<table>
<thead>
<tr>
<th>SECTION</th>
<th>AMENDMENT</th>
<th>DESCRIPTION</th>
<th>PRIME SPONSOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>37</td>
<td>2021-1506s</td>
<td>Add $1.5 million for vets mental health</td>
<td>Bradley</td>
</tr>
<tr>
<td>NEW</td>
<td>2021-1339s</td>
<td>Fiscal reporting requirement for DHHS back-of-budget cuts</td>
<td>Rosenwald</td>
</tr>
<tr>
<td>NEW</td>
<td>2021-1754s</td>
<td>Emergency Powers</td>
<td>Soucy</td>
</tr>
<tr>
<td>NEW</td>
<td>2021-1543s</td>
<td>Micro Enterprise Relief Fund</td>
<td>Whitley</td>
</tr>
<tr>
<td>HB 1</td>
<td>HB 1</td>
<td>Nursing Home Appropriation</td>
<td>Hennessey</td>
</tr>
<tr>
<td>117-120</td>
<td>2021-1713s</td>
<td>Delete USNH-CCSNH Merger Commission</td>
<td>Giuda</td>
</tr>
<tr>
<td>117-120</td>
<td>2021-1642s</td>
<td>USNH-CCSNH Merger Commission</td>
<td>Rosenwald</td>
</tr>
<tr>
<td>330-331</td>
<td>2021-1288s</td>
<td>Delete sections 330 and 331 Divisive Concepts</td>
<td>Rosenwald</td>
</tr>
<tr>
<td>351</td>
<td>2021-1762s</td>
<td>Delete GF Transfer to ETF</td>
<td>Morse</td>
</tr>
<tr>
<td>354-356</td>
<td>2021-1761s</td>
<td>Delete $100M SWEPT Reduction</td>
<td>Morse</td>
</tr>
<tr>
<td>357</td>
<td>2021-1759s</td>
<td>Child Care Services</td>
<td>Hennessey</td>
</tr>
<tr>
<td>358-371</td>
<td>2021-1756s</td>
<td>Sununu Youth Services</td>
<td>Bradley</td>
</tr>
<tr>
<td>372</td>
<td>2021-1731s</td>
<td>Closed Loop Referral Sec 372</td>
<td>Bradley</td>
</tr>
<tr>
<td>NEW</td>
<td>2021-1733s</td>
<td>Family Leave</td>
<td>Morse</td>
</tr>
<tr>
<td>NEW</td>
<td>2021-1760s</td>
<td>$50M General Fund Appropriation to Highway Fund</td>
<td>Morse</td>
</tr>
<tr>
<td>NEW</td>
<td>2021-1732s</td>
<td>Annual and Sick Leave</td>
<td>Daniels</td>
</tr>
<tr>
<td>NEW</td>
<td>2021-1677s</td>
<td>Vacant Positions since July 1, 2018</td>
<td>Daniels</td>
</tr>
<tr>
<td>NEW</td>
<td>2021-1321s</td>
<td>Extend Additional F&amp;R and Fiscal Capacity Disparity Aid</td>
<td>D’Allesandro</td>
</tr>
<tr>
<td>NEW</td>
<td>2021-1752s</td>
<td>Education Funding</td>
<td>Hennessey</td>
</tr>
<tr>
<td>NEW</td>
<td>2021-1753s</td>
<td>Juvenile Diversion $600K</td>
<td>Giuda</td>
</tr>
<tr>
<td>NEW</td>
<td>2021-1757s</td>
<td>Affordable Housing $5M</td>
<td>Rosenwald</td>
</tr>
<tr>
<td>NEW</td>
<td>2021-1766s</td>
<td>Home Health FY 21 Nonlapsing</td>
<td>Rosenwald</td>
</tr>
</tbody>
</table>
Amendment to HB 2-FN-A-LOCAL

Amend the bill by replacing section 37 with the following:

37 Appropriation; Department of Military Affairs and Veterans Services; Support for Veterans Mental Health and Social Isolation. There is hereby appropriated to the department of military affairs and veterans services the sum of $1,500,000 for the fiscal year ending June 30, 2021 for the purposes of supporting services to combat struggles with mental health and social isolation, including but not limited to providing grants to veterans' organizations for safety upgrades and other capital improvements to enhance their facilities. This appropriation shall not lapse until June 30, 2023. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

37-a Effective Date. Section 37 of this act shall take effect June 30, 2021.
Amendment to HB 2-FN-A-LOCAL

1 Department of Health and Human Services; Reporting on Budget Expenditure Reductions.
2 The commissioner of the department of health and human services shall report quarterly to the
3 fiscal committee of the general court on the status of any budget reductions contained in HB 1-A.
4 The report shall contain detailed descriptions of the reductions to accounting units by class lines,
5 and shall identify the impact of the reductions, if any, on federal matching funds.

2021-1339s

AMENDED ANALYSIS

Add: 1. Requires reports by the department of health and human services on the reductions to
expenditures required in the operating budget.
Amendment to HB 2-FN-A-LOCAL

1 Emergency Powers; Termination at 30 Days. Amend RSA 4:45, I(d) and II to read as follows:
   (d) Duration of the state of emergency, if less than [24] 30 days.

II. (a) A state of emergency shall terminate automatically [24] 30 days after its declaration
      unless it is renewed under the same procedures set forth in paragraph I of this section. The
      governor may, by executive order, renew a declaration of a state of emergency as many times as the
      governor finds is necessary to protect the safety and welfare of the inhabitants of this state.

      (b) If the governor finds that maintaining the state of emergency is no longer justified,
      the governor shall issue an executive order terminating the state of emergency.

      (c) The legislature may terminate a state of emergency or any emergency order issued
      thereunder by concurrent resolution adopted by a majority vote of each chamber. The governor's
      power to renew a declaration of a state of emergency shall terminate upon the adoption of a
      concurrent resolution under this subparagraph; provided, however, that such resolution shall not
      preclude the governor from declaring a new emergency for different circumstances under paragraph
      I of this section.

2 New Paragraphs; State of Emergency; Procedure. Amend RSA 4:45 by inserting after
paragraph III the following new paragraphs:
   IV. Members of the legislature shall be exempt from any emergency orders that would
      infringe on their ability to travel and conduct their business as representatives of the people.

   V. The acceptance and expenditure of any federal, private, or other non-state gift, grant, or
      loan for purposes of emergency powers of the state pursuant to RSA 21-F:43 which, in total, equal or
      exceed $100,000, shall be required to be approved by the fiscal committee of the general court
      according to RSA 14:30-a. Notwithstanding any other provision of law, under circumstances
      requiring expedited action for the immediate health, safety and welfare of the citizens of New
      Hampshire, the governor has the sole authority to accept and expend funds hereunder.

   VI. Under this section, the governor shall submit an item to the chairperson of the fiscal
      committee of the general court for consideration by the fiscal committee. If the fiscal committee of
      the general court does not render a rejection or acceptance within 5 business days, the governor shall
      be able to accept and expend the funds without further action by the fiscal committee.

3 Budget and Appropriations; Civil Emergency. Amend RSA 9:13-d to read as follows:

   9:13-d [Civil] State of Emergency. Should it be determined by the governor that a [civil] state
   of emergency exists, the governor may, with the advice and consent of the fiscal committee,
   authorize [such] expenditures, which, in total, equal or exceed $100,000, by any department or
Amendment to HB 2-FN-A-LOCAL
- Page 2 -

agency, as may be necessary to effectively deal with said [e-ivil] emergency and may draw [his] warrants in payment for the same from any money in the treasury not otherwise appropriated. In determining whether [e-ivil] an emergency exists, the governor shall consider whether there is such imminent peril to the public health, safety and welfare of the inhabitants of this state so as to require immediate action to remedy the situation. This section shall not be construed to enlarge any of the powers which the governor may possess under the constitution or other statutes.

4 Applicability of Act. The provisions of this act shall take effect upon the latter of either the passage of this act or 30 days after the termination of the COVID-19 state of emergency, as certified to the secretary of state and the director of legislative services by the office of the governor.

5 Effective Date. This act shall take effect as provided in section 4 of this act.

2021-1754s

AMENDED ANALYSIS

This bill terminates a state of emergency called by the governor after 30 days, modifies the emergency powers, and requires approvals by the fiscal committee of the general court in certain instances.
Amendment to HB 2-FN-A-LOCAL

1 Findings.

I. On March 13, 2020, the governor signed the first declaration of a state of emergency due
to COVID-19. As of January 1, 2021, this order has been extended 14 times.

II. Between March 26, 2020 and June 16, 2020, a “Stay at Home” order had been in-place
under the authority of the governor as measure to prevent the spread of COVID-19. This order
included the closing of schools, prohibited gatherings of 10 or more people, and limited business
operations that were not considered essential.

III. Between March and August of 2020, 449 New Hampshire business closed temporarily or
permanently, with 280 remaining closed.

IV. New Hampshire began “reopening” on May 11, 2020 with restrictions, some of which
remain in place today and continue to impact the micro enterprise sector, those businesses with
between 1 and 5 employees including the proprietor. According to the Small Business
Administration, Office of Advocacy, there are 25,478 business with between 1-19 employees and
101,795 non-employer businesses.

V. It is incumbent upon the state government to take prompt, proactive, and continuing
action to protect the economic health of New Hampshire communities through building out the
infrastructure and sustainability of micro enterprises.

2 New Subdivision; COVID-19 Micro Enterprise Relief Fund. Amend RSA 12-O by inserting
after section 52 the following new subdivision:

COVID-19 Micro Enterprise Relief Fund


I. There is established in the office of the state treasurer a fund to be known as the COVID-
19 micro enterprise relief fund. Notwithstanding RSA 4:45, RSA 4:47, RSA 21-P:43, or any other law
to the contrary, to the extent permissible under federal law $1 of any federal funds received by the
state in response to the COVID-19 public health emergency shall be deposited into the fund,
provided that at no time shall the balance of the fund exceed $1 in any fiscal year.

II. Funds shall be disbursed at the discretion of the commissioner to the 10 New Hampshire
regional economic development corporations to be awarded to local or regional micro enterprises.
Each regional development corporation shall receive up to $1. Each regional development economic
council shall be authorized to assess an administrative fee up to 10 percent of the funds received
through the state to manage this grant program. Any regional economic development corporation that does not award all of the funds received in grants to local micro enterprises shall return the funds to micro enterprise relief fund at the department of business and economic affairs for redistribution at the discretion of the commissioner.

III. With each award, an agreement for technical assistance shall be put in place between the regional development corporation, the New Hampshire small business development center, and the micro enterprise to support the implementation of the funds. 18 months after the implementation of the program, the regional economic development councils will prepare and submit reports to the commissioner, that include the number of grants and the amounts, and the use of each grant by the recipient. The commissioner shall compile these reports and submit a compiled report to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the state library, and the governor.

IV. Regional economic development corporations shall award one-time grants of up to $1 to support one or more areas of need, including development of e-commerce capabilities, upgrading business practices, or maintaining storefront presence. The regional economic development corporations shall ensure micro enterprises awarded grants pursuant to this subdivision are provided such assistance as may be necessary to support implementation of any grants awarded.

V. For purposes of this subdivision, "micro enterprise" shall mean an entity with 10 or fewer employees, including any proprietor, that has been in business prior to March 13, 2020, when the governor signed the first declaration of a state of emergency due to COVID-19 and that has demonstrated a financial impact during the COVID-19 public health emergency, such as temporary closure, reduction in workforce, or loss of revenue of 50 percent or greater when compared to the same time period during the previous year. Financial statements demonstrating losses, closures, or reduction in workforce shall be supplied as part of the application process.

3 New Subparagraph; Application of Receipts; COVID-19 Micro Enterprise Relief Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

(365) Moneys deposited into the COVID-19 micro enterprise relief fund established in RSA 12-O:53.

4 Purpose Statement. Independent live venues are important entertainment hubs and economic multipliers for New Hampshire's local economies. They serve as critical tax bases as employers and tourism destinations and as revenue generators for neighboring businesses such as restaurants, hotels, and retail. The cultural impact of New Hampshire's independent live venues is difficult to calculate and serves as an important draw for young people to the state. Unfortunately, these businesses were among the first to close as COVID-19 spread across the country, will likely be the last to reopen, and will take years to recover if they can stay in business at all. Smaller venues with a capacity of 300 or less are being impacted the most by the COVID-19 economic and public health
council. This act provides targeted assistance and long-term planning support and recognizes the
crisis. It is hereby found that many of our citizens lack the opportunity to
view, enjoy or participate in living theatrical performances, musical concerts, operas, dance and
ballet recitals, art exhibits, examples of fine architecture, and the performing and fine arts
generally. It is hereby further found that, with increasing leisure time, the practice and enjoyment
of the arts are of increasing importance and that the general welfare of the people of the state will be
promoted by giving further recognition to the arts as a vital aspect of our culture and heritage and as
a valued means of expanding the scope of our educational programs. **It is hereby further found
that arts organizations and businesses are important entertainment hubs and economic
multipliers for New Hampshire's local economies. They serve as critical tax bases as
employers and tourism destinations and as revenue generators for neighboring businesses
such as restaurants, hotels, and retail. The cultural impact of New Hampshire's creative
sector is difficult to calculate and serves as an important draw for young people to the
state.** It is hereby declared to be the policy of the state to join with private patrons and with
institutions and professional organizations concerned with the arts to insure that the role of the arts
in the life of our communities will continue to grow and will play an ever more significant part in the
welfare and educational experience of our citizens. It is further declared that all activities
undertaken by the state in carrying out this policy shall be directed toward encouraging and
assisting rather than in any ways limiting the freedom of artistic expression that is essential for the
well-being of the arts.

6 Council on the Arts; Report. Amend RSA 19-A:7 to read as follows:

19-A:7 Reports. The council shall make biennial reports to the governor and council. **The
council's strategic plan and biennial report under this section shall address the activities
related to the Save Our Granite Stages Fund created under RSA 19-A:15.**

7 New Subdivision; Council on the Arts; Save Our Granite Stages Fund. Amend RSA 19-A by
inserting after section 14 the following new subdivision:

**Save Our Granite Stages Fund**

19-A:15 Save Our Granite Stages Fund. There is hereby established the save our granite stages
fund, which shall be appropriated for fiscal year 2022 to the New Hampshire state council on the
arts for the purpose of providing grants to both non-profit and for-profit live venues that did not
receive a grant from the federal Shuttered Venue Operators (SVO) program, which was established
by Economic Aid to Hard-Hit Small Businesses, Nonprofits and Venues Act (P.L. 116-260). The fund
shall be nonlapsing and kept separate and distinct from all other funds. Notwithstanding any other
provision of law, $1 of any discretionary federal funds received by the state in response to the
COVID-19 public health emergency shall be deposited into the fund. In addition to state appropriations, the council may accept grants, gifts, and donations for deposit in the fund.

8 New Subparagraph; Dedicated Funds; Save our Granite Stages Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

(365) Moneys deposited in the save our granite stages fund under RSA 19-A:15.

9 Repeal. RSA 19-A:15 and RSA 6:12, I(b)(365), as inserted by sections 7 and 8 of this act, respectively, are repealed.

10 Effective Date.

I. Section 9 of this act shall take effect June 30, 2023.

II. Sections 1 through 8 of this act shall take effect upon its passage.
AMENDED ANALYSIS

1. Establishes a COVID-19 micro enterprise relief fund.

2. Relative to the support and promotion of New Hampshire's live performance industry by the council on the arts.
**HB 1 Amendment**  
Senators Hennessey, Rosenwald, & Giuda

**Compare Report Page: 1174**

**Accounting Unit:** 05-95-048-482010-2152, Waiver/Nursing Facility Payments - County Participation

**Description:** Increase funding for nursing homes by 5% above the House-passed level using general funds and matching federal funds.

<table>
<thead>
<tr>
<th>Expenditure Class</th>
<th>FY 2022</th>
<th>FY 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>House Passed</td>
<td>Revised Budget</td>
</tr>
<tr>
<td></td>
<td>Change</td>
<td></td>
</tr>
<tr>
<td>041 AUDIT FUND SET ASIDE</td>
<td>152,851</td>
<td>152,851</td>
</tr>
<tr>
<td>502 PAYMENTS TO PROVIDERS</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>504 NURSING HOME PAYMENTS</td>
<td>211,547,432</td>
<td>222,124,804</td>
</tr>
<tr>
<td></td>
<td>10,577,372</td>
<td></td>
</tr>
<tr>
<td>505 MID-LEVEL CARE EXPENSES</td>
<td>11,578,076</td>
<td>11,578,076</td>
</tr>
<tr>
<td>506 HOME SUPPORT WAIVER SERVICES</td>
<td>56,288,970</td>
<td>56,288,970</td>
</tr>
<tr>
<td>529 HOME HEALTH CARE WAIVER SERVICES</td>
<td>8,411,292</td>
<td>8,411,292</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$287,978,621</td>
<td>$298,555,993</td>
</tr>
<tr>
<td></td>
<td>$10,577,372</td>
<td></td>
</tr>
</tbody>
</table>

**Source of Funds**

<table>
<thead>
<tr>
<th></th>
<th>FY 2022</th>
<th>FY 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>House Passed</td>
<td>Revised Budget</td>
</tr>
<tr>
<td></td>
<td>Change</td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>19,550,474</td>
<td>24,839,160</td>
</tr>
<tr>
<td></td>
<td>5,288,686</td>
<td></td>
</tr>
<tr>
<td>Private Local Funds</td>
<td>124,362,411</td>
<td>126,849,659</td>
</tr>
<tr>
<td></td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Federal Funds</td>
<td>144,065,736</td>
<td>149,354,422</td>
</tr>
<tr>
<td></td>
<td>5,288,686</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$287,978,621</td>
<td>$298,555,993</td>
</tr>
</tbody>
</table>
Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by deleting sections 117-120.

2021-1713s

AMENDED ANALYSIS

Delete:

46. Establishes the New Hampshire higher education merger assessment commission.
Amendment to HB 2-FN-A-LOCAL

Amend the bill by replacing sections 117-120 with the following:

117 New Chapter; New Hampshire Higher Education Merger Assessment Commission (HEMAC). Amend RSA by inserting after chapter 188-H the following new chapter:

CHAPTER 188-I

NEW HAMPSHIRE

HIGHER EDUCATION MERGER ASSESSMENT COMMISSION (HEMAC)

188-I:1 Findings. The general court finds that affordable access to public higher education at all levels is essential to the health, welfare, and security of all New Hampshire citizens and to the future vitality of the state. To be effective, public higher education must respond to the changing needs and interests of citizens and employers while ensuring those services remain affordable and accessible. The exploration of a single, well-coordinated system of public higher education at all levels, pursuing the unique and diverse missions of its member institutions, offering seamless access to and between all levels of higher education, adapting to the rapidly evolving challenges facing all of higher education, and governed by a unified board of trustees, may be an efficient and effective means for meeting the needs of the citizens and the state.

188-I:2 Purpose. The commission is established to explore, study, and assess the potential for establishing a collaborative and strategic merging of the university system of New Hampshire, established in RSA 187-A, and the community college system of New Hampshire, established in RSA 188-F. The goal of the commission shall be to determine if a unified system of public higher education is, in all respects, beneficial to the citizens of New Hampshire, and if so, to recommend legislation to provide for the implementation of a coordinated, comprehensive system of public higher education.

188-I:3 Membership.

I. The membership of the commission shall be as follows:

(a) The chairperson of the university system of New Hampshire board of trustees and the chairperson of the community college system of New Hampshire board of trustees, who shall serve as co-chairs of the commission.

(b) The governor, or designee.

(c) Two senators, including one senator from the majority party and one senator from the minority party, appointed by the president of the senate in consultation with the majority and
minority leaders of the senate.

d) Two members of the house of representatives, including one representative from the
majority party and one representative from the minority party, appointed by the speaker of the
house of representatives in consultation with the majority and minority leaders of the house of
representatives.

e) One member selected by the chairperson of the university system of New Hampshire
board of trustees in consultation with the chancellor of the university system of New Hampshire.

f) One member selected by the chairperson of the community college system of New
Hampshire board of trustees in consultation with the chancellor of the community college system of
New Hampshire.

II Any vacancy in membership shall be filled in the same manner as the commission
membership originally established.

188-I:4 Operation of the Commission.

I. The commission shall elect a chairperson and vice-chairperson upon its initial formation.

II. Seven members of the commission shall constitute a quorum.

III. The commission shall meet at such times and places as it may determine. The
chairperson shall call special meetings upon the written request of any 3 commission members or
upon the chairperson’s motion.

IV. Members shall receive no compensation for their services but shall be reimbursed for
expenses reasonably incurred by them in the performance of their duties. Legislative members shall
receive mileage at the legislative rate for attending to the duties of the commission.

188-I:5 Duties of the Commission.

I. On or before January 1, 2022, the commission shall recommend legislation, if determined
both prudent and necessary, and submit its final report. In the development of the proposed
legislation, the commission shall address and consider issues including, but not limited to, the
following:

(a) Study of national trends towards mergers and consolidations of higher education
systems.

(b) Changes to the governance structure of public higher education in New Hampshire.

(c) Changes to state laws to improve the systems’ efficiency and effectiveness.

(d) Development of a reasonable time line for implementation of a merged system, if
determined both prudent and necessary.

(e) Reducing unnecessary duplication between the systems

(f) Identifying opportunities for sharing best practices and individual efficiencies,
building cross-system economies of scale and sharing of resources.

(g) College affordability.

(h) Collaborative strategies to attract and retain greater proportions of New Hampshire
Amendment to HB 2-FN-A-LOCAL
- Page 3 -

1 high school graduates entering the systems.
2 (i) In consultation with the commissioner of the department of education, investigating
3 and pursuing opportunities for collaboration and student pathways for New Hampshire high school
4 students.
5 (j) Financial and social impacts of the merging of disparate collective bargaining
6 agreements.
7 (k) Preserving the unique character and educational missions of 2 systems in a merged
8 system.
9 (l) Exploring the impacts of a potential merger on the accreditation process.
10 (m) Exploring the impacts on the workforces of both systems.
11 (n) Ensuring that a merged system will not result in the elimination of physical
12 locations in any one part of the state.
13 (o) Minimizing or eliminating barriers to student transfer between the systems.
14 (p) The contents and recommendations of the "Final Report of the Study Group for Post-
16 (q) Other issues the commission identifies as pertinent to its duties.
17 II. The commission shall use such funds as appropriated to hire necessary consultants as
18 deemed necessary by the commission.
19 III. The commission shall serve as the search committee to select a chancellor once
20 legislation has been submitted, should the commission recommend a single chancellor.
21 188-I:6 Reporting. The commission shall submit interim monthly reports to the public higher
22 education study committee established in RSA 187-A:28-a, the governor, and the chancellors of the
23 university system of New Hampshire and the community college system of New Hampshire, and
24 shall submit a final report by August 31, 2022. Additional copies shall be delivered, on a monthly
25 basis, to the fiscal committee of the general court, the house education committee, and the senate
26 education committee.
27 118 Appropriation. There is hereby appropriated the sum of $2,000,000 for the biennium ending
28 June 30, 2023 to the New Hampshire higher education merger assessment commission established
29 in RSA 188-I for the purposes established in RSA 188-I. The appropriation shall be nonlapseing for
30 the biennium. The governor is authorized to draw a warrant for said sum out of any money in the
31 treasury not otherwise appropriated.
32 119 Repeal. RSA 188-I, relative to the New Hampshire higher education merger assessment
33 commission, is repealed.
34 120 Effective Date. Section 119 of this act shall take effect August 31, 2022.
Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by deleting sections 330 and 331.

2021-1288s

AMENDED ANALYSIS

Delete:

76. Defines and prohibits the dissemination of certain divisive concepts related to sex and race in state contracts, grants, and training programs.
Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by deleting section 351.

2021-1762s

AMENDED ANALYSIS

Delete:

85. Makes an appropriation to the education trust fund.
Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by deleting sections 354 - 356.

2021-1761s

AMENDED ANALYSIS

Delete:

87. Makes an appropriation to the department of education to accelerate remaining school building aid payments to school districts.

88. Reduces the amount of education tax revenue to be raised for the 2023 fiscal year.
Amendment to HB 2-FN-A-LOCAL

Amend the bill by replacing section 357 with the following:

357 Department of Health and Human Services; Child Care Services. The commissioner of the department of health and human services shall be responsible for determining, on an ongoing basis through June 30, 2023, whether there is sufficient funding in account 05-95-42-421110-2977, class 536, to fund employment-related child care services to avoid a wait list. If at any time the commissioner determines that funding is insufficient, he or she shall, to the extent allowed by applicable federal regulations, utilize available federal Temporary Assistance to Needy Families reserve funds to cover the amount of the shortfall. The department shall report quarterly to the fiscal committee of the general court on any funds expended on employment-related child care services, including funds budgeted in account 05-95-42-421110-2977 as well as federal Temporary Assistance to Needy Families funds authorized by this section. The department shall provide enrollment-based reimbursement, rather than attendance-based payment, to child care providers who accept child care scholarships through the Child Care and Development Fund (CCDF) for the fiscal year ending June 30, 2022 using, to the extent allowable by applicable federal regulations, federal recovery funds. No state general funds shall be used to make enrollment-based reimbursement payments to providers.

2021-1759s

AMENDED ANALYSIS

Replace:

89. Requires the department of health and human services to fund employment-related child care services without a wait list and to provide enrollment-based reimbursement to certain child care providers for the fiscal year ending June 30, 2022 without using general funds.
Amendment to HB 2-FN-A-LOCAL

Amend the bill by replacing sections 358-371 with the following:

358 Statement of Findings. The general court finds that:

I. Placement in corrections settings can be harmful to children and lead to increased
delinquency and adult criminal behavior. It should therefore be reserved for those circumstances in
which the safety of a child or of the community requires such confinement.

II. Placement of children who are not serious violent offenders in settings other than the
Sununu Youth Services Center (SYSC) complies with The Families First Act, PL 115-123, and the
New Hampshire system of care established pursuant to 2019: 44 (SB 14), which prioritize
community-based treatment of children.

III. This act is in furtherance of these goals.

359 Appropriation; Department of Health and Human Services; Sununu Youth Services Center.
The sum of $10,400,000 for the fiscal year ending June 30, 2022 and the sum of $9,922,157 for the
fiscal year ending June 30, 2023, are hereby appropriated to the department of health and human
services for the purpose of operating the Sununu youth services center as the department transitions
to an replacement facility. Of the amount appropriated for the fiscal year ending June 30, 2022,
$9,000,000 shall be state general funds and $1,400,000 shall be other funds. Of the amount
appropriated in the fiscal year ending June 30, 2023, $9,000,000 shall be state general funds and
$922,157 shall be other funds. Such funds shall not lapse until June 30, 2023. The governor is
authorized to draw a warrant for the sums out of any money in the treasury not otherwise
appropriated.

360 Transfer of Funds for Operation of the Sununu Youth Services Center. Notwithstanding
RSA 9:16-a and RSA 9:16-c, for the biennium ending June 30, 2023, prior approval of the fiscal
committee of the general court shall be required for any transfer of funds required for the operation
of the Sununu youth services center.

361 Findings; Sununu Youth Services Center. The general court finds that the current Sununu
youth services center shall be closed no later than March 1, 2023 and the opening of a replacement
facility shall occur no later than March 1, 2023.

362 Committee Established.

I. There is established a committee to develop a plan for the closure and replacement of the
Sununu youth services center. The members of the committee shall be as follows:
(a) Three members of the house of representatives, each of whom shall be from a standing committee having jurisdiction over juvenile justice, appointed by the speaker of the house of representatives.

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

II. In addition, the legislative members of the committee shall seek input and expert advice from, but not limited to, the following:

(a) The department of health and human services.
(b) The office of the child advocate.
(c) The Disabilities Rights Center.
(d) The National Alliance on Mental Illness.
(e) New Futures.
(f) Any other group or organization the committee deems necessary.

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

IV. The committee shall develop a plan for the closure and replacement of the Sununu youth services center, including cost estimates for the construction and operation of a new facility. The committee's plan for a replacement facility shall meet the following requirements:

(a) It shall be operated by the department of health and human services.
(b) It shall be designed to meet the unique needs of up to 18 youth at a time who are at the facility pursuant to RSA 169-B:14, detention; RSA 169-B:19, commitment; RSA 169-B:24, transfer to superior court, RSA 169-B:32; RSA 651:17-a, service of adult sentence of incarceration at the youth development center, and 169-A, interstate compact on juveniles.
(c) It shall accommodate requirements to separate youth by gender, treatment needs, court order, safety, and security. The facility shall include 3 separate residential spaces, each including capacity for 6 youth.
(d) It shall have capacity to provide services to meet the medical, physical, and behavioral health needs of all potentially eligible youth.
(e) It shall have space for 18 beds, including space for flexibility to meet the needs of all genders, safety and security, crisis stabilization and admissions and discharges.
(f) It shall have adequate space to meet the educational needs of all youth potentially eligible, including youth with special education needs.
(g) It shall have adequate space for indoor and outdoor recreation.
(h) It shall have the capacity to meet the nutritional needs of all youth.
(i) It shall have necessary elements to be architecturally secure and equipped with video surveillance.
(j) The opening of the replacement facility shall be no later than March 1, 2023.
V. The committee shall prepare legislation relative to the implementation of the plan developed in paragraph IV for submission for the 2022 legislative session.

VI. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 30 days of the effective date of this section. Four members of the committee shall constitute a quorum.

VII. The committee shall issue their final report to speaker of the house of representatives, the senate president, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2021 and submit the plan to the joint fiscal committee for approval.

2021-1756s

AMENDED ANALYSIS

Replace sections 91-95 with the following:

91. Makes an appropriation to the department of health and human services to operate the Sununu youth services center, closes the Sununu youth services center in 2023, and establishes a committee to develop a plan for the closure and replacement of the Sununu youth services center.
Amendment to HB 2-FN-A-LOCAL

Amend the bill by replacing section 372 with the following:

372 Department of Health and Human Services; Closed Loop Referral System. Notwithstanding any other provision of the law to the contrary, there shall be no further expansion of the "closed loop referral" system by the department of health and human services beyond that which has been or will be implemented pursuant to the sole source grant agreement with Unite USA Inc. of Nashua in the amount of $700,000 dated October 19, 2020, nor shall there be any further utilization of that system or expenditure of funds from any source on that system until the department issues a request for proposals and selects a vendor under the subdivision of RSA 21-G:36 through RSA 21-G:38, or other applicable statutes as authorized by law.

2021-1731s

AMENDED ANALYSIS

Replace paragraph 96 with the following:

96. Limits further expansion of the closed loop referral system by the department of health and human services pending issuance of a request for proposals and selection of a vendor by the department of health and human services.
Amendment to HB 2-FN-A-LOCAL

1  New Subdivision; Granite State Paid Family Leave Plan. Amend RSA 21-I by inserting after
2  section 95 the following new subdivision:
3  Granite State Paid Family Leave Plan
4  21-I:96  Granite State Paid Family Leave Plan. There is hereby established the granite state
5  paid family leave plan, which shall be implemented under this subdivision and as provided in RSA
6  282-B and RSA 77-E.
7  21-I:97  Purpose and Policy. The purpose of this subdivision is to leverage the purchasing power
8  and economies of scale available to the state when it is acting as purchaser on behalf of state
9  employees and to align this purchasing initiative with a business tax incentive in order to make
10  available to all other public and private employers in the state, on a voluntary basis, advantageously
11  priced family and medical leave insurance (FMLI) wage replacement benefits. By purchasing FMLI
12  coverage for state employees through the medium of commercial insurance, by linking that contract
13  with a contract to make the same coverage available statewide, by acting as premium aggregator for
14  individuals whose employers do not sponsor such coverage, and by introducing a new business tax
15  incentive, the state will position itself to create a market for advantageously priced FMLI benefits.
16  It is the intent of this subdivision to significantly increase the number of employees in the state who
17  receive FMLI wage replacement benefits. The social benefits of increasing the rate of FMLI coverage
18  include attracting and retaining workers, including younger workers, to the state, enabling parents
19  to bond with biological, adopted, or foster children, helping to meet the needs of an aging population,
20  promoting workplace stability, and enhancing worker retention and productivity. While many larger
21  employers provide paid FMLI benefits through self-insurance, this is not feasible for most mid-sized
22  and smaller businesses. The general court therefore finds that it is in the public interest for the
23  state to strategically use its purchasing power and tax expenditure authority to establish a
24  marketplace in the state for advantageously priced FMLI wage replacement benefits.
25  21-I:98  Definitions. In this subdivision:
26  I.  "Child" has the same meaning as "son or daughter" in 29 U.S.C. section 2611(12).
27  II.  "Commissioner" means the commissioner of the department of administrative services.
28  III.  "Department" means the department of administrative services.
29  IV.  "Family and medical leave" means leave from work:
30    (a) Because of the birth of a child of the employee, within the past 12 months;
31    (b) Because of the placement of a child with the employee for adoption or fostering
32    within the past 12 months;
(c) Because of a serious health condition of a family member; or

(d) Because of any qualifying exigency arising from foreign deployment with the armed forces, or to care for a service member with a serious injury or illness as permitted under the federal Family and Medical Leave Act, 29 U.S.C. section 2612(a)(1)(E) and 29 C.F.R. section 825.126(a)(1)-(8), as they existed on October 19, 2017, for family members as defined in paragraph VI.


VI. "Family member" means a "child" as defined in paragraph I, a biological, adoptive, or foster parent, stepparent, or legal guardian of the child or the child's spouse or domestic partner, a biological, adoptive, or foster grandparent or step grandparent, or a spouse or domestic partner.

VII. "FMLI" means family and medical leave insurance providing wage replacement benefits under specified conditions.

VIII. "Serious health condition" means any illness of a family member covered by the Family and Medical Leave Act including treatment for addiction as prescribed by a treating clinician, consistent with American Society of Addiction Medicine criteria, as well as treatment for a mental health condition, consistent with American Psychiatric Association criteria.

IX. "State rate" means the per employee premium amount that is charged by the successful bidder for the state contract for FMLI coverage for state government employees as provided in this subdivision. The state rate shall be expressed as a percentage of wages.

21-I:99 Contracting and Administrative Authority.

I. The commissioner may solicit information about, seek proposals for, negotiate, enter into, and administer group insurance contracts with duly authorized accident and life insurance carriers as necessary and appropriate to provide to qualifying state employees, at state expense and at no cost to such employees, an FMLI plan of wage replacement as described in this subdivision. The provision of this coverage shall be considered a matter of legislatively established public policy that is designed to benefit all employers and employees in the state and that is "confined exclusively to the public employer by statute" as provided in RSA 273-A:1, XI and shall not be subject to collective bargaining. Nothing in this subdivision shall be construed to invalidate any portion of a collective bargaining agreement entered into by the state.

II. The state shall provide to all permanent state employees wage replacement coverage for qualified leave, which shall be available for the same types of leave as protected under the Family and Medical Leave Act except leave for a health condition of the employee. This shall include leave for:

(a) The birth of a child and the care of the newborn child within one year of birth;

(b) The placement with the employee of a child for adoption or foster care and the care of the newly placed child within one year of placement;
(c) Caring for the employee's spouse, child, or parent who has a serious health condition;

or

(d) Any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a covered military member on covered active duty, or caring for a covered service-member with a serious injury or illness if the eligible employee is the service-member's spouse, child, parent, or next of kin.

III. Subject to any changes authorized under RSA 21-I:103, the wage replacement benefits under this FMLI plan shall be structured as follows:

(a) Eligible employees shall receive 60 percent of their average weekly wage.

(b) The maximum duration of wage replacement shall be 6 weeks per year, with no minimum duration required.

(c) Wages used to determine the 60 percent FMLI coverage shall be capped at the amount of the Social Security taxable wage maximum as amended from time to time.

IV. Except as provided in RSA 21-I:100, III regarding individual pool coverage, the commissioner shall establish, through his or her discretionary authority in administering the request for information and the request for proposals process, the following additional elements of the benefit structure consistent with the purposes and policy of this subdivision:

(a) The base period by which the average weekly wage shall be determined.

(b) The tenure requirement, expressed in terms of months of work, before an employee is eligible to be covered provided, however, that no tenure requirement shall apply to an employee who has already met the requirement and then changes jobs.

(c) A waiting period or elimination period provided, however, that a waiting or elimination period shall not be a required element of the benefit structure, and the commissioner shall have authority to implement a plan with no such requirement.

21-I:100 State Employee Coverage Linked to Coverage Offerings for Other Employers and for Individual Employees. The commissioner shall include in the request for proposals for FMLI benefits for state employees a requirement that the winning bidder shall, as a condition of the state contract, also offer the same FMLI coverage to other public employers, private employers with more than 50 employees, and individual employees on the following terms:

I. Private and public non-state employers shall receive a rate that is derived from the state rate through the application of rating factors that are actuarially justified and specified in the bid response.

II. Employers with more than 50 employees who choose to sponsor coverage for their employees shall contract directly with the winning bidder.

III. Individuals who work for employers who choose not to offer FMLI coverage under this subdivision or who fail to meet minimum participation requirements and who do not offer an FMLI benefit that is at least equivalent to the granite state paid family leave plan shall have the
opportunity to contract indirectly with the winning bidder through the purchasing pool for family and medical leave insurance authorized under RSA 282-B and administered by the department of employment security. The pool may be experience rated. Coverage through the pool shall include a 7-month waiting period, a one-week elimination period, and a 60-day annual open enrollment period as established by the commissioner in the procurement process. Premiums for individual pool coverage shall not exceed $5 per subscriber per week.

IV. The commissioner shall establish, through his or her discretionary authority in administering the request for information and the request for proposals process, the following additional elements of the benefit structure and plan administration specifically for employees of sponsoring non-state employers consistent with the purposes and policy of this subdivision:

(a) The minimum participation requirement.

(b) The parameters for open enrollment periods.

(c) Procedures for contributory plans, partially contributory plans, and non-contributory plans.

(d) Procedures for payroll deduction and premium remittance for employers with more than 50 employees.

21-I:101 Conditions of Non-State Employer Participation. Participation in the plan by non-state employers shall be voluntary. In addition, non-state employers may choose to provide FMLI at no cost to their employees or on a contributory or partially contributory basis.

21-I:102 Procurement Process. The commissioner may issue a request for information or a request for proposals to secure FMLI coverage for all eligible employees of the state of New Hampshire and to make advantageously priced coverage available to all other private employers with more than 50 employees and public employers in the state as provided in this subdivision. The department, the department of employment security, and the department of insurance shall jointly evaluate the proposals received in response to the request for proposals. The department shall contract with an insurance carrier or carriers to provide FMLI coverage. The contract with the winning bidder shall be subject to governor and council approval. The selected insurance carrier shall be licensed by the state of New Hampshire and in good standing. The selected insurance carrier shall be subject to all applicable insurance laws and regulations of the state of New Hampshire, and the rates and forms for the FMLI contracts shall be filed for approval with the insurance commissioner.

21-I:103 Commissioner Discretion to Adjust Initial FMLI Benefit Structure. In exercising authority under this subdivision to contract for FMLI coverage for state employees and also for the availability of advantageously priced FMLI coverage for employees of all non-state employers, the commissioner shall have discretionary authority in initiating this program to make changes to the benefit structure of the FMLI plan under RSA 21-I:99, III and may retain a consulting actuary or other benefit advisors in support of this discretionary determination. This discretionary authority
shall be exercised in consideration of the stated purposes and policy goals of this subdivision and of
the counsels of the FMLI advisory board established in RSA 21-I:104. Any such changes made under
this paragraph shall be subject to approval by the governor and council and the legislative fiscal
committee prior to implementation and shall be offered by the legislative fiscal committee as an
amendment to this subdivision in the next regular session of the general court.

21-I:104 Family and Medical Leave Insurance Advisory Board. There is hereby established the
family and medical leave insurance advisory board, which shall be administratively attached to the
department, and which shall hereinafter be called the FMLI advisory board. The FMLI advisory
board shall consist of 9 members to be appointed, with the exception of the legislative members, by
the governor. Three of the appointees shall be persons who, because of their vocations, employment,
or affiliations, shall represent employers; 3 shall be persons who, because of the vocations,
employment, or affiliations, shall represent employees; one shall be a senator appointed by the
senate president; one shall be a representative appointed by the speaker of the house of
representatives; the remaining appointee, who shall be appointed as chairman, shall be a person
whose training and experience qualify her or him to successfully resolve the problems of FMLI
procurement, eligibility, benefit design, and program administration. The advisory board shall meet
no later than 45 days after each calendar quarter and aid the commissioner in formulating policies
and discussing problems related to the implementation and administration of this subdivision and
RSA 282-B and in assuring impartiality and freedom from political influence in the solution of such
problems. Advisory board meetings shall provide opportunity for public comment.

21-I:105 Report and Outreach.

I. Working in coordination with the commissioner of administrative services as provided in
RSA 282-B:6, I, the department shall produce, on an annual basis, a summary report on the granite
state paid family leave plan. This report shall be made public and delivered to the governor, the
senate president, and the speaker of the house of representatives. It shall include, but not be limited
to, a description of progress in carrying out the processes contemplated under this subdivision,
progress in improving the rate of FMLI coverage of employees in the state, and recommendations for
more fully achieving the purposes and policy goals of this subdivision.

II. Working in coordination with the department of employment security as provided in RSA
282-B:6, II, the department shall develop and implement an outreach program to ensure that
employers who might benefit from sponsoring FMLI coverage for their employees and individuals
who may be eligible to receive FMLI coverage under this subdivision are made aware of this
program. Outreach information shall explain in an easy to understand format, eligibility
requirements, benefit structures, and the process for accessing coverage, enrolling individuals, and
qualifying for the business tax credit provided for in RSA 77-E:3-d.

21-I:106 Rulemaking. The commissioner may adopt rules, pursuant to RSA 541-A, as deemed
necessary for the implementation of this chapter.
21-I:107 Appropriation and Funding Transfer. The state treasurer shall transfer funds from the
general fund to the department of administrative services for payment of the administrative and
implementation costs associated with this chapter.

21-I:108 Program Start-up. The request for proposals for FMLI coverage as described in this
subdivision shall be issued no later than September 30, 2021. The FMLI coverage shall be in place
for state government employees and available for purchase by other public and private employers
with more than 50 employees and individuals by July 1, 2022.

2 Insurance; Allocation of State Premium Tax. Amend RSA 400-A:32, III to read as follows:

III.(a) Except as provided in [subparagraph (b)] subparagraphs (b) and (c), the taxes
imposed in paragraphs I and II of this section shall be promptly forwarded by the commissioner to
the state treasurer for deposit to the general fund.

(b) Taxes imposed attributable to premiums written for medical and other medical
related services for the newly eligible Medicaid population as provided for under RSA 126-AA shall
be deposited into the New Hampshire granite advantage health care trust fund established in RSA
126-AA:3. The commissioner shall notify the state treasurer of sums for deposit into the New
Hampshire granite advantage health care trust fund no later than 30 days after receipt of said taxes.
The moneys in the trust fund may be used for the administration of the New Hampshire granite
advantage health care program, established in RSA 126-AA.

(c) Taxes imposed on premiums written by duly authorized insurance
companies for family and medical leave insurance written in connection with the
administration of RSA 21-I:96 through RSA 21-I:108 or RSA 282-B shall be deposited into
the FMLI premium stabilization trust fund established in RSA 282-B:5. The commissioner
shall notify the state treasurer of sums for deposit into the FMLI premium stabilization
trust fund no later than 30 days after receipt of said taxes.

3 New Chapter; Purchasing Pool for Family and Medical Leave Insurance. Amend RSA by
inserting after chapter 282-A the following new chapter:

CHAPTER 282-B

PURCHASING POOL FOR FAMILY AND MEDICAL LEAVE INSURANCE

282-B:1 Purpose. The purpose of this chapter is to establish a group purchasing mechanism
whereby individuals who work for employers with more than 50 employees who do not to offer either
family and medical leave insurance (FMLI) coverage under the granite state paid family leave plan
as authorized under RSA 21-I:96 through RSA 21-I:108 or an FMLI benefit that is at least
equivalent to such coverage will have the opportunity to purchase granite state paid family leave
plan coverage through a mechanism established by the state in conjunction with the state
government employee FMLI plan.

282-B:2 Definitions. In this chapter:

I. "Child" has the same meaning as "son or daughter" in 29 U.S.C. section 2611(12).
II. "Commissioner" means the commissioner of the department of employment security.

III. "Department" means the department of employment security.

IV. "Employer" has the same definition as relevant provisions of RSA 282-A:8, except as provided in RSA 282-A:9.

V. "Employment" means wages paid for services by an employer that is covered by this chapter.

VI. "Family and medical leave" means leave from work:

(a) Because of the birth of a child of the employee, within the past 12 months;

(b) Because of the placement of a child with the employee for adoption or fostering within the past 12 months;

(c) Because of a serious health condition of a family member; or

(d) Because of any qualifying exigency arising from foreign deployment with the armed forces, or to care for a service member with a serious injury or illness as permitted under the federal Family and Medical Leave Act, 29 U.S.C. section 2612(a)(1)(E) and 29 C.F.R. section 825.126(a)(1) through (8), as they existed on October 19, 2017, for family members as defined in paragraph VIII.

(e) A serious health condition of the employee that isn't related to employment and their employer does not offer Short Term Disability insurance.


VIII. "Family member" means a child, a biological, adoptive, or foster parent, stepparent, or legal guardian of the child or the child's spouse or domestic partner, a biological, adoptive, or foster grandparent or step grandparent, or a spouse or domestic partner.

IX. "FMLI" means family and medical leave insurance providing wage replacement benefits under specified conditions.

X. "Individual Pool" means the pooled purchasing mechanism established in this chapter for the purpose of providing individual employees of employers who do not sponsor qualifying FMLI coverage the option to purchase such coverage on an individual basis.

XI. "Serious health condition" means any illness covered by the federal family and medical leave act including treatment for addiction as prescribed by a treating clinician, consistent with American Society of Addiction Medicine criteria, as well as treatment for a mental health condition, consistent with American Psychiatric Association criteria.

282-B:3 Employer and Employee Rights and Responsibilities.

I. Individuals who are employed by private employers with more than 50 employees who do not offer either FMLI coverage under the granite state paid family leave plan under RSA 21-I:96 - RSA 21-I:108 or an FMLI benefit that is at least equivalent to such coverage will have the opportunity to purchase granite state paid family leave plan coverage through the individual pool. The individual pool shall operate by payroll deduction for employees of employers with more than 50
employees whereby premiums are paid into an FMLI premium fund administered by the department as provided in this chapter and established in coordination with the commissioner of administrative services under RSA 21-I:96 through RSA 21-I:108.

II. Individuals employed by employers with more than 50 employees opting into the individual pool shall be required to make their premium remittances by payroll deduction. All private employers with more than 50 employees who have employees who have individually opted into this pooled purchasing mechanism shall remit FMLI premium payments to the department in a manner as directed by the commissioner.

III. Employers with fewer than 50 employees who wish to purchase FMLI coverage through the granite state paid family leave plan shall have the opportunity to purchase such coverage by making premium remittances into an FMLI premium fund administered by the department as provided in this chapter and established in coordination with the commissioner of administrative services acting pursuant to RSA 21-I:96.

282-B:4 FMLI Premium Fund Established. There is established the FMLI premium fund for deposits of insurance premium payments paid pursuant to RSA 282-B:3 and for remittance of such premiums to the FMLI carrier or carriers participating in the twin state voluntary leave plan. The department shall develop standard enrollment procedures in coordination with participating carriers and shall transmit enrollment and eligibility information to such carriers on a timely basis. The department shall establish procedures and mechanisms for the billing and collection of premiums from employers. The department shall specify in contracts with participating carriers how all premiums shall be transmitted and the frequency of that transmission and how penalties and grace periods on late payments of premiums shall be calculated. The department may contract with qualified, independent vendors for the services necessary to carry out some or all of the duties under this paragraph.

282-B:5 FMLI Premium Stabilization Trust Fund Established.

I. There is established the FMLI premium stabilization trust fund which shall be held and accounted for separately from all other funds. Interest, dividends, and other earnings of the fund shall be added to the fund. Deposits into the fund shall be limited exclusively to:

(a) Premium taxes imposed on premiums written by duly authorized insurance companies for family and medical leave insurance written in connection with the administration of RSA 21-I:96 through RSA 21-I:108 or RSA 282-B as provided in RSA 400-A:32, III(c); and

(b) Gifts, grants, and donations. The moneys in the fund shall not be subject to any state taxes and shall not be subject to any federal taxes to the extent allowed by applicable federal law.

II. The moneys in the fund shall constitute a premium stabilization reserve and shall be used exclusively for the purpose of assuring that the premiums charged to participants in the individual pool remain stable from year to year and do not exceed 5 dollars per subscriber per week.
The fund shall be administered by the commissioner, who shall be authorized to make such periodic payments to participating FMLI carriers as are necessary to meet the purposes of this paragraph. The department is authorized to contract with qualified, independent vendors for the services necessary to carry out some or all of the duties under this paragraph.

282-B:6 Report and Outreach.

I. Working in coordination with the commissioner of administrative services as provided in RSA 21-I:105, I, the department shall produce, on an annual basis, a summary report on the granite state paid family leave plan. The report shall be made public and delivered to the governor, the senate president, and the speaker of the house of representatives. It shall include but not be limited to, a description of progress in implementing the provisions of this chapter, payments into and out of the fund, the number of employees in the state participating in the purchasing mechanism, and recommendations for improvement of the program and for further increasing the rate at which New Hampshire employees have FMLI coverage.

II. Working in coordination with the department of administrative services as provided in RSA 21-I:105, II, the department shall develop and implement an outreach program to ensure that individuals who may be eligible to receive FMLI benefits under this chapter or under RSA 21-I:96 through RSA 21-I:108 are made aware of these benefits. Outreach information shall explain in an easy to understand format, eligibility requirements, benefit structures, and the process for accessing coverage and enrolling.

282-B:7 Rulemaking. The commissioner may adopt rules, pursuant to RSA 541-A, as deemed necessary for the implementation of this chapter.

282-B:8 Appropriation and Funding Transfer. The state treasurer shall transfer funds from the general fund to the department of employment security for payment of the administrative and implementation costs associated with this chapter.

282-B:9 Implementation. The individual pool shall be operational and available for use by individuals on a timetable that is sufficient to ensure that FMLI coverage shall be available for purchase by January 1, 2022.

282-B:10 Application; Employers with Fewer than 50 Employees. No provision of this chapter shall require employers with fewer than 50 employees to offer family medical leave or process payroll deductions on behalf employees choosing to participate in the program as individuals.

4 New Section; Family Medical Leave Insurance; Discrimination in the Workplace. Amend RSA 275 by inserting after section 37-c the following new section:

275:37-d Family and Medical Leave Insurance. If an employer has 50 or more employees and sponsors family and medical leave insurance pursuant to RSA 21-I:96, then any employee of that employer who takes family or medical leave and accesses wage replacement benefits under such family and medical leave insurance coverage shall be restored to the position she or he held prior to such leave or to an equivalent position by her or his employer consistent with the job restoration
provisions of the federal Family and Medical Leave Act of 1993, Public Law 103-3, 29 U.S.C. section 2601 et seq. Such employers shall continue to provide health insurance to employees during the leave. However, employees shall remain responsible for any employee-shared costs associated with the health insurance benefits. Such employers shall not discriminate or retaliate against any employee for accessing family or medical leave wage replacement benefits. Employers of employees participating in the granite state paid family leave plan may require that paid leave taken under this program be taken concurrently or otherwise coordinated with leave allowed under the terms of a collective bargaining agreement or other established employer policy or the Family and Medical Leave Act, as applicable.

5 New Subparagraphs; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraphs:

(365) Moneys deposited in the FMLI premium fund established in RSA 282-B:4.

(366) Moneys deposited in the FMLI premium stabilization trust fund established in RSA 282-B:5.

6 New Section; Business Enterprise Tax; Granite State Paid Family Leave Plan Tax Credit. Amend RSA 77-E by inserting after section 3-d the following new section:

77-E:3-e Granite State Paid Family Leave Plan Tax Credit. There shall be a tax credit allowed against the tax due under this chapter in an amount equal to 50 percent of the premium paid by a sponsoring employer for family and medical leave insurance coverage offered to employees pursuant to RSA 21-I:100 for the taxable period in which the premium is paid.
AMENDED ANALYSIS

1. Establishes the granite state paid family leave plan.
Amendment to HB 2-FN-A-LOCAL

1 General Fund Transfer to Highway Fund. The sum of $50,000,000 for the fiscal year ending 
June 30, 2022, is hereby appropriated to the highway fund. This appropriation shall not lapse. The 
governor is authorized to draw a warrant for said sum out of any money in the treasury not 
otherwise appropriated.

2021-1760s

AMENDED ANALYSIS

1. Transfers funds from the general fund to the highway fund.
Amendment to HB 2-FN-A-LOCAL

1 Annual and Sick Leave; Executive Branch. Amend RSA 94:3-a to read as follows:

94:3-a Annual and Sick Leave for Unclassified Legislative Employees and Executive Branch Unclassified and Nonclassified Employees.

I. Annual Leave. All full-time, nonelective unclassified legislative officials and employees shall accumulate annual or biennial leave to the extent authorized for each position by the appointing authority. If, at the time of his separation from service, such an official or employee has credit for unutilized annual leave time, he shall be paid for such time at the same rate he was receiving at the time of his separation.

II. Sick Leave. All full-time, nonelective unclassified legislative officials and employees, shall accumulate sick leave credit to the extent authorized for each position by the appointing authority. All unutilized sick leave credit shall lapse at the time of separation from service, except that should such an official or employee die while in service, his estate shall be paid for any unutilized sick leave credit at the same rate the official or employee was receiving at the time of his death.

III. Transfer of Credit; Legislative. Any official or employee who transfers without a break in service, from the classified service to a full-time, nonelective, unclassified legislative position may transfer all the days of sick leave credit and annual leave credit that he has accumulated in the classified service. Any full-time, nonelective unclassified legislative official or employee who transfers, without a break in service, to the classified service may transfer all the days of sick leave credit and annual leave credit that he has accumulated in the unclassified service pursuant to this section. The rate of accrual for all sick and annual leave shall be the same as the rate immediately prior to the transfer.

III-a. Transfer of Credit; Executive. Any official or employee who transfers without a break in service, from the classified service to an unclassified or nonclassified executive branch position shall retain all annual leave, sick leave, longevity pay, and bonus leave already accumulated in the classified system. Such leave, longevity pay, and bonus time shall not be paid out until the employee’s cessation of employment and shall be carried forward if the employee again transfers into the classified service.

IV. The appointing authority may deny compensation to any legislative official or employee for any annual leave time or sick leave time taken in excess of annual leave time or sick leave time accumulated pursuant to this section.

2 Terminal Pay. RSA 94:9 is repealed and reenacted to read as follows:
94:9 Terminal Pay.

I. Any full-time state official or employee other than those in the state classified system who retires, resigns, dies in office, or is terminated as a result of not being reappointed, shall receive upon such cessation of employment 3 days' salary for each year of employment in nonclassified or unclassified service.

II. Terminal Pay; Leave Time and Longevity Pay. Any full-time state official or employee other than those in the state classified system who retires, resigns, dies in service, or is terminated shall receive termination pay that includes any unused annual leave, bonus leave, or longevity pay accumulated from their service as member of the classified system.

III. Terminal Pay; Sick Time. Any full-time state official or employee other than those in the state classified system who retires shall receive termination pay that includes unused sick leave accumulated while a member of the classified system. The calculation of such unclassified sick leave payout shall be according to the calculations of sick leave upon termination of service of a confidential classified employee as specified in the rules of the division of personnel.

IV. The governor is authorized to draw warrants for the sums necessary to make the payments under this section, which shall be a charge against the general fund or such special fund as may be appropriate.

3 New Paragraph; Administrative Services; Rulemaking; Executive Branch Employees. Amend RSA 21-I:14 by inserting after paragraph XVII the following new paragraph:

XVIII. Employees serving in executive branch unclassified positions relating to:

(a) Annual Leave;

(b) Sick Leave;

(c) Transfers between positions within the executive branch and across branches of state government; and

(d) Termination and payouts upon termination of employment.

4 Report; Executive Branch Employees. The commissioner of the department of administrative services shall report to the fiscal committee of the general court on the progress of the adoption of administrative rules under RSA 21-I:14, XVIII, relating to employees serving in executive branch unclassified positions, not later than April 30, 2022.
AMENDED ANALYSIS

1. Establishes procedures and rulemaking for executive branch employee annual leave, sick leave, transfer credit, and terminal pay.
Amendment to HB 2-FN-A-LOCAL

1 Abolished Positions. All classified full-time positions which were vacant prior to July 1, 2018 and remain vacant as of July 1, 2021 shall be abolished on September 30, 2021. Executive branch agencies, as defined in RSA 9:1, shall identify such positions using the last vacancy report from the state human resources system produced before June 30, 2021. Positions on such report that have been filled as of July 1, 2021, or for which and offer has been extended and accepted, shall not be abolished. Each executive agency shall prepare a list of positions to be abolished for submission to the department of administrative services on or before September 1, 2021. For each position the list shall include the amounts appropriated by fiscal year for salary and benefits and the source of funds for such appropriations. The department of administrative services shall transfer the unexpended general fund appropriations for the abolished positions to the salary adjustment fund in RSA 99:4 and the benefit adjustment account in RSA 9:17-c. The department of administrative services shall submit a report of the abolished positions and transferred appropriations to the legislative fiscal committee by December 31, 2021. Individual exceptions to these provisions may be requested by any department in writing to the governor, and any such exception granted by the governor shall be transmitted to the fiscal committee of the general court. This section shall not apply to any positions at the department of health and human services which the department intends to use toward meeting required budget reductions.

2021-1677s

AMENDED ANALYSIS

1. Abolishes classified full-time positions which were vacant prior to July 1, 2018 and remain vacant as of July 1, 2021.
Amendment to HB 2-FN-A-LOCAL

1. Repeal. 2019, 346:236, I-II, relative to the repeal of free or reduced price meal aid and fiscal capacity disparity aid, are repealed.

2. Effective Date. This act shall take effect June 30, 2021.

AMENDED ANALYSIS

1. Repeals the repeal of free or reduced price meal aid and fiscal capacity disparity aid to school districts.
**HB 1 Amendment (Senator D'Allesandro / Senator Rosenwald)**
Change Needed Relative to HB 2 Amendment #2021-1321s

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 2022</th>
<th>FY 2023</th>
<th>Revised</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>House Passed</td>
<td>Change</td>
<td>Budget</td>
</tr>
<tr>
<td><strong>Expenditure Class</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>079 - Adequate Education Aid - State</td>
<td>$939,374,511</td>
<td>$40,150,228</td>
<td>$979,524,739</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$939,374,511</td>
<td>$40,150,228</td>
<td>$979,524,739</td>
</tr>
<tr>
<td><strong>Source of Funds</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Funds (Education Trust Fund)</td>
<td>$939,374,511</td>
<td>$40,150,228</td>
<td>$979,524,739</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$939,374,511</td>
<td>$40,150,228</td>
<td>$979,524,739</td>
</tr>
</tbody>
</table>

Funds adequate education grants pursuant to HB 2 amendment #2021-1321s (extension of additional aid based on free and reduced price eligible students and fiscal capacity disparity aid).
Amendment to HB 2-FN-A-LOCAL

Amend the bill by replacing section 44 with the following:

44 Certain Differential Aid Calculations; Fiscal Year 2022.

I. Average Daily Membership in Attendance; Fiscal Year 2022. The commissioner of the department of education shall compare the average daily membership in attendance (ADMA), defined in RSA 198:38, for each district and town for school year 2019-2020 and school year 2020-2021. The greater enrollment shall be used to calculate the cost of an opportunity for an adequate education under RSA 198:40-a and relief funding under RSA 198:40-a for the fiscal year ending June 30, 2022.

II. When determining ADMA for third grade pupils scoring below proficiency on the reading component of the state assessment as required by RSA 198:40-a, II(e) for the fiscal year ending June 30, 2022, the commissioner of the department of education shall compare the ADMA for this category of differentiated aid in school year 2018-2019 and school year 2020-2021. The greater ADMA shall be used to calculate the cost of an opportunity for an adequate education under RSA 198:40-a, II(e) for the fiscal year ending June 30, 2022.

Amend the bill by replacing section 45 with the following:

45 Conditional Differential Aid Calculation For Pupils Eligible for a Free or Reduced Price Meal; Fiscal Year 2023.

I. If, as of any of the dates set forth in RSA 198:41, V, VI, or VII, either (a) the state of New Hampshire is in a declared state of emergency pursuant to RSA 4:45 as it relates to the COVID-19 pandemic or (b) the U.S. Department of Agriculture has not rescinded the Child Nutrition Covid-19 Waivers enacted in response to the pandemic, or both, then the department of education shall, in consultation with the governor, determine whether the alternative differential aid calculation set forth in paragraph II is required for fiscal year 2023 when making the required estimate or final determination described in RSA 198:41, V, VI, or VII as applicable.

II. Upon making a determination that the alternative differential aid calculation applies pursuant to paragraph I, the department of education shall divide each pupil in the ADMA who is eligible for a free or reduced price meal by the average daily member in attendance (ADMA), defined in RSA 198:38, for each district and town for school year 2019-2020. The percentage shall be applied to the ADMA for school year 2021-2022 to establish a new calculation of ADMA for who is eligible for
a free or reduced price meal. The greater of the ADMA of pupils who are eligible for a free or reduced price meal for school year 2021-2022 and the new calculation based on the 2019-2020 school year percentage shall be used to calculate the differential aid under RSA 198:40-a, II(b) and relief aid under RSA 198:40-e.

Insert new sections:

1 New Section; Relief Funding. Amend RSA 198 by inserting after section 40-d the following new section:

198:40-e Relief Funding.

I. In a school district in which 48 percent or more of the ADMA is eligible to receive a free or reduced-priced meal, an additional $600 for each pupil in the ADMA who is eligible for a free or reduced-priced meal.

II. In a school district in which at least 12 percent but less than 48 percent of the ADMA is eligible to receive a free or reduced-priced meal, an amount equal to $150 plus $0.1250 for each 0.01 percent that its free or reduced-priced meal eligibility rate exceeds 12 percent, for each pupil in the ADMA who is eligible for a free or reduced-priced meal.

III. A school district in which less than 12 percent of the ADMA is eligible to receive a free or reduced-priced meal shall receive no additional aid under this section.

IV. The department of education shall adjust aid to each district calculated under this section to the statewide total of $17,500,000. Adjustments under this paragraph shall be made on a pro-rata basis.

2 Additional Aid to Education. The governing body of a school district may call a special meeting pursuant to RSA 197:3-a to determine how any adjustment in education aid shall be budgeted.

3 Transfer; Education Trust Fund. At the close of the fiscal year ending June 30, 2021, the state treasurer shall transfer the sum of $35,000,000 from the education trust fund surplus to a restricted account under the department of education for purposes of providing relief funding pursuant to RSA 198:40-e for fiscal years 2022 and 2023.

4 New Subparagraph. Amend RSA 198:41, I by inserting after subparagraph (c) the following new subparagraph:

(d) Add the municipality's additional aid for relief funding pursuant to RSA 198:40-e.

5 Department of Education; State Maintenance of Equity; Biennium Ending June 30, 2023.

I. For the biennium ending June, 30, 2023, the department of education shall determine, in consultation with the governor, whether the state of New Hampshire is compliant with the state maintenance of equity requirements of Section 2004(b) of the American Rescue Plan Act of 2021. If it is determined that the high-need and highest poverty local educational agencies as referenced in Section 2004(b) and defined in Section 2004(d) of the American Rescue Plan Act of 2021 have
experienced a greater reduction in state aid per pupil than the state maintenance of equity
requirements permit under the American Rescue Plan Act for either fiscal year 2022 or 2023, the
department of education, with the approval of the fiscal committee of the general court, shall
increase state aid to such agencies to bring the state into compliance.

II. If state aid is increased pursuant to paragraph I to achieve compliance with Section
2004(b) of the American Rescue Plan Act of 2021, the department of education shall determine if the
increase brings the state into compliance by eliminating an overall per-pupil reduction in state
funds, in which case the department shall issue the state aid on a prorated basis to the local
educational agency or agencies needing an increase in state aid in order to achieve compliance.

III. Any state aid distributed under this section shall be an education grant in addition to
the state grant calculated under RSA 198:41 and shall be distributed to school districts accordingly.
Depending on how the United States Department of Education allows states to define "pupil" as it
relates to determining state aid per pupil under Section 2004(b) of the American Rescue Plan Act of
2021, the department of education may experience delays in accurately collecting pupil data to meet
the definition as defined by the United States Department of Education, thereby delaying the
calculation of the grant award. If such delay occurs, the department of education may issue the
grants described in this section up to 120 days after the end of the applicable fiscal year being
assessed for compliance with federal law.

IV. In seeking fiscal committee approval and establishing grants under this section, the
department of education may calculate the grants in manner that increases the likelihood of
compliance with Section 2004(b) of the American Rescue Plan Act of 2021 while utilizing the
minimum amount of state resources. The department of education may also make minor rounding
adjustments to the grant awards under the condition all rounding adjustments are applied in a
consistent and uniform manner.

V. In the event grants are required to be disbursed to districts, the commissioner of
education may request the fiscal committee of the general court to authorize additional funding.
Funds requested and approved shall be a charge to the education trust fund. Such warrants for
payment shall be issued regardless of the balance of funds available in the education trust fund. If
the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the
comptroller shall transfer sufficient funds from the general fund to eliminate such deficit. The
commissioner of the department of administrative services shall inform the fiscal committee and the
governor and council of such balance. This reporting shall not in any way prohibit or delay the
distribution of any grant or transfer of funds authorized under this chapter.

6 Effective Date. Section 3 of this act shall take effect June 30, 2021.
Replaces 24. Provides for determining average daily membership in attendance for FY 2022 and a free and reduced price meals adjustment in FY 2023, provides $35,000,000 in relief funding over the biennium to increase state education grants, and also provides a mechanism for the department of education to calculate additional grants beyond those to be compliant for federal funding.
HB 1 Amendment (Senator Hennessey)
Change Needed Relative to HB 2 Amendment #2021-1752s

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 2022</th>
<th>FY 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>House Passed</td>
<td>Change</td>
</tr>
<tr>
<td>Expenditure Class</td>
<td></td>
<td></td>
</tr>
<tr>
<td>079 - Adequate Education Aid - State</td>
<td>$939,374,511</td>
<td>$28,963,262</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$939,374,511</td>
<td>$28,963,262</td>
</tr>
<tr>
<td>Source of Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Funds (Education Trust Fund)</td>
<td>$939,374,511</td>
<td>$28,963,262</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$939,374,511</td>
<td>$28,963,262</td>
</tr>
</tbody>
</table>

Funds adequate education grants pursuant to HB 2 amendment #2021-1752s (adjustment to ADM in FY 2022).
Amendment to HB 2-FN-A-LOCAL

1 Department of Health and Human Services; Juvenile Diversion; Supplemental Appropriation.
2 The sum of $300,000 for the fiscal year ending June 30, 2022, and the sum of $300,000 for the fiscal
3 year ending June 30, 2023 are hereby appropriated to the department of health and human services
4 for the purpose of extending existing grants to the certified juvenile diversion providers who provide
5 diversion services pursuant to RSA 169-B:10. Any unexpended funds remaining from the
6 appropriation made in 2019, 346:371 shall not lapse and may be used for the purposes of this section.
7 The governor is authorized to draw a warrant for said sums out of any money in the treasury not
8 otherwise appropriated.

2 New Paragraph; Delinquent Children; Juvenile Diversion. Amend RSA 169-B:10 by inserting
after paragraph II-a the following new paragraph:

II-b. Consistent with the referral procedures established pursuant to paragraph II-a, the
department of health and human services, division for children, youth and families, shall have the
authority establish procedures for the state-funded diversion programs.

2021-1753s

AMENDED ANALYSIS

1. Makes a supplemental appropriation to the department of health and human services for
juvenile diversion programs and provides that the department of health and human services shall
establish procedures for administration of the state-funded programs.
Amendment to HB 2-FN-A-LOCAL

1 Appropriation; Affordable Housing Fund. The sum of $5,000,000 for the biennium ending
2 June 30, 2023, is hereby appropriated to the housing finance authority for deposit in the affordable
3 housing fund established in RSA 204-C:57, for the purpose of providing financing or state matching
4 funds for affordable housing. The appropriation shall be in addition to any other funds appropriated
5 to the housing finance authority. The governor is authorized to draw a warrant for said sum out of
6 any money in the treasury not otherwise appropriated.

2021-1757s

AMENDED ANALYSIS

1. Makes an appropriation to the affordable housing fund.
Amendment to HB 2-FN-A-LOCAL

1   1 Department of Health and Human Services; Appropriation for Waiver and Nursing Facilities;
2   Home Support Waiver Services; Home Health Care Waiver Services; Lapse. Any funds appropriated
3   to account 05-95-048-182010-2152, classes 505, 506, and 529, for fiscal years 2020 and 2021 shall not
4   lapse until June 30, 2023.
5   1-a. Effective Date. Section 1 of this act shall take effect June 30, 202.

2021-1766s

AMENDED ANALYSIS

Add:

1. Provides that certain appropriations to the department of health and human services for
   waiver and nursing facility services shall not lapse until June 30, 2023.