

SENATE FINANCE COMMITTEE - 5/26/21

HB 2 AMENDMENTS

SECTION	AMENDMENT	DESCRIPTION	PRIME SPONSOR
18-19	2021-1651s	Lakes Region Sale - Govs Language w/ Ahern	French
22	2021-1706s	Suspend rather than repeal congregate svcs and senior volunteer grant program	Morse
22	2021-1287s	Delete section 22 relative to congregate services and senior vol program	D'Allesandro
34	2021-1755s	Reproductive Health Facilities	Bradley
37	2021-1506s	Add \$1.5 million for vets mental health	Bradley
41	2021-1310s	Restore Revenue Sharing	D'Allesandro
53	2021-1577s	Delete section 53 delaying BEA position	Giuda
58	2021-1719s	Delete section 58 retirement status DOC employees	Soucy
76-77	2021-1725s	Delete 76 and 77 state of emergency	Morse
80-93	2021-1263s	Delete I & D Repeal	D'Allesandro
94-96	2021-1265s	Delete M&R rate reduction	D'Allesandro
100-101-a	2021-1266s	Delete BPT & BET rate reductions	D'Allesandro
102-103	2021-1738s	M&R Distribution	Morse
106	2021-1627s	CCO Commission to include Housing	Morse
146	2021-1469s	Law Enforcement Misconduct Commission	Bradley
332	2021-1299s	Deleting section 332 relative to emergency orders and fines/penalties	Rosenwald
333-342	2021-1702s	Animal Records replace 333-342	Bradley
343	2021-1483s	CCSNH Dual/Concurrent Fiscal Additional Appropriations	Rosenwald
344	2021-1482s	CCSNH Dual/Concurrent Appropriation Non Lapsing	Rosenwald
353	2021-1557s	\$30M School Building Aid	Morse
NEW	2021-1631s	Forensic Hospital Appropriation	Morse
NEW	2021-1679s	ARPA Unanticipated Revenue	Morse
NEW	2021-1458s	Veterans home master plan appropriation	Morse
NEW	2021-1644s	Hampton Beach Area Commission	Morse
NEW	2021-1620s	Appropriation Corrections Body Cameras	Morse
NEW	2021-1747s	Waiver/Nursing Facility Payments	Morse
NEW	2021-1720s	\$6M Gov Scholarship Fund	Morse
NEW	2021-1560s	EFA's (SB 130)	Bradley
NEW	2021-1456s	Granite Shield	Bradley
NEW	2021-1736s	Pay raise	Bradley
NEW	2021-1699s	Home visiting program	Bradley
NEW	2021-1704s	regional economic dev corps	Bradley
NEW	2021-1621s	Affordable Housing	Bradley
NEW	2021-1322s	Property Tax relief \$20 million/ year (SB 118)	D'Allesandro
NEW	2021-1476s	Merrimack Tolls (SB 117)	Daniels
NEW	2021-1569s	Calef Hill Rd \$3.25M	Giuda
NEW	2021-1570s	Woodsville Fire	Giuda
NEW	2021-1726s	Historical Horse Racing Date Change	Giuda
NEW	2021-1489s	SB 3 PPP	Giuda
NEW	2021-1656s	Fire Fund Appropriations	Hennessey

SENATE FINANCE COMMITTEE - 5/26/21**HB 2 AMENDMENTS**

SECTION	AMENDMENT	DESCRIPTION	PRIME SPONSOR
NEW	2021-1698s	DOE Data System \$3M ETF Appropriation	Hennessey
NEW	2021-1724s	OHRV	Hennessey
NEW	2021-1623s	Rehiring of Laid Off Employees	Rosenwald
NEW	2021-1342s	Add SB 128 re to M&R operators retained amount	Rosenwald
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
NEW	2021-1749s	DOT Match for Discretionary Grants (Would need to reconsider previous action)	Senate Finance

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing sections 18-19 with the following:

2

3 18 New Section; Sale of Lakes Region Facility. Amend RSA 10 by inserting after section 10 the
4 following new section:

5 10:11 Sale of Lakes Region Facility.

6 I. In this section, "lakes region facility" means all land, easements, buildings, structures,
7 and appurtenances owned or controlled by the state of New Hampshire in the city of Laconia
8 formerly known as the Laconia State School.

9 II. Notwithstanding any other provision of law, the governor, with approval of the executive
10 council, shall have the sole authority to sell, convey, lease, rent, exchange, transfer, abandon, or
11 otherwise dispose of any of the property, whether tangible or intangible, at the lakes region facility
12 on such terms and conditions as the governor and executive council deem appropriate and without
13 regard to any other provision of law affecting or restricting the sale, conveyance, lease, rental,
14 exchange, transfer, abandonment or other disposal of state property.

15 19 Lakeshore Redevelopment Planning Commission; Definitions; Lakes Region Facility. Amend
16 RSA 10:5, II to read as follows:

17 II. In this subdivision, "commission" means the lakeshore redevelopment planning
18 commission, and "lakes region facility" means the former Laconia state school land and buildings
19 and training center property, *excluding the separate parcel identified as Ahern State Park,*
20 *formerly Governor's State Park, which was transferred to the division of parks and*
21 *recreation in November 1994 and preserved as a state park in perpetuity pursuant to RSA*
22 *216-H.*

Sen. Morse, Dist 22
May 25, 2021
2021-1706s
05/10

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 22 with the following:

2

3 22 Department of Health and Human Services; Bureau of Adult and Elderly Services;
4 Congregate Housing and Services. Congregate housing provided for under the Medicaid waiver
5 pursuant to RSA 151-E and congregate services provided for in RSA 161-F:37 are suspended for the
6 biennium ending June 30, 2023.

7 22-a. Department of Health and Human Services; Foster Grandparent Program. The
8 reimbursements to the foster grandparent program through the senior volunteer grant program,
9 established in RSA 161-F:40, are hereby suspended for the biennium ending June 30, 2023.

2021-1706s

AMENDED ANALYSIS

1. Suspends congregate housing and services and the foster grandparent program for the biennium ending June 30, 2023.

Sen. D'Allesandro, Dist 20
May 3, 2021
2021-1287s
12/10

Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 22, relative to congregate services and the senior volunteer grant
- 2 program

2021-1287s

AMENDED ANALYSIS

Delete:

13. Repeals provisions relative to the senior volunteer grant program.

Sen. Morse, Dist 22
Sen. Bradley, Dist 3
Sen. Carson, Dist 14
May 26, 2021
2021-1755s
05/11

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 34 with the following:

2

3 34 Reproductive Health Facilities. No state funds awarded by the department of health and
4 human services to a reproductive health care facility, as defined in RSA 132:37, I, shall be used to
5 provide abortion services. This section shall not apply to funding available from the state pursuant
6 to Title XIX of the Social Security Act to the minimum extent necessary to comply with federal
7 conditions for the state's participation in the Medicaid program.

8 34-a Title. Sections 34-a - 34-d of this act may be known and cited as the "Fetal Life Protection
9 Act."

10 34-b Legislative Findings and Purpose.

11 I. The general court finds that:

12 (a) The prohibition of late-term abortion is supported by history and the common law.
13 The Hippocratic Oath as Literary Text: A Dialogue Between Law and Medicine, 2 Yale J. Health
14 Policy L. & Ethics 299, 308 (discussing the Hippocratic Oath's prohibition on abortion); Digest of
15 Justinian: Digest 4.48.8.8 (classifying abortion as a form of homicide); 2 Bracton on Laws and
16 Customs of England 341 (S. Thorne trans. 1968) (classifying abortion as a form of homicide
17 "especially if [the fetus] is quickened"); 1 W. Blackstone, Commentaries on the Law of England 125
18 (1773) (stating that the common law has historically prohibited abortion "as soon as an infant is able
19 to stir in the mother's womb."). The New Hampshire supreme court has observed that "The common
20 law has always been most solicitous for the welfare of the fetus in connection with its inheritance
21 rights as well as protecting it under the criminal law." *Poliquin v. Donald*, 101 N.H. 104, 107 (1957).

22 (b) The United States Supreme Court, in holding that the United States Constitution
23 protects abortion, also stated that "The pregnant woman cannot be isolated in her privacy. She
24 carries an embryo and, later, a fetus... The situation therefore is inherently different from marital
25 intimacy [etc.]... it is reasonable and appropriate for a State to decide that at some point in time
26 another interest, that of... [fetal] life, becomes significantly involved. The woman's privacy is no
27 longer sole and any right of privacy she possesses must be measured accordingly." *Roe v. Wade*, 410
28 U.S. 113, 159 (1973).

1 (c) The *Roe* Court specifically rejected the view that “the woman's right is absolute and
2 that she is entitled to terminate her pregnancy at whatever time, in whatever way, and for whatever
3 reason she alone chooses.” *Roe v. Wade*, 410 U.S. 113, 153 (1973).

4 (d) The *Roe* Court affirmed that “For the stage subsequent to viability, the State in
5 promoting its interest in the potentiality of human life may, if it chooses, regulate, and even
6 proscribe, abortion except where it is necessary, in appropriate medical judgment, for the
7 preservation of the life or health of the mother.” *Roe v. Wade*, 410 U.S. 113, 164-165 (1973).

8 (e) The United States Supreme Court, in rejecting the trimester framework of *Roe*,
9 reaffirmed “the State's power to restrict abortions after fetal viability, if the law contains exceptions
10 for pregnancies which endanger the woman's life or health” and stated that “the State has legitimate
11 interests from the outset of the pregnancy in protecting... the life of the fetus that may become a
12 child.” *Planned Parenthood v. Casey*, 505 U.S. 833, 846 (1992).

13 (f) Already in 1973, the Supreme Court had observed that “Viability is usually placed at
14 about seven months (28 weeks) but may occur earlier, even at 24 weeks.” *Roe v. Wade*, 410 U.S. 113,
15 160 (1973). Since that time, however, there has been “dramatic improvement in survival for infants
16 born at the border of viability (≤ 24 weeks).” Barbara Luke and Morton B. Brown, The changing risk
17 of infant mortality by gestation, plurality, and race: 1989-1991 versus 1999-2001, *Pediatrics*, Dec.
18 2006, 118 (6): 2488-2497.

19 (g) The Supreme Court has observed that “In some broad sense it might be said that a
20 woman who fails to act before viability has consented to the State's intervention on behalf of the
21 developing child.” *Planned Parenthood v. Casey*, 505 U.S. 833, 870 (1992).

22 (h) New Hampshire has historically seen the fetus as a separate entity from the mother
23 with distinct legal interests. *Bennett v. Hymers*, 101 N.H. 483, 485 (1958) (“We adopt the opinion
24 that the fetus from the time of conception becomes a separate organism and remains so throughout
25 its life.”); N.H. Rev. State. Ann § 630:1-a: IV (stating that “the meaning of ‘another’ shall include a
26 fetus” under specified criminal laws).

27 (i) “[R]espect for the dignity of human life” is a legitimate state purpose. *Gonzales v.*
28 *Carhart*, 550 U.S. 124, 157 (2007). The United States Supreme Court has said that “Respect for
29 human life finds an ultimate expression in the bond of love the mother has for her child... While we
30 find no reliable data to measure the phenomenon, it seems unexceptionable to conclude some women
31 come to regret their choice to abort the infant life they once created and sustained.” *Id.* at 159.

32 (j) In addition, there is substantial medical evidence that a fetus by at least 20 weeks'
33 gestation has the capacity to feel pain during an abortion. K. Anand and P. R. Hickey, Pain and its
34 effects in the human neonate and fetus, *N.E.J.M.*, 1987, 317:1321.

35 II. Based on the findings in paragraph I, the general court's purposes in promulgating this
36 act are:

1 (a) Based on the state's interest in protecting fetal life, to prohibit abortions at or after
2 24 weeks gestation, except in cases of a medical emergency.

3 (b) To define "medical emergency" to encompass "significant health risks," namely those
4 circumstances in which a pregnant woman's life or a major bodily function is threatened. *Gonzales v.*
5 *Carhart*, 550 U.S. 124, 161 (2007).

6 34-c New Subdivision; Fetal Life Protection Act. Amend RSA 329 by inserting after section 42
7 the following new subdivision:

8 Fetal Life Protection Act

9 329:43 Definitions. In this subdivision:

10 I. "Abortion" means the act of using or prescribing any instrument, medicine, drug, or any
11 other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy
12 of a woman with knowledge that the termination by those means will with reasonable likelihood
13 cause the death of the fetus. Such use, prescription, or means is not an abortion if done with the
14 intent to:

- 15 (a) Save the life or preserve the health of the fetus;
16 (b) Remove a dead fetus caused by spontaneous abortion; or
17 (c) Remove an ectopic pregnancy.

18 II. "Attempt to perform" means an act or omission of a statutorily required act that, under
19 the circumstances as the actor believes them to be, constitutes a substantial step in a course of
20 conduct planned to culminate in the performance or inducement of an abortion.

21 III. "Conception" means the fusion of a human spermatozoon with a human ovum.

22 IV. "Gestational age" means the time that has elapsed since the first day of the woman's last
23 menstrual period.

24 V. "Major bodily function" includes, but is not limited to, functions of the immune system,
25 normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory,
26 endocrine, and reproductive functions.

27 VI. "Medical facility" means any public or private hospital, clinic, center, medical school,
28 medical training institution, health care facility, physician's office, infirmary, dispensary,
29 ambulatory surgical treatment center, or other institution or location wherein medical care is
30 provided to any person.

31 VII. "Health care provider" means any person who provides health care services. The term
32 includes but is not limited to medical doctors, doctors of osteopathy, nurses, or any employee of a
33 medical facility.

34 VIII. "Pregnant" or "pregnancy" means the female reproductive condition of having one or
35 more developing embryos or fetuses implanted in the uterus or elsewhere in the female body.

1 IX. "Probable gestational age" means what, in reasonable medical judgment, will with
2 reasonable probability be the gestational age of the fetus at the time the abortion is considered,
3 performed, or attempted.

4 X. "Reasonable medical judgment" means that medical judgment that would be made by a
5 reasonably prudent physician in the community, knowledgeable about the case and the treatment
6 possibilities with respect to the medical conditions involved.

7 XI. "Fetus" means an unborn offspring, from the embryo stage which is the end of the
8 twentieth week after conception or, in the case of in vitro fertilization, the end of the twentieth week
9 after implantation, until birth.

10 329:44 Prohibition.

11 I. Except in the case of a medical emergency as specifically defined in paragraph III, no
12 abortion shall be performed, induced, or attempted by any health care provider unless a physician
13 has first made a determination of the probable gestational age of the fetus. In making such a
14 determination, the physician shall make such inquiries of the pregnant woman and perform or cause
15 to be performed all such medical examinations, imaging studies, and tests as a reasonably prudent
16 physician in the community, knowledgeable about the medical facts and conditions of both the
17 woman and the fetus involved, would consider necessary to perform and consider in making an
18 accurate diagnosis with respect to gestational age, provided, however, that the physician shall
19 conduct an obstetric ultrasound examination of the patient for the purpose of making the
20 determination.

21 II. Except in a medical emergency as specifically defined in paragraph III, no health care
22 provider shall knowingly perform, induce, or attempt to perform an abortion upon a pregnant
23 woman when the probable gestational age of her fetus has been determined to be at least 24 weeks
24 or in the absence of a determination by a physician pursuant to paragraph I as to the fetus' probable
25 gestational age.

26 III. For the purposes of this subdivision only, "medical emergency" means a condition in
27 which an abortion is necessary to preserve the life of the pregnant woman whose life is endangered
28 by a physical disorder, physical illness, or physical injury, including a life-endangering physical
29 condition caused by or arising from the pregnancy itself, or when continuation of the pregnancy will
30 create a serious risk of substantial and irreversible impairment of a major bodily function, as defined
31 in RSA 329:43, V, of the pregnant woman.

32 329:45 Reporting.

33 I. Any health care provider who performs an abortion under this subdivision shall report, in
34 writing, to the medical facility in which the abortion is performed the reason for the determination
35 that a medical emergency existed. The health care provider's written report shall be included in a
36 written report from the medical facility to the department of health and human services. If the
37 abortion is not performed in a medical facility, the health care provider shall report, in writing, the

Amendment to HB 2-FN-A-LOCAL

- Page 5 -

1 reason for the determination that a medical emergency existed to the department of health and
2 human services as part of the written report made by the health care provider to the department.
3 The health care provider and the medical facility shall retain a copy of the written reports required
4 under this section for not less than 5 years.

5 329:46 Criminal Penalties.

6 I. Any health care provider who fails to perform the determination required in RSA 329:44,
7 I, under circumstances where the probable gestational age is less than 24 weeks, shall be guilty of a
8 misdemeanor.

9 II. Any health care provider who knowingly performs or induces an abortion in violation of
10 any other provision of this subdivision shall be guilty of a class B felony and, in addition to any other
11 penalties the court may impose, be fined not less than \$10,000 nor more than \$100,000.

12 329:47 Civil Remedies.

13 I. The woman, the father of the fetus if married to the mother at the time she receives an
14 abortion in violation of this subdivision, and/or, if the mother has not attained the age of 18 years at
15 the time of the abortion, the maternal grandparents of the fetus may in a civil action obtain
16 appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or, if brought
17 by the maternal grandparents, the maternal grandparents consented to the abortion.

18 II. Such relief shall include monetary damages for all psychological and physical injuries
19 caused by the violation of this subdivision.

20 329:48 Review by New Hampshire Board of Medicine.

21 I. A defendant health care provider accused of violating this subdivision may seek a hearing
22 before the board of medicine as to whether the health care provider's conduct was necessary to save
23 the life of the mother whose life was endangered by a physical disorder, physical illness, or physical
24 injury, including a life-endangering physical condition caused by or arising from the pregnancy itself;
25 and/or as to whether the continuation of the pregnancy would have created a serious risk of
26 substantial and irreversible impairment of a major bodily function, as defined in RSA 329:43, V, of
27 the pregnant woman.

28 II. The findings on this issue are admissible at the criminal and civil trials of the defendant.
29 Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than 30
30 days to permit such a hearing to take place.

31 329:49 Construction. Nothing in this subdivision shall be construed as creating or recognizing a
32 right to abortion.

33 329:50 Severability. If any provision of this subdivision or the application thereof to any person
34 or circumstances is held invalid, such invalidity shall not affect other provisions or applications of
35 the subdivision which can be given effect without the invalid provision or application, and to this end
36 the provisions of this subdivision are declared to be severable.

37 34-d Effective Date. Sections 34-a - 34-c of this act shall take effect January 1, 2022.

2021-1755s

AMENDED ANALYSIS

Replace paragraph 16 with the following:

16. Prohibits the distribution of state funds awarded by the department of health and human services to a reproductive health care facility for provision of abortion services, and prohibits a health care provider from performing an abortion if the gestational age of the fetus is at least 24 weeks unless there is a medical emergency.

UNAPPROVED

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.

Sen. D'Allesandro, Dist 20
Sen. Rosenwald, Dist 13
May 4, 2021
2021-1310s
05/10

Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 41.

2021-1310s

AMENDED ANALYSIS

Delete:

21. Suspends revenue sharing with cities and towns for the biennium.

UNAPPROVED

Sen. Giuda, Dist 2
May 19, 2021
2021-1577s
12/11

Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 53, relative to the effective date of section 52 establishing the
- 2 position of director of intergovernmental affairs.

UNAPPROVED

Sen. Soucy, Dist 18
May 25, 2021
2021-1719s
05/08

Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 58, relative the retirement system status of certain department of
- 2 corrections employees.

UNAPPROVED

Sen. Morse, Dist 22
May 25, 2021
2021-1725s
06/08

Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting sections 76 and 77 relative to state of emergency declaration.

2021-1725s

AMENDED ANALYSIS

Delete:

38. Amends the powers of the governor relating to declaring a state of emergency and authorizes the creation of a nominal state of emergency for the purpose of continuing a state of emergency for financial reasons.

UNAPPROVED

Sen. D'Allesandro, Dist 20
Sen. Rosenwald, Dist 13
April 30, 2021
2021-1263s
06/11

Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting sections 80-93.

2021-1263s

AMENDED ANALYSIS

Delete:

40. Reduces the tax rate of, and in 2027 eliminates, the interest and dividends tax.

UNAPPROVED

Sen. D'Allesandro, Dist 20
Sen. Rosenwald, Dist 13
April 30, 2021
2021-1265s
10/06

Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting sections 94-96.

2021-1265s

AMENDED ANALYSIS

Delete:

41. Reduces the tax rate of the meals and rooms tax.

UNAPPROVED

Sen. D'Allesandro, Dist 20
Sen. Rosenwald, Dist 13
April 30, 2021
2021-1266s
11/05

Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting sections 100 through 101-a.

2021-1266s

AMENDED ANALYSIS

Replace paragraph 42 with the following:

42. Increases the filing threshold for the business enterprise tax.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing sections 102 and 103 with the following:

2

3 102 Meals and Rooms Tax; Disposition of Revenue; Fund Established. Amend RSA 78-A:26 to
4 read as follows:

5 78-A:26 Disposition of Revenue.

6 I. Beginning on July 1, 1995, and for each fiscal year thereafter, the department shall pay
7 over all revenue, except revenues identified in ~~[paragraph III]~~ **paragraphs II and III** of this
8 section, collected under this chapter to the state treasurer. On or before September 15 of each year,
9 the department shall determine the cost of administration of this chapter for the fiscal year ending
10 on the preceding June 30, and it shall notify the state treasurer of these costs by a report certified by
11 them as to correctness. After deducting the cost of administration of the chapter from the total
12 income, the state treasurer shall distribute the net income as follows:

13 (a) The amount necessary to provide payments of principal and interest on the bonds
14 and notes authorized under RSA 198:15-a, II for the fiscal years ending June 30, 2009 through June
15 30, 2030; **and**

16 ~~[(b) [Repealed];~~

17 ~~(c) Forty percent of the net income under the introductory paragraph of paragraph I of~~
18 ~~the most recent fiscal year to the unincorporated towns, unorganized places, towns, and cities. The~~
19 ~~amount to be distributed to each such town, place, or city shall be determined by multiplying the~~
20 ~~amount to be distributed by a fraction, the numerator of which shall be the population of the~~
21 ~~unincorporated town, unorganized place, town or city and the denominator of which shall be the~~
22 ~~population of the state. The population figures shall be based on the latest resident population~~
23 ~~figures furnished by the office of strategic initiatives; and~~

24 ~~(d)]~~ **(b)** The remainder to the general fund.

25 II. ~~[Each fiscal year, the amount to be distributed shall be equal to the prior year's~~
26 ~~distribution plus an amount equal to 75 percent of any increase in the income received from the~~
27 ~~meals and rooms tax for the fiscal year ending on the preceding June 30, not to exceed \$5,000,000,~~
28 ~~until such time as the total amount distributed annually is equal to the amount indicated in~~
29 ~~subparagraph I(c).~~

30 ~~III.]~~ Beginning on July 1, 1999, and for each fiscal year thereafter, the department shall pay
31 over all revenue collected pursuant to RSA 78-A:6, II-a to the state treasurer for deposit in the
32 education trust fund established by RSA 198:39.

1 **III. On or before December 1, 2021 and each December 1 thereafter, 30 percent of the**
2 **net income determined under the introductory paragraph of paragraph I of the most recent**
3 **fiscal year, after deductions for the cost of administration and revenues deposited in the**
4 **education trust fund pursuant to paragraph II, shall be deposited into the meals and**
5 **rooms municipal revenue fund for distribution to the unincorporated towns, unorganized**
6 **places, towns, and cities. The amount to be distributed to each such town, place, or city**
7 **shall be determined by multiplying the total amount to be distributed by a fraction, the**
8 **numerator of which shall be the population of the unincorporated town, unorganized**
9 **place, town, or city and the denominator of which shall be the population of the state. The**
10 **population figures shall be based on the latest resident population figures furnished by the**
11 **office of strategic initiatives.**

12 **IV. There is hereby established in the treasury the meals and rooms municipal**
13 **revenue fund. Any money deposited into the meals and rooms municipal revenue fund**
14 **shall be nonlapsing and continually appropriated to the state treasurer for distribution to**
15 **the unincorporated towns, unorganized places, towns, and cities pursuant to paragraph**
16 **III.**

17 103 New Subparagraph; Treasury; Application of Receipts. Amend RSA 6:12, I(b) by inserting
18 after subparagraph (364) the following new subparagraph:

19 (365) Moneys deposited in the meals and rooms municipal revenue fund established
20 in RSA 78-A:26, IV.

21 104 Reference Changed; Education Trust Fund. Amend RSA 198:39, I(c) to read as follows:

22 (c) Funds collected and paid over to the state treasurer by the commissioner of revenue
23 administration pursuant to RSA 78-A:26, [HH] **II** relative to the tax on motor vehicle rentals.

2021-1738s

AMENDED ANALYSIS

Add:

1. Establishes the meals and rooms municipal revenue fund for the distribution of meals and rooms tax revenues by the state treasurer to towns, cities, and places.

UNAPPROVED

HB 1 Amendment

Senator Morse

Department: Treasury

Accounting Unit: 01-38-38-380010-8023 GEN FUND DIST TO MUNICIPALITY

Compare Report Page 184

Description: Reduce Meals and Rooms Distribution to be funded with HB2 Amendment

Expenditure Class	FY 2022			FY 2023		
	House Passed	Change	Revised Budget	House Passed	Change	Revised Budget
248 MEALS AND ROOMS TAX DISTRIB	73,805,057	(73,805,057)	-	78,805,057	(78,805,057)	-
TOTAL	73,805,057	(73,805,057)	-	78,805,057	(78,805,057)	-
Source of Funds						
GENERAL FUND	73,805,057	(73,805,057)	-	78,805,057	(78,805,057)	-
TOTAL	73,805,057	(73,805,057)	-	78,805,057	(78,805,057)	-

Explanation if needed:

Remove associated class 248 nonlapsing footnote.

Sen. Morse, Dist 22
May 20, 2021
2021-1627s
08/04

Amendment to HB 2-FN-A-LOCAL

1 Amend RSA 77-A:7-b, III as inserted by section 106 of the bill by replacing it with the following:

2

3 III. The commission's study shall include, but not be limited to, examining the credit carry
4 over for the business profits tax and business enterprise tax, the liability associated with the credit
5 carry over, and the impact of limiting the credit carry over may have on cash flow and liquidity, and
6 make recommendations on future limitations of the credit carry over. The commission shall also
7 examine whether a business tax credit or other type of credit could be made available to those
8 entities using their credit carry over refund to invest in affordable housing development in New
9 Hampshire and make recommendations on how this type of program would be implemented.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 146 with the following:

2

3 146 New Section; Complaints Alleging Law Enforcement Misconduct; Commission Established.

4 Amend RSA 105-D by inserting after section 2 the following new section:

5 105-D:2-a Statewide Entity to Receive Complaints Alleging Misconduct Regarding Sworn and
6 Elected Law Enforcement Officers; Commission Established.

7 I. There is hereby established a commission to develop recommendations for legislation to
8 establish a single, neutral, and independent statewide entity to receive complaints alleging
9 misconduct regarding all sworn and elected law enforcement officers pursuant to recommendation
10 #16 in the final report issued by the New Hampshire commission on law enforcement accountability,
11 community and transparency. The commission shall be composed of the following members:

12 (a) The attorney general, or designee, who shall be the chairperson of the commission.

13 (b) One member of the house of representatives, appointed by the speaker of the house.

14 (c) One member of the senate, appointed by the president of the senate.

15 (d) The director of the New Hampshire police standards and training council, or
16 designee.

17 (e) The commissioner of safety, or designee.

18 (f) Four additional members from the New Hampshire commission on law enforcement
19 accountability, community and transparency established in Executive Order 2020-11, appointed by
20 the attorney general. Two of these members shall be law enforcement members and 2 of these
21 members shall not be law enforcement members.

22 II. Legislative members of the commission shall receive mileage at the legislative rate when
23 attending to the duties of the commission.

24 III. The chairperson of the commission shall call the first meeting within 30 days of the
25 effective date of this section. Five members of the commission shall constitute a quorum.

26 IV. The commission shall submit a report containing its recommendations for legislation to
27 the governor, the speaker of the house of representatives, the president of the senate, and the state
28 library no later than November 1, 2021.

Sen. Rosenwald, Dist 13
Sen. D'Allesandro, Dist 20
May 4, 2021
2021-1299s
05/08

Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 332.

2021-1299s

AMENDED ANALYSIS

Delete:

77. Requires violations of the governor's emergency orders regarding the Covid-19 pandemic to be reversed.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing sections 333-342 with the following:

2

3 333 New Sections; Animal Records Database. Amend RSA 437 by inserting after section 8 the
4 following new sections:

5 437:8-a Animal Records Database Established.

6 I. The department of agriculture, markets, and food shall design, establish, and contract
7 with a third party for the implementation and operation of an electronic system to facilitate the
8 handling of animal records.

9 II. The department shall maintain a reporting system capable of receiving electronically
10 transmitted records from veterinarians. The commissioner shall adopt rules under RSA 541-A to
11 govern methods of obtaining, compiling, and maintaining such information he or she deems
12 necessary to manage such database including procedures for providing authorized access. The
13 commissioner shall also ensure that the database is secure from unauthorized access or use.

14 III. The commissioner may issue a waiver to a veterinarian who is unable to submit
15 information by electronic means. Such waiver may permit the veterinarian to submit information by
16 paper form or other means, provided all information required by RSA 437:8 is submitted in this
17 alternative format and within the established time limit.

18 IV. The commissioner may grant a reasonable extension to a veterinarian who is unable, for
19 good cause, to submit all the information required by RSA 437:8 within the established time limits.
20 Any veterinarian who in good faith reports to the program as required by RSA 437:8 shall be
21 immune from any civil or criminal liability as the result of such good faith reporting.

22 V. There is established a nonlapsing fund to be known as the animal records database fund
23 in the department of agriculture, markets, and food which shall be kept distinct and separate from
24 all other funds. All moneys in the animal records database fund shall be nonlapsing and continually
25 appropriated to the commissioner, and except as otherwise provided in law, shall be used for the
26 purpose of administering and maintaining the animal records database established in this section.
27 The database fund shall draw moneys only from grants and appropriations.

28 VI. Notwithstanding paragraph V, the fund shall be initiated by transfers from the
29 agricultural product and scale testing fund established under RSA 435:20, IV, as provided in RSA
30 435:20, V.

31 437:8-b Confidentiality.

Amendment to HB 2-FN-A-LOCAL

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1 I. Information submitted to the animal records database is exempt from public disclosure,
2 and shall not be subject to discovery, subpoena, or other means of legal compulsion for release.
3 Disclosure to local, state, and federal officials is not public disclosure. This exemption shall not
4 affect the disclosure of information used in official local, state, or federal animal health
5 investigations or pet vendor license investigations under this chapter. Database records,
6 information, or lists may be made available pursuant to a court order on a case-by-case basis. Any
7 information, record, or list received pursuant to this paragraph shall not be transferred or otherwise
8 made available to any other person or listed entity not authorized under this paragraph.

9 II. The department shall establish and maintain procedures to ensure the privacy and
10 confidentiality of animal and animal owner information.

11 III. The department may use and release information and reports from the program for
12 program analysis and evaluation, statistical analysis, public research, public policy, and educational
13 purposes, provided that the data are aggregated or otherwise de-identified.

14 IV. No animal records database records, information, or lists shall be sold, rented,
15 transferred, or otherwise made available in whole or in part, in any form or format, directly or
16 indirectly, to another person.

17 V. Certificates of transfer shall be removed from the animal records database after 4 years.

18 VI. Any person who knowingly accesses, alters, destroys, publishes, or discloses animal
19 records database information except as authorized in this section or attempts to obtain such
20 information by fraud, deceit, misrepresentation, or subterfuge shall be guilty of a class B felony.

21 VII. Nothing in this section shall limit the right of a person damaged by a violation to
22 pursue any other appropriate cause of action.

23 334 Certificates of Transfer for Dogs and Cats. RSA 437:8 is repealed and reenacted to read as
24 follows:

25 437:8 Certificates of Transfer for Dogs, Cats, and Ferrets.

26 I. For purposes of this chapter, an official certificate of transfer means an electronic record
27 electronically submitted to the animal records database by a licensed veterinarian, containing the
28 name and address of the entity transferring ownership of the dog, cat, or ferret, the age, gender,
29 breed, microchip number, tattoo number, ear tag number, or physical description of the dog, cat, or
30 ferret, and the certification by the veterinarian that the dog, cat, or ferret is free from evidence of
31 communicable diseases or internal or external parasites. A list of all vaccines and medication
32 administered to the dog, cat, or ferret shall be included in or attached to the certificate. An official
33 certificate of transfer is distinct from a federal certificate of veterinary inspection and is not
34 interchangeable with a certificate of veterinary inspection .

35 II. The electronically submitted certificate of transfer shall be considered the official
36 certificate of transfer. A copy of the certificate of transfer of the dog, cat, or ferret offered for
37 transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed, and

Amendment to HB 2-FN-A-LOCAL

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1 made available for inspection by the department, local officials, or a member of the public upon
2 request up to one year after the animal has left the facility. The public shall be informed of their
3 right to inspect a copy of the certificate of transfer for each dog, cat, or ferret offered for transfer by a
4 sign prominently displayed in the area where dogs, cats, or ferrets are displayed. Upon transfer of a
5 dog, cat, or ferret, a copy of that animal's certificate of transfer shall be given to the transferee in
6 addition to any other documents which are customarily delivered to the transferee.

7 III. For purposes of this chapter, an official certificate of transfer waiver means an electronic
8 record electronically submitted to the animal records database provided in lieu of an official
9 certificate of transfer for a dog, cat, or ferret that has failed the examination for an official certificate
10 of transfer because of a non-contagious illness, feline leukemia, or feline immunodeficiency virus.
11 The waiver shall contain the name and address of the entity transferring ownership of the dog, cat,
12 or ferret; the age, gender, breed, microchip number, tattoo number, ear tag number, or physical
13 description of the dog, cat, or ferret; the reason for failure of the examination for the official
14 certificate of transfer; and the signature of the transferee indicating that the transferee has
15 knowledge of the dog's, cat's, or ferret's non-contagious medical condition. A list of all vaccines and
16 medication administered to the dog, cat, or ferret shall be included in or attached to the certificate of
17 transfer waiver. The waiver shall be submitted electronically to the animal records database by a
18 New Hampshire licensed veterinarian.

19 IV. No person, firm, corporation, or other entity shall ship or bring into the state of New
20 Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8
21 weeks of age. No person, firm, corporation, or other entity shall offer for transfer any cat, dog, or
22 ferret less than 8 weeks of age.

23 V. Once a dog, cat, or ferret intended for transfer has entered the state, it shall be held at
24 least 48 hours at a facility licensed under RSA 437 or at a facility operated by a licensed veterinarian
25 separated from other animals on the premises before being offered for transfer.

26 VI. No animal shelter shall transfer any dog, cat or ferret that is received from outside of the
27 state until the quarantine requirements in 437:8, V have been met and without an official transfer
28 certificate. Animal shelter facilities, as defined in RSA 437:1, I, are exempt from the requirements of
29 this section relative to transferring dogs, cats, and ferrets except that:

30 (a) All animal shelter facilities shall have on premises a microchip scanner and shall
31 maintain a file of recognized pet retrieval agencies, including but not limited to national tattoo or
32 microchip registries.

33 (b) Where an owner is not known, all animal shelter facilities shall inspect for tattoos,
34 ear tags, or other permanent forms of positive identification and shall scan for a microchip upon
35 admission of an unclaimed or abandoned animal as defined in RSA 437:18, IV and prior to
36 transferring ownership of an unclaimed or abandoned animal.

Amendment to HB 2-FN-A-LOCAL

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1 VII. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
2 without first being protected against infectious diseases using vaccines approved by the state
3 veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
4 unless accompanied by a copy of the official certificate of transfer or official certificate of transfer
5 waiver issued by a licensed veterinarian within the prior 14 days. No transfer shall occur unless the
6 transferred animal is accompanied by a copy of the official certificate of transfer or official certificate
7 of transfer waiver. The official certificate of transfer or official certificate of transfer waiver shall
8 reside in the animal records database. Copies shall be provided to the veterinarian, transferor, and
9 the transferee, who shall retain copies for their records. The transferor shall retain a copy for his or
10 her records. If an official certificate of transfer or official certificate of transfer waiver is produced, it
11 shall be prima facie evidence of transfer.

12 335 New Subparagraph; Animal Records Database Fund. Amend RSA 6:12, I(b) by inserting
13 after subparagraph (364) the following new subparagraph:

14 (365) Moneys deposited in the animal records database fund established in RSA
15 437:8-a, V.

16 336 New Paragraph; Agricultural Product and Scale Testing Fund; Transfer Authority. Amend
17 RSA 435:20 by inserting after paragraph IV the following new paragraph:

18 V. The commissioner shall transfer funds from the agricultural product and scale testing
19 fund established under RSA 435:20, IV to the animal records database fund established in RSA
20 437:8-a to develop and make operational the animal records database. The commissioner shall
21 certify to the secretary of state and the director of the office of legislative services the date on which
22 the animal records database is operational. For 2 years after such certification, if needed for
23 database operation and maintenance, the commissioner may continue to transfer additional funds
24 from the agricultural product and scale testing fund to the animal records database fund for this
25 purpose.

26 337 Repeal. RSA 435:20, V, relative to the authority of the commissioner of the department of
27 agriculture, markets, and food to transfer funds from the agricultural product and scale testing fund,
28 is repealed.

29 338 Applicability; Effective Dates.

30 I. Section 334 of this act shall take effect 90 days after the commissioner of the department
31 of agriculture, markets, and food certifies to the secretary of state and the director of the office of
32 legislative services that the animal records database established in RSA 437:8-a is operational.

33 II. Section 337 of this act shall take effect 2 years from the date on which the commissioner
34 of the department of agriculture, markets, and food certifies to the secretary of state and the director
35 of the office of legislative services, that the animal records database established in RSA 437:8-a is
36 operational.

Amendment to HB 2-FN-A-LOCAL

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1 339 Appropriation. The sum of \$250,000 for the fiscal year ending June 30, 2023 is hereby
2 appropriated to the department of agriculture, markets, and food for the maintenance of the animal
3 records database. These appropriations are in addition to any other funds appropriated to the
4 department of agriculture, markets, and food. The governor is authorized to draw a warrant for said
5 sum out of any money in the treasury not otherwise appropriated.

6 340 Position Established. The classified position of IT manager III is established in the
7 department of information technology to develop and administer the animal records database
8 established in RSA 437:8-a.

9 341 Effective Date.

10 I. Section 333 of this act shall take effect upon its passage.

11 II. Section 334 of this act shall take effect as provided in paragraph I of section 338 of this
12 act.

13 III. Section 337 of this act shall take effect as provided in paragraph II of section 338 of this
14 act.

UNAPPROVED

Sen. Rosenwald, Dist 13
Sen. D'Allesandro, Dist 20
May 14, 2021
2021-1483s
12/06

Amendment to HB 2-FN-A-LOCAL

1 Amend RSA 188-E:29 as inserted by section 343 of the bill by replacing it with the following:

2

3 188-E:29 Budget Requests.

4 I. The [~~commissioner of the department of education~~] ***chancellor of CCSNH, or his or her***
5 ***designee***, shall submit expenditure requests in accordance with RSA [9:4] ~~9:4~~ ***9:4-e*** to fund the dual and
6 concurrent enrollment program established in this subdivision.

7 II. ***In the event expenditures by CCSNH for the dual and concurrent enrollment***
8 ***program exceed amounts appropriated by the state, the chancellor, or his or her designee,***
9 ***may request the fiscal committee of the general court authorize additional funding. For***
10 ***funds requested and approved, the governor is authorized to draw a warrant from any***
11 ***money in the treasury not otherwise appropriated.***

Sen. Rosenwald, Dist 13
Sen. D'Allesandro, Dist 20
May 14, 2021
2021-1482s
11/06

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 344 with the following:

2

3 344 Dual and Concurrent Enrollment Program; Appropriation. The sums of \$1,500,000 for the
4 fiscal year ending June 30, 2022, and \$1,500,000 for the fiscal year ending June 30, 2023, are hereby
5 appropriated to community college system of New Hampshire for the purpose of funding and
6 administering the dual and concurrent enrollment program under RSA 188-E:26. This
7 appropriation shall be in addition to any other funds appropriated to the community college system
8 of New Hampshire. The governor is authorized to draw a warrant for said sums out of any money in
9 the treasury not otherwise appropriated. Said appropriation shall not lapse.

UNAPPROVED

Sen. Morse, Dist 22
May 18, 2021
2021-1557s
05/11

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 353 with the following:

2

3 353 Appropriation; Department of Education.

4 I. There is hereby appropriated to the department of education the sum of \$30,000,000, for
5 the fiscal year ending June 30, 2021, for school building aid on new projects under RSA 198:15-a.
6 This appropriation shall be a charge against the education trust fund and shall not lapse until June
7 30, 2023.

8 II. The \$50,000,000 cap on school building aid grants for construction or renovation projects
9 approved by the department of education under RSA 198:15-a, IV shall be suspended for the
10 biennium ending June 30, 2023.

11 353-a. Section 353 of this act shall take effect June 30, 2021.

2021-1557s

AMENDED ANALYSIS

Replace:

87. Makes an appropriation to the department of education for school building aid payments to school districts and suspends the cap on school building aid grants for the biennium ending June 30, 2023.

Sen. Morse, Dist 22
May 21, 2021
2021-1631s
12/06

Amendment to HB 2-FN-A-LOCAL

1 1 Appropriation; Department of Health and Human Services. There is hereby appropriated to
2 the department of health and human services the sum of \$30,000,000 for the fiscal year ending June
3 30, 2021 for the purpose of constructing a 24-bed forensic psychiatric hospital. The sum
4 appropriated shall be non-lapsing, provided that any unexpended amount following construction
5 shall lapse to the general fund. The governor is authorized to draw a warrant for said sum out of
6 any money in the treasury not otherwise appropriated.

7 1-a. Effective Date. Section 1 of this act shall take effect June 30, 2021.

2021-1631s

AMENDED ANALYSIS

Insert:

1. Makes an appropriation to the department of health and human services for the construction of a forensic psychiatric hospital.

Sen. Morse, Dist 22
May 24, 2021
2021-1679s
11/04

Amendment to HB 2-FN-A-LOCAL

1 1 American Rescue Plan Act; Unanticipated Revenue. Funds received by municipalities from
2 the American Rescue Plan Act of 2021 may be considered unanticipated revenue under RSA 31:95-b
3 and may be accepted and expended pursuant to RSA 31:95-b, II-IV whether or not a political
4 subdivision has adopted the provisions of RSA 31:95-b.

2021-1679s

AMENDED ANALYSIS

Add:

1. Allows political subdivisions to treat funds received pursuant to the American Rescue Plan Act of 2021 as unanticipated revenue under RSA 31:95-b.

Sen. Morse, Dist 22
May 12, 2021
2021-1458s
12/08

Amendment to HB 2-FN-A-LOCAL

1 1 New Hampshire Veterans' Home; Appropriation. The sum of \$80,000 for the fiscal year
2 ending June 30, 2021 is hereby appropriated to the veterans' home for the purpose of funding the
3 veterans' home master plan update. The governor is authorized to draw a warrant for said sums out
4 of any money in the treasury not otherwise appropriated and the appropriation shall not lapse until
5 June 30, 2023.

6 2 Effective Date. Section 1 shall take effect June 30, 2021.

2021-1458s

AMENDED ANALYSIS

Insert:

1. Makes an appropriation to the New Hampshire veterans' home

Sen. Morse, Dist 22
May 21, 2021
2021-1644s
08/04

Amendment to HB 2-FN-A-LOCAL

- 1 1 Appropriation; Hampton Beach Area Commission. The sum of \$20,000 for the fiscal year
- 2 ending June 30, 2021 is hereby appropriated to the Hampton Beach area commission to be credited
- 3 to the Hampton Beach master plan fund under RSA 216-J:5 for the purpose of updating the
- 4 environmental components of the master plan. The governor is authorized to draw a warrant for
- 5 said sum out of any money in the treasury not otherwise appropriated.
- 6 2 Effective Date. This act shall take effect June 30, 2021.

2021-1644s

AMENDED ANALYSIS

1. Makes an appropriation to the Hampton Beach area commission for environmental master plan updates.

Sen. Morse, Dist 22
May 20, 2021
2021-1620s
12/08

Amendment to HB 2-FN-A-LOCAL

- 1 1 Appropriation; Department of Corrections. There is hereby appropriated to the department of
2 corrections the sum of \$720,000 for the fiscal year ending June 30, 2021 to fund the purchase of body
3 worn cameras for corrections and probation and parole officers. The governor is authorized to draw
4 a warrant for said sum out of any money in the treasury not otherwise appropriated. This
5 appropriation shall not lapse until June 30, 2023.
- 6 1-a. Effective Date. Section 1 of this act shall take effect June 30, 2021.

2021-1620s

AMENDED ANALYSIS

Insert:

1. Makes an appropriation to the department of corrections for body worn cameras.

Sen. Morse, Dist 22
May 25, 2021
2021-1747s
06/08

Amendment to HB 2-FN-A-LOCAL

1 1 Waiver/Nursing Facility Payments.

2 I. Notwithstanding RSA 167:18-a or any other provision of law to the contrary, any funds
3 appropriated to activity 05-95-48-482010, waiver and nursing facilities, for the biennium ending
4 June 30, 2021 shall not lapse until June 30, 2023, and shall be treated as restricted revenue for the
5 purpose of funding expenditures contained in the operating budget for the fiscal year ending June
6 30, 2022 in account 05-95-48-482010-2152, waiver/nursing facility payments – county participation.
7 The department of health and human services is authorized to accept and expend any matching
8 federal funds for the purposes of this section without prior approval of the fiscal committee of the
9 general court.
10 2 Effective Date. This act shall take effect June 30, 2021.

2021-1747s

AMENDED ANALYSIS

1. Provides that certain waiver/nursing facility funds shall be treated as restricted revenue for funding expenditures for waiver/nursing facilities-county participation.

Sen. Morse, Dist 22
May 25, 2021
2021-1720s
04/10

Amendment to HB 2-FN-A-LOCAL

- 1 1 Governor's Scholarship Fund; Appropriation. The sum of \$6,000,000 for the fiscal year ending
2 June 30, 2021 is hereby appropriated to the governor's scholarship fund established under RSA 195-
3 H:12. Such funds shall not lapse. The governor is authorized to draw a warrant for said sum out of
4 any money in the treasury not otherwise appropriated.
5 2 Effective Date. Section 1 of this act shall take effect June 30, 2021.

2021-1720s

AMENDED ANALYSIS

1. Makes an appropriation to the governor's scholarship fund.

Amendment to HB 2-FN-A-LOCAL

- Page 2 -

1 I. The commissioner of the department of education shall transfer to the scholarship
2 organization the per pupil adequate education grant amount under RSA 198:40-a, plus any
3 differentiated aid that would have been provided to a public school for that eligible student. The
4 transfers shall be made in accordance with the distribution of adequate education grants under RSA
5 198:42.

6 II. Parents of an EFA student shall agree to use the funds deposited in their student's EFA
7 only for the following qualifying expenses to educate the EFA student:

8 (a) Tuition and fees at a private school.

9 (b) Tuition and fees for non-public online learning programs.

10 (c) Tutoring services provided by an individual or a tutoring facility.

11 (d) Services contracted for and provided by a district public school, chartered public
12 school, public academy, or independent school, including, but not limited to, individual classes and
13 curricular activities and programs.

14 (e) Textbooks, curriculum, or other instructional materials, including, but not limited to,
15 any supplemental materials or associated online instruction required by either a curriculum or an
16 education service provider.

17 (f) Computer hardware, Internet connectivity, or other technological services and
18 devices, that are primarily used to help meet an EFA student's educational needs.

19 (g) Educational software and applications.

20 (h) School uniforms.

21 (i) Fees for nationally standardized assessments, advanced placement examinations,
22 examinations related to college or university admission or awarding of credits and tuition and/or fees
23 for preparatory courses for such exams.

24 (j) Tuition and fees for summer education programs and specialized education programs.

25 (k) Tuition, fees, instructional materials, and examination fees at a career or technical
26 school.

27 (l) Educational services and therapies, including, but not limited to, occupational,
28 behavioral, physical, speech-language, and audiology therapies.

29 (m) Tuition and fees at an institution of higher education.

30 (n) Fees for transportation paid to a fee-for-service transportation provider for the
31 student to travel to and from an education service provider.

32 (o) Any other educational expense approved by the scholarship organization.

33 III. The funds in an EFA may only be used for educational purposes in accordance with
34 paragraph II.

35 IV. EFA funds shall not be refunded, rebated, or shared with a parent or EFA student in
36 any manner. Any refund or rebate for goods or services purchased with EFA funds shall be credited
37 directly to the student's EFA.

1 V. Parents may make payments for the costs of educational goods and services not covered
2 by the funds in their student's EFA. However, personal deposits into an EFA shall not be permitted.

3 VI. Funds deposited in an EFA shall not constitute taxable income to the parent or the EFA
4 student.

5 VII. An EFA shall remain in force, and any unused funds shall roll over from quarter-to-
6 quarter and from year-to-year until the parent withdraws the EFA student from the EFA program or
7 until the EFA student graduates from high school, unless the EFA is closed because of a substantial
8 misuse of funds. Any unused funds shall revert to the education trust fund established in RSA
9 198:39 and be allocated to fund other EFAs.

10 VIII. Nothing in this chapter shall be construed to require that an EFA student must be
11 enrolled, full- or part-time, in either a private school or nonpublic online school.

12 IX. A home education program pursuant to RSA 193-A:5 is terminated upon the
13 commencement of a student's participation in an EFA program. A parent shall provide notification
14 pursuant to RSA 193-A:5 when a student starts participating in an EFA program.

15 194-E:3 Application for an Education Freedom Account.

16 I. A parent may apply to the scholarship organization to establish an EFA for an eligible
17 student. The scholarship organization shall accept and approve applications for the fall and spring
18 semesters each year and shall establish procedures for approving applications in an expeditious
19 manner.

20 II. The scholarship organization shall create a standard form that parents can submit to
21 establish their student's eligibility for the EFA program and shall ensure that the application is
22 publicly available and may be submitted through various sources, including the Internet.

23 III. The scholarship organization shall approve an application for an EFA if:

24 (a) The parent submits an application for an EFA in accordance with application
25 procedures established by the scholarship organization.

26 (b) The student on whose behalf the parent is applying is an eligible student.

27 (c) Funds are available for the EFA.

28 (d) The parent signs an agreement with the scholarship organization:

29 (1) To provide an education for the eligible student in the core knowledge domains
30 that include science, mathematics, language, government, history, health, reading, writing, spelling,
31 the history of the constitutions of New Hampshire and the United States, and an exposure to and
32 appreciation of art and music.

33 (2) Not to enroll the eligible student as a full-time student in their resident district
34 public school while participating in the EFA program.

35 (3) To provide an annual record of educational attainment by:

36 (A) Having the student take a nationally-standardized, norm-referenced
37 achievement test and to provide the results to the scholarship organization by the end of each school

Amendment to HB 2-FN-A-LOCAL

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1 year which the scholarship organization shall make available to the department as aggregate scores;
2 or

3 (B) Having the student take the statewide student assessment test pursuant to
4 RSA 193-C:6; or

5 (C) Maintaining a portfolio including, but not limited to, a log which designates
6 by title the reading materials used; samples of writings, worksheets, workbooks, or creative
7 materials used or developed by the student. The parent shall have a certified teacher or a teacher
8 currently teaching in a nonpublic school, who is selected by the parent, evaluate the student's
9 educational progress upon review of a portfolio and discussion with the parent or student.

10 (4) To use the funds in the EFA only for qualifying expenses to educate the eligible
11 student as established by the EFA program.

12 (5) To comply with the rules and requirements of the EFA program.

13 IV. The signed agreement between the parent and the scholarship organization shall satisfy
14 the compulsory school attendance requirements of RSA 193:1.

15 V. The scholarship organization shall annually renew a student's EFA if funds are available.

16 VI. Upon notice to the scholarship organization, an EFA student may choose to stop
17 receiving EFA funding and enroll full-time in a public school.

18 (a) Enrolling as a full-time student in the resident district public school shall result in
19 the immediate suspension of payment of additional funds into the student's EFA. However, an EFA
20 that has been open for at least one full school year shall remain open and active for the parent to
21 make qualifying expenditures to educate the student from funds remaining in the EFA. When no
22 funds remain in the student's EFA, the scholarship organization may close the EFA.

23 (b) If an eligible student decides to return to the EFA program, payments into the
24 student's existing EFA may resume if the EFA is still open and active. A new EFA may be
25 established if the student's EFA was closed.

26 194-E:4 Authority and Responsibilities of the Scholarship Organization. The scholarship
27 organization shall have the following additional duties, obligations, and authority:

28 I. The scholarship organization shall maintain an updated list of education service providers
29 and shall ensure that the list is publicly available through various sources, including the Internet.

30 II. The scholarship organization shall provide parents with a written explanation of the
31 allowable uses of EFA funds, the responsibilities of parents, the duties of the scholarship
32 organization, and the role of any financial management firms that the scholarship organization may
33 contract with to administer any aspect of the EFA program.

34 III. The scholarship organization shall ensure that parents of students with disabilities
35 receive notice that participation in the EFA program is a parental placement under 20 U.S.C. section
36 1412, Individuals with Disabilities Education Act (IDEA), along with an explanation of the rights
37 that parentally placed students possess under IDEA and any applicable state laws.

Amendment to HB 2-FN-A-LOCAL

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1 IV. The scholarship organization shall, in cooperation with the department, determine
2 eligibility for differentiated aid subject to any applicable state and federal laws.

3 V. The scholarship organization may withhold from deposits or deduct from EFAs an
4 amount to cover the costs of administering the EFA program, up to a maximum of 10 percent
5 annually.

6 VI. The scholarship organization shall implement a commercially viable system for payment
7 of services from EFAs to education service providers by electronic or online funds transfer.

8 (a) The scholarship organization shall not adopt a system that relies exclusively on
9 requiring parents to be reimbursed for out-of-pocket expenses, but rather shall provide maximum
10 flexibility to parents by facilitating direct payments to education service providers. Scholarship
11 organizations may pre-approve requests for reimbursements for qualifying expenses, including
12 expenses pursuant to RSA 194-E:2, II, but shall not disperse funds to parents without receipt that
13 such pre-approved purchase has been made.

14 (b) A scholarship organization may contract with a private institution or organization to
15 develop the payment system.

16 VII. The scholarship organization may also seek to implement a commercially viable system
17 for parents to publicly rate, review, and share information about education service providers, ideally
18 as part of the same system that facilitates the electronic or online funds transfers.

19 VIII. If an education service provider requires partial payment of tuition or fees prior to the
20 start of the academic year to reserve space for an EFA student admitted to the education service
21 provider, such partial payment may be paid by the scholarship organization, if funds are available,
22 prior to the start of the school year in which the EFA is awarded and deducted in an equitable
23 manner from subsequent quarterly EFA deposits to ensure adequate funds remain available
24 throughout the school year; but if an EFA student decides not to use the education service provider,
25 the partial reservation payment shall be returned to the scholarship organization by such education
26 service provider and credited to the student's EFA.

27 IX. The scholarship organization shall continue making deposits into a student's EFA until:

28 (a) The scholarship organization determines that the EFA student is no longer an
29 eligible student.

30 (b) The scholarship organization determines that there was substantial misuse of the
31 funds in the EFA.

32 (c) The parent or EFA student withdraws from the EFA program.

33 (d) The EFA student enrolls full-time in the resident district public school.

34 (e) The EFA student graduates from high school.

35 X. The scholarship organization may conduct or contract for the auditing of individual EFAs,
36 and shall at a minimum conduct random audits of EFAs on an annual basis.

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1 XI. The scholarship organization may make any parent or EFA student ineligible for the
2 EFA program in the event of intentional and substantial misuse of EFA funds.

3 (a) The scholarship organization shall create procedures to ensure that a fair process
4 exists to determine whether an intentional and substantial misuse of EFA funds has occurred.

5 (b) If an EFA student is free from personal misconduct, that student shall be eligible for
6 an EFA in the future if placed with a new guardian or other person with the legal authority to act on
7 behalf of the student.

8 (c) The scholarship organization may refer suspected cases of intentional and
9 substantial misuse of EFA funds to the attorney general for investigation if evidence of fraudulent
10 use of EFA funds is obtained.

11 (d) A parent or EFA student may appeal the scholarship organization's decision to deny
12 eligibility for the EFA program to the department.

13 XII. The scholarship organization may bar an education service provider from accepting
14 payments from EFAs if the scholarship organization determines that the education service provider
15 has:

16 (a) Intentionally and substantially misrepresented information or failed to refund any
17 overpayments in a timely manner.

18 (b) Routinely failed to provide students with promised educational goods or services.

19 XIII. The scholarship organization shall create procedures to ensure that a fair process
20 exists to determine whether an education service provider may be barred from receiving payments
21 from EFAs.

22 (a) If the scholarship organization bars an education service provider from receiving
23 payments from EFAs, it shall notify parents and EFA students of its decision as quickly as possible.

24 (b) Education service providers may appeal the scholarship organization's decision to bar
25 them from receiving payments from the EFA to the department.

26 XIV. The scholarship organization may accept gifts and grants from any source to cover
27 administrative costs, to inform the public about the EFA program, or to fund additional EFAs.

28 XV. The department shall adopt rules that are necessary for the administration of this
29 chapter.

30 XVI. The scholarship organization shall adopt policies or procedures that are necessary for
31 the administration of this chapter. This may include policies or procedures:

32 (a) Establishing or contracting for the establishment of an online anonymous fraud
33 reporting service.

34 (b) Establishing an anonymous telephone number for fraud reporting.

35 (c) Requiring a surety bond for education service providers receiving more than \$100,000
36 in EFA funds.

37 (d) Refunding payments from education service providers to EFAs.

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1 (e) Ensuring appropriate use and rigorous oversight of all funds expended under this
2 program.

3 XVII. The scholarship organization shall not exclude, discriminate against, or otherwise
4 disadvantage any education provider with respect to programs or services under this section based
5 in whole or in part on the provider's religious character or affiliation, including religiously based or
6 mission-based policies or practices.

7 194-E:5 Parent and Education Service Provider Advisory Commission.

8 I. There is established the parent and education service provider advisory commission to
9 assist the scholarship organization by providing recommendations about implementing,
10 administering, and improving the EFA program.

11 II. The commission shall consist of 7 members who shall be parents of EFA students or
12 education service providers and shall represent no fewer than 4 counties in the state. The members
13 shall be appointed by the director of the scholarship organization and serve at the director's pleasure
14 for one calendar year after which they may be reappointed. The director of the scholarship
15 organization, or designee, shall serve as a non-voting chairperson of the commission. The
16 commissioner of the department of education, or designee, shall serve as a non-voting member of the
17 commission.

18 III. The scholarship organization may request the commission to meet, in person or
19 virtually, to review appeals of education service provider denials pursuant to RSA 194-E:4, XI and to
20 provide a recommendation to the scholarship organization as to whether an education service
21 provider should be allowed to receive, or continue receiving, payments from EFAs.

22 194-E:6 Requirements for Education Service Providers.

23 I. The scholarship organization may approve education service providers on its own
24 initiative, at the request of parents, or by notice to the scholarship organization provided by
25 prospective education service providers.

26 II. A prospective education service provider that wishes to receive payments from EFAs
27 shall:

28 (a) Submit notice to the scholarship organization that it wishes to receive payments from
29 EFAs.

30 (b) Agree not to refund, rebate, or share EFA funds with parents or EFA students in any
31 manner, except that funds may be remitted or refunded to an EFA in accordance with procedures
32 established by the scholarship organization.

33 (c) Comply with all state and federal anti-discrimination laws.

34 194-E:7 Independence of Education Service Providers.

35 I. Nothing in this chapter shall be deemed to limit the independence or autonomy of an
36 education service provider or to make the actions of an education service provider the actions of the
37 state government.

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1 II. Education service providers shall be given maximum freedom to provide for the
2 educational needs of EFA students without governmental control.

3 III. Nothing in this chapter shall be construed to expand the regulatory authority of the
4 state, its officers, or any school district to impose any additional regulation of education service
5 providers beyond those necessary to enforce the requirements of the EFA program.

6 IV. Any education service provider that accepts payment from an EFA under this chapter is
7 not an agent of the state or federal government.

8 V. An education service provider shall not be required to alter its creed, practices,
9 admissions policy, or curriculum in order to accept payments from an EFA.

10 194-E:8 Responsibilities of Public Schools and School Districts. A public school, or school
11 district, that previously enrolled an EFA student shall provide a private school that is also an
12 education service provider and that has enrolled an EFA student with a complete copy of the ESA
13 student's school records, in a timely manner, while complying with 20 U.S.C. section 1232g, the
14 Family Educational Rights and Privacy Act of 1974.

15 194-E:9 Legal Proceedings.

16 I. In any legal proceeding challenging the application of this chapter to an education service
17 provider, the state bears the burden of establishing that the law is necessary and does not impose
18 any undue burden on the education service provider.

19 II. No liability shall arise on the part of the scholarship organization or the state or of any
20 public school or school district based on the award of or use of an EFA pursuant to this chapter.

21 III. If any part of this chapter is challenged in a state court as violating either the state or
22 federal constitutions, parents of eligible and/or EFA students shall be permitted to intervene as of
23 right in such lawsuit for the purposes of defending the EFA program's constitutionality. However,
24 for the purposes of judicial administration, a court may require that all parents file a joint brief, so
25 long as they are not required to join any brief filed on behalf of any named state defendant.

26 IV. If any provision of this chapter, or the application thereof to any person or
27 circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this
28 chapter which can be given effect without the invalid provision or application, and to this end the
29 provisions of this chapter are declared to be severable.

30 194-E:10 Phase-Out Grants.

31 I. For each school district, the commissioner shall calculate the amount of the reduction in
32 adequate education grants pursuant to RSA 194-E:2, I for each student receiving an EFA under this
33 chapter. In the first year of the grant reduction, the commissioner shall calculate 50 percent of the
34 reduction for each student and shall disburse that amount to the district as a district funding
35 phaseout grant. In the second year of the grant reduction, the commissioner shall calculate 25
36 percent of the reduction for each student and shall disburse that amount to the district as a district
37 funding phase-out grant. All district funding phase-out grants shall be included in the September 1

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1 disbursement required pursuant to RSA 198:42.

2 II. The phase-out grants will terminate for new EFA students receiving an EFA effective
3 July 1, 2026.

4 194-E:11 Appropriation From Education Trust Fund. The amount necessary to fund any grants
5 or transfers of funds authorized under this chapter is hereby appropriated to the department from
6 the education trust fund created under RSA 198:39. The governor is authorized to draw a warrant
7 from the education trust fund to satisfy the state's obligation under this section. Such warrant for
8 payment shall be issued regardless of the balance of funds available in the education trust fund. If
9 the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the
10 comptroller shall transfer sufficient funds from the general fund to eliminate such deficit. The
11 commissioner of the department of administrative services shall inform the fiscal committee and the
12 governor and council of such balance. This reporting shall not in any way prohibit or delay the
13 distribution of any grant or transfer of funds authorized under this chapter.

14 194-E:12 Legislative Oversight Committee Established. There is established an education
15 freedom savings account oversight committee.

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

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

19 (b) Three members of the house of representatives, one of whom shall be a member of
20 the majority party and one of whom shall be a member of the minority party, appointed by the
21 speaker of the house of representatives.

22 II. Members of the committee shall receive mileage at the legislative rate when attending to
23 the duties of the committee.

24 III. The committee shall monitor the implementation of RSA 194-E, including the impact of
25 state education funding to local district schools, and make recommendations for any legislative
26 changes to the education freedom savings account program.

27 IV. The members of the study committee shall elect a chairperson from among the members.
28 The first meeting of the committee shall be called by the first-named senate member. The first
29 meeting of the committee shall be held within 45 days of the effective date of this section. Three
30 members of the committee shall constitute a quorum.

31 V. The committee shall submit a report on or before November 30, 2022, and each year
32 thereafter, to the general court including findings, recommendations, and any corrective or technical
33 improvements that the education freedom account program may require.

34 2 Duty of Parent; Compulsory Attendance by Pupil. Amend RSA 193:1, I(g) to read as follows:

35 (g) The pupil has been accepted into an accredited postsecondary education program;

36 [~~or~~]

1 (h) The pupil obtains a waiver from the superintendent, which shall only be granted
2 upon proof that the pupil is 16 years of age or older and has an alternative learning plan for
3 obtaining either a high school diploma or its equivalent.

4 (1) Alternative learning plans shall include age-appropriate academic rigor and the
5 flexibility to incorporate the pupil's interests and manner of learning. These plans may include, but
6 are not limited to, such components or combination of components of extended learning opportunities
7 as independent study, private instruction, performing groups, internships, community service,
8 apprenticeships, and on-line courses.

9 (2) Alternative learning plans shall be developed, and amended if necessary, in
10 consultation with the pupil, a school guidance counselor, the school principal and at least one parent
11 or guardian of the pupil, and submitted to the school district superintendent for approval.

12 (3) If the superintendent does not approve the alternative learning plan, the parent
13 or guardian of the pupil may appeal such decision to the local school board. A parent or guardian
14 may appeal the decision of the local school board to the state board of education consistent with the
15 provisions of RSA 21-N:11, III; or

16 (i) *The pupil is enrolled in the education freedom account program pursuant to*
17 *RSA 194-E and is therefore exempt from this requirement.*

18 3 Effective Date. Sections 1 and 2 of this act shall take effect 60 days after its passage.

2021-1560s

AMENDED ANALYSIS

1. Establishes the education freedom account program which permits the treasurer to transfer adequate education grants, plus any differentiated aid that would have been provided to a public school, to a scholarship organization for disbursement to parents to be used for certain educational purposes; appropriates the funds authorized under this program from the education trust fund; and authorizes the comptroller to transfer funds from the general fund to eliminate any deficit in the education trust fund created by the payment of grants or transfers of funds under the program.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 1 Substance Abuse Enforcement Program; Appropriations.

2 I. The sum of \$587,700 for the fiscal year ending June 30, 2021 is hereby appropriated to the
3 department of safety. This sum shall be expended as follows:

4 (a) \$171,600 shall be expended for the purpose of funding overtime at the state forensic
5 laboratory as a result of increased caseloads attributable to narcotics related enforcement and
6 investigations, with no more than 50 percent of the appropriation expended in each fiscal year of the
7 biennium ending June 30, 2023.

8 (b) \$416,100 shall be expended for the purpose of funding overtime at the state police for
9 narcotics related enforcement and investigations, with no more than 50 percent of the appropriation
10 expended in each fiscal year of the biennium ending June 30, 2023.

11 II. The sum of \$2,400,000 for the fiscal year ending June 30, 2021 is hereby appropriated to
12 the department of safety to disburse grants to county and local law enforcement agencies for the
13 purpose of funding overtime costs for county and local law enforcement officers performing law
14 enforcement activities attributable to the substance abuse enforcement program established in RSA
15 21-P:66. No more than 50 percent of the appropriation shall be expended in each fiscal year of the
16 biennium ending June 30, 2023.

17 III. The governor is authorized to draw a warrant for said sums out of any money in the
18 treasury not otherwise appropriated.

19 IV. No appropriation made in this section shall lapse until June 30, 2023.

20 2 Effective Date. Section 1 of this act shall take effect June 30, 2021.

2021-1456s

AMENDED ANALYSIS

1. Appropriates funds to the department of safety for overtime costs at the state forensic laboratory; to the state police for narcotics-related enforcement; and to disburse grants to county and local law enforcement agencies for the purpose of funding overtime costs for county and local law enforcement officers performing law enforcement activities attributable to the substance abuse enforcement program.

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1	MM	0.00	0.00	0.00	0.00	0.00	0.00	145,392.00
2	NN	0.00	0.00	0.00	0.00	0.00	0.00	150,956.00
3	OO	0.00	0.00	0.00	0.00	0.00	0.00	157,482.00
4	PP	0.00	0.00	0.00	0.00	0.00	0.00	165,282.00
5	QQ	0.00	0.00	0.00	0.00	0.00	0.00	174,668.00

6 5 Salary Wages for Councilors and Commissioners; July 2, 2021. RSA 94:1-a, II is repealed and
7 reenacted to read as follows:

8 II. The salary wages for the positions set forth below shall be as follows commencing July 2,
9 2021:

10		Maximum
11	Governor's councilors	\$17,732.00
12	Racing and charitable gaming commissioners	\$13,754.00
13	Sweepstakes commission, chairman	\$19,994.00
14	Sweepstakes commission, members	\$11,258.00

15 6 Compensation for Certain State Officers; Unclassified State Employees; July 1, 2022. RSA
16 94:1-a, I (a) is repealed and reenacted to read as follows:

17 I.(a) The following salary ranges shall apply to the following grades:

18	GRADE	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07
19	AA	56,732.00	60,424.00	64,142.00	67,834.00	71,526.00	75,218.00	78,936.00
20	BB	58,994.00	62,842.00	66,690.00	70,538.00	74,386.00	78,234.00	82,082.00
21	CC	61,724.00	65,754.00	69,784.00	73,814.00	77,844.00	81,874.00	85,904.00
22	DD	65,000.00	69,238.00	73,476.00	77,740.00	81,978.00	86,216.00	90,454.00
23	EE	68,822.00	73,320.00	77,844.00	82,342.00	86,840.00	91,338.00	95,862.00
24	FF	73,580.00	78,416.00	83,226.00	88,062.00	92,872.00	97,682.00	102,518.00
25	GG	79,430.00	84,630.00	89,856.00	95,056.00	100,256.00	105,482.00	110,682.00
26	HH	86,502.00	92,170.00	97,838.00	103,532.00	109,200.00	114,894.00	120,562.00
27	II	91,442.00	97,448.00	103,454.00	109,460.00	115,492.00	121,498.00	127,504.00
28	JJ	96,408.00	102,726.00	109,070.00	115,414.00	121,758.00	128,102.00	134,446.00
29	KK	98,852.00	105,352.00	111,878.00	118,378.00	124,878.00	131,378.00	137,878.00
30	LL	0.00	0.00	0.00	0.00	0.00	0.00	142,272.00
31	MM	0.00	0.00	0.00	0.00	0.00	0.00	147,082.00
32	NN	0.00	0.00	0.00	0.00	0.00	0.00	152,724.00
33	OO	0.00	0.00	0.00	0.00	0.00	0.00	159,302.00
34	PP	0.00	0.00	0.00	0.00	0.00	0.00	167,206.00
35	QQ	0.00	0.00	0.00	0.00	0.00	0.00	176,696.00

36 7 Salary Wages for Councilors and Commissioners; July 1, 2022. RSA 94:1-a, II is repealed and
37 reenacted to read as follows:

Amendment to HB 2-FN-A-LOCAL

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1 II. The salary wages for the positions set forth below shall be as follows commencing July 1,
2 2022:

	Maximum
3 Governor's councilors	\$17,940.00
4 Racing and charitable gaming commissioners	\$13,910.00
5 Sweepstakes commission, chairman	\$20,228.00
6 Sweepstakes commission, members	\$11,388.00

7
8 8 Department of Justice; Attorney Salaries; July 2, 2021. RSA 94:1-a, I(c) is repealed and
9 reenacted to read as follows:

10 I.(c) For attorney positions in the department of justice, except for the attorney general and
11 deputy attorney general, the following shall apply commencing on July 2, 2021:

	Minimum	Market anchor	Maximum
12	\$54,617		\$126,532
13			
14 Attorney		\$65,838	
15 Assistant attorney general		\$89,682	
16 Senior assistant attorney general		\$110,722	
17 Associate attorney general		\$121,943	

18 9 Department of Justice; Attorney Salaries; July 1, 2022. RSA 94:1-a, I(c) is repealed and
19 reenacted to read as follows:

20 I.(c) For attorney positions in the department of justice, except for the attorney general and
21 deputy attorney general, the following shall apply commencing on July 1, 2022:

	Minimum	Market anchor	Maximum
22	\$55,252		\$128,001
23			
24 Attorney		\$66,603	
25 Assistant attorney general		\$90,723	
26 Senior assistant attorney general		\$112,007	
27 Associate attorney general		\$123,359	

28 10 Legislative Employees; July 2, 2021. Legislative employees shall receive 1.16 percent salary
29 increases effective July 2, 2021, if such increases are approved by the appointing authority.

30 11 Legislative Employees; July 1, 2022. Legislative employees shall receive 1.16 percent salary
31 increases effective July 1, 2022, if such increases are approved by the appointing authority.

32 12 Judicial Salaries; July 2, 2021. RSA 491-A:1 is repealed and reenacted to read as follows:

33 491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

34 Chief justice, supreme court	\$183,394
35 Associate justices, supreme court	\$177,878
36 Chief justice, superior court and administrative	
37 judges appointed pursuant to supreme	

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1	court rule 54	\$177,878
2	Associate justices, superior court	\$166,825
3	District court justices prohibited	
4	from practice pursuant to	
5	RSA 502-A:21	\$166,825
6	Probate judges prohibited from	
7	practice pursuant to RSA 547:2-a	\$166,825

8 13 Judicial Salaries; July 1, 2022. RSA 491-A:1 is repealed and reenacted to read as follows:

9 491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

10	Chief justice, supreme court	\$185,522
11	Associate justices, supreme court	\$179,942
12	Chief justice, superior court and administrative	
13	judges appointed pursuant to supreme	
14	court rule 54	\$179,942
15	Associate justices, superior court	\$168,761
16	District court justices prohibited	
17	from practice pursuant to	
18	RSA 502-A:21	\$168,761
19	Probate judges prohibited from	
20	practice pursuant to RSA 547:2-a	\$168,761

21 14 Judges; State Employee Health Plan; Application. The cost sharing and plan design for
22 judges who participate in the health plans offered by the state shall be the same as those for
23 individuals covered by the collective bargaining agreement between the state of New Hampshire and
24 the State Employees' Association of New Hampshire, Inc.

25 15 Judicial Employees; July 2, 2021. All unrepresented judicial employees shall receive 1.16
26 percent salary increases on July 2, 2021.

27 16 Judicial Employees; July 1, 2022. All unrepresented judicial employees shall receive 1.16
28 percent salary increases on July 1, 2022.

29 17 Appropriations.

30 I. The following sums are appropriated from the following sources for the purposes of
31 sections 1-20 of this act for the fiscal year ending June 30, 2022:

32	FY 2022							
33	All	Liquor	General	Federal	Highway	Turnpike	Fish & Game	Other
34	\$12,592,000	\$400,000	\$5,750,000	\$1,773,000	\$1,265,000	\$235,000	\$99,000	\$3,070,000

35 II. The following sums are appropriated from the following sources for the purposes of
36 sections 1-16 of this act for the fiscal year ending June 30, 2023:

37 FY 2023

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1 All Liquor General Federal Highway Turnpike Fish & Game Other
2 \$23,208,000 \$800,000 \$10,250,000 \$3,484,000 \$2,486,000 \$455,000 \$183,000 \$5,550,000

3 III. The department of administrative services is authorized to make any rounding
4 adjustments of up to +\$.01 per hour as needed to properly process the employee's payroll within the
5 currently designed human resources/payroll system (NH FIRST).

6 18 Longevity Pay. Amend RSA 94:4 to read as follows:

7 94:4 Longevity Pay. Any state official who has completed 10 years of service for the state shall
8 be paid, in addition to his or her statutory salary the sum of [~~\$300~~] \$350 annually and an additional
9 [~~\$300~~] \$350 for each additional 5 years of state service. Any state official who transfers, without a
10 break in service, to a position in the classified system may transfer all time served for purposes of
11 longevity pay.

12 19 Longevity Pay for Regular Classified Employees. Amend RSA 99:5 to read as follows:

13 99:5 Longevity Payment for Regular Classified Employees. Any regular classified employee of
14 the state who has completed 10 years of continuous service for the state other than a law
15 enforcement employee, shall be paid, in addition to the salary to which he or she is entitled by the
16 classification plan, the sum of [~~\$300~~] \$350 annually and an additional [~~\$300~~] \$350 for each
17 additional 5 years of continuous state service. The additional compensation provided by the
18 provisions of this section shall not affect the maximums set by the classification plan and the receipt
19 of said long service payments shall not prohibit the recipient from receiving the yearly increments to
20 which he or she may be otherwise entitled within his or her classification ranges. Any regular
21 classified employee who transfers, without a break in service, to a position in the unclassified system
22 may transfer all time served for purposes of longevity pay.

23 20 Longevity Pay for New Hampshire State Troopers. Amend RSA 99:5-a to read as follows:

24 99:5-a Longevity Payments for New Hampshire State Troopers and State Trooper Command
25 Staff. Any state trooper or eligible state trooper command staff member who has completed 10 years
26 of continuous service for the state shall be paid, in addition to the salary to which he or she is
27 entitled by the classification plan, the sum of [~~\$300~~] \$350 annually and an additional [~~\$300~~] \$350 for
28 each additional 5 years of continuous law enforcement service. The additional compensation
29 provided by the provisions of this section shall not affect the maximums set by the classification plan
30 and the receipt of said long service payments shall not prohibit the recipient from receiving the
31 yearly increments to which he or she may be otherwise entitled within his or her classification
32 ranges. Any state trooper or eligible state trooper command staff member who transfers, without a
33 break in service, to a position in the unclassified system may transfer all time served for purposes of
34 longevity pay.

35 21 Repeals. The following are repealed:

36 I. RSA 99:1-b, relative to New Hampshire state trooper salaries.

37 II. RSA 99:3, relative to increases in salary.

1 22 Effective Date.

2 I. Sections 4, 5, 8, and 12 of this act shall take effect July 2, 2021.

3 II. Sections 6, 7, 9, and 13 of this act shall take effect July 1, 2022.

UNAPPROVED

Sen. Bradley, Dist 3
May 25, 2021
2021-1699s
05/10

Amendment to HB 2-FN-A-LOCAL

1 1 Home Visiting Program. Amend RSA 167:68-a to read as follows:

2 167:68-a Home Visiting Programs. Home visiting programs for children and their families
3 established pursuant to this subdivision shall be made available to all Medicaid eligible [~~children~~
4 ~~and~~] pregnant women, ***infants, and families with children up to age one***, without restriction.
5 The commissioner shall adopt rules, pursuant to RSA 541-A, relative to administering this section.

6 2 Rulemaking; Home Visiting Program. Amend RSA 167:3-c, XV to read as follows:

7 XV. Procedures for making the home visiting program available to all Medicaid eligible
8 [~~children and~~] pregnant women, ***infants, and families with children up to age one*** pursuant to
9 RSA 167:68, II(e).

2021-1699s

AMENDED ANALYSIS

1. Provides that the home visiting program shall be available to all Medicaid eligible pregnant women, infants, and families with children up to age one.

Sen. Bradley, Dist 3
May 25, 2021
2021-1704s
05/04

Amendment to HB 2-FN-A-LOCAL

1 1 Appropriation; Business Finance Authority; Grants to Regional Economic Development
2 Corporations. The sum of \$200,000 is hereby appropriated for the fiscal year ending June 30, 2022,
3 and the sum of \$200,000 is hereby appropriated for the fiscal year ending June 30, 2023 to the
4 business finance authority for the purpose of providing equal grants to regional economic
5 development corporations in furtherance of the objectives set forth in RSA 162-A:1. The governor is
6 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
7 appropriated. Funds appropriated to the authority under this section shall be excluded from the
8 repayment provisions of RSA 162-A:30.

2021-1704s

AMENDED ANALYSIS

.1. Makes an appropriation to the business finance authority to provide grants to regional economic development corporations.

Sen. Bradley, Dist 3
May 20, 2021
2021-1621s
05/04

Amendment to HB 2-FN-A-LOCAL

- 1 1 Tax on Transfer of Real Property; Revenue Transfer to the Affordable Housing Fund
2 Suspended. RSA 78-B:13, III, relative to the transfer of revenue from the transfer tax under RSA
3 78-B:1 to the affordable housing fund, is suspended for the biennium ending June 30, 2023.
- 4 2 Appropriation; Affordable Housing Fund. The sum of \$25,000,000 for the fiscal year ending
5 June 30, 2021, is hereby appropriated to the housing finance authority for deposit in the affordable
6 housing fund established in RSA 204-C:57, for the purpose of providing financing or state matching
7 funds for affordable housing. The appropriation shall be in addition to any other funds appropriated
8 to the housing finance authority. The governor is authorized to draw a warrant for said sum out of
9 any money in the treasury not otherwise appropriated.
- 10 3 Effective Date. Section 2 of this act shall take effect on June 30, 2021.

2021-1621s

AMENDED ANALYSIS

1. Suspends the revenue transfer from the real estate transfer tax to the affordable housing fund for the biennium ending June 30, 2023, and makes an appropriation to the affordable housing fund.

Amendment to HB 2-FN-A-LOCAL

1 1 Appropriation; State Treasurer; Municipal Aid.

2 I. The sum of \$20,000,000 for the fiscal year ending June 30, 2022 and the sum of
3 \$20,000,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the state treasurer for
4 the purpose of providing municipal aid to each city, town, and unincorporated place in the state. The
5 treasurer shall distribute the municipal aid to each city, town, and unincorporated place in the state
6 in one payment of 100 percent on or before October 1 of each fiscal year. The proportion of municipal
7 aid distributed to each municipality pursuant to this paragraph shall be calculated pursuant to
8 paragraph II. The governor is authorized to draw a warrant for said sums out of any money in the
9 treasury not otherwise appropriated. Municipal aid received by October 15, 2021 may be considered
10 unanticipated revenue under RSA 31:95-b and may be accepted and expended pursuant to RSA
11 31:95-b, II through IV whether or not a town has adopted the provisions of RSA 31:95-b, II.
12 Municipalities shall use a minimum of 60 percent of the amount anticipated in FY 2022 and FY 2023
13 for property tax rate reduction.

14 II. On July 1 of each fiscal year, the treasurer shall reserve the amount necessary for
15 distributions pursuant to paragraph I of this act and said moneys shall not be used for any other
16 purpose. Distributions shall be determined as follows:

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

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

26 III. For purposes of this section:

27 (a) "Average daily membership in residence" or "ADMR" means the average daily
28 membership in attendance of pupils who are legal residents of the school district, pursuant to RSA
29 193:12 or RSA 193:27, IV, in kindergarten through grade 12 in the determination year and attend a
30 state-approved public or nonpublic school as assigned by the school district in which the pupil
31 resides, or by the state, or attend an approved chartered public school, and who are educated at the

Amendment to HB 2-FN-A-LOCAL
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1 school district's expense, which may include costs of attendance at public academies or out-of-district
2 placements.

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

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

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

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

UNAPPROVED

2021-1322s

AMENDED ANALYSIS

Add:

1. Makes an appropriation to the state treasurer for the purpose of providing municipal aid grants to each city, town, and unincorporated place in the state by October 1 of the fiscal years ending June 30, 2022 and June 30, 2023. At least 60 percent of the grant received by a municipality shall be used for local property tax rate reduction.

UNAPPROVED

Sen. Daniels, Dist 11
May 13, 2021
2021-1476s
12/04

Amendment to HB 2-FN-A-LOCAL

1 1 Department of Transportation; Removal of Toll Booths. Notwithstanding any provision of law
2 to the contrary, the commissioner of the department of transportation shall remove the northbound
3 and southbound toll booths on exit 10 on the F.E. Everett turnpike in the town of Merrimack.

2021-1476s

AMENDED ANALYSIS

1. Directs the commissioner of the department of transportation to remove toll booths on exit 10 in Merrimack.

UNAPPROVED

Sen. Giuda, Dist 2
May 18, 2021
2021-1569s
12/06

Amendment to HB 2-FN-A-LOCAL

1 1 Department of Transportation; Town of Tilton; Appropriation.

2 I. The project named Tilton, project number 29753, to reconstruct and re-classify 1.97 miles
3 of Calef Hill Road shall be added to the 10-year transportation improvement plan with engineering
4 totaling \$350,000 in fiscal year 2022 and construction totaling \$2,900,000 for the biennium ending
5 June 30, 2023.

6 II. There is hereby appropriated \$3,250,000 in the fiscal year ending June 30, 2022, to the
7 department of transportation for funding the project identified in paragraph I. The governor is
8 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
9 appropriated. Amounts appropriated under this section shall not lapse.

2021-1569s

AMENDED ANALYSIS

Insert:

1. Appropriates \$3,250,000 to the department of transportation for a project in Tilton.

Amendment to HB 2-FN-A-LOCAL

1 1 Town of Haverhill; Woodsville Fire District. Amend 1887, 204:3, as amended by 1899, 196:2;
2 1990, 37:1; and 2009, 147:1 to read as follows:

3 SECT. 3. Said district at each annual meeting shall elect by ballot a moderator, a clerk, one
4 auditor, a treasurer, and three commissioners. All of said officers shall be elected by a majority vote
5 of all the voters present and voting at the annual meeting. Said officers shall exercise in relation to
6 district meetings the like powers to those of moderator, clerk, and selectmen of towns. The
7 commissioners shall have within the district all the powers of the mayor and aldermen of any city
8 respecting highways, sidewalks, and sewers. They shall control and direct the expenditure of all
9 moneys raised under authority of the district and by the town of Haverhill for expenditure in the
10 district. They shall have sole authority to appoint a highway surveyor in said district, and in default
11 of such appointment shall themselves perform the duties of that office. The surveyor or
12 commissioners performing the duties of highway surveyor in the district shall give bond to the town
13 to account for all money coming into their hands, and for the proper care and custody of the property
14 of the town or district which may come into their custody or control, and shall be deemed officers of
15 the town. Nothing in this act shall be construed to impose any distinct or special liability upon the
16 district respecting highways within its limits. ***Nothing in this section shall preclude the***
17 ***Woodsville fire district from maintaining the roads within the precinct at its own expense.***
18 Vacancies that may occur in the office of commissioner in the district shall be filled by appointment
19 of the remaining commissioners or commissioner, but any commissioner appointed to fill a vacancy
20 shall hold office only until the next annual district meeting. Commissioners shall be residents of the
21 district. ~~[The money appropriated for the distribution of highway funds in the district which is~~
22 ~~attributable to the town of Haverhill shall be determined by a fraction, the numerator of which shall~~
23 ~~be the assessed valuation of the properties in the district, and the denominator of which shall be the~~
24 ~~assessed valuation of the properties in the entire town of Haverhill as determined annually from the~~
25 ~~town MS-1 form. The town of Haverhill shall appropriate the percentage represented by such~~
26 ~~fraction for distribution to the highway fund in care of the Woodsville fire district commissioners.]~~
27 ***Highway block grant funds shall be distributed in accordance with the department of***
28 ***transportation formula. Any appropriations to the Woodsville fire district shall be as***
29 ***directed by warrant articles duly voted by the voters present and voting at each annual***
30 ***Haverhill town meeting.***

31 2 Financial Audit Requirement. No later than one year after the effective date of section 1 of
32 this act, the Woodsville fire district shall provide financial audits by a certified public accountant

Amendment to HB 2-FN-A-LOCAL

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1 approved by the department of revenue administration that is compliant with generally accepted
2 accounting practices (GAAP), of all funds received from the town of Haverhill and all other sources
3 including state and federal funds, and of all funds expended by the fire district, for each calendar
4 year commencing January 1, 2015 to the effective date of section 1 of this act, as directed by the
5 department of revenue administration. The department of revenue administration shall approve the
6 scope of the audit and shall receive monthly updates from the certified public accountant and the
7 Woodsville fire district on the status of the audit while it is in progress. The results of the audit
8 shall be published on the town of Haverhill website within 60 days of delivery by the certified public
9 accountant to the Woodsville fire district and the department of revenue administration. The audit
10 shall be at the expense of the Woodsville fire district. Reimbursement of any expenses related to the
11 audit incurred by the department of revenue administration shall be in accordance with the
12 provisions of RSA 21-J:22. The department of revenue administration may levy a fine of \$250 per
13 day against the Woodsville fire district for every day of noncompliance with this act beyond one year
14 from the effective date of this act. The commissioner may waive such fine at his or her discretion,
15 subject to the good faith efforts of the Woodsville fire district to comply with all relevant laws and
16 the provisions of this act.

17 3 Effective Date. Sections 1 and 2 of this act shall take effect upon its passage.

2021-1570s

AMENDED ANALYSIS

1. Modifies the law on the operation and funding of the Woodsville fire district and directs that appropriations to the Woodsville fire district shall be as directed by warrant articles duly voted at each annual Haverhill town meeting.

UNAPPROVED

Sen. Giuda, Dist 2
May 25, 2021
2021-1726s
04/10

Amendment to HB 2-FN-A-LOCAL

1 1 Pari-Mutuel Pools on Historic Horse Races; Date Change to May 1, 2021. Amend RSA 284:22-
2 b, II to read as follows:

3 II. In order to be eligible for a license to sell pari-mutuel pools on historic races, an applicant
4 shall have been game operator employer licensed under RSA 287-D as of May 1, [2020] **2021** and
5 still licensed as of the effective date of this section, provided such sales are within the enclosure of a
6 facility at which the licensee holds its licensed activities under RSA 287-D, and that such facility is
7 located within the city or town in which the licensee held its license on May 1, [2020] **2021**. An
8 application that is approved by the lottery commission, and a license that is granted shall not be
9 permitted to be transferred or sold.

10 2 Applicability. Section 1 of this act shall take effect one minute after the effective date of
11 HB626-FN of the 2021 regular legislative session. If HB626-FN does not become law, section 1 of
12 this act shall not take effect.

13 3 Effective Date.

14 I. Section 1 of this act shall take effect as provided in section 2 of this act.

15 II. Section 2 of this act shall take effect upon its passage.

2021-1726s

AMENDED ANALYSIS

Keep 72.

Amendment to HB 2-FN-A-LOCAL

1 1 New Section; Business Profits Tax; Clarification of PPP Loans. Amend RSA 77-A by inserting
2 after section 3-b the following new section:

3 77-A:3-c Clarification of Tax Treatment of Paycheck Protection Program (PPP) Loans. In
4 determining gross business profits for any period, before net operating loss and special deductions,
5 notwithstanding any other provision of law, a business organization shall apply the provisions of the
6 United States Internal Revenue Code consistent with the following adjustments:

7 I. No amount shall be included in the gross business income of the eligible recipient by
8 reason of forgiveness of indebtedness issued or created under the federal Paycheck Protection
9 Program (PPP) which was first established under the federal Coronavirus Aid, Relief, and Economic
10 Security Act (P.L. 116-136, enacted March 3, 2020) or issued or created under the federal PPP
11 Second Draw Loan Program established under the federal Consolidated Appropriations Act, 2021
12 (P.L. 116-260, enacted December 27, 2020).

13 II. No deduction shall be denied, no tax attribute shall be reduced, and no basis increase
14 shall be denied, by reason of the exclusion from gross business income provided by paragraph I.

15 III. This section shall apply to taxable years ending after March 3, 2020, corresponding with
16 the date of the enactment of the federal Coronavirus Aid, Relief, and Economic Security Act.

2021-1489s

AMENDED ANALYSIS

Add:

1. Excludes under the business profits tax the business income of a taxpayer received by reason of forgiveness of indebtedness issued or created under the federal Paycheck Protection Program (PPP).

Sen. Hennessey, Dist 1
May 24, 2021
2021-1656s
04/06

Amendment to HB 2-FN-A-LOCAL

1 1 Fire Standards and Training and Emergency Medical Services Fund; Appropriation. There is
2 hereby appropriated to the fire standards and training and emergency medical services fund
3 established under RSA 21-P:12-d, the sums of \$300,000 for the fiscal year ending June 30, 2022 and
4 \$300,000 for the fiscal year ending June 30, 2023. The governor is authorized to draw a warrant for
5 said sums out of any money in the treasury not otherwise appropriated.

6 2 Department of Safety; Appropriation. There is hereby appropriated to the department of
7 safety, division of fire standards and training and emergency medical services, the sums of \$200,000
8 for the fiscal year ending June 30, 2022 and \$200,000 for the fiscal year ending June 30, 2023. Such
9 sums shall be used for the purpose of funding additional part-time instruction or increasing the
10 tuition discount provided to New Hampshire emergency service personnel for certain programs
11 through administrative rulemaking. Such appropriations shall be a charge against the fire
12 standards and training and emergency medical services fund established pursuant to RSA 21-P:12-d.

2021-1656s

AMENDED ANALYSIS

1. Appropriates funds to the fire standards and training and emergency medical services fund for the 2022 and 2023 fiscal years, and to the department of safety, division of fire standards and training and emergency medical services, to fund additional part-time instruction or increase the tuition discount for certain emergency service personnel.

Amendment to HB 2-FN-A-LOCAL

1 1 Appropriation; Department of Education. For the biennium ending June 30, 2023, the sum of
2 \$3,000,000 is hereby appropriated to the department of education for the purpose of funding
3 operating costs for a state student data collection and reporting system. Said appropriation shall be
4 a charge against the education trust fund.

5
6 Amend the bill by replacing section 46 with the following:

7
8 46 Education Trust Fund Created and Invested. Amend RSA 198:39, I to read as follows:

9 I. The state treasurer shall establish an education trust fund in the treasury. Moneys in
10 such fund shall not be used for any purpose other than to distribute adequate education grants to
11 municipalities' school districts and to approved charter schools pursuant to RSA 198:42, to provide
12 low and moderate income homeowners property tax relief under RSA 198:56-198:61, *to distribute*
13 *school building aid to school districts and approved chartered public schools pursuant to*
14 *RSA 198:15-b, to distribute tuition and transportation funds to school districts for students*
15 *attending career and technical education programs pursuant to RSA 188-E:9, to distribute*
16 *special education aid to school districts pursuant to RSA 186-C:18, to fund department of*
17 *education operating costs for a state student data collection and reporting system,* and to
18 fund kindergarten programs as may be determined by the general court. The state treasurer shall
19 deposit into this fund immediately upon receipt:

20 (a) Funds certified to the state treasurer by the commissioner of revenue administration
21 pursuant to RSA 77-A:20-a, relative to business profits taxes.

22 (b) Funds certified to the state treasurer by the commissioner of revenue administration
23 pursuant to RSA 77-E:14, relative to business enterprise tax.

24 (c) Funds collected and paid over to the state treasurer by the commissioner of revenue
25 administration pursuant to RSA 78-A:26, III relative to the tax on motor vehicle rentals.

26 (d) Funds collected and paid over to the state treasurer by the department of revenue
27 administration pursuant to RSA 78:24, relative to tobacco taxes.

28 (e) Funds certified to the state treasurer by the commissioner of revenue administration
29 pursuant to RSA 78-B:13, relative to real estate transfer taxes.

30 (f) Funds collected and paid over to the state treasurer by the department of revenue
31 administration pursuant to RSA 83-F:7, I, relative to the utility property tax.

32 (g) [Repealed.]

Amendment to HB 2-FN-A-LOCAL

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1 (h) All moneys due the fund in accordance with RSA 284:21-j, relative to sweepstakes
2 and the lottery.

3 (i) Tobacco settlement funds in the amount of \$40,000,000 [~~annually~~] or, *for any year*
4 *in which the total tobacco settlement funds received by the state is less than \$40,000,000,*
5 *the total amount of tobacco settlement funds received by the state.*

6 (j) The school portion of any revenue sharing funds distributed pursuant to RSA 31-A:4
7 which were apportioned to school districts in the property tax rate calculations in 1998.

8 (k) Funds collected and paid over to the state treasurer by the lottery commission
9 pursuant to RSA 284:44, RSA 284:47, and RSA 287-I.

10 (l) Any other moneys appropriated from the general fund.

2021-1698s

AMENDED ANALYSIS

1. Makes an appropriation from the education trust fund to the department of education to fund operating costs for a student data collection and reporting system.

Sen. Hennessey, Dist 1
May 25, 2021
2021-1724s
04/04

Amendment to HB 2-FN-A-LOCAL

1 1 Department of Natural and Cultural Affairs; Bureau of Trails; Grant in Aid.

2 I. For the biennium ending June 30, 2023 and notwithstanding any provision of law or
3 administrative rule to the contrary, the limitations on percentages of grant-in-aid administered by
4 the bureau of trails, division of parks and recreation, for the development and maintenance of OHRV
5 trails on private, state, federal, or municipal lands for the grant period of June 1, 2021 to May 31,
6 2022 shall be as follows:

7 (a) 90 percent of the cost of renting equipment required to complete a project.

8 (b) 90 percent of the cost of purchasing trail grooming equipment.

9 (c) 90 percent of the cost of reconditioning trail grooming equipment.

10 (d) 90 percent of the cost of operations for summer trail grading.

11 II. Except as expressly provided above, all other administrative rules regarding the
12 administration of this grant in aid program remain in full force and effect.

2021-1724s

AMENDED ANALYSIS

1. Makes limitations on the grant in aid program administered by the bureau of trails, division of parks and recreation, in the department of natural and cultural affairs for OHRV trails.

Sen. Rosenwald, Dist 13
Sen. Soucy, Dist 18
May 20, 2021
2021-1623s
10/10

Amendment to HB 2-FN-A-LOCAL

1 1 Department of Administrative Services; Rehiring of Laid Off Classified State Employees.

2 I. For purposes of this section, "laid off" means any person in a classified position as
3 described in RSA 21-I:49 who receives written notice of the state's intent to lay him or her off or who
4 is laid off between July 1, 2021 and June 30, 2023, as a result of reorganization or downsizing of
5 state government.

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

11 III. The head of each department or agency shall submit the name and classification of any
12 individual laid off between July 1, 2021 and June 30, 2023, to the director of the division of
13 personnel within 10 days of the layoff.

2021-1623s

AMENDED ANALYSIS

1. Provides that positions in state government which become available as a result of reorganization or downsizing of state government be filled, if possible, by laid off state employees.

Sen. Rosenwald, Dist 13
Sen. D'Allesandro, Dist 20
May 6, 2021
2021-1342s
08/04

Amendment to HB 2-FN-A-LOCAL

1 1 Meals and Rooms Tax; Temporary Adjustment of Operator Retained Percentage; Taxable
2 Meals; Room Rentals. For the fiscal year ending June 30, 2022, to compensate an operator licensed
3 under RSA 78-A:4 who sells taxable meals or who rents rooms, for keeping the prescribed records
4 and the proper account and remitting of taxes by them, operators selling a taxable meal or charging
5 rent for an occupancy, who collect taxes under RSA 78-A:6, I or II, shall be allowed to retain 5
6 percent of the taxes due and to be remitted, instead of 3 percent, if the return and payment are
7 timely received by the department of revenue administration, as provided in RSA 78-A:8, III.

2021-1342s

AMENDED ANALYSIS

1. Temporarily adjusts for the fiscal year ending June 30, 2022 the amount of meals and rooms tax revenue on taxable meals and on room rentals that an operator is allowed to retain as compensation for collecting the tax.

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

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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.

Amendment to HB 2-FN-A-LOCAL

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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

- Page 4 -

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.

**Amendment to HB 2-FN-A-LOCAL
- Page 5 -**

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.

Senate Finance
May 25, 2021
2021-1749s
10/11

Amendment to HB 2-FN-A-LOCAL

1 1 Appropriation; Department of Transportation. There is hereby appropriated to the
2 department of transportation the sum of \$5,000,000 for the fiscal year ending June 30, 2022 for the
3 purpose of leveraging federal discretionary grants on transportation projects with required state
4 cash match. Such appropriation shall not lapse. The governor is authorized to draw a warrant for
5 said sum out of any money in the treasury not otherwise appropriated.

2021-1749s

AMENDED ANALYSIS

Insert:

1. Makes an appropriation to the department of transportation for matching grants.