such time as the***

1 *arrangement replaces any trustee found by the commissioner, upon the presentation of*
2 *sufficient evidence:*

3 (a) *To be incompetent;*

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

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

7 *or*

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

10 *IV. To qualify for and retain approval to transact business, an arrangement shall*
11 *make all contracts with administrators or service companies available for inspection by*
12 *the department initially, and thereafter upon reasonable notice.*

13 *V. Failure to maintain compliance with applicable eligibility or filing*
14 *requirements established by this section shall be grounds for suspension or revocation of*
15 *approval of an arrangement, provided, however, that such arrangement shall have 60 days*
16 *after notification by the commissioner to take such action necessary to correct the*
17 *deficiency.*

18 408 Multiple Employer Arrangements; Rehabilitation; Rulemaking. Amend RSA 415-E:15 and
19 RSA 415-E:16 to read as follows:

20 415-E:15 Rehabilitation, Dissolution. Any rehabilitation, liquidation, conservation,
21 **supervision**, or dissolution of a multiple-employer welfare arrangement shall be conducted under
22 the supervision of the commissioner, who shall have all power with respect thereto granted to it
23 under the laws governing the rehabilitation, liquidation, conservation, **supervision**, or dissolution of
24 insurers.

25 415-E:16 Rulemaking. The commissioner may adopt such rules, pursuant to RSA 541-A, as [he
26 deems] **are** reasonable and necessary in order to carry out properly the functions and
27 responsibilities assigned the insurance department under [the laws of the state] **this chapter**. [This
28 rulemaking authority shall expire on January 1, 1993, at which time this section, unless replaced by
29 a later legislative enactment, shall be deemed repealed. Any rules adopted under this section shall
30 be drafted in as narrow a manner as possible, consistent with the authority granted the department
31 under the laws of this state.]

32 409 Health Coverage; Definitions. Amend RSA 420-G:2, XVI(a) to read as follows:

33 XVI.(a) "Small employer" means a business or organization which employed on average, one
34 and up to 50 employees, including owners and self-employed persons, on business days during the
35 previous calendar year. A small employer is subject to this chapter whether or not it becomes part of
36 an association, multi-employer plan, trust, or any other entity cited in RSA 420-G:3 provided it
37 meets this definition. **However, with respect to coverage written under RSA 415-E to a bona**

1 *fide pathway II association, whether self funded or fully insured, if such association has at*
2 *least 250 New Hampshire covered lives and meets all applicable standards under RSA 415-*
3 *E and all large group standards under this chapter, coverage offered by such association*
4 *may be offered to sole proprietors or self-employed persons.*

5 410 Purchasing Alliances; Definitions. Amend RSA 420-M:2, X to read as follows:

6 X. "Qualified purchasing alliance" means a purchasing alliance that has obtained
7 certification from the commissioner under RSA 420-M:13 as a qualified purchasing alliance with
8 authority to ~~operate in the same manner as a qualified association trust pursuant to RSA 420-G:10]~~
9 ***sponsor fully-insured bona fide pathway II association coverage under RSA 415-E.***

10 411 Purchasing Alliances. RSA 420-M:13 is repealed and reenacted to read as follows:

11 420-M:13 Qualified Purchasing Alliance. A purchasing alliance that has a minimum of 500
12 enrollees may elect to obtain certification from the commissioner as a qualified purchasing alliance.
13 To obtain certification, a purchasing alliance shall demonstrate:

14 I. That the purchasing alliance meets all requirements under RSA 415-E to operate as a
15 bona fide pathway II association; and

16 II. That certification of the applicant as a qualified purchasing alliance will promote the
17 purposes set out in RSA 420-M:1; and

18 III. That the purchasing alliance has the capacity to monitor and screen sole proprietor
19 members purchasing pathway II association coverage to ensure that they meet all requirements to
20 qualify as an "employee" under 29 C.F.R. section 2510.3-5(b) and meets the per month hourly work
21 requirement contained in RSA 126-AA:2, III.

22 412 Definition of Qualified Association Trust. Amend the introductory paragraph of RSA 420-
23 G:2, XV to read as follows:

24 XV. "Qualified association trust or other entity" means an association established trust or
25 other entity in existence on January 1, 1995, and providing health coverage within the state of New
26 Hampshire to at least ~~[1,000]~~ **250** employees and/or the dependents of association members, which
27 association:

28 413 Health Coverage; Qualified Association Trust. Amend RSA 420-G:10 to read as follows:

29 420-G:10 Qualified Association Trust ~~[and Qualified Purchasing Alliance]~~.

30 I. A qualified association trust or other entity, as defined in RSA 420-G:2, XV~~[-and a~~
31 ~~qualified purchasing alliance, as defined in RSA 420-M:2, X,]~~ shall:

32 (a) Comply with the rating restrictions outlined in RSA 420-G:4 for all small employer
33 members with 50 or fewer employees based upon the association's or alliance's group experience,
34 except that ~~[for a qualified association trust,]~~ no rating factor shall be utilized without the express
35 written consent of the association.

36 (b) Offer all eligible members, as defined under the applicable trust or other documents,
37 coverage and rates on a guaranteed issue and renewable basis.

1 (c) Comply with the regulations concerning medical underwriting in RSA 420-G:5.

2 (d) Comply with the preexisting conditions provision of RSA 420-G:7.

3 [~~(e) Prohibit any employer that voluntarily discontinues participation in either a~~
4 ~~qualified association trust or a qualified purchasing alliance from rejoining for a period of at least 24~~
5 ~~months.]~~

6 II. Nothing in this chapter shall be interpreted to limit the size of employers who may
7 participate in coverage with a qualified association trust [~~or a qualified purchasing alliance~~].

8 414 Small Employer Health Reinsurance Pool. Amend the chapter heading of RSA 420-K to
9 read as follows:

SMALL EMPLOYER HEALTH [~~REINSURANCE POOL~~]

RISK ADJUSTMENT PROGRAM

12 415 Small Employer Health Reinsurance Pool; Definitions. RSA 420-K:1 is repealed and
13 reenacted to read as follows:

14 420-K:1 Definitions. In this chapter:

15 I. "Assessment" means the liability of the member insurer to the reinsurance pool.

16 II. "Board" means the board of directors of the small employer health reinsurance pool.

17 III. "Bona fide pathway II association coverage" means coverage, whether self-funded or
18 fully insured, that constitutes an employee welfare benefit plan sponsored by a bona fide pathway II
19 association as defined in RSA 415-E:1.

20 IV. "Commissioner" means the insurance commissioner.

21 V. "Covered lives" shall include all persons who have health insurance via a health carrier
22 and who are employees or dependents of employees of a small employer, including sole proprietors
23 covered under bona fide pathway II association coverage.

24 VI. "Health insurance" means "health insurance" as defined in RSA 404-G:2, VII.

25 VII. "Plan of operation" means the plan of operation of the small employer health risk
26 adjustment program, including articles, bylaws and operating rules, procedures and policies
27 approved by the commissioner and adopted by the pool.

28 VIII. "Small employer" means "small employer" as defined in RSA 420-G:2, XVI.

29 IX. "Small employer health carrier" means any entity licensed pursuant to RSA 402, RSA
30 420-A, or RSA 420-B that delivers, issues for delivery or maintains in force policies of health
31 insurance in New Hampshire to any small employer. For purposes of this chapter, health carrier
32 shall include any association, organization or arrangement offering or sponsoring bona fide pathway
33 II association coverage.

34 416 Establishment of the Risk Adjustment Program. Amend RSA 420-K:2 to read as follows:

35 420-K:2 Establishment of the [~~Pool~~] **Risk Adjustment Program**.

36 I. There is established a nonprofit entity to be known as the "New Hampshire small
37 employer health [~~reinsurance pool~~] **risk adjustment program**." All **small employer** health

1 carriers~~[-, writers of health insurance, and other insurers]~~ issuing or maintaining health insurance in
2 this state shall be members of the ~~[pool]~~ **program**.

3 II. ~~[On or before July 1, 2005,]~~ The commissioner shall give notice to all members of the
4 ~~[pool]~~ **program** of the time and place for the initial organizational meeting~~[-, which shall take place~~
5 ~~by July 15, 2005]~~. The members shall select the initial board at the organizational meeting and such
6 initial board shall be subject to approval by the commissioner. The members shall elect each
7 subsequent board at the annual meeting of members and each such subsequent board shall be
8 subject to approval by the commissioner. The initial board and each subsequent board shall consist
9 of at least 5 and not more than 9 representatives of members. There shall be no more than one
10 board member on the initial board and each subsequent board representing any one member
11 company. In determining voting rights at the organizational meeting and all subsequent meetings of
12 members, each member shall be entitled to vote in person or by proxy. All such votes shall be
13 proportional to the member's covered lives. To the extent possible, at least 2/3 of members of each
14 board shall be small employer health carriers. ~~[At least one member of each board shall be a small~~
15 ~~employer health carrier with less than \$100,000,000 in net small employer health insurance~~
16 ~~premium in this state.]~~ The commissioner, or designee, shall be an ex-officio voting member of the
17 board. In approving selection of each board, the commissioner shall assure that all members are
18 fairly represented.

19 III. If the initial board is not elected at the organizational meeting, the commissioner shall
20 appoint the initial board within 15 days of the organizational meeting.

21 IV. Within 60 days after the appointment of such initial board, the board shall submit to the
22 commissioner a plan of operation and thereafter any amendments to the plan necessary or suitable
23 to assure the fair, reasonable, and equitable administration of the ~~[pool]~~ **program**. The
24 commissioner shall, after notice and hearing, approve the plan of operation provided he or she
25 determines it to be suitable to assure the fair, reasonable, and equitable administration of the ~~[pool,~~
26 ~~and provides for the sharing of pool gains or losses on an equitable proportionate basis in accordance~~
27 ~~with the provisions of paragraph VI of this section]~~ **program**. The plan of operation shall become
28 effective upon approval in writing by the commissioner consistent with the date on which the
29 coverage under this section shall be made available. If the board fails to submit a suitable plan of
30 operation within 60 days after its appointment, or at any time thereafter fails to submit suitable
31 amendments to the plan of operation, the commissioner shall, after notice and hearing, adopt and
32 promulgate a plan of operation or amendments ~~[no later than October 1, 2005]~~. The commissioner
33 shall amend any plan adopted by him or her, as necessary at the time a plan of operation is
34 submitted by the board and approved by the commissioner.

35 V. The board shall select ~~[reinsurance pool]~~ **risk adjustment program** administrators
36 through a competitive bidding process to administer the ~~[pool]~~ **program**. The board shall evaluate
37 bids submitted based on criteria established by the board. ~~[Each month, total payments to~~

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1 ~~administrators shall not exceed the larger of \$2,500 or an amount equal to \$10 per life for which the~~
2 ~~reinsurance pool has any potential claims liability.]~~

3 VI. The plan of operation shall establish procedures for:

4 (a) Handling and accounting of assets and moneys of the ~~[pool]~~ **program**, and for annual
5 fiscal reporting to the commissioner.

6 (b) Filling vacancies on the board, subject to the approval of the commissioner.

7 (c) Selecting an administrator and setting forth the powers and duties of the
8 administrator.

9 (d) ~~[Reinsuring risks in accordance with the provisions of this chapter]~~ **Establishing**
10 **risk adjustment parameters.**

11 (e) Collecting assessments from all members to provide for ~~[claims reinsured]~~ **risk**
12 **adjustment payments** by the ~~[pool]~~ **program** and for administrative expenses incurred or
13 estimated to be incurred during the period for which the assessment is made.

14 (f) Any additional matters at the discretion of the board.

15 417 Powers of the Program. RSA 420-K:3 and RSA 420-K:4 are repealed and reenacted to read
16 as follows:

17 420-K:3 Powers of the Program. The program may:

18 I. Enter into contracts as are necessary or proper to carry out the provisions and purposes of
19 this chapter, including the authority, with the approval of the commissioner, to enter into contracts
20 with programs of other states for the joint performance of common functions, or with persons or
21 other organizations for the performance of administrative functions.

22 II. Sue or be sued, including taking any legal actions necessary or proper for recovery of any
23 assessments for, on behalf of, or against members.

24 III. Take such legal action as necessary to avoid the payment of improper claims against the
25 program.

26 IV. Define the array of health coverage products for which risk adjustment will be applied in
27 accordance with the requirements of this chapter.

28 V. Establish rules, conditions, and procedures pertaining to the risk adjustment mechanism,
29 including implementation and measurement time frames and the permitted risk corridor where no
30 transfer of risk adjustment funds shall take place.

31 VI. Establish appropriate rates, rate schedules, rate adjustments, rate classifications, and
32 any other actuarial functions appropriate to the operation of the program.

33 VII. Assess members in accordance with the provisions of this chapter, and to make advance
34 interim assessments as may be reasonable and necessary for organizational and interim operating
35 expenses and to pay claims by the program. Any such interim assessments shall be credited as
36 offsets against any regular assessments due following the close of the fiscal year.

37 VIII. Appoint from among the members appropriate legal, actuarial, and other committees

1 as necessary to provide technical assistance in the operation of the program, policy, and other
2 contract design, and any other function within the authority of the program.

3 IX. Borrow money to effectuate the purposes of the program. Any notes or other evidence of
4 indebtedness of the program not in default shall be legal investments for insurers and may be
5 carried as admitted assets.

6 420-K:4 Risk Adjustment Program.

7 I. The board shall:

8 (a) Develop and monitor a measure of risk to be used in comparing populations covered
9 by small employer health insurance coverage and bona fide pathway II association coverage. The
10 population covered by qualified association trust coverage or by bona fide pathway I association
11 coverage, whether self-funded or fully insured, shall not be a part of the risk adjustment program
12 and, for the purposes of this chapter, shall not be considered to be small group coverage.

13 (b) Access from the New Hampshire comprehensive health care information system
14 (CHIS), as described under RSA 420-G:11-a, member level information, including length of coverage,
15 gender, age, and diagnosis, sufficient to measure and monitor risk for carriers issuing or
16 administering small employer health insurance.

17 (c) Perform risk adjustment analysis which may include the use of data from the CHIS,
18 including calculating New Hampshire specific relative weights as necessary, to analyze the
19 difference in the medical care resources expected to be necessary to treat the 2 different populations,
20 one covered in the small group insurance risk pool and the other covered by bona fide pathway II
21 association coverage.

22 (d) Subject to the limitation in paragraph II, establish risk adjustment payments
23 between carriers that are triggered whenever the average risk over any calendar year between bona
24 fide pathway II association coverage and all other small group coverage differs by more than the
25 maximum allowed amount, and that serve to create a net effect of reducing future expected risk
26 score differences after payments to approximately the target amount. The commissioner shall
27 establish the maximum allowed amount and the target amount by retaining actuarial experts. The
28 standard that the actuarial experts shall use in recommending values for the maximum allowed
29 amount and the target amount is that such amounts should be so determined as to prevent the
30 pathway II association market from having an adverse impact on the availability and choice of
31 coverage in the small group market and to prevent adverse selection against the small group market
32 that is sufficient to cause the average premiums for small groups to increase at a rate that is
33 significantly higher than the trend in claims costs.

34 (e) Provide a report to the insurance commissioner in a form and format acceptable to
35 the commissioner.

36 II. The board shall not implement any adjustments until the number of lives covered by
37 bona fide pathway II association coverage exceeds 2,000 member months for 3 consecutive months.

1 418 Immunity and Indemnification. Amend RSA 420-K:7 to read as follows:

2 420-K:7 Immunity and Indemnification.

3 I. Neither the participation in the [pøø] **program** as members, the establishment of rates,
4 forms, or procedures, nor any other joint or collective action required by this chapter shall be the
5 basis of any legal action against the [pøø] **program** or any of its members.

6 II. Any person or member made a party to any action, suit, or proceeding because the person
7 or member served on the board or on a committee or was an officer or employee of the [pøø]
8 **program** shall be held harmless and be indemnified by the [pøø] **program** against all liability and
9 costs, including the amounts of judgments, settlements, fines or penalties, and expenses and
10 reasonable attorney's fees incurred in connection with the action, suit, or proceeding. The
11 indemnification shall not be provided on any matter in which the person or member is finally
12 adjudged in the action, suit, or proceeding to have committed a breach of duty involving gross
13 negligence, dishonesty, willful misfeasance, or reckless disregard of the responsibilities of office.
14 Costs and expenses of the indemnification shall be prorated and paid for by all members. The right
15 of indemnification shall not be exclusive of other rights or defenses to which such person or the legal
16 representative or successors of such person, may be entitled to as a matter of law. The commissioner
17 may retain actuarial consultants necessary to carry out his or her responsibilities pursuant to this
18 chapter and such expenses shall be paid by the [pøø] **program** established in this chapter.

19 419 New Chapter; Commission on the Status of Health Coverage Markets for Individuals and
20 Small Employers. Amend RSA by inserting after chapter 404-I the following new chapter:

21 CHAPTER 404-J

22 COMMISSION ON THE STATUS OF HEALTH COVERAGE MARKETS

23 FOR INDIVIDUALS AND SMALL EMPLOYERS

24 404-J:1 Commission Established.

25 I. There is hereby established a commission on the status of health coverage markets for
26 individuals and small employers.

27 (a) The members of the commission shall be as follows:

28 (1) Three members of the senate, one of whom shall be a member of the minority
29 party, appointed by the president of the senate.

30 (2) Three members of the house of representatives, one of whom shall be a member
31 of the minority party, appointed by the speaker of the house of representatives.

32 (3) The insurance commissioner, or designee.

33 (4) Three persons representing health carriers, appointed by the insurance
34 commissioner, as follows:

35 (A) One person representing a health carrier with a significant presence in the
36 individual market;

37 (B) One person representing a health carrier with a significant presence in the

1 small employer market; and

2 (C) One person representing a health carrier with an interest in providing or
3 administering health coverage in the pathway II association market.

4 (5) Two producers, appointed by the insurance commissioner, one of whom shall be a
5 producer with a significant clientele in the individual market and the other a producer with a
6 significant clientele in the small employer market.

7 (6) A public member from an academic institution or charitable foundation who has
8 health care and health insurance expertise, appointed by the senate president.

9 (7) A public member who shall represent the interests of persons who obtain their
10 coverage through that market, appointed by the speaker of the house of representatives.

11 (8) A public member who shall represent the interests of persons who obtain their
12 coverage through the individual market, appointed by the president of the senate.

13 (9) Two public members from organizations that represent the interests of the
14 medically underserved, persons with pre-existing conditions, or persons with chronic health
15 conditions, including mental health or substance use disorders, appointed by the governor.

16 (10) A public member who shall represent the interests of small employers
17 sponsoring health coverage for their employees, appointed by the governor.

18 (11) A public member from the Business and Industry Association of New
19 Hampshire or a New Hampshire chamber of commerce, appointed by the governor.

20 (12) A public member from a national organization with a New Hampshire chapter
21 that is interested in qualifying as a bone fide pathway II association, as defined in RSA 415-E:1, III,
22 appointed by the governor.

23 (b) Of the commission members listed under subparagraph (a), only the 6 legislative
24 members shall be voting members. All other members shall serve in an advisory capacity only.

25 (c) Legislative members of the commission shall receive mileage at the legislative rate
26 when attending to the duties of the commission.

27 (d) The commission shall be a public body subject to RSA 91-A, and its meetings shall be
28 considered public proceedings.

29 II.(a) The commission shall evaluate the status of health coverage markets for individuals
30 and small employers. This shall include the individual market, the small employer market, and
31 alternative sources of coverage that may be available to individuals and small employers, including
32 pathway II association coverage, transitional coverage, and short-term limited duration coverage.
33 These markets shall be evaluated in terms of their performance in making available to individuals
34 and small employers affordable coverage that provides access to medically necessary care on
35 affordable terms. Consideration shall be given to market competitiveness, price, choice of plans,
36 market size, market segmentation, the risk profile of the covered population in each market, adverse
37 selection against specific markets, migration between markets, the rate of growth or diminution in

1 the overall number of covered lives, and other similar factors that may affect the coverage available
2 to individuals and small employers. Specifically, the commission shall evaluate markets and make
3 recommendations on the following:

4 (1) The performance and effectiveness of the small group market in itself and in
5 conjunction with other markets that may be available to small employers and their employees,
6 including, if applicable, pathway II association coverage. This shall include consideration of
7 coverage for pre-existing conditions and essential health benefits, premium rates and product
8 offerings, impact on premiums, the availability and choice of plans, the number of covered lives, and
9 the overall impact on the availability and affordability of coverage for higher risk individuals and
10 small employer groups. Based on this evaluation, the commission shall make recommendations in
11 its annual report for future program or legislative modifications, including, if applicable,
12 modifications to the risk adjustment program authorized under RSA 420-K, as well as a final
13 recommendation as to whether the general court should allow the continuation or should phase out
14 the market for pathway II association coverage.

15 (2) The performance and effectiveness of the individual market in itself and in
16 conjunction with other markets that may be available to individuals and sole proprietors, including,
17 if applicable, pathway II association coverage. This shall include consideration of the migration of
18 sole proprietors to the pathway II market and the effectiveness of screening procedures in validating
19 sole proprietorship status, the price and availability of coverage for individuals who do not qualify
20 for an advanced premium tax credit or cost sharing reduction assistance through the marketplace
21 exchange, and the design and effectiveness of the risk sharing mechanism and 1332 waiver for the
22 individual market authorized under RSA 420-N:6-a. Based on this evaluation, the commission shall
23 make recommendations concerning the individual market risk sharing mechanism under the 1332
24 waiver, any changes that are needed to screening and monitoring procedures for compliance with the
25 hourly work standard to qualify as a sole proprietor under pathway II association coverage, and any
26 other legislative or regulatory measures that would promote market stability and growth in the
27 individual market.

28 (b) The commission shall not make any recommendation that includes the use of new
29 general funds.

30 (c) The commission shall solicit information from any person or entity the commission
31 deems relevant to its study.

32 III. The insurance commissioner shall provide information and reports to the commission on
33 a biannual basis concerning the status of the individual, small employer and, if applicable, pathway
34 II association markets as necessary to allow the commission to carry out its duties. The commission
35 shall have the authority, at any time, upon a finding that pathway II association coverage is having
36 an adverse impact on the availability and choice of coverage in the individual or small employer
37 markets or is causing average premiums for individuals or small groups to increase at a rate that is

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1 significantly higher than the trend in claims costs, to recommend that the commissioner limit
2 pathway II associations to the writing of existing business only or adjust the risk score differential
3 amount in RSA 420-K:4, I(d), and the commissioner shall have authority to implement this
4 recommendation by order pursuant to RSA 400-A:14 and this paragraph.

5 IV. The members of the commission shall elect a chairperson from among the members. The
6 first meeting of the commission shall be called by the first-named senate member. The first meeting
7 of the commission shall be held within 45 days of the effective date of this section. Four of the 6
8 voting members of the commission shall constitute a quorum.

9 V. The commission shall submit an annual report on or before November 1 of each year with
10 its findings and any recommendations for proposed legislation, and a final report on December 1,
11 2024 to the president of the senate, the speaker of the house of representatives, the senate clerk, the
12 house clerk, the governor, and the state library. If applicable, the commission's reports shall contain
13 the commission's recommendation regarding whether the market for pathway II association
14 coverage should continue or be phased out.

15 420 Individual Health Insurance; Market; Contingency. RSA 404-G:12, I and II are repealed
16 and reenacted to read as follows:

17 I. Notwithstanding RSA 404-G:11, and if supported by the recommendations of actuarial
18 experts retained by the department, the commissioner may request that the board of directors of the
19 association develop a plan of operation to support the affordability and accessibility of health
20 insurance in the state's individual health insurance market. The proposal may include resumption
21 of a risk sharing program similar to that referenced in RSA 404-G:5, creation and operation of a
22 reinsurance program, or such other program as the board finds will best support the availability and
23 affordability of health insurance in the state and may also include the development of a waiver
24 application under the Act. The commissioner shall approve the revised plan of operations if the
25 commissioner finds that the plan will further the purpose of this chapter as stated in RSA 404-G:1, I,
26 and is otherwise consistent with New Hampshire and federal law.

27 II. The board's proposal may include a recommendation that the state apply for a waiver
28 under the Act, or any successor to the Act. If the approved plan includes an application for a waiver,
29 the commissioner and the board shall proceed in accordance with RSA 420-N:6-a. If the waiver is
30 approved by the federal government, the board shall prepare a revised plan of operations consistent
31 with the terms of the waiver, and shall implement it upon approval by the commissioner.

32 421 Federal Health Care Reform 2010; Waiver. RSA 420-N:6-a is repealed and reenacted to
33 read as follows:

34 420-N:6-a Waiver. If such action is supported by the recommendations of actuarial experts
35 retained by the department as being consistent with the purposes of RSA 404-G:1, I, the
36 commissioner shall, at the earliest practicable date, submit an application on behalf of the state to
37 the United States Secretary of the Treasury, and if required, to the United States Secretary of

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1 Health and Human Services, to waive certain provisions of the Act, as provided in section 1332 of the
2 Act, or any other applicable waiver provision in order to create a risk sharing or reinsurance
3 mechanism for the individual market under RSA 404-G which is eligible to draw down federal pass-
4 through funding to support such mechanism. The commissioner shall publish and accept public
5 comment on the 1332 waiver application and the plan of operation for the individual market
6 mechanism prior to approving such plans. Upon approval of the joint health care reform oversight
7 committee, the commissioner shall implement any federally approved waiver, including but not
8 limited to overseeing the implementation of a revised plan of operations under RSA 404-G:12.

9 422 Repeal. The following are repealed:

10 I. RSA 404-J, relative to the commission on the status of health insurance markets for
11 individuals and small employers.

12 II. 2017, 221:8, relative to the 2020 amendment of RSA 404-G:12.

13 III. 2017, 221:11, relative to the 2020 repeal of RSA 420-N:6-a.

14 423 Applicability. Sections 399-419 of this act shall take effect 60 days after the insurance
15 commissioner, with the advice of the department of justice, certifies to the secretary of state and the
16 director of legislative services that the federal rule codified at 29 C.F.R. section 2510.3-5(b) is legally
17 valid and the issues raised by the opinion issued on March 28, 2019 in *State of New York v. United*
18 *States Department of Labor*, United States District Court of the District of Columbia, Civil Action
19 No. 18-1747 have been resolved. However, in no event shall sections 399-419 of this act take effect
20 at a date later than December 1, 2021.

21 424 Business Profits Tax; Apportionment; 2021. Amend RSA 77-A:3, I(c) to read as follows:

22 (c) The percentage of the total sales, including charges for services, made by the
23 business organization everywhere as is made by it within this state[-] :

24 (1) Sales of tangible personal property are made in this state if the property is
25 delivered or shipped to a purchaser, other than the United States government, within this state
26 regardless of f.o.b. point or other conditions of sale, or the property is shipped from an office, store,
27 warehouse, factory or other place of storage in this state and [(1)] (A) the purchaser is the United
28 States government, or [(2)] (B) the business organization is not taxable in the state of the purchaser.

29 (2) Sales other than sales of tangible personal property are in this state if the
30 [~~income producing activity is performed in this state, or the income producing activity is performed~~
31 ~~both in and outside this state and a greater proportion of the income producing activity is performed~~
32 ~~in this state than in any other state, based on costs of performance]~~ **business organization's**
33 **market for the sales is in this state, as follows:**

34 (A) ***In the case of sale, rental, lease, or license of real property, if and to***
35 ***the extent the property is located in this state;***

36 (B) ***In the case of rental, lease, or license of tangible personal property, if***
37 ***and to the extent the property is located in this state;***

1 (C) *In the case of sale of a service, if and to the extent the service is*
2 *delivered to a location in this state;*

3 (D) *In the case of sale, rental, lease, or license of intangible property, if*
4 *and to the extent the property is used in this state;*

5 (E) *In the case of interest income, if and to the extent the debtor or*
6 *encumbered property is located in this state;*

7 (F) *In the case of dividend income, if and to the extent the business*
8 *organization's commercial domicile is in this state; and*

9 (G) *In the case of other income, if and to the extent the income is derived*
10 *from sources in this state.*

11 (3) *In the case of sales other than sales of tangible personal property, if the*
12 *state or states of assignment cannot be determined, the state or states of assignment shall*
13 *be reasonably approximated.*

14 (4) *In the case of sales other than sales of tangible personal property, if the*
15 *taxpayer is not taxable in a state to which a sale is assigned, or if the state of assignment*
16 *cannot be determined or reasonably approximated, such sale shall be excluded from the*
17 *denominator of the sales factor.*

18 425 Business Enterprise Tax; Apportionment of Dividends; 2021. Amend RSA 77-E:4, I(c)(3) to
19 read as follows:

20 (3) The percentage of the total sales, including charges for services, made by the
21 business enterprise everywhere as is made by it within this state[-]:

22 (A) Sales of tangible personal property are made in this state if the property is
23 delivered or shipped to a purchaser, other than the United States government, within this state
24 regardless of free on board point or other conditions of sale, or the property is shipped from an office,
25 store, warehouse, factory or other place of storage in this state and [(A)] (i) the purchaser is the
26 United States government, or [(B)] (ii) the business enterprise is not taxable in the state of the
27 purchaser.

28 (B) Sales other than sales of tangible personal property are in this state if the
29 [revenue-producing activity is performed in this state, or the revenue-producing activity is performed
30 both in and outside this state and a greater proportion of the revenue-producing activity is
31 performed in this state than in any other state, based on costs of performance] *business*
32 *enterprise's market for the sales is in this state, as follows:*

33 (i) *In the case of sale, rental, lease, or license of real property, if and*
34 *to the extent the property is located in this state;*

35 (ii) *In the case of rental, lease, or license of tangible personal*
36 *property, if and to the extent the property is located in this state;*

1 (iii) *In the case of sale of a service, if and to the extent the service is*
2 *delivered to a location in this state;*

3 (iv) *In the case of sale, rental, lease, or license of intangible property,*
4 *if and to the extent the property is used in this state;*

5 (v) *In the case of interest income, if and to the extent the debtor or*
6 *encumbered property is located in this state;*

7 (vi) *In the case of dividend income, if and to the extent the business*
8 *enterprise's commercial domicile is in this state; and*

9 (vii) *In the case of other income, if and to the extent the income is*
10 *derived from sources in this state.*

11 (C) *In the case of sales other than sales of tangible personal property, if*
12 *the state or states of assignment cannot be determined, the state or states of assignment*
13 *shall be reasonably approximated.*

14 (D) *In the case of sales other than sales of tangible personal property, if*
15 *the taxpayer is not taxable in a state to which a sale is assigned, or if the state of*
16 *assignment cannot be determined or reasonably approximated, such sale shall be excluded*
17 *from the denominator of the sales factor.*

18 426 Business Profits Tax; Apportionment; 2022. Amend RSA 77-A:3, I-III to read as follows:

19 I. A business organization which derives gross business profits from business activity both
20 within and without this state, and which is subject to a net income tax, a franchise tax measured by
21 net income, or a capital stock tax in another state or is subject to the jurisdiction of another state to
22 impose a net income tax or capital stock tax upon it, whether or not such tax is actually imposed,
23 shall apportion its gross business profits so as to allocate to this state a fair and equitable proportion
24 of such business profits. Except as provided in this section, such apportionment shall be made ~~on~~
25 ~~the basis of the following 3 factors~~ *in the following manner:*

26 (a) *For taxable periods ending before December 31, 2022:*

27 (1) *The business organization's gross business profits shall be apportioned*
28 *on the basis of the following 3 factors:*

29 ~~(a)~~ (A) The percentage of value of the total real and tangible personal property owned,
30 rented and employed by the business organization everywhere as is owned, rented and employed by
31 it in the operation of its business in this state. Property owned by the business organization shall be
32 valued at its original cost. Property rented by the business organization shall be valued at 8 times
33 the net annual rental rate. Net annual rental rate is the annual rental rate paid by the business
34 organization less any annual rental rate received by the business organization from subrentals.

35 ~~(b)~~ (B) The percentage of total compensation paid by the business organization to
36 employees everywhere as is paid by the business organization to employees for services rendered
37 within this state. Such compensation is deemed to be disbursed for services in this state if the

1 service is performed entirely within this state, or if the service is performed both within and without
2 this state and the service performed without this state is incidental to the service within this state,
3 or some of the service is performed in this state and ~~[(1)]~~ **(i)** the base of operations or, if there is no
4 base of operations, the place from which the service is directed or controlled is in this state, or ~~[(2)]~~
5 **(ii)** the base of operations or the place from which the service is directed or controlled is not in any
6 state in which some part of the service is performed, but the individual performing such service
7 resides within this state.

8 ~~[(e)]~~ **(C)** The percentage of the total sales, including charges for services, made by the
9 business organization everywhere as is made by it within this state:

10 ~~[(1)]~~ **(i)** Sales of tangible personal property are made in this state if the property is
11 delivered or shipped to a purchaser, other than the United States government, within this state
12 regardless of f.o.b. point or other conditions of sale, or the property is shipped from an office, store,
13 warehouse, factory or other place of storage in this state and ~~[(A)]~~ the purchaser is the United States
14 government, or ~~[(B)]~~ the business organization is not taxable in the state of the purchaser.

15 ~~[(2)]~~ **(ii)** Sales other than sales of tangible personal property are in this state if the
16 business organization's market for the sales is in this state, as follows:

17 ~~[(A)]~~ **1.** In the case of sale, rental, lease, or license of real property, if and to the
18 extent the property is located in this state;

19 ~~[(B)]~~ **2.** In the case of rental, lease, or license of tangible personal property, if and
20 to the extent the property is located in this state;

21 ~~[(C)]~~ **3.** In the case of sale of a service, if and to the extent the service is delivered
22 to a location in this state;

23 ~~[(D)]~~ **4.** In the case of sale, rental, lease, or license of intangible property, if and
24 to the extent the property is used in this state;

25 ~~[(E)]~~ **5.** In the case of interest income, if and to the extent the debtor or
26 encumbered property is located in this state;

27 ~~[(F)]~~ **6.** In the case of dividend income, if and to the extent the business
28 organization's commercial domicile is in this state; and

29 ~~[(G)]~~ **7.** In the case of other income, if and to the extent the income is derived
30 from sources in this state.

31 ~~[(3)]~~ **(iii)** In the case of sales other than sales of tangible personal property, if the
32 state or states of assignment cannot be determined, the state or states of assignment shall be
33 reasonably approximated.

34 ~~[(4)]~~ **(iv)** In the case of sales other than sales of tangible personal property, if the
35 taxpayer is not taxable in a state to which a sale is assigned, or if the state of assignment cannot be
36 determined or reasonably approximated, such sale shall be excluded from the denominator of the
37 sales factor.

1 ~~II(a)~~ (2) A fraction, the numerator of which shall be the property factor in subparagraph
2 ~~I(a)~~ **I(a)(1)(A)** plus the compensation factor in subparagraph ~~I(b)~~ **I(a)(1)(B)** plus 2 multiplied by
3 the sales factor in subparagraph ~~I(e)~~ **I(a)(1)(C)** and the denominator of which is 4, shall be applied
4 to the total gross business profits (less foreign dividends) of the business organization to ascertain its
5 gross business profits in this state.

6 **(b) For taxable periods ending on or after December 31, 2022, the business**
7 **organization's gross business profits shall be apportioned by multiplying the total gross**
8 **business profits (less foreign dividends) of the business organization by the sales factor in**
9 **subparagraph I(a)(1)(C).**

10 **II.(a)** If ~~this~~ **the applicable** method of apportionment **in paragraph I** does not fairly
11 represent the business organization's business activity in this state, the business organization may
12 petition for, or the commissioner may require, in respect to all or any part of the business
13 organization's business activity, if reasonable[=],

14 ~~(1) The exclusion of any one or more of the apportionment factors;~~

15 ~~(2) The inclusion of one or more additional apportionment factors which will fairly~~
16 ~~represent the business organization's business activity in the state; or~~

17 ~~(3)~~ the employment of any other method to effect an equitable apportionment of the
18 business organization's gross business profits.

19 (b) For foreign dividends from unitary sources, the following formula shall be used to
20 modify factors relating to included dividends:

21 (1) Determine a percentage for each dividend payor consisting of dividends paid
22 divided by taxable income which has been computed using United States standards.

23 (2) Apply this percentage to the dividend payor's foreign property, payroll, and sales
24 **for taxable periods ending before December 31, 2022, or to the dividend payor's foreign**
25 **sales for taxable periods ending on or after December 31, 2022.**

26 (3) Sum the results in subparagraph (2) for all dividend payors.

27 (4) Add the result in subparagraph (3) to the denominators of the combined water's
28 edge group. The numerator will remain the New Hampshire numerator.

29 (5) Apply the resulting percentage to the foreign dividends.

30 (6) Add this amount to the amount of New Hampshire taxable business profits
31 computed pursuant to RSA 77-A:3, I ~~and II(a)~~.

32 **III.** When 2 or more related business organizations are engaged in a unitary business, as
33 defined in RSA 77-A:1, XIV, a part of which is conducted in this state by one or more members of the
34 group, the income attributable to this state shall be determined by means of the **applicable**
35 combined apportionment factors of the unitary business group in accordance with paragraphs I and
36 II.

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1 427 Business Profits Tax; Qualified Manufacturing Research and Development Expenditures.
2 Amend the introductory paragraph of RSA 77-A:5, XIII(b)(1) to read as follows:

3 (1) The term “qualified manufacturing research and development expenditures”
4 shall mean solely any wages paid or incurred to an employee of the business organization for
5 services rendered by such employee within this state within the meaning of RSA [~~77-A:3;I(b)~~] **77-A:3,**
6 **I(a)(1)(B)**, provided that:

7 428 Business Enterprise Tax; Application of Credit for Business Enterprise Tax Against
8 Business Profits Tax. Amend RSA 77-E:13, I and II to read as follows:

9 I. Determine a combined nexus group denominator for the [~~property, payroll and sales~~]
10 **applicable apportionment** factors by adding the [~~property, payroll and sales~~] **apportionment**
11 factor numerators of the individual members of the combined group subject to tax under RSA 77-A.

12 II. Determine an individual apportionment percentage for each member of the combined
13 group subject to tax under RSA 77-A by dividing such member's **applicable** individual New
14 Hampshire [~~property, payroll and sales~~] **apportionment** factor numerators by the combined nexus
15 group denominators determined in paragraph I.

16 429 New Paragraph; Business Profits Tax; Definition. Amend RSA 77-A:1 by inserting after
17 paragraph XVIII the following new paragraph:

18 XVIII-a. "Foreign sales" as used in RSA 77-A:3, II means the sales data of overseas business
19 organizations which have paid dividends to a member of the water's edge combined group.

20 430 Applicability. Sections 424-425 of this act shall apply to taxable periods ending on or after
21 December 31, 2021.

22 431 Legislative Committee on Apportionment; Enactment of Single Sales Factor. Amend RSA
23 77-A by inserting after section 23 the following new section:

24 77-A:23-a Legislative Committee on Apportionment. There is established a committee to
25 study the apportionment of gross business profits under the business profits tax, and to authorize
26 the enactment of the single sales factor for the business profits tax and business enterprise tax.

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

28 (a) Three members of the senate, appointed by the president of the senate.

29 (b) Four members of the house of representatives, appointed by the speaker of the house
30 of representatives.

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

33 III.(a) The committee shall study apportionment among states pursuant to RSA 77-A:3 of
34 gross business profits under the business profits tax. The committee shall also monitor the laws and
35 legislation of other states concerning market-based sourcing and may study any other related issues.
36 The committee may solicit input or testimony from any person or organization the committee deems
37 relevant to the study.

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1 (b) The committee shall conduct meetings and on or before November 1, 2020, shall hold
2 at least 2 public hearings on the enactment of the single sales tax provisions contained in sections
3 426-429 of HB 4-FN-A-LOCAL of the 2019 regular legislative session. In November 2020, the
4 committee shall, by majority vote of the committee, vote on whether to rescind the enactment of the
5 amendments contained in sections 426-429 of HB 4-FN-A-LOCAL regular legislative session. If the
6 majority of the committee rescinds the enactment of sections 426-429 of HB 4-FN-A-LOCAL regular
7 legislative session, such sections shall not take effect. The committee shall report on its actions to
8 the chairpersons of the senate and house finance committees, the chairpersons of the senate and
9 house ways and means committees, the secretary of state, and the director of the office of legislative
10 services.

11 IV. The members of the committee shall elect a chairperson from among the members. The
12 first meeting shall be called by the first-named senate member. The first meeting of the committee
13 shall be held within 45 days of the effective date of this section. Four members of the committee
14 shall constitute a quorum.

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

18 432 Enactment of Single Sales Factor. Sections 426-429 of this act shall take effect January 1,
19 2022 unless upon the report of the committee established in RSA 77-A:23-a as inserted in this act,
20 that by majority vote of the committee, sections 426-429 are rescinded.

21 433 Repeal. RSA 77-A:23-a, relative to the legislative committee on apportionment, is repealed.

22 434 Appropriation; University of New Hampshire Nursing Program. There is hereby
23 appropriated to the university system of New Hampshire the sum of \$9,000,000 for the fiscal year
24 ending June 30, 2020 for the university of New Hampshire to add nurse practitioner programs with
25 additional specializations in acute care and psychiatric mental health; increasing the number of
26 annual graduates in the bachelor of nursing program; adding an occupational therapy assistant and
27 occupational therapy doctorate programs; and increasing the number of annual graduates in the
28 speech and language pathology program. The governor is authorized to draw a warrant for said sum
29 out of any money in the treasury not otherwise appropriated.

30 435 Appropriation; State Employee Collective Bargaining Agreement Costs. There is hereby
31 appropriated to the department of administrative services, the sum \$6,000,000 for the biennium
32 ending June 30, 2021 for the purpose of covering costs associated with state employee collective
33 bargaining agreements reached with the state during such biennium. The commissioner of the
34 department of administrative services is hereby authorized to allocate these funds among agencies
35 as necessary to implement the requirements of this section. The governor is authorized to draw a
36 warrant for said sum out of any money in the treasury not otherwise appropriated.

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1 436 Governor's Scholarship Program and Fund. RSA 4-C:31 through 4-C:35 are repealed and
2 reenacted to read as follows:

3 4-C:31 Definitions. In this subdivision:

4 I. "Commission" means the college tuition savings plan advisory commission established in
5 RSA 195-H:2.

6 II. "Eligible institution" means a postsecondary educational institution or training program
7 within the university system of New Hampshire as defined in RSA 187-A, a postsecondary
8 educational institution within the community college system of New Hampshire as defined in RSA
9 188-F, or a private postsecondary institution approved to operate in this state that:

10 (a) Is approved by the higher education commission pursuant to RSA 21-N:8-a and
11 accredited by the New England Commission of Higher Education; and

12 (b) Is a not-for-profit organization eligible to receive federal Title IV funds.

13 III. "Eligible student" means a first-year, full-time, Pell Grant-eligible student who meets
14 the eligibility and residency requirements of RSA 4-C:33. "First-year" means a student who has
15 never enrolled in an eligible institution .

16 IV. "Full-time" means an enrolled student who is carrying an academic course load that is
17 determined to be full-time by the eligible institution based on a standard applicable to all students
18 enrolled in a particular educational program. The student's course load may include any
19 combination of courses, work, research, or special studies that the eligible institution considers
20 sufficient to classify the student as full-time.

21 4-C:32 Governor's Scholarship Program and Fund Established.

22 I. There is hereby established the governor's scholarship program and the governor's
23 scholarship fund. The program and fund shall be administered by the commission. The fund shall
24 be kept distinct and separate from all other funds and shall be used to provide scholarships which a
25 recipient shall apply to the costs of an education at an eligible institution. The funds shall be
26 distributed to an eligible institution based on the number of eligible students awarded a scholarship
27 and upon receipt of a request for reimbursement for such scholarship funds accompanied by
28 appropriate documentation.

29 II. The state treasurer shall credit to the fund any appropriation relating to the governor's
30 scholarship fund made in each fiscal year to the commission. The state treasurer shall invest the
31 fund in accordance with RSA 6:8. Any earnings shall be added to the fund.

32 III. All moneys in the fund shall be nonlapsing and continually appropriated to the
33 commission for the purposes of this subdivision.

34 IV. The commission may institute promotional programs and solicit and receive cash gifts or
35 other donations for the purpose of supporting educational scholarships from the fund. The
36 commission shall not solicit or accept real property.

37 V. All gifts, grants, and donations of any kind shall be credited to the fund.

1 4-C:33 Eligibility.

2 I. Any person who meets the following requirements shall be an eligible student:

3 (a) A person shall meet the residency requirements of RSA 193:12; be a graduate of a
4 New Hampshire high school, public academy, chartered public school, New Hampshire private
5 preparatory high school, a high school-level home education program as defined in RSA 193-A; have
6 received a New Hampshire high school equivalency certificate; have completed at least 3 years of
7 high school in this state; be pursuing a certificate, associate, or bachelor degree at an eligible
8 institution in this state; and be eligible to receive a Pell grant; or

9 (b) A person shall be a graduate of a preparatory high school outside of this state while a
10 dependent of a parent or legal guardian who is a legal resident of this state and who has custody of
11 the dependent; or

12 (c) A person shall have a parent or guardian who has served in or has retired from the
13 United States Army, Navy, Air Force, Marine Corps, or Coast Guard within the last 4 years and is a
14 resident of this state; or

15 (d) A person shall be a graduate of a high school, public academy, chartered public high
16 school, or a high school-level home education program outside of this state but have maintained his
17 or her primary residence in this state for not less than 5 years preceding the date of application for a
18 scholarship.

19 II. A person shall meet the qualifications for academic performance or work experience as
20 established by the commission.

21 III. A person shall not have been adjudicated delinquent or convicted or pled guilty or nolo
22 contendere to any felonies or any second or subsequent alcohol or drug-related offenses under the
23 laws of this or any other state, or under the laws of the United States, except that an otherwise
24 eligible person who has been adjudicated delinquent or has been convicted or pled guilty or nolo
25 contendere to a second or subsequent alcohol or drug-related misdemeanor offense shall be eligible
26 or continue to be eligible for a scholarship after the expiration of one academic year from the date of
27 adjudication, conviction, or plea.

28 4-C:34 Procedures.

29 I. All scholarship funds shall be distributed to the eligible student by the eligible institution.
30 The institution shall include the scholarship in the student's financial aid package and may seek
31 subsequent reimbursement. The state shall provide the reimbursements twice per year to each
32 eligible institution for the number of eligible students enrolled in the current semester or term who
33 are receiving a scholarship. The institution shall submit the list of scholarship recipients to the
34 commission or its designee no later than November 30 and April 30 of each academic year, and shall
35 be reimbursed within 30 days of submission.

36 II. An eligible student may receive a scholarship in the amount of \$1,000 per year provided
37 he or she maintains at least a 2.0 grade point average. An eligible student who earned the New

1 Hampshire scholar designation at the time of high school graduation may receive a scholarship in
2 the amount of \$2,000 per year provided he or she maintains at least a 2.5 grade point average. The
3 eligible institution shall not reduce any merit or need-based grant aid that would have otherwise
4 been provided to the eligible student. An eligible student may receive an annual scholarship for a
5 maximum of 4 years.

6 III. In the event the state does not reimburse the eligible institution for scholarship amounts
7 paid to an eligible student receiving an award, the eligible institution shall agree not to seek
8 additional payments from the eligible student and to absorb the loss of funds without any
9 consequence to the eligible student.

10 IV. The commission shall adopt rules, pursuant to RSA 541-A, relative to awarding and
11 disbursing scholarship funds to an eligible student enrolled in an eligible institution.

12 V. An eligible student, who initially attends a community college and transfers directly to an
13 eligible institution, without a break in attendance, shall remain an eligible student for a maximum
14 of 4 years of total eligibility.

15 VI. The commission may hire staff or enter into a contract for services or personnel
16 necessary to administer the program.

17 437 Program Transferred. The administration, implementation, and management of the
18 governor's scholarship program established in RSA 4-C:31-34 is hereby transferred to the college
19 tuition savings plan advisory commission established in RSA 195-H:2. Any administrative rules for
20 the governor's scholarship program shall continue in effect and shall be enforced by the commission
21 until such rules expire or are repealed or amended in accordance with applicable law.

22 438 Application of Receipts; Governor's Scholarship Fund. Amend RSA 6:12, I(b)(336) to read as
23 follows:

24 (336) Moneys deposited into the governor's scholarship fund established in ~~RSA 4-~~
25 ~~C:34] RSA 4-C:32.~~

26 439 College Tuition Savings Plan Advisory Commission; Administration of Governor's
27 Scholarship Program. Amend the introductory paragraph of RSA 195-H:2, I(a) to read as follows:

28 I.(a) There is established the New Hampshire college tuition savings plan advisory
29 commission which shall ensure the proper administration and management of the savings plan. The
30 advisory commission shall ensure that the savings plan complies with the requirements of section
31 529 of the Internal Revenue Code of 1986, as amended, and any related federal law applicable to the
32 savings plan. The commission shall also be responsible for ensuring the proper administration,
33 implementation, and management of the New Hampshire excellence in higher education endowment
34 trust fund established in RSA 6:38, **and the governor's scholarship program and fund**
35 **established in RSA 4-C:31-34.** The commission shall consist of the following members:

36 440 Effective Date.

37 I. Sections 1, 64, 165, 248, paragraph I of section 290, 314, 324, and 355-356 of this act shall

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1 take effect June 30, 2019.

2 II. Section 232-233 and 389 of this act shall take effect July 1, 2019 at 12:01 a.m.

3 III. Sections 97-109, 131-138, 203-205, 213, 252-257, and 365-367, RSA 170-G:4-d, as
4 inserted by section 344 shall take effect January 1, 2020.

5 IV. Sections 92-94 of this act shall take effect January 1, 2020 at 12:01 a.m., and section 96
6 of this act shall not take effect.

7 V. Sections 234-235, 250, 259-265, and RSA 170-G:4-b, as inserted by section 344 of this act
8 shall take effect July 1, 2020.

9 VI. Section 5 of this act shall take effect as provided in section 6 of this act.

10 VII. Section 393 of this act shall take effect July 12, 2019 at 12:01 a.m.

11 VIII. Sections 399-419 of this act shall take effect as provided in section 423 of this act.

12 IX. Paragraph I of section 422 of this act shall take effect December 1, 2024.

13 X. Sections 184-190 of this act shall take effect upon its passage.

14 XI. Section 191 of this act shall take effect as provided in section 192 of this act.

15 XII. Sections 360-362 of this act shall take effect as provided in section 363 of this act.

16 XIII. Section 433 of this shall take effect December 1, 2020.

17 XIV. Sections 424 and 425 of this act shall take effect January 1, 2021.

18 XV. Sections 426-429 of this act shall take effect as provided in section 432 of this act.

19 XVI. Section 236 of this act shall take effect July 1, 2021.

20 XVII. The remainder of this act shall take effect July 1, 2019.

HB 4-FN-A-LOCAL - VERSION ADOPTED BY BOTH BODIES

LBAO
19-1124
9/24/19

**HB 4-FN-A-LOCAL- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to state fees, funds, revenues and expenditures.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, **as introduced**, at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

AGENCIES CONTACTED:

None