

SENATE FINANCE COMMITTEE - 5/26/21**AMENDMENTS - AFTERNOON PACKET**

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

Sen. Bradley, Dist 3
May 17, 2021
2021-1506s
05/10

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 37 with the following:

2

3 37 Appropriation; Department of Military Affairs and Veterans Services; Support for Veterans
4 Mental Health and Social Isolation. There is hereby appropriated to the department of military
5 affairs and veterans services the sum of \$1,500,000 for the fiscal year ending June 30, 2021 for the
6 purposes of supporting services to combat struggles with mental health and social isolation,
7 including but not limited to providing grants to veterans' organizations for safety upgrades and other
8 capital improvements to enhance their facilities. This appropriation shall not lapse until June 30,
9 2023. The governor is authorized to draw a warrant for said sum out of any money in the treasury
10 not otherwise appropriated.

11 37-a Effective Date. Section 37 of this act shall take effect June 30, 2021.

UNAPPROVED

Sen. Rosenwald, Dist 13
Sen. D'Allesandro, Dist 20
May 6, 2021
2021-1339s
10/05

Amendment to HB 2-FN-A-LOCAL

1 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 1 Emergency Powers; Termination at 30 Days. Amend RSA 4:45, I(d) and II to read as follows:

2 (d) Duration of the state of emergency, if less than ~~[21]~~ **30** days.

3 II.(a) A state of emergency shall terminate automatically ~~[21]~~ **30** days after its declaration
4 unless it is renewed under the same procedures set forth in paragraph I of this section. The
5 governor may, by executive order, renew a declaration of a state of emergency as many times as the
6 governor finds is necessary to protect the safety and welfare of the inhabitants of this state.

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

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

15 2 New Paragraphs; State of Emergency; Procedure. Amend RSA 4:45 by inserting after
16 paragraph III the following new paragraphs:

17 IV. Members of the legislature shall be exempt from any emergency orders that would
18 infringe on their ability to travel and conduct their business as representatives of the people.

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

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

29 3 Budget and Appropriations; Civil Emergency. Amend RSA 9:13-d to read as follows:

30 9:13-d ~~[Civil]~~ **State of Emergency**. Should it be determined by the governor that a ~~[civil]~~ **state**
31 **of** emergency exists, the governor may, with the advice and consent of the fiscal committee,
32 authorize ~~[such]~~ expenditures, **which, in total, equal or exceed \$100,000**, by any department or

Amendment to HB 2-FN-A-LOCAL

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

7 4 Applicability of Act. The provisions of this act shall take effect upon the latter of either the
8 passage of this act or 30 days after the termination of the COVID-19 state of emergency, as certified
9 to the secretary of state and the director of legislative services by the office of the governor.

10 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.

UNAPPROVED

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1 through the state to manage this grant program. Any regional economic development corporation
2 that does not award all of the funds received in grants to local micro enterprises shall return the
3 funds to micro enterprise relief fund at the department of business and economic affairs for
4 redistribution at the discretion of the commissioner.

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

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

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

25 3 New Subparagraph; Application of Receipts; COVID-19 Micro Enterprise Relief Fund. Amend
26 RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

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

29 4 Purpose Statement. Independent live venues are important entertainment hubs and economic
30 multipliers for New Hampshire's local economies. They serve as critical tax bases as employers and
31 tourism destinations and as revenue generators for neighboring businesses such as restaurants,
32 hotels, and retail. The cultural impact of New Hampshire's independent live venues is difficult to
33 calculate and serves as an important draw for young people to the state. Unfortunately, these
34 businesses were among the first to close as COVID-19 spread across the country, will likely be the
35 last to reopen, and will take years to recover if they can stay in business at all. Smaller venues with
36 a capacity of 300 or less are being impacted the most by the COVID-19 economic and public health

Amendment to HB 2-FN-A-LOCAL
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1 crisis. This act provides targeted assistance and long-term planning support and recognizes the
2 importance of independent live venues to New Hampshire's economy.

3 5 Council on the Arts; Declaration of Policy. Amend RSA 19-A:1 to read as follows:

4 19-A:1 Declaration of Policy. It is hereby found that many of our citizens lack the opportunity to
5 view, enjoy or participate in living theatrical performances, musical concerts, operas, dance and
6 ballet recitals, art exhibits, examples of fine architecture, and the performing and fine arts
7 generally. It is hereby further found that, with increasing leisure time, the practice and enjoyment
8 of the arts are of increasing importance and that the general welfare of the people of the state will be
9 promoted by giving further recognition to the arts as a vital aspect of our culture and heritage and as
10 a valued means of expanding the scope of our educational programs. *It is hereby further found*
11 *that arts organizations and businesses are important entertainment hubs and economic*
12 *multipliers for New Hampshire's local economies. They serve as critical tax bases as*
13 *employers and tourism destinations and as revenue generators for neighboring businesses*
14 *such as restaurants, hotels, and retail. The cultural impact of New Hampshire's creative*
15 *sector is difficult to calculate and serves as an important draw for young people to the*
16 *state.* It is hereby declared to be the policy of the state to join with private patrons and with
17 institutions and professional organizations concerned with the arts to insure that the role of the arts
18 in the life of our communities will continue to grow and will play an ever more significant part in the
19 welfare and educational experience of our citizens. It is further declared that all activities
20 undertaken by the state in carrying out this policy shall be directed toward encouraging and
21 assisting rather than in any ways limiting the freedom of artistic expression that is essential for the
22 well-being of the arts.

23 6 Council on the Arts; Report. Amend RSA 19-A:7 to read as follows:

24 19-A:7 Reports. The council shall make biennial reports to the governor and council. *The*
25 *council's strategic plan and biennial report under this section shall address the activities*
26 *related to the Save Our Granite Stages Fund created under RSA 19-A:15.*

27 7 New Subdivision; Council on the Arts; Save Our Granite Stages Fund. Amend RSA 19-A by
28 inserting after section 14 the following new subdivision:

29 Save Our Granite Stages Fund

30 19-A:15 Save Our Granite Stages Fund. There is hereby established the save our granite stages
31 fund, which shall be appropriated for fiscal year 2022 to the New Hampshire state council on the
32 arts for the purpose of providing grants to both non-profit and for-profit live venues that did not
33 receive a grant from the federal Shuttered Venue Operators (SVO) program, which was established
34 by Economic Aid to Hard-Hit Small Businesses, Nonprofits and Venues Act (P.L. 116-260). The fund
35 shall be nonlapsing and kept separate and distinct from all other funds. Notwithstanding any other
36 provision of law, \$1 of any discretionary federal funds received by the state in response to the

Amendment to HB 2-FN-A-LOCAL
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1 COVID-19 public health emergency shall be deposited into the fund. In addition to state
2 appropriations, the council may accept grants, gifts, and donations for deposit in the fund.

3 8 New Subparagraph; Dedicated Funds; Save our Granite Stages Fund. Amend RSA 6:12, I(b)
4 by inserting after subparagraph (364) the following new subparagraph:

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

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

8 10 Effective Date.

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

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

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2021-1543s

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.**

LBA

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.

Expenditure Class		FY 2022			FY 2023		
		House Passed	Change	Revised Budget	House Passed	Change	Revised Budget
041	AUDIT FUND SET ASIDE	152,851	-	152,851	152,851	-	152,851
502	PAYMENTS TO PROVIDERS	-	-	-	-	-	-
504	NURSING HOME PAYMENTS	211,547,432	10,577,372	222,124,804	216,547,432	10,827,372	227,374,804
505	MID-LEVEL CARE EXPENSES	11,578,076	-	11,578,076	11,578,076	-	11,578,076
506	HOME SUPPORT WAIVER SERVICES	56,288,970	-	56,288,970	56,288,970	-	56,288,970
529	HOME HEALTH CARE WAIVER SERVICES	8,411,292	-	8,411,292	8,411,292	-	8,411,292
	TOTAL	\$ 287,978,621	\$ 10,577,372	\$ 298,555,993	\$ 292,978,621	\$ 10,827,372	\$ 303,805,993
Source of Funds							
	General Fund	19,550,474	5,288,686	24,839,160	19,563,226	5,413,686	24,976,912
	Private Local Funds	124,362,411	-	124,362,411	126,849,659	-	126,849,659
	Federal Funds	144,065,736	5,288,686	149,354,422	146,565,736	5,413,686	151,979,422
	TOTAL	\$ 287,978,621	\$ 10,577,372	\$ 298,555,993	\$ 292,978,621	10,827,372	\$ 303,805,993

Sen. Giuda, Dist 2
May 25, 2021
2021-1713s
11/08

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.

UNAPPROVED

Sen. Rosenwald, Dist 13
Sen. Soucy, Dist 18
May 21, 2021
2021-1642s
11/04

Amendment to HB 2-FN-A-LOCAL

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

2

3 117 New Chapter; New Hampshire Higher Education Merger Assessment Commission
4 (HEMAC). Amend RSA by inserting after chapter 188-H the following new chapter:

5

CHAPTER 188-I

6

NEW HAMPSHIRE

7

HIGHER EDUCATION MERGER ASSESSMENT COMMISSION (HEMAC)

8 188-I:1 Findings. The general court finds that affordable access to public higher education at all
9 levels is essential to the health, welfare, and security of all New Hampshire citizens and to the
10 future vitality of the state. To be effective, public higher education must respond to the changing
11 needs and interests of citizens and employers while ensuring those services remain affordable and
12 accessible. The exploration of a single, well-coordinated system of public higher education at all
13 levels, pursuing the unique and diverse missions of its member institutions, offering seamless access
14 to and between all levels of higher education, adapting to the rapidly evolving challenges facing all of
15 higher education, and governed by a unified board of trustees, may be an efficient and effective
16 means for meeting the needs of the citizens and the state.

17 188-I:2 Purpose. The commission is established to explore, study, and assess the potential for
18 establishing a collaborative and strategic merging of the university system of New Hampshire,
19 established in RSA 187-A; and the community college system of New Hampshire, established in RSA
20 188-F. The goal of the commission shall be to determine if a unified system of public higher
21 education is, in all respects, beneficial to the citizens of New Hampshire, and if so, to recommend
22 legislation to provide for the implementation of a coordinated, comprehensive system of public
23 higher education.

24 188-I:3 Membership.

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

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

29 (b) The governor, or designee.

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

Amendment to HB 2-FN-A-LOCAL

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1 minority leaders of the senate.

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

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

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

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

13 188-I:4 Operation of the Commission.

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

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

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

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

22 188-I:5 Duties of the Commission.

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

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

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

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

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

33 (e) Reducing unnecessary duplication between the systems

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

36 (g) College affordability.

37 (h) Collaborative strategies to attract and retain greater proportions of New Hampshire

Amendment to HB 2-FN-A-LOCAL

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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-
15 Secondary Education" dated March 19, 2021.

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 nonlapsing 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.

Sen. Rosenwald, Dist 13
Sen. D'Allesandro, Dist 20
May 3, 2021
2021-1288s
11/04

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.

UNAPPROVED

Sen. Morse, Dist 22
May 26, 2021
2021-1762s
08/06

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.

UNAPPROVED

Sen. Morse, Dist 22
May 26, 2021
2021-1761s
08/06

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.

UNAPPROVED

Sen. Hennessey, Dist 1
May 26, 2021
2021-1759s
06/11

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 357 with the following:

2

3 357 Department of Health and Human Services; Child Care Services. The commissioner of the
4 department of health and human services shall be responsible for determining, on an ongoing basis
5 through June 30, 2023, whether there is sufficient funding in account 05-95-42-421110-2977, class
6 536, to fund employment-related child care services to avoid a wait list. If at any time the
7 commissioner determines that funding is insufficient, he or she shall, to the extent allowed by
8 applicable federal regulations, utilize available federal Temporary Assistance to Needy Families
9 reserve funds to cover the amount of the shortfall. The department shall report quarterly to the
10 fiscal committee of the general court on any funds expended on employment-related child care
11 services, including funds budgeted in account 05-95-42-421110-2977 as well as federal Temporary
12 Assistance to Needy Families funds authorized by this section. The department shall provide
13 enrollment-based reimbursement, rather than attendance-based payment, to child care providers
14 who accept child care scholarships through the Child Care and Development Fund (CCDF) for the
15 fiscal year ending June 30, 2022 using, to the extent allowable by applicable federal regulations,
16 federal recovery funds. No state general funds shall be used to make enrollment-based
17 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

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

2

3 358 Statement of Findings. The general court finds that:

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

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

11 III. This act is in furtherance of these goals.

12 359 Appropriation; Department of Health and Human Services; Sununu Youth Services Center.
13 The sum of \$10,400,000 for the fiscal year ending June 30, 2022 and the sum of \$9,922,157 for the
14 fiscal year ending June 30, 2023, are hereby appropriated to the department of health and human
15 services for the purpose of operating the Sununu youth services center as the department transitions
16 to an replacement facility. Of the amount appropriated for the fiscal year ending June 30, 2022,
17 \$9,000,000 shall be state general funds and \$1,400,000 shall be other funds. Of the amount
18 appropriated in the fiscal year ending June 30, 2023, \$9,000,000 shall be state general funds and
19 \$922,157 shall be other funds. Such funds shall not lapse until June 30, 2023. The governor is
20 authorized to draw a warrant for the sums out of any money in the treasury not otherwise
21 appropriated.

22 360 Transfer of Funds for Operation of the Sununu Youth Services Center. Notwithstanding
23 RSA 9:16-a and RSA 9:16-c, for the biennium ending June 30, 2023, prior approval of the fiscal
24 committee of the general court shall be required for any transfer of funds required for the operation
25 of the Sununu youth services center.

26 361 Findings; Sununu Youth Services Center. The general court finds that the current Sununu
27 youth services center shall be closed no later than March 1, 2023 and the opening of a replacement
28 facility shall occur no later than March 1, 2023.

29 362 Committee Established.

30 I. There is established a committee to develop a plan for the closure and replacement of the
31 Sununu youth services center. The members of the committee shall be as follows:

Amendment to HB 2-FN-A-LOCAL

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1 (a) Three members of the house of representatives, each of whom shall be from a
2 standing committee having jurisdiction over juvenile justice, appointed by the speaker of the house
3 of representatives.

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

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

7 (a) The department of health and human services.

8 (b) The office of the child advocate.

9 (c) The Disabilities Rights Center.

10 (d) The National Alliance on Mental Illness.

11 (e) New Futures.

12 (f) Any other group or organization the committee deems necessary.

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

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

18 (a) It shall be operated by the department of health and human services.

19 (b) It shall be designed to meet the unique needs of up to 18 youth at a time who are at
20 the facility pursuant to RSA 169-B:14, detention; RSA 169-B:19, commitment; RSA 169-B:24,
21 transfer to superior court, RSA 169-B:32; RSA 651:17-a, service of adult sentence of incarceration at
22 the youth development center, and 169-A, interstate compact on juveniles.

23 (c) It shall accommodate requirements to separate youth by gender, treatment needs,
24 court order, safety, and security. The facility shall include 3 separate residential spaces, each
25 including capacity for 6 youth.

26 (d) It shall have capacity to provide services to meet the medical, physical, and
27 behavioral health needs of all potentially eligible youth.

28 (e) It shall have space for 18 beds, including space for flexibility to meet the needs of all
29 genders, safety and security, crisis stabilization and admissions and discharges.

30 (f) It shall have adequate space to meet the educational needs of all youth potentially
31 eligible, including youth with special education needs.

32 (g) It shall have adequate space for indoor and outdoor recreation.

33 (h) It shall have the capacity to meet the nutritional needs of all youth.

34 (i) It shall have necessary elements to be architecturally secure and equipped with video
35 surveillance.

36 (j) The opening of the replacement facility shall be no later than March 1, 2023.

Amendment to HB 2-FN-A-LOCAL

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1 V. The committee shall prepare legislation relative to the implementation of the plan
2 developed in paragraph IV for submission for the 2022 legislative session.

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

7 VII. The committee shall issue their final report to speaker of the house of representatives,
8 the senate president, the senate clerk, the house clerk, the governor, and the state library on or
9 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.

Sen. Bradley, Dist 3
May 25, 2021
2021-1731s
11/10

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 372 with the following:

2

3 372 Department of Health and Human Services; Closed Loop Referral System.
4 Notwithstanding any other provision of the law to the contrary, there shall be no further expansion
5 of the "closed loop referral" system by the department of health and human services beyond that
6 which has been or will be implemented pursuant to the sole source grant agreement with Unite USA
7 Inc. of Nashua in the amount of \$700,000 dated October 19, 2020, nor shall there be any further
8 utilization of that system or expenditure of funds from any source on that system until the
9 department issues a request for proposals and selects a vendor under the subdivision of RSA 21-G:36
10 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

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

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

6 V. "Family and Medical Leave Act" means the federal Family and Medical Leave Act of
7 1993, Pub.L. 103-3, 29 U.S.C. section 2601 et seq.

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

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

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

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

20 21-I:99 Contracting and Administrative Authority.

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

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

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

35 (b) The placement with the employee of a child for adoption or foster care and the care of
36 the newly placed child within one year of placement;

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1 (c) Caring for the employee's spouse, child, or parent who has a serious health condition;
2 or

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

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

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

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

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

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

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

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

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

25 21-I:100 State Employee Coverage Linked to Coverage Offerings for Other Employers and for
26 Individual Employees. The commissioner shall include in the request for proposals for FMLI
27 benefits for state employees a requirement that the winning bidder shall, as a condition of the state
28 contract, also offer the same FMLI coverage to other public employers, private employers with more
29 than 50 employees, and individual employees on the following terms:

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

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

35 III. Individuals who work for employers who choose not to offer FMLI coverage under this
36 subdivision or who fail to meet minimum participation requirements and who do not offer an FMLI
37 benefit that is at least equivalent to the granite state paid family leave plan shall have the

Amendment to HB 2-FN-A-LOCAL

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1 opportunity to contract indirectly with the winning bidder through the purchasing pool for family
2 and medical leave insurance authorized under RSA 282-B and administered by the department of
3 employment security. The pool may be experience rated. Coverage through the pool shall include a
4 7-month waiting period, a one-week elimination period, and a 60-day annual open enrollment period
5 as established by the commissioner in the procurement process. Premiums for individual pool
6 coverage shall not exceed \$5 per subscriber per week.

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

11 (a) The minimum participation requirement.

12 (b) The parameters for open enrollment periods.

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

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

17 21-I:101 Conditions of Non-State Employer Participation. Participation in the plan by non-state
18 employers shall be voluntary. In addition, non-state employers may choose to provide FMLI at no
19 cost to their employees or on a contributory or partially contributory basis.

20 21-I:102 Procurement Process. The commissioner may issue a request for information or a
21 request for proposals to secure FMLI coverage for all eligible employees of the state of New
22 Hampshire and to make advantageously priced coverage available to all other private employers
23 with more than 50 employees and public employers in the state as provided in this subdivision. The
24 department, the department of employment security, and the department of insurance shall jointly
25 evaluate the proposals received in response to the request for proposals. The department shall
26 contract with an insurance carrier or carriers to provide FMLI coverage. The contract with the
27 winning bidder shall be subject to governor and council approval. The selected insurance carrier
28 shall be licensed by the state of New Hampshire and in good standing. The selected insurance
29 carrier shall be subject to all applicable insurance laws and regulations of the state of New
30 Hampshire, and the rates and forms for the FMLI contracts shall be filed for approval with the
31 insurance commissioner.

32 21-I:103 Commissioner Discretion to Adjust Initial FMLI Benefit Structure. In exercising
33 authority under this subdivision to contract for FMLI coverage for state employees and also for the
34 availability of advantageously priced FMLI coverage for employees of all non-state employers, the
35 commissioner shall have discretionary authority in initiating this program to make changes to the
36 benefit structure of the FMLI plan under RSA 21-I:99, III and may retain a consulting actuary or
37 other benefit advisors in support of this discretionary determination. This discretionary authority

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1 shall be exercised in consideration of the stated purposes and policy goals of this subdivision and of
2 the counsels of the FMLI advisory board established in RSA 21-I:104. Any such changes made under
3 this paragraph shall be subject to approval by the governor and council and the legislative fiscal
4 committee prior to implementation and shall be offered by the legislative fiscal committee as an
5 amendment to this subdivision in the next regular session of the general court.

6 21-I:104 Family and Medical Leave Insurance Advisory Board. There is hereby established the
7 family and medical leave insurance advisory board, which shall be administratively attached to the
8 department, and which shall hereinafter be called the FMLI advisory board. The FMLI advisory
9 board shall consist of 9 members to be appointed, with the exception of the legislative members, by
10 the governor. Three of the appointees shall be persons who, because of their vocations, employment,
11 or affiliations, shall represent employers; 3 shall be persons who, because of the vocations,
12 employment, or affiliations, shall represent employees; one shall be a senator appointed by the
13 senate president; one shall be a representative appointed by the speaker of the house of
14 representatives; the remaining appointee, who shall be appointed as chairman, shall be a person
15 whose training and experience qualify her or him to successfully resolve the problems of FMLI
16 procurement, eligibility, benefit design, and program administration. The advisory board shall meet
17 no later than 45 days after each calendar quarter and aid the commissioner in formulating policies
18 and discussing problems related to the implementation and administration of this subdivision and
19 RSA 282-B and in assuring impartiality and freedom from political influence in the solution of such
20 problems. Advisory board meetings shall provide opportunity for public comment.

21 21-I:105 Report and Outreach.

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

29 II. Working in coordination with the department of employment security as provided in RSA
30 282-B:6, II, the department shall develop and implement an outreach program to ensure that
31 employers who might benefit from sponsoring FMLI coverage for their employees and individuals
32 who may be eligible to receive FMLI coverage under this subdivision are made aware of this
33 program. Outreach information shall explain in an easy to understand format, eligibility
34 requirements, benefit structures, and the process for accessing coverage, enrolling individuals, and
35 qualifying for the business tax credit provided for in RSA 77-E:3-d.

36 21-I:106 Rulemaking. The commissioner may adopt rules, pursuant to RSA 541-A, as deemed
37 necessary for the implementation of this chapter.

Amendment to HB 2-FN-A-LOCAL

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1 II. "Commissioner" means the commissioner of the department of employment security.

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

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

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

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

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

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

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

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

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

18 VII. "Family and Medical Leave Act" means the federal Family and Medical Leave Act of
19 1993, Pub.L. 103-3, 29 U.S.C. section 2601 et seq.

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

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

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

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

32 282-B:3 Employer and Employee Rights and Responsibilities.

33 I. Individuals who are employed by private employers with more than 50 employees who do
34 not offer either FMLI coverage under the granite state paid family leave plan under RSA 21-I:96 -
35 RSA 21-I:108 or an FMLI benefit that is at least equivalent to such coverage will have the
36 opportunity to purchase granite state paid family leave plan coverage through the individual pool.
37 The individual pool shall operate by payroll deduction for employees of employers with more than 50

Amendment to HB 2-FN-A-LOCAL

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1 employees whereby premiums are paid into an FMLI premium fund administered by the department
2 as provided in this chapter and established in coordination with the commissioner of administrative
3 services under RSA 21-I:96 through RSA 21-I:108.

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

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

14 282-B:4 FMLI Premium Fund Established. There is established the FMLI premium fund for
15 deposits of insurance premium payments paid pursuant to RSA 282-B:3 and for remittance of such
16 premiums to the FMLI carrier or carriers participating in the twin state voluntary leave plan. The
17 department shall develop standard enrollment procedures in coordination with participating carriers
18 and shall transmit enrollment and eligibility information to such carriers on a timely basis. The
19 department shall establish procedures and mechanisms for the billing and collection of premiums
20 from employers. The department shall specify in contracts with participating carriers how all
21 premiums shall be transmitted and the frequency of that transmission and how penalties and grace
22 periods on late payments of premiums shall be calculated. The department may contract with
23 qualified, independent vendors for the services necessary to carry out some or all of the duties under
24 this paragraph.

25 282-B:5 FMLI Premium Stabilization Trust Fund Established.

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

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

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

35 II. The moneys in the fund shall constitute a premium stabilization reserve and shall be
36 used exclusively for the purpose of assuring that the premiums charged to participants in the
37 individual pool remain stable from year to year and do not exceed 5 dollars per subscriber per week.

Amendment to HB 2-FN-A-LOCAL

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1 The fund shall be administered by the commissioner, who shall be authorized to make such periodic
2 payments to participating FMLI carriers as are necessary to meet the purposes of this paragraph.
3 The department is authorized to contract with qualified, independent vendors for the services
4 necessary to carry out some or all of the duties under this paragraph.

5 **282-B:6 Report and Outreach.**

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

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

20 **282-B:7 Rulemaking.** The commissioner may adopt rules, pursuant to RSA 541-A, as deemed
21 necessary for the implementation of this chapter.

22 **282-B:8 Appropriation and Funding Transfer.** The state treasurer shall transfer funds from the
23 general fund to the department of employment security for payment of the administrative and
24 implementation costs associated with this chapter.

25 **282-B:9 Implementation.** The individual pool shall be operational and available for use by
26 individuals on a timetable that is sufficient to ensure that FMLI coverage shall be available for
27 purchase by January 1, 2022.

28 **282-B:10 Application; Employers with Fewer than 50 Employees.** No provision of this chapter
29 shall require employers with fewer than 50 employees to offer family medical leave or process payroll
30 deductions on behalf employees choosing to participate in the program as individuals.

31 **4 New Section; Family Medical Leave Insurance; Discrimination in the Workplace.** Amend RSA
32 275 by inserting after section 37-c the following new section:

33 **275:37-d Family and Medical Leave Insurance.** If an employer has 50 or more employees and
34 sponsors family and medical leave insurance pursuant to RSA 21-I:96, then any employee of that
35 employer who takes family or medical leave and accesses wage replacement benefits under such
36 family and medical leave insurance coverage shall be restored to the position she or he held prior to
37 such leave or to an equivalent position by her or his employer consistent with the job restoration

Amendment to HB 2-FN-A-LOCAL

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1 provisions of the federal Family and Medical Leave Act of 1993, Public Law 103-3, 29 U.S.C. section
2 2601 et seq. Such employers shall continue to provide health insurance to employees during the
3 leave. However, employees shall remain responsible for any employee-shared costs associated with
4 the health insurance benefits. Such employers shall not discriminate or retaliate against any
5 employee for accessing family or medical leave wage replacement benefits. Employers of employees
6 participating in the granite state paid family leave plan may require that paid leave taken under
7 this program be taken concurrently or otherwise coordinated with leave allowed under the terms of a
8 collective bargaining agreement or other established employer policy or the Family and Medical
9 Leave Act, as applicable.

10 5 New Subparagraphs; Application of Receipts. Amend RSA 6:12, I(b) by inserting after
11 subparagraph (364) the following new subparagraphs:

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

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

15 6 New Section; Business Enterprise Tax; Granite State Paid Family Leave Plan Tax Credit.
16 Amend RSA 77-E by inserting after section 3-d the following new section:

17 77-E:3-e Granite State Paid Family Leave Plan Tax Credit. There shall be a tax credit allowed
18 against the tax due under this chapter in an amount equal to 50 percent of the premium paid by a
19 sponsoring employer for family and medical leave insurance coverage offered to employees pursuant
20 to RSA 21-I:100 for the taxable period in which the premium is paid.

2021-1733s

AMENDED ANALYSIS

- 1. Establishes the granite state paid family leave plan.**

Sen. Morse, Dist 22
May 26, 2021
2021-1760s
04/11

Amendment to HB 2-FN-A-LOCAL

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

2021-1760s

AMENDED ANALYSIS

1. Transfers funds from the general fund to the highway fund.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

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

2 94:3-a Annual and Sick Leave for Unclassified Legislative Employees *and Executive Branch*
3 *Unclassified and Nonclassified Employees.*

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

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

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

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

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

32 2 Terminal Pay. RSA 94:9 is repealed and reenacted to read as follows:

1 94:9 Terminal Pay.

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

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

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

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

18 3 New Paragraph; Administrative Services; Rulemaking; Executive Branch Employees. Amend
19 RSA 21-I:14 by inserting after paragraph XVII the following new paragraph:

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

21 (a) Annual Leave;

22 (b) Sick Leave;

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

25 (d) Termination and payouts upon termination of employment.

26 4 Report; Executive Branch Employees. The commissioner of the department of administrative
27 services shall report to the fiscal committee of the general court on the progress of the adoption of
28 administrative rules under RSA 21-I:14, XVIII, relating to employees serving in executive branch
29 unclassified positions, not later than April 30, 2022.

2021-1732s

AMENDED ANALYSIS

1. Establishes procedures and rulemaking for executive branch employee annual leave, sick leave, transfer credit, and terminal pay.

UNAPPROVED

Sen. Daniels, Dist 11
May 24, 2021
2021-1677s
08/11

Amendment to HB 2-FN-A-LOCAL

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

Sen. D'Allesandro, Dist 20
Sen. Rosenwald, Dist 13
May 5, 2021
2021-1321s
06/04

Amendment to HB 2-FN-A-LOCAL

- 1 1 Repeal. 2019, 346:236, I-II, relative to the repeal of free or reduced price meal aid and fiscal
- 2 capacity disparity aid, are repealed.
- 3
- 4 2 Effective Date. This act shall take effect June 30, 2021.

2021-1321s

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)

Department: Department of Education
Accounting Unit: 3043 (Education Trust Fund)
Compare Page: 1514

Description	FY 2022			FY 2023		
	House Passed	Change	Revised Budget	House Passed	Change	Revised Budget
Expenditure Class						
079 - Adequate Education Aid - State	\$ 939,374,511	\$ 40,150,228	\$ 979,524,739	\$ 946,400,169	\$ 42,002,877	\$ 988,403,046
TOTAL	\$ 939,374,511	\$ 40,150,228	\$ 979,524,739	\$ 946,400,169	\$ 42,002,877	\$ 988,403,046
Source of Funds						
Other Funds (Education Trust Fund)	\$ 939,374,511	\$ 40,150,228	\$ 979,524,739	\$ 946,400,169	\$ 42,002,877	\$ 988,403,046
TOTAL	\$ 939,374,511	\$ 40,150,228	\$ 979,524,739	\$ 946,400,169	\$ 42,002,877	\$ 988,403,046

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

1 Amend the bill by replacing section 44 with the following:

2
3 44 Certain Differential Aid Calculations; Fiscal Year 2022.

4 I. Average Daily Membership in Attendance; Fiscal Year 2022. The commissioner of the
5 department of education shall compare the average daily membership in attendance (ADMA),
6 defined in RSA 198:38, for each district and town for school year 2019-2020 and school year 2020-
7 2021. The greater enrollment shall be used to calculate the cost of an opportunity for an adequate
8 education under RSA 198:40-a and relief funding under RSA 198:40-e for the fiscal year ending June
9 30, 2022.

10 II. When determining ADMA for third grade pupils scoring below proficiency on the reading
11 component of the state assessment as required by RSA 198:40-a, II(e) for the fiscal year ending June
12 30, 2022, the commissioner of the department of education shall compare the ADMA for this
13 category of differentiated aid in school year 2018-2019 and school year 2020-2021. The greater
14 ADMA shall be used to calculate the cost of an opportunity for an adequate education under RSA
15 198:40-a, II(e) for the fiscal year ending June 30, 2022.

16
17 Amend the bill by replacing section 45 with the following:

18
19 45 Conditional Differential Aid Calculation For Pupils Eligible for a Free or Reduced Price Meal;
20 Fiscal Year 2023.

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

28 II. Upon making a determination that the alternative differential aid calculation applies
29 pursuant to paragraph I, the department of education shall divide each pupil in the ADMA who is
30 eligible for a free or reduced price meal by the average daily member in attendance (ADMA), defined
31 in RSA 198:38, for each district and town for school year 2019-2020. The percentage shall be applied
32 to the ADMA for school year 2021-2022 to establish a new calculation of ADMA for who is eligible for

Amendment to HB 2-FN-A-LOCAL

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1 a free or reduced price meal. The greater of the ADMA of pupils who are eligible for a free or
2 reduced price meal for school year 2021-2022 and the new calculation based on the 2019-2020 school
3 year percentage shall be used to calculate the differential aid under RSA 198:40-a, II(b) and relief
4 aid under RSA 198:40-e.

5

6 Insert new sections:

7 1 New Section; Relief Funding. Amend RSA 198 by inserting after section 40-d the following
8 new section:

9 198:40-e Relief Funding.

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

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

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

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

22 2 Additional Aid to Education. The governing body of a school district may call a special
23 meeting pursuant to RSA 197:3-a to determine how any adjustment in education aid shall be
24 budgeted.

25 3 Transfer; Education Trust Fund. At the close of the fiscal year ending June 30, 2021, the state
26 treasurer shall transfer the sum of \$35,000,000 from the education trust fund surplus to a restricted
27 account under the department of education for purposes of providing relief funding pursuant to RSA
28 198:40-e for fiscal years 2022 and 2023.

29 4 New Subparagraph. Amend RSA 198:41, I by inserting after subparagraph (c) the following
30 new subparagraph:

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

32 5 Department of Education; State Maintenance of Equity; Biennium Ending June 30, 2023.

33 I. For the biennium ending June, 30, 2023, the department of education shall determine, in
34 consultation with the governor, whether the state of New Hampshire is compliant with the state
35 maintenance of equity requirements of Section 2004(b) of the American Rescue Plan Act of 2021. If
36 it is determined that the high-need and highest poverty local educational agencies as referenced in
37 Section 2004(b) and defined in Section 2004(d) of the American Rescue Plan Act of 2021 have

Amendment to HB 2-FN-A-LOCAL

- Page 3 -

1 experienced a greater reduction in state aid per pupil than the state maintenance of equity
2 requirements permit under the American Rescue Plan Act for either fiscal year 2022 or 2023, the
3 department of education, with the approval of the fiscal committee of the general court, shall
4 increase state aid to such agencies to bring the state into compliance.

5 II. If state aid is increased pursuant to paragraph I to achieve compliance with Section
6 2004(b) of the American Rescue Plan Act of 2021, the department of education shall determine if the
7 increase brings the state into compliance by eliminating an overall per-pupil reduction in state
8 funds, in which case the department shall issue the state aid on a prorated basis to the local
9 educational agency or agencies needing an increase in state aid in order to achieve compliance.

10 III. Any state aid distributed under this section shall be an education grant in addition to
11 the state grant calculated under RSA 198:41 and shall be distributed to school districts accordingly.
12 Depending on how the United States Department of Education allows states to define "pupil" as it
13 relates to determining state aid per pupil under Section 2004(b) of the American Rescue Plan Act of
14 2021, the department of education may experience delays in accurately collecting pupil data to meet
15 the definition as defined by the United States Department of Education, thereby delaying the
16 calculation of the grant award. If such delay occurs, the department of education may issue the
17 grants described in this section up to 120 days after the end of the applicable fiscal year being
18 assessed for compliance with federal law.

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

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

34 6 Effective Date. Section 3 of this act shall take effect June 30, 2021.

2021-1752s

AMENDED ANALYSIS

Replace 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..

UNAPPROVED

HB 1 Amendment (Senator Hennessey) Change Needed Relative to HB 2 Amendment #2021-1752s)

Department: Department of Education
Accounting Unit: 3043 (Education Trust Fund)
Compare Page: 1514

Description	FY 2022			FY 2023		
	House Passed	Change	Revised Budget	House Passed	Change	Revised Budget
Expenditure Class						
079 - Adequate Education Aid - State	\$ 939,374,511	\$ 28,963,262	\$ 968,337,773	\$ 946,400,169	\$ -	\$ 946,400,169
TOTAL	\$ 939,374,511	\$ 28,963,262	\$ 968,337,773	\$ 946,400,169	\$ -	\$ 946,400,169
Source of Funds						
Other Funds (Education Trust Fund)	\$ 939,374,511	\$ 28,963,262	\$ 968,337,773	\$ 946,400,169	\$ -	\$ 946,400,169
TOTAL	\$ 939,374,511	\$ 28,963,262	\$ 968,337,773	\$ 946,400,169	\$ -	\$ 946,400,169

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

Sen. Giuda, Dist 2
May 26, 2021
2021-1753s
08/04

Amendment to HB 2-FN-A-LOCAL

1 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.

9 2 New Paragraph; Delinquent Children; Juvenile Diversion. Amend RSA 169-B:10 by inserting
10 after paragraph II-a the following new paragraph:

11 II-b. Consistent with the referral procedures established pursuant to paragraph II-a, the
12 department of health and human services, division for children, youth and families, shall have the
13 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.

Sen. Rosenwald, Dist 13
May 26, 2021
2021-1757s
05/06

Amendment to HB 2-FN-A-LOCAL

1 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.

Sen. Rosenwald, Dist 13
May 21, 2021
2021-1766s
11/10

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 05-95-048-482010-2152, 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, 2021.

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.