

CHAPTER 346
HB 4-FN-A-LOCAL - FINAL VERSION

25Sept2019... 2717-EBA

2019 SESSION

19-1124
10/06

HOUSE BILL ***4-FN-A-LOCAL***

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

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

COMMITTEE: [committee]

ANALYSIS

This bill:

1. Repeals 2017, 155:7, which directed the commissioner of administrative services to eliminate appropriations to class 027 transfers to OIT in all agencies and departments.
2. Establishes the unclassified position of director of plant and property within the department of administrative services.
3. Converts managers in the department of administrative services to directors, and renames divisions and units accordingly.
4. Authorizes the department of administrative services to consolidate state agency human resources, payroll, and business processing functions.
5. Provides that cost sharing and plan design for unrepresented active state employees who participate in the health plans offered by the state shall be the same as those for individuals covered by the collective bargaining agreement.
6. Establishes an additional surplus fund within the department of administrative services.
7. Establishes the building maintenance fund within the department of administrative services and assesses charges to state agencies.
8. Permits the supreme court to transfer funds among judicial branch accounts.
9. Provides the department of corrections with additional transfer authority for the biennium ending June 30, 2021, establishes the cost of care reimbursement account, and establishes unclassified positions of director of nursing and pharmacist positions in the department of corrections.
10. Provides for administrative attachment of the commission for human rights and the boxing and wrestling commission.
11. Provides that chartered public school lease aid shall not exceed more than \$30,000 per school in any fiscal year.

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12. Directs the department of health and human services to raise the income eligibility for elderly and adult clients under the social services block grant program each January.
13. Increases the limit for county reimbursements under RSA 167:18-a.
14. Extends the prospective repeal for eligibility of state mental health services under 2011, 209:6, I.
15. Suspends direct and indirect graduate medical education payments to hospitals for the biennium ending June 30, 2021.
16. Suspends catastrophic aid to hospitals for the biennium ending June 30, 2021.
17. Makes an appropriation to the department of safety, division of fire standards and training and emergency medical services, for the purpose of providing grants to local firefighters for medical examinations conducted pursuant to RSA 281-A:17.
18. Requires the commissioner of the department of health and human services to make quarterly reports to the governor, speaker of the house of representatives, and president of the senate on the status of estimated Medicaid payments in relation to actual costs.
19. Permits the department of health and human services to fill unfunded positions during the biennium ending June 30, 2021.
20. Suspends RSA 151-E:18, relative to presumptive eligibility for home and community-based services, for the biennium ending June 30, 2021.
21. Establishes certain revolving funds within the department of health and human services.
22. Directs that the Laconia state school trust shall be dissolved upon final distribution of the funds pursuant to court order.
23. Establishes a committee to study outdated non-regulatory boards.
24. Requires the department of health and human services to develop a plan to close the cliff effect for individuals and families who receive public benefits.
25. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2021.
26. Adds requirements for uses of system benefits charges for energy efficiency programs.
27. Suspends provisions of the RSAs that credit a portion of meals and rooms tax revenue to the division of travel and tourism development for the biennium ending June 30, 2021.
28. Suspends the integrated land development permit procedure for the biennium ending June 30, 2021.
29. Suspends certain environmental state aid grants.
30. Provides for reimbursement for sheriff's offices for court security.

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31. Adds a representative from the New Hampshire Hospital Association and a representative from the state's faith-based community to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery.
32. Modifies the provision of civil legal services funds for low-income persons to New Hampshire legal assistance and eliminates the dedicated civil services legal fund.
33. Requires Keno revenue to be deposited in the education trust fund.
34. Defines and regulates the sale of electronic cigarettes or e-cigarettes; and increases the minimum age for sales and possession of tobacco products.
35. Modifies the duties of the board of veterinary medicine.
36. Modifies the procedure for certified application prepayers for minimum environmental impact projects.
37. Regulates public bathing facilities.
38. Moves recreational camp licensing to the department of health and human services.
39. Authorizes the sale of National Guard armory property in Berlin.
40. Transfers the bureau of visitor services within the department of business and economic affairs to the office of the commissioner of business and economic affairs.
41. Permits the community college system to establish the finish line New Hampshire program to support eligible students completing postsecondary credentials in areas of high demand.
42. Authorizes the commissioner of the department of transportation to recommend the bulk disposal of real estate purchased with state or federal highway funds or both, or turnpike funds.
43. Repeals the Maine-New Hampshire interstate bridge authority.
44. Repeals witness fees for witnesses summoned before certain boards and commissions.
45. Amends the granite workforce program.
46. Exempts certain accounting units within the department of natural and cultural resources from transfer restrictions.
47. Requires payment of any transaction costs assessed for credit card payments on motor vehicle fines to be paid out of the fine amount which is credited to the highway fund.
48. Deletes obsolete limits on total bonds issued by the business finance authority.
49. Repeals the requirement for the Pease development authority to submit a comprehensive development plan.

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50. Requires moneys in the office of professional licensure and certification fund to lapse each fiscal year.

51. Authorizes the attorney general, subject to the approval of the governor and council, to appoint a director of the office of victim/witness assistance and a director of communications.

52. Establishes an unclassified full-time investigator position in the department of justice for the purpose of working on officer-involved use of deadly force investigations and to provide training to local law enforcement officers.

53. Abolishes a position in the department of justice to fund the director of communication position and establishes the position of assistant attorney general.

54. Provides for the rehiring of laid-off classified state employees, if possible.

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

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

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

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

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

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

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

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

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

64. Makes changes to unemployment compensation contribution rates.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

91. Establishes a commission to study school funding.

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

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

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

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

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

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

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

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

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

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

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

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103. Modifies the membership qualifications for the board of nursing.
104. Requires a portion of the revenue collected from the imposition of the real estate transfer tax to be transferred to the affordable housing fund.
105. Updates provisions and adjustments of the United States Internal Revenue Code applicable to the business profits tax.
106. Clarifies the applicability of the communications services tax to voice over Internet protocol (VoIP) and prepaid wireless telecommunications service.
107. Establishes a housing appeals board to hear appeals of decisions of municipal boards, committees, and commissions regarding questions of housing and housing development, and makes an appropriation to the housing appeals board for the administration of the board's duties.
108. Amends the procedure for determining an indigent defendant's ability to pay for services rendered by court appointed counsel in a criminal case, provides that a repayment obligation shall only apply to a defendant who has been convicted or a juvenile who has been found delinquent, and establishes a committee to study the cost to the state for the appointment of counsel to represent indigent defendants in criminal cases.
109. Prohibits off highway recreational vehicles from traveling on Hoit Road Marsh in the city of Concord.
110. Establishes the office of outdoor recreation industry development in the department of business and economic affairs and also establishes the position of director of the office.
111. Makes an appropriation to the department of business and economic affairs to support the small business development center and its programs.
112. Renames the wetlands and shoreland review fund as the water resources fund; clarifies that certain application and permit fees are non-refundable; and repeals the terrain alteration fund.
113. Makes a supplemental appropriation to the department of environmental services for the Ossipee Lake Dam reconstruction.
114. Adds an exception to the real estate transfer tax for any lease involving the Pease development authority.
115. Requires costs that are recovered from damages awarded in cases of hazardous waste clean up after expenditures from the drinking water and groundwater trust fund be deposited in such fund.
116. Repeals a provision relative to liquor commission revenue shortfalls.
117. Repeals the definition of commercial kennel and revises the definition of pet vendor; authorizes the department of agriculture, markets, and food to make rules relative to the number of amphibians, reptiles, fish, or small mammals a person may sell and qualify as a pet vendor; requires dogs, cats, and ferrets offered for transfer to be accompanied by a health certificate; and establishes and makes an appropriation to the cost of care fund.

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118. Makes federal funds and internment fees received by the state veterans cemetery nonlapsing.

119. Makes an appropriation to the department of environmental services to study, investigate, and test for contamination caused by perfluorinated chemicals and design a system to treat such contamination, and requires reporting on developments.

120. Defines terms for executive branch departments, agencies, commissions, and units, and provides for delegation of a departmental commissioner's authority.

121. Makes a transfer from the general fund to the highway fund.

122. Converts certain funds credited to the fish and game department to unrestricted revenue in the fish and game fund.

123. Exempts department of safety appropriations funded with income from motor vehicle fines from certain reductions for the fiscal year ending June 30, 2019.

124. Authorizes the department of safety to transfer funds between certain accounting units as necessary and upon approval of the department of administrative services budget office.

125. Makes appropriations to the department of safety for narcotics related law enforcement activities.

126. Makes an appropriation to the department of safety for the purpose of providing administrative support to the building code review board.

127. Authorizes the department of education to retain a certain percentage of public school infrastructure funds to administer the public school infrastructure program.

128. Permits the department of education to request funds for vocational rehabilitation programs and services.

129. Requires schools to make at least one free or reduced cost meal available to children who meet federal eligibility guidelines and increases reimbursement to schools offering breakfast at no cost to eligible students.

130. Establishes the position of school nurse coordinator in the division of learner support, department of education.

131. Provides family and medical leave to certain school district employees who are not otherwise eligible for leave under the federal Family and Medical Leave Act.

132. Makes an appropriation to the department of administrative services for the purchase and replacement of the heat and hot water systems in the Concord school district.

133. Makes an appropriation to the community college system of New Hampshire for the fiscal year ending June 30, 2019.

134. Makes an appropriation to the department of education to support the Granite State Independent Living IMPACCT program.

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135. Makes an appropriation to the department of safety to fund the reallocation of certain state police troopers, and makes an appropriation to the department of administrative services to fund an assessment review for such reallocation.

136. Expands home and community-based behavioral health services for children and makes an appropriation to the department of health and human services for this purpose.

137. Requires the commissioner of the department of health and human services to increase Medicaid provider rates and makes an appropriation therefor.

138. Makes an appropriation to the department of health and human services for safe stations in Manchester and Nashua.

139. Extends the funding for supported housing.

140. Makes an appropriation to the department of health and human services for the purpose of enhancing provider rates for mental health and substance use disorder inpatient and outpatient services.

141. Modifies appropriations and provisions for new designated receiving facilities (DRF) beds and diagnosis-related group (DRG) rates.

142. Makes an appropriation to the department of health and human services for the purpose of constructing a new secure psychiatric facility on the New Hampshire hospital grounds.

143. Repeals the ICF quality assessment imposed on intermediate care facilities for the intellectually disabled.

144. Expands eligibility for Medicaid for employed adults with disabilities age 65 and over.

145. Restricts the use of appropriations to the department of health and human services to hiring additional child protective service workers and child protective service supervisors.

146. Requires dementia training for direct care staff in residential facilities and community-based settings and grants rulemaking authority to the commissioner.

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

148. Clarifies proportionate share payments to county nursing homes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

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

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

1 346:1 Repeal. 2017, 155:7 relative to budget adjustments and class 027 transfers to the
2 department of information technology for fiscal year 2019, is repealed.

3 346:2 Department of Administrative Services; Debarment of Vendors. Amend the
4 introductory paragraph of RSA 21-I:11-c, I(a) to read as follows:

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

9 346:3 Department of Administrative Services; Debarment of Vendors; Statement.
10 Amend RSA 21-I:11-c, I(b) to read as follows:

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

23 346:4 Department of Administrative Services; Divisions. Amend the section heading
24 of RSA 21-I:11 to read as follows:

25 21-I:11 ~~[Division]~~ **Divisions of Procurement and Support Services, Public Works**
26 **Design and Construction, and** Plant and Property ~~[Management]~~.

27 346:5 Department of Administrative Services; Director of Plant and Property. Amend
28 the introductory paragraph of RSA 21-I:11, I(c) to read as follows:

29 (c) The division of plant and property, which shall be under the supervision of
30 ~~[a classified administrator who]~~ **an unclassified director of plant and property who shall**

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1 *be qualified to hold that position by reason of education and experience and shall*
2 *perform such duties as the commissioner from time to time may authorize. The director*
3 *of plant and property* shall be responsible for the following functions, in accordance with
4 applicable law:

5 346:6 Director of Plant and Property; Salary; Funding; Effective Date.

6 I. The salary of the director of plant and property shall be determined after
7 assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a,
8 I(b) for the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.
9 Upon completion of this action and appointment of the director of plant and property,
10 position number 10082 shall be abolished to allow for the transition of this classified
11 position with its available appropriations into the unclassified position of director of
12 plant and property. Funding shall be transferred into a new expenditure class number
13 11, within accounting unit 01-14-14-141510-1440. The incumbent in the abolished
14 classified position shall be offered the opportunity to seek the commissioner's nomination
15 for the unclassified position of director of plant and property.

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

20 346:7 Department of Administrative Services; Directors; Officers. Amend RSA 21-I:2,
21 II to read as follows:

22 II. The commissioner shall nominate for appointment by the governor, with the
23 consent of the council, each unclassified division director, the assistant commissioner,
24 the deputy commissioner, the internal auditor, the *director of financial data* [~~manager~~]
25 *management*, the [~~manager~~] *director* of [~~risks~~] *risk* and benefits, and the senior
26 operational analyst. The unclassified division directors, the assistant commissioner, the
27 deputy commissioner, the internal auditor, the *director of financial data* [~~manager~~]
28 *management*, the [~~manager~~] *director* of [~~risks~~] *risk* and benefits, and the senior
29 operational analyst shall each serve for a term of 4 years.

30 346:8 Department of Administrative Services; Office of the Commissioner. RSA 21-I:4
31 is repealed and reenacted to read as follows:

32 21-I:4 Office Established. There is hereby established an office of the commissioner
33 consisting of the following units:

34 I. State budget.

35 II. Internal audit.

36 III. Operational analysis.

37 IV. Cost containment.

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1 346:9 Division of Financial Data Management. Amend RSA 21-I:5 to read as follows:

2 21-I:5 *Division of* Financial Data Management [~~Unit~~]. There is hereby established
3 within the [~~office of the commissioner~~] *department* a *division of* financial data
4 management [~~unit~~] under the supervision of an unclassified *director of* financial data
5 [~~manager~~] *management* who shall be responsible for the following functions in
6 accordance with applicable laws:

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

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

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

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

17 V. Assisting department division directors by:

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

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

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

24 346:10 New Section; Deputy Director of Risk and Benefits. Amend RSA 21-I by
25 inserting after section 7-c the following new section:

26 21-I:7-d Deputy Director of Risk and Benefits; Position Established.

27 I. There is established within the department of administrative services the
28 unclassified position of deputy director of risk and benefits. The deputy director of risk
29 and benefits shall be qualified to hold that position by reason of education and
30 experience and shall perform such duties and exercise such powers as the commissioner,
31 in consultation with the director of risk and benefits, may authorize. The deputy director
32 of risk and benefits shall assume the duties of the director of risk and benefits in the
33 event that the director is unable for any reason to perform such duties.

34 II. The commissioner shall, after consultation with the director of risk and
35 benefits, appoint the unclassified deputy director of risk and benefits. The deputy
36 director of risk and benefits shall serve at the pleasure of the commissioner.

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1 346:11 Deputy Director of Risk and Benefits; Salary; Funding; Offer to Seek
2 Nomination and Effective Date.

3 I. The salary of the unclassified deputy director of risk and benefits shall be
4 determined after assessment and review of the appropriate temporary letter grade
5 allocation in RSA 94:1-a, I(b) for the position which shall be conducted pursuant to RSA
6 94:1-d and RSA 14:14-c. Upon completion of this action, and appointment of the deputy
7 director of risk and benefits, position number 19203 shall be abolished to allow for the
8 transition of this classified position with its available appropriations into the unclassified
9 position of deputy director of risk and benefits. Funding shall be transferred into a new
10 expenditure class number 12 within accounting unit 01-14-14-143510-2901. The incumbent
11 in the abolished classified position shall be offered the opportunity to seek the
12 commissioner's appointment to the unclassified position of deputy director of risk and
13 benefits.

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

18 346:12 Department of Administrative Services; Division of Risk and Benefits. Amend
19 RSA 21-I:7-c to read as follows:

20 21-I:7-c Risk ~~[Management]~~ **and Benefits**. There is established within the ~~[office of the~~
21 ~~commissioner of administrative services a]~~ **department a division of** risk ~~[management~~
22 ~~unit]~~ **and benefits**, under the supervision of an unclassified ~~[manager of risks]~~ **director of**
23 **risk** and benefits, who shall be qualified to hold that position by reason of education and
24 experience, and who shall perform such duties as the commissioner from time to time
25 may authorize. The functions of the **division of** risk ~~[management unit]~~ **and benefits** shall
26 be divided across the following bureaus:

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

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

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

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

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

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

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

14 (1) Developing bid specifications for insurance and third party
15 administrator contracts and ensuring bid specifications are in compliance with
16 applicable collective bargaining agreements.

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

19 (3) Formalizing contract agreements.

20 (4) Monitoring contracts on an ongoing basis to ensure timely procurement,
21 renewals, amendments, updates, statutory compliance, and extensions.

22 (5) Ensuring that vendors comply with the requirements of contract
23 agreements by:

24 (A) Implementing, monitoring, and enforcing performance guarantees.

25 (B) Receiving and analyzing state employee and retiree group
26 insurance utilization data and statistics.

27 (C) Monitoring Medicare issues to ensure compliance with federal law
28 and programs.

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

32 (h) Implementing, overseeing, and administering employee wellness
33 initiatives.

34 (i) Advising the [~~manager of risks~~] **director of risk** and benefits and, upon
35 request, the commissioner, the governor and executive council, the general court, the
36 state retiree health plan commission established in RSA 100-A:56, the joint legislative

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1 fiscal committee established in RSA 14:30-a, and other entities regarding employee and
2 retiree benefits program.

3 (j) Ensuring that the bureau's programs are compliant with applicable state
4 and federal law.

5 (k) Monitoring agencies' activities for compliance with benefit program
6 requirements.

7 II. The bureau of property, casualty, and workers' compensation, under the
8 supervision of a classified administrator, who shall be responsible for the following
9 functions, in accordance with applicable law:

10 (a) Overseeing and administering the state's workers' compensation program
11 under RSA 21-I:24 and RSA 21-I:25-a or other applicable law.

12 (b) Identifying loss exposure for all state real and personal property and for
13 personal injury, except as otherwise provided by law, on a continuing basis.

14 (c) Identifying cost-effective means for protecting against various types of
15 losses, including self-funding, commercial insurance purchases, and risk assumption, and
16 recommending to the ~~[manager of risks]~~ **director of risk** and benefits actions to be taken
17 through the budget process, or other processes, to implement such means.

18 (d) After consultation with, and approval by the ~~[manager of risks]~~ **director of**
19 **risk** and benefits, purchasing liability insurance under a fleet policy covering the
20 operation of state-owned vehicles and motorboats, and such other insurance and surety
21 bonds as any state department, agency, or official may be legally authorized to secure, or
22 required to furnish; provided that approval shall not be granted for any such insurance
23 or surety bonds unless the same have been marketed and procured through a resident
24 agent of an insurance company registered and licensed to do business in this state. With
25 the exception of any risk located outside the state, no such insurance company or
26 resident agent, personally or by another, shall allow, give, or pay, directly or indirectly, to
27 any nonresident agent or nonresident broker any part of the commission on the sale of
28 such insurance or surety bonds. The insurance commissioner may suspend or revoke the
29 license of any resident agent or insurance company violating the provisions hereof.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 346:13 Department of Administrative Services; Reference Changed. Amend RSA 21-
15 I:24, I to read as follows:

16 I. The commissioner of administrative services, through the department's **division**
17 **of risk** [~~management unit~~] **and benefits**, is hereby authorized to pay such sum or sums as
18 may be awarded under the provisions of RSA 281-A, and the expense of insurance and
19 third party administrator services providing managed care programs authorized by RSA
20 281-A:23-a and similar services directly related to the provision and monitoring of
21 workers' compensation benefits payable to state employees.

22 346:14 Department of Administrative Services; Reference Changed. Amend RSA 21-
23 I:25-a, to read as follows:

24 21-I:25-a Procurement of Managed Care and Other Risk-Shifting Services. By
25 following the procedures of RSA 21-I:28, the commissioner of administrative services,
26 through the department's **division of risk** [~~management unit~~] **and benefits**, and after
27 consultation with the governor and council, may contract for or purchase insurance or
28 third party administrator services providing managed care program services and similar
29 services directly related to the provision and monitoring of workers' compensation
30 benefits payable to state employees.

31 346:15 Department of Administrative Services; References Changed. Amend RSA 21-
32 I:30-f to read as follows:

33 21-I:30-f Administrative Cost of Certain Programs Administered by the **Division of**
34 **Risk** [~~Management Unit~~] **and Benefits**; Obligation of Employee. The **division of risk**
35 [~~management unit~~] **and benefits** may use moneys in the employee benefit adjustment
36 account, established under RSA 9:17-c, for the purposes of paying the administrative fees
37 for the dependent care assistance program established under RSA 21-I:44-a and the

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1 medical and related expenses program established under RSA 21-I:44-b. The *division of*
2 risk [~~management unit~~] *and benefits* may also use such moneys in the event money must
3 be paid to the contracting party in advance to cover the employee's medical expenses,
4 when the employee has not contributed all of such costs from payroll deductions,
5 provided that the employee benefit adjustment account shall be repaid when the
6 employee fulfills his or her obligation.

7 346:16 Department of Administrative Services; Reference Changed. Amend RSA 21-
8 I:44-a, to read as follows:

9 21-I:44-a Dependent Care Assistance Program Established. There is established a
10 dependent care assistance program to be administered by the *division of* risk
11 [~~management unit~~] *and benefits* of the department of administrative services with the
12 assistance of the division of accounting services of the department of administrative
13 services and the treasury department. Under this program, an employee may have a
14 certain amount of his or her salary withheld, before taxes, for the purpose of day care
15 expenses.

16 346:17 Department of Administrative Services; Reference Changed. Amend RSA 21-
17 I:44-b, to read as follows:

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

25 346:18 State Agency Insurance; Reference Changed. Amend RSA 9:27 to read as
26 follows:

27 9:27 Insurance.

28 [I.] Any agency or department of the state may, with the approval of the governor
29 and council and within the limits of its appropriation, secure casualty or liability
30 insurance on any property owned by the state or in connection with any program or
31 activity of the state; provided, however, that all such purchases shall first be reviewed
32 and approved by the *division of* risk [~~management unit~~] *and benefits* of the department of
33 administrative services and that any insurance specifically required by law shall be
34 carried.

35 [~~II. All casualty or liability insurance secured by an agency or department and in~~
36 ~~effect on July 1, 2017, shall be reported to the risk management unit by September 1,~~
37 ~~2017.]~~

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1 346:19 Health and Human Services; Reference Changed. Amend RSA 161:4, III to read
2 as follows:

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

12 346:20 Services for Youth and Families; Reference Changed. Amend RSA 170-G:3, VI
13 to read as follows:

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

21 346:21 Services for Youth and Families; References Changed. Amend RSA 170-G:3,
22 VII(b) and (c) to read as follows:

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

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

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1 subparagraph (a)(3), the recommendations of the *division of risk* [~~management unit~~] *and*
2 *benefits*, and the attorney general's own experience and expertise. The commissioner of
3 administrative services, or the commissioner's designee, shall authorize payment of such
4 amounts as are approved by the attorney general.

5 346:22 University System; References Changed. Amend RSA 187-A:43, VI-VII, to read
6 as follows:

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

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

16 346:23 Community College System; References Changed. Amend RSA 188-F:68, VI-VII,
17 to read as follows:

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

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

27 346:24 Board of Claims; Reference Changed. Amend RSA 541-B:11-A to read as
28 follows:

29 541-B:11-a Annual Report. The secretary of state shall provide annually to the
30 *division of risk* [~~management unit~~] *and benefits* a copy of the annual report for the board.

31 346:25 Salaries; Unclassified State Officers. Amend the following positions in RSA
32 94:1-a, I(b), salary grade HH, to read as follows:

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

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

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1 346:26 Department of Administrative Services; Intent of Amendment of Risk
2 Management Unit; Continuation of Operations. The amendment to the title of the risk
3 management unit to the division of risk and benefits is not intended to alter the
4 underlying functions, authorities, or personnel of the existing unit or its manager, or the
5 compensation of any existing employee. The division of risk and benefits shall perform
6 all duties previously performed by the risk management unit and the director of the
7 division of risk and benefits shall perform all duties and functions previously performed
8 by the manager of risks. Any and all documents entered into by the risk management
9 unit or any of its subunits, including but not limited to contracts, agreements, requests
10 for proposals, requests for bids, requests for quotes, purchase orders, and other items
11 shall be construed to apply to, and shall be deemed to be the action of, the division of risk
12 and benefits.

13 346:27 Department of Administrative Services; Intent of Amendment of Title of the
14 Manager of Risks; Continuation of Salary and Functions. The unclassified employee
15 serving as the manager of risks prior to the effective date of this section shall, barring
16 resignation or removal from office, be deemed the director of the division of risk and
17 benefits for the remainder of his or her existing term as the manager of risks and
18 benefits. The salary of the director of the division of risk and benefits shall be that
19 allocated in RSA 94:1-a, I(b) to the manager of risks and benefits.

20 346:28 Department of Administrative Services; Continuation of Laws; Transfer of
21 Duties Relating to Risk Management. All provisions of law that remain in effect and refer
22 to the department of administrative services' risk management unit shall be construed so
23 as to apply to the division of risk and benefits. All powers, duties, and obligations of the
24 risk management unit, and all bureaus or other subunits within the unit, shall be
25 transferred to the division of risk and benefits and its subunits without interruption or
26 delay on the effective date of this section. The transfer shall include, but not be limited
27 to, all personnel, equipment, and funding of the former risk management unit and its
28 subunits. The department of administrative services may make such changes to the
29 accounting structure and budgetary allocations for the biennium ending June 30, 2021 as
30 it concludes are necessary or appropriate to effectuate and accommodate the changes
31 made to the department by this act.

32 346:29 Department of Administrative Services; Intent of Amendment of Financial
33 Data Management Unit; Continuation of Operations. The alteration of the title of the
34 financial data management unit to the division of financial data management is not
35 intended to alter the underlying functions, authorities, or personnel of the existing unit
36 or its manager, or the compensation of any existing employee. The division of financial
37 data management shall perform all duties previously performed by the financial data

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1 management unit and the director of the division of financial data management shall
2 perform all duties and function previously performed by the financial data manager. Any
3 and all documents entered into by the financial data management unit or any of its
4 subunits, including but not limited to contracts, agreements, requests for proposals,
5 requests for bids, requests for quotes, purchase orders, and other items shall be
6 construed to apply to, and be deemed to be the action of, the division of financial data
7 management.

8 346:30 Department of Administrative Services; Intent of Amendment of Title of the
9 Financial Data Manager; Continuation of Salary and Functions. The unclassified
10 employee serving as the financial data manager as of the effective date of this section
11 shall, barring resignation or removal from office, be deemed the director of the division of
12 financial data management for the remainder of his or her existing term as the financial
13 data manager. The salary of the director of the division of financial data management
14 shall be that allocated in RSA 94:1-a, I(b) to the financial data manager.

15 346:31 Department of Administrative Services; Continuation of Laws; Transfer of
16 Duties Relating to Financial Data Management. All provisions of law that remain in
17 effect and refer to the department of administrative services' financial data management
18 unit shall be construed so as to apply to the division of financial data management. All
19 powers, duties, and obligations of the financial data management unit, and all bureaus or
20 other subunits within the unit, shall be transferred to the division of financial data
21 management and its subunits without interruption or delay on the effective date of this
22 section. The transfer shall include, but not be limited to, all personnel, equipment, and
23 funding of the former financial data management unit and its subunits. The department
24 of administrative services may make such changes to the accounting structure and
25 budgetary allocations for the biennium ending June 30, 2021 as it concludes are necessary
26 or appropriate to effectuate and accommodate the changes made to the department by
27 this act.

28 346:32 Department of Administrative Services; Consolidation of Human Resources
29 and Payroll Functions.

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

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- 1 (a) Accounts receivable;
- 2 (b) Accounts payable;
- 3 (c) Collection of fines, penalties, fees, restitution, remittances, and other
- 4 moneys due to the state; and
- 5 (d) Such additional finance, accounting and other functions and transactions
- 6 that the commissioner of administrative services determines may potentially achieve
- 7 substantial efficiencies from consolidation.

8 II. The commissioner of administrative services may establish the number of total

9 personnel required for human resources, payroll, and business processing functions in

10 the executive branch of state government and, with the prior approval of the governor

11 and council, may eliminate unnecessary positions and may transfer positions to or from

12 the department of administrative services to or from any other agency if the

13 commissioner of administrative services concludes that such transfers or eliminations

14 are necessary to effectuate the efficient consolidation or deconsolidation of human

15 resources, payroll, or business processing functions within state government. Such

16 transfers may, if deemed appropriate by the commissioner of administrative services,

17 include the transfer of all associated books, papers, records, personnel files, and

18 equipment, including, but not limited to, work station and information technology

19 equipment, and may, if deemed appropriate by the commissioner of administrative

20 services, include the transfer of any unexpended appropriations for any of the foregoing,

21 and any unexpended appropriations for salary, payroll, benefits, support costs, or any

22 other costs associated with the transferred personnel. The department of administrative

23 services may also establish new full-time temporary positions within the department, if

24 the commissioner of administrative services deems it necessary to effectuate the efficient

25 consolidation or deconsolidation of human resources, payroll, or business processing

26 functions.

27 III. The commissioner of administrative services may locate personnel whose

28 positions have been transferred in such work spaces as the commissioner determines will

29 efficiently effectuate the consolidation or deconsolidation of functions. Such work spaces

30 may include either space currently owned or rented by the state, or space which may be

31 rented by the commissioner utilizing amounts which may be saved by the state as the

32 result of the consolidation or deconsolidation of functions.

33 IV. If the commissioner of administrative services consolidates, deconsolidates or,

34 pursuant to 2015, 276:2 or other law, has consolidated or deconsolidated, any human

35 resources, payroll, or business processing function and subsequently determines that

36 such consolidation or deconsolidation is not cost effective or beneficial to the interests of

37 the state, the commissioner may, with the prior approval of the fiscal committee of the

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1 general court, deconsolidate or reconsolidate, fully or partially, any human resources,
2 payroll, or business processing function within the executive branch of state government.
3 As part of a deconsolidation, the commissioner, after consultation with the heads of such
4 executive branch agencies as may be affected, shall determine positions to be transferred
5 to another agency, shall determine positions to be transferred elsewhere within the
6 department of administrative services, or shall determine positions to be eliminated.

7 V. Any unspent balance remaining of the \$250,000 appropriation made by 2011,
8 224:86 to the department of administrative services for the biennium ending June 30,
9 2013, for the purpose of selecting and retaining an independent business processing
10 consultant to evaluate and make recommendations relative to the consolidation of
11 business processing functions within state government, shall not lapse until June 30,
12 2021. The department of administrative services may use this balance to fund such
13 projects, functions, or activities as the commissioner of administrative services may
14 direct relating to the efficiency of state government, including, but not limited to, the
15 selection and retention of an independent business processing consultant and/or other
16 projects, functions, or activities relating to the consolidation or deconsolidation of human
17 resource, payroll and business processing functions.

18 346:33 Department of Administrative Services; State Employee Health Plan;
19 Application. The cost sharing and plan design for unrepresented active state employees
20 who participate in the health plans offered by the state shall be the same as those for
21 individuals covered by the collective bargaining agreement between the state of New
22 Hampshire and the State Employees' Association of New Hampshire, Inc. The fiscal
23 committee of the general court may approve changes to the above plan design cost
24 sharing provisions consistent with RSA 21-I:30, I. The cost sharing and plan designs for
25 represented active state employees who participate in the health plans offered by the
26 state shall be in accordance with the provisions of the collective bargaining agreements
27 between the state and the employee organizations representing those employees.

28 346:34 Department of Administrative Services; Health Coverage Shared
29 Responsibility. Agencies may use funds in existing class 60 budgets to pay any penalties
30 imposed under the employer shared responsibility for health coverage under section
31 4980H of the Internal Revenue Code.

32 346:35 All Agencies; Administrative Services; Electronic Mail. Unless restricted by
33 law or administrative rule, upon request of an intended recipient, an agency may provide
34 documents by electronic mailing in lieu of mail.

35 346:36 Department of Administrative Services; Funding and Staffing Resource
36 Limitations.

37 I. Due to inadequate funding and staffing resources at the department of

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1 administrative services, the commissioner of the department of administrative services
2 may suspend the obligations or requirements under RSA 21-I:7-c as it applies to
3 addressing performance and financial legislative budget assistant audit findings from
4 2006, 2011, and 2014 regarding management of the employee and retiree health benefit
5 program, including establishing rules and operational policies for the program, for each
6 fiscal year of the biennium ending June 30, 2021.

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

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

13 (b) The provisions relating to data analysis and the development of
14 performance metrics for buildings and vehicles to monitor energy and water usage, use of
15 fossil fuels, and greenhouse gas emissions in compliance with governor's executive order
16 2016-03.

17 346:37 Department of Administrative Services; Establishment of Additional Surplus
18 Fund. Amend RSA 21-I:11, I, (a)(6)(B) to read as follows:

19 (B) Be maintained by the treasurer [as-a] ***in one of 2*** separate, restricted
20 [fund] ***funds***:

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

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

26 346:38 Surplus Distribution Accounts. Amend RSA 6:12, I(b)(92) to read as follows:

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

29 (A) ***The surplus distribution section administrative assessments fund;***
30 ***and***

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

32 346:39 Department of Administrative Services; Fund Restrictions. Amend the
33 introductory paragraph of RSA 21-I:11-a, I to read as follows:

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

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1 **346:40 New Section; Department of Administrative Services; Building Maintenance**
2 **Fund. Amend RSA 21-I by inserting after section 11-c the following new section:**

3 **21-I:11-d Building Maintenance Fund. Each agency for which the department of**
4 **administrative services is charged with providing building maintenance services shall**
5 **pay to the department an annual assessment of 75 cents per square foot of such space**
6 **which the agency occupies. The department of administrative services may make**
7 **transfers from appropriate agency accounts to address such assessments. Collected**
8 **amounts shall be deposited in the building maintenance fund, which shall be nonlapsing**
9 **and continually appropriated to the department of administrative services for the**
10 **purposes of covering costs associated with continuing maintenance of buildings, space,**
11 **and other property which it is charged with maintaining.**

12 **346:41 New Subparagraph; Application of Receipts; Building Maintenance Fund.**
13 **Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new**
14 **subparagraph:**

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

17 **346:42 Appropriation; Building Maintenance Fund.**

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

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

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

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

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

27 **II. The department of administrative services is authorized to allocate these**
28 **appropriations among agencies as necessary to implement the requirements of sections**
29 **42 and 43.**

30 **346:43 Study of Building Maintenance Funding Sources for Patient Occupied**
31 **Buildings Managed by the Department of Health and Human Services. The department of**
32 **administrative services and the department of health and human services shall study**
33 **appropriate mechanisms for the creation of an additional building maintenance fund for**
34 **the patient occupied buildings currently managed directly by the department of health**
35 **and human services, including but not limited to the Glencliff home, New Hampshire**
36 **hospital, and the Sununu youth services center. The departments shall report their**
37 **findings to the fiscal committee of the general court on or before February 1, 2020.**

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1 **346:44 Judicial Appointments; Number Limited; Conversion Suspended.**

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

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

7 **346:45 Judicial Branch; Transfer Among Accounts and Classes.** Notwithstanding any
8 provision of law to the contrary, and subject to approval of the fiscal committee of the
9 general court, for the biennium ending June 30, 2021, the supreme court may transfer
10 funds within and among all accounting units within the judicial branch as the supreme
11 court deems necessary and appropriate to address budget reductions or to respond to
12 changes in federal laws, regulations, or programs, and otherwise as necessary for the
13 efficient management of the judicial branch. If the supreme court intends to transfer
14 funds which would otherwise meet the transfer requirements as set forth in RSA 9:17-d,
15 prior approval of the fiscal committee of the general court shall be required for transfers
16 of \$100,000 or more.

17 **346:46 Department of Corrections; Transfer Authority.** The following classes within
18 the department of corrections shall be exempt from the transfer restrictions in RSA 9:17-
19 a, 9:17-c, classes 10-personal services-perm classified, 11-personal services-unclassified,
20 12-personal services-unclassified, 18-overtime, 19-holiday pay, 50-personal service-
21 temp/appointed and 60-benefits. The department may transfer funding in these classes
22 within and among all accounting units provided that any transfer shall require prior
23 approval of the fiscal committee of the general court and governor and council. The
24 provisions of this paragraph shall remain in effect for the biennium ending June 30, 2021.

25 **346:47 New Section; Cost of Care Reimbursement Account Established.** Amend RSA
26 622 by inserting after section 58 the following new section:

27 **622:58-a Cost of Care Reimbursement Fund Established.** There is established the cost
28 of care reimbursement fund, which shall be administered by the commissioner of the
29 department of corrections. This fund shall be nonlapsing and continually appropriated to
30 the commissioner for the purpose of the general care of those persons under
31 departmental control and upkeep of the prison facilities including equipment. The
32 commissioner shall deposit all funds received from the department of justice as specified
33 in RSA 622:58 into this fund.

34 **346:48 New Subparagraph; Application of Receipts.** Amend RSA 6:12, I(b) by inserting
35 after subparagraph (343) the following new subparagraph:

36 (344) Moneys deposited in the cost of care reimbursement fund under RSA
37 622:58-a.

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1 346:49 Department of Corrections; Cost of Care Reimbursement Moneys. Amend RSA
2 622:58 to read as follows:

3 622:58 Deposit of Recovered Moneys. All moneys recovered under this subdivision
4 shall be deposited in the [~~general fund~~] *cost of care reimbursement fund under RSA*
5 *622:58-a*.

6 346:50 Repeal. RSA 622:7-b, relative to victim's fund, is repealed.

7 346:51 Application of Receipts; Victims' Fund. Amend RSA 6:12, I(b)(23) to read as
8 follows:

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

14 346:52 Department of Corrections; Unclassified Position Established; Director of
15 Nursing.

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

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

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

37 346:53 Department of Corrections; Unclassified Positions Established.

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

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

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

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

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

26 346:54 State Commission for Human Rights. Amend RSA 354-A:3, I to read as follows:

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

33 346:55 Boxing and Wrestling Commission. Amend RSA 285:2 to read as follows:

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

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1 346:56 Annual Grant for Leased Space; Charter Schools. Amend the introductory
2 paragraph of RSA 198:15-hh, I to read as follows:

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

22 346:57 Meals and Rooms Tax; Distribution to Cities and Towns. For the fiscal years
23 ending June 30, 2020 and June 30, 2021, the state treasurer shall fund the distribution of
24 revenue to cities and towns pursuant to the formula for determining the amount of
25 revenue returnable to cities and towns under RSA 78-A:26, I and II at no more than the
26 amount of the fiscal year 2019 distribution.

27 346:58 Department of Health and Human Services; Social Services Block Grant Cost of
28 Living Adjustment to Income Levels. Notwithstanding any other provision of law, for the
29 biennium ending June 30, 2021, the department of health and human services shall raise
30 the income eligibility for elderly and adult clients under the social services block grant
31 program each January, by the percentage amount of the cost of living increase in social
32 security benefits on a yearly basis provided such amount is consistent with federal law
33 and regulations relative to the social services block grant income eligibility.

34 346:59 County Reimbursement of Funds; Limitations on Payments. Amend RSA
35 167:18-a, II(a) to read as follows:

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

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

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

3 346:60 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent
4 Children; Definitions. Amend RSA 167:6, VII to read as follows:

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

19 346:61 Prospective Repeal Regarding Eligibility for Services Extended. Amend 2011,
20 209:6, I, as amended by 2013, 140:1, I, as amended by 2015, 276:41, I, as amended by 2017,
21 156:85, I to read as follows:

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

23 346:62 Department of Health and Human Services; Suspension of Direct and Indirect
24 Graduate Medical Education Payments. The commissioner of the department of health
25 and human services shall submit a Title XIX Medicaid state plan amendment to the
26 federal Centers for Medicare and Medicaid Services to suspend the provision of direct
27 and indirect graduate medical education payments to hospitals as provided in 42 C.F.R.
28 section 413.75 for the biennium ending June 30, 2021. Upon approval of the state plan
29 amendment, and as of the effective date of the state plan amendment, any obligations for
30 payment of direct and indirect graduate medical education shall be suspended for the
31 biennium ending June 30, 2021.

32 346:63 Health and Human Services; Suspension of Catastrophic Aid Payments to
33 Hospitals. The commissioner of the department of health and human services shall
34 submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare
35 and Medicaid Services to suspend catastrophic aid payments to hospitals. Upon approval
36 of the state plan amendment, and as of the effective date of the state plan amendment,

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1 any obligations for catastrophic aid payments to hospitals shall be suspended for the
2 biennium ending June 30, 2021.

3 346:64 Department of Health and Human Services; Prospective Repeal Regarding the
4 Exemption from Certain Transfer Procedures Extended. Amend 2018, 163:11, IV to read
5 as follows:

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

7 346:65 Department of Health and Human Services; Program Eligibility; Additional
8 Revenues. For the biennium ending June 30, 2021, the department of health and human
9 services shall not authorize, without prior consultation with the house health, human
10 services and elderly affairs committee and the senate health and human services
11 committee, and the approval of the fiscal committee of the general court and governor
12 and council, any change to program eligibility standards or benefit levels that might be
13 expected to increase or decrease enrollment in the program or increase expenditures
14 from any source of funds; provided, however, that no such prior approval shall be
15 required if a change to a federal program in which the state is participating as of the
16 effective date of this section is required by federal law.

17 346:66 Appropriation; Department of Safety, Division of Fire Standards and Training
18 and Emergency Medical Services. There is hereby appropriated to the department of
19 safety, division of fire standards and training and emergency medical services, the sum of
20 \$500,000, for the biennium ending June 30, 2021, for the purpose of providing grants to
21 local firefighters for medical examinations conducted pursuant to RSA 281-A:17. The sum
22 shall be a charge against the fire standards and training and emergency medical services
23 fund established pursuant to RSA 21-P:12-d, and shall not lapse.

24 346:67 Commissioner of Health and Human Services; Quarterly Reports. During the
25 biennium ending June 30, 2021, the commissioner of health and human services shall
26 make quarterly reports to the governor, the speaker of the house of representatives, and
27 the senate president on the status of estimated Medicaid payments in relation to actual
28 costs. Further contents of the such reports shall be as specified by the governor.

29 346:68 Department of Health and Human Services; Unfunded Positions;
30 Authorization. Notwithstanding any other provision of law to the contrary, the
31 department of health and human services may fill unfunded positions during the
32 biennium ending June 30, 2021, provided that the total expenditure for such positions
33 shall not exceed the amount appropriated for personnel services.

34 346:69 Eligibility for Home and Community-Based Services; Suspension. RSA 151-
35 E:18, regarding presumptive eligibility for home and community based services, shall be
36 suspended for the biennium ending June 30, 2021.

37 346:70 New Section; Department of Health and Human Services; Developmental

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1 Services; Establishing Certain Funds and Transfers of Certain Appropriations. Amend
2 RSA 171-A by inserting after section 8-a the following new section:

3 171-A:8-b Establishing Certain Dedicated Funds and Transfers of Certain
4 Appropriations.

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

9 II. There is hereby established the acquired brain disorder services fund. The
10 fund, from appropriations provided in accounting unit 05-95-93-930010-7016, shall be used
11 to carry out the provisions of this chapter. The fund shall be nonlapsing and shall be
12 continually appropriated to the commissioner for the purposes of this chapter.

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

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

20 346:71 New Subparagraphs; Department of Health and Human Services;
21 Developmental Services; Certain Accounts. Amend RSA 6:12, I(b) by inserting after
22 subparagraph (343) the following new subparagraphs:

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

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

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

29 346:72 Department of Health and Human Services; Transfer of Certain Trust Funds.

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

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

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1 346:73 Study Committee on Outdated Non-regulatory Boards, Commissions, Councils,
2 and Advisory Bodies.

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

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

8 (1) Three members of the house of representatives, appointed by the
9 speaker of the house of representatives.

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

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

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

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

22 (a) Frequency of meetings.

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

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

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

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

32 346:74 Department of Health and Human Services; Plan to Close the Cliff Effect for
33 Individuals and Families who Receive Public Benefits.

34 I. The purpose of this section is to coordinate poverty reduction strategies across
35 agencies and employers to provide necessary support mechanisms to ensure the long-
36 term success for New Hampshire's families and children for economic independence
37 achieved through employment, and to demonstrate successful outcomes for families and

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1 children for identifying supportive transitions from public benefits to self-sufficiency
2 while enhancing New Hampshire's workforce. Families include parents, grandparents,
3 caretaker relatives, and other individuals caring for children acknowledging that the
4 opioid crisis has impacted the care of New Hampshire's children.

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

11 III. The department of health and human services shall develop a plan to close the
12 cliff effect so New Hampshire individuals and families are afforded a full opportunity to
13 participate in the New Hampshire workforce. The plan shall include the development
14 and implementation of a "benefits cliff calculator" to measure the effect of increased
15 income for individuals or families who receive public benefits and shall include related
16 policy options such as, but not limited to, an earned income disregard, transportation
17 accessibility, and incentives for employment retention based on an updated economic
18 analysis.

19 IV. No later than 30 days after the effective date of this section, the commissioner
20 of the department of health and human services shall convene a working group
21 consisting, at a minimum of, representatives of the following departments or agencies:
22 the commissioner of the department of employment security or designee, the
23 commissioner of the department of education or designee, the commissioner of the
24 department of business and economic affairs or designee, the chancellor of the
25 community college system of New Hampshire or designee, the executive director of the
26 New Hampshire housing finance authority or designee, a representative of a
27 philanthropic agency appointed by the governor, a representative from a community
28 action program appointed by the governor, a private employer appointed by the
29 governor, an individual who is receiving or who has received public benefits appointed
30 by the governor, a member of the house of representatives appointed by the speaker of
31 the house of representatives, and a member of the senate appointed by the senate
32 president.

33 V. The meetings of the working group shall be subject to RSA 91-A. The
34 department, in consultation with the working group, shall prepare a plan to close the cliff
35 effect for individuals and families receiving public benefits. The plan shall include, but
36 not be limited to, policy change recommendations, the development of a benefits cliff

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1 calculator which may be used by public and private employers to navigate and close the
2 cliff effect.

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

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

12 346:75 Revenue Sharing; Suspension. RSA 31-A, relative to revenue sharing with
13 cities and towns shall be suspended for the biennium ending June 30, 2021.

14 346:76 Liquor Commission; Processing of Merchant Cards. For the biennium ending
15 June 30, 2021, the liquor commission, for purposes of supporting merchant card activity,
16 may:

17 I. Implement necessary business strategies in the event of a disaster or loss of
18 services to insure the continuity of the commission's business operations, including the
19 processing of merchant cards, which includes the ability to transfer funds from
20 accounting unit 01-03-03-030010-7677 in consultation with the commissioner of the
21 department of information technology. The commissioner shall report to the fiscal
22 committee of the general court within 30 days any instances where it would need to
23 implement such business strategies, including any costs and loss of revenue associated
24 with the disaster or loss of services and the implementation of such business strategies.

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

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

30 346:77 Electric Utility Restructuring; Policy Principles; System Benefits Charge.
31 Amend RSA 374-F:3, VI to read as follows:

32 VI. Benefits for All Consumers. Restructuring of the electric utility industry
33 should be implemented in a manner that benefits all consumers equitably and does not
34 benefit one customer class to the detriment of another. Costs should not be shifted
35 unfairly among customers. A nonbypassable and competitively neutral system benefits
36 charge applied to the use of the distribution system may be used to fund public benefits
37 related to the provision of electricity. Such benefits, as approved by regulators, may

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1 include, but not necessarily be limited to, programs for low-income customers, energy
2 efficiency programs, funding for the electric utility industry's share of commission
3 expenses pursuant to RSA 363-A, support for research and development, and investments
4 in commercialization strategies for new and beneficial technologies. Legislative approval
5 of the New Hampshire general court shall be required to increase the system benefits
6 charge. This requirement of prior approval of the New Hampshire general court shall not
7 apply to the energy efficiency portion of the system benefits charge [~~consistent with or~~
8 ~~authorized only by Order No. 25,932 issued by the commission, dated August 2, 2016.] *if*
9 *the increase is authorized by an order of the commission to implement the 3-year*
10 *planning periods of the Energy Efficiency Resource Standard framework established by*
11 *commission Order No. 25,932 dated August 2, 2016, ending in 2020 and 2023, or, if for*
12 *purposes other than implementing the Energy Efficiency Resource Standard, is*
13 *authorized by the fiscal committee of the general court; provided, however, that no less*
14 *than 20 percent of the portion of the funds collected for energy efficiency shall be*
15 *expended on low-income energy efficiency programs. Energy efficiency programs should*
16 *include the development of relationships with third-party lending institutions to provide*
17 *opportunities for low-cost financing of energy efficiency measures to leverage available*
18 *funds to the maximum extent, and shall also include funding for workforce development*
19 *to minimize waiting periods for low-income energy audits and weatherization.*~~

20 346:78 Department of Education; Acceptance of Gifts. For the biennium ending June
21 30, 2021, the department of education may, subject to the approval of the governor and
22 council, accept gifts, contributions, and bequests of unrestricted funds from individuals,
23 foundations, corporations, and other organizations or institutions for the purpose of
24 funding appropriations for New Hampshire scholars made in accounting unit 06-56-56-
25 562010-7534.

26 346:79 Repeal. RSA 78-A:26, I(b), relative to disposition of income from meals and
27 rooms tax revenue, is repealed.

28 346:80 Application of Receipts. Amend RSA 6:12, I(b)(21) to read as follows:

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

32 346:81 Division of Travel and Tourism Budget; Meals and Rooms Tax Revenue.
33 Amend RSA 12-O to insert after section 11-a the following new section:

34 12-O:11-b Division of Travel and Tourism Budget; Meals and Rooms Tax Revenue.
35 The budget of the division of travel and tourism, including the travel and tourism
36 development fund established by RSA 12-O:16, shall be funded at an amount no less than

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1 3.15 percent of the net income identified by RSA 78-A:26, I for the most recently completed
2 fiscal year.

3 346:82 Suspensions of Law; Travel and Tourism; Integrated Land Development:

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

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

12 346:83 State Aid Grants; Department of Environmental Services. Notwithstanding
13 RSA 486, for the biennium ending June 30, 2021, no state aid grants shall be made for any
14 new infrastructure projects that would have otherwise been eligible for state aid grants
15 under RSA 486, RSA 486-A, or RSA 149-M, except that infrastructure projects that have
16 achieved substantial completion by December 31, 2019, shall be eligible for state aid
17 grants, subject to availability of funding and in accordance with other provisions of
18 current law. Nothing in this section shall affect the provision of the future water supply
19 land protection grants under RSA 486-A if funding is available for such purposes.

20 346:84 Judicial Branch; Reimbursement of Sheriff's Office for Court Security. For the
21 biennium ending June 30, 2021, the state shall reimburse the sheriff's office for court
22 security at the rates provided in the collective bargaining agreement applicable to per
23 diem court security officers employed by the judicial branch to attend any official
24 business, for any person employed as a bailiff by the sheriff's office.

25 346:85 Treasury Department; Revenue Information Management System Account.
26 Amend RSA 21-J:1-b, II to read as follows:

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

34 346:86 Capital Appropriations. Amend the footnote to 2017, 228:1, XIX to read as
35 follows:

36 *To provide funds for the appropriations made in subparagraph A, the state treasurer
37 is hereby authorized to borrow upon the credit of the state not exceeding the sum of

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1 \$24,160,000 and for said purpose may issue bonds and notes in the name of and on behalf
2 of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and
3 interest on the bonds and notes for the \$6,000,000 state appropriation shall be made from
4 the general fund for fiscal years 2018, 2019, 2020, and 2021. Beginning with fiscal year
5 2022, payments of principal and interest on the bonds and notes for the appropriation of
6 \$24,160,000 shall be made from revenue credited to a revenue information management
7 system account established within RSA 21-J by legislation during the 2017 regular
8 legislative session. [~~If no such dedicated fund for a revenue information management~~
9 ~~system account within RSA 21-J becomes law during the 2017 regular legislative session,~~
10 ~~the appropriation for the project shall be reduced to the \$6,000,000 of state funds~~
11 ~~authorized in subparagraph A with payments of principal and interest on the bonds and~~
12 ~~notes to be made from the general fund]~~ ***Notwithstanding the prescribed commencement***
13 ***of principal repayment from the revenue information management system replacement***
14 ***account, the repayment of principal from the general fund shall total \$6,000,000, plus***
15 ***interest.***

16 346:87 Department of Natural and Cultural Resources; Forest Lands. Amend RSA 227-
17 G:5, I(b) to read as follows:

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

29 346:88 Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment,
30 and Recovery; Faith-Based Member. Amend RSA 12-J:1, IV to read as follows:

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

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

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

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

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

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

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

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

9 (c) The members under this paragraph shall serve 3-year terms.346:346:

10 346:89 Repeal. RSA 6:12, I(b)(237), relative to the moneys deposited in the civil legal
11 services fund, is repealed.

12 346:90 Civil Legal Assistance. Amend RSA 525-A:1 and 525-A:2 to read as follows:

13 525-A:1 [~~Civil Legal Assistance~~] *Statement of Purpose.* Funds appropriated to New
14 Hampshire Legal Assistance for the purposes of civil legal assistance shall be used [~~only~~
15 ~~for the provision of civil legal representation to low-income persons in this state. New~~
16 ~~Hampshire Legal Assistance shall make reports to the judicial council by June 30 and~~
17 ~~December 31 of each year on its use of state funds]~~ *to enable the state to fund civil legal*
18 *services to low-income persons in the state.*

19 525-A:2 Civil Legal Services [Fund]. [~~There is established in the office of the state~~
20 ~~treasurer a separate fund to be known as the civil legal services fund. The money in this~~
21 ~~fund shall be distributed to]~~ *Funds appropriated to* New Hampshire Legal Assistance [~~to~~
22 *shall* be used to [~~establish and operate offices in the cities of Nashua and Concord to]~~
23 provide civil legal services to low-income persons in [~~the cities of Nashua and Concord~~
24 ~~and the surrounding areas, and to provide additional attorneys, paralegals, or both, to the~~
25 ~~staff of the New Hampshire Legal Assistance offices in Manchester, Claremont,~~
26 ~~Portsmouth, and Littleton]~~ *the state.* These civil legal services shall include services
27 related to such issues as housing, social security and other government benefits, health
28 care, domestic violence, and consumer issues. New Hampshire Legal Assistance shall
29 report semi-annually to the judicial council as to its use of these funds [~~in accordance~~
30 ~~with RSA 525-A:1].~~

31 346:91 Operation of Keno Games; Fees for Research. Amend RSA 284:47, II to read as
32 follows:

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

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

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1 **(b)]** The remainder, less the administrative costs of the lottery commission and
2 prize payouts, shall be deposited in the education trust fund established in RSA
3 198:39.346:

4 **346:92 Tobacco Tax; Definitions.** RSA 78:1, XIII is repealed and reenacted to read as
5 follows:

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

12 **346:93 New Paragraph; Electronic Cigarette; Definition.** RSA 78:1 by inserting after
13 paragraph III the following new paragraph:

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

22 **346:94 Tobacco Tax; Tax Imposed on Tobacco Products Other Than Cigarettes.** RSA
23 78:2, II is repealed and reenacted to read as follows:

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

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

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

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

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

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1 346:95 Youth Access to and Use of Tobacco Products; Definitions. Amend RSA 126-K:2,
2 II-a to read as follows:

3 II-a. ***"Device" means any product composed of a mouthpiece, a heating element, a***
4 ***battery, and electronic circuits designed or used to deliver any aerosolized or vaporized***
5 ***substance including, but not limited to, nicotine or cannabis. Device may include, but is***
6 ***not limited to, hookah, e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.***

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

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

14 346:96 Youth Access to and Use of Tobacco Products; Definition of E-Cigarette. RSA
15 126-K:2, II-b is repealed and reenacted to read as follows:

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

20 346:97 Access to and Use of Tobacco Products; Purpose. Amend RSA 126-K:1 to read
21 as follows:

22 126-K:1 Purpose. The purpose of this chapter is to protect the [~~children~~] ***citizens*** of
23 New Hampshire from the possibility of addiction, disability, and death resulting from the
24 use of tobacco products by ensuring that tobacco products will not be supplied to
25 [~~minors~~] ***persons under the age of 19.***

26 346:98 Access to and Use of Tobacco Products; Proof of Age of Purchaser. Amend the
27 introductory paragraph of RSA 126-K:3, I to read as follows:

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

34 346:99 Access to and Use of Tobacco Products; Proof of Age of Purchaser. Amend
35 RSA 126-K:3, III to read as follows:

36 III. The establishment of all of the following facts by a person responsible for
37 monitoring sales from a vending machine or a person or sampler making a sale or

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1 distribution of tobacco products, e-cigarettes, or liquid nicotine to a person under [18] 19
2 years of age shall constitute prima facie evidence of innocence and a defense to any
3 prosecution for such sale:

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

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

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

11 346:100 Access to and Use of Tobacco Products; Sale and Distribution. Amend the
12 section heading and paragraph I of RSA 126-K:4 to read as follows:

13 126-K:4 Sale and Distribution of Tobacco Products, E-cigarettes, or Liquid Nicotine to
14 ~~[Minors]~~ **Persons Who Have Not Attained 19 Years of Age** Prohibited.

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

22 346:101 Access to and Use of Tobacco Products; Rolling Papers. Amend RSA 126-K:4-a
23 to read as follows:

24 126-K:4-a Rolling Papers.

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

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

33 346:102 Access and Use of Tobacco Products; Distribution of Free Samples. Amend
34 RSA 126-K:5, I and II to read as follows:

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

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

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

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

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

8 346:103 Access to and Use of Tobacco Products; Possession and Use of Tobacco
9 Products, E-Cigarettes, or Liquid Nicotine. Amend RSA 126-K:6 to read as follows:

10 126-K:6 Possession and Use of Tobacco Products, E-cigarettes, or Liquid Nicotine by
11 ~~[Minors]~~ ***Persons Who Have Not Attained 19 Years of Age.***

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

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

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

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

24 V. Any ~~[minor]~~ ***person who has not attained 19 years of age*** who violates this
25 section ~~[shall]~~ ***may*** be guilty of a violation and shall be punished by a fine not to exceed
26 \$100 for each offense or shall be required to complete up to 20 hours of community
27 service for each offense, or both. Where available, punishment may also include
28 participation in an education program.

29 346:104 Access to and Use of Tobacco Products; Special Provisions. Amend RSA 126-
30 K:8, I to read as follows:

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

36 ***(b) Each school shall establish a policy regarding violations of this paragraph.***
37 ***The policy may include, but not be limited to, mandatory education classes on the hazards***

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1 *of using tobacco products, e-cigarettes, or liquid nicotine, and suspensions and other*
2 *penalties.*

3 346:105 Delinquent Children; Limitations of Authority Conferred. Amend RSA 169-
4 B:32 to read as follows:

5 169-B:32 Limitations of Authority Conferred. This chapter shall not be construed as
6 applying to persons 16 years of age or over who are charged with the violation of a motor
7 vehicle law, an aeronautics law, a law relating to navigation or boats, a fish and game
8 law, a law relating to title XIII, a law relating to fireworks under RSA 160-B or RSA 160-C,
9 any town or municipal ordinance which provides for a penalty not exceeding \$100 plus
10 the penalty assessment, and shall not be construed as applying to any minor charged with
11 the violation of any law relating to the possession, sale, or distribution of tobacco
12 products to or by a person under [18] 19 years of age. However, if incarceration takes
13 place at any stage in proceedings on such violations, incarceration shall be only in a
14 juvenile facility certified by the commissioner of the department of health and human
15 services.

16 346:106 Children in Need of Services; Limitations of Authority Conferred. Amend
17 RSA 169-D:22 to read as follows:

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

25 346:107 Retail Tobacco License. Amend RSA 178:19-a, III to read as follows:

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

30 346:108 Cigar Bars. Amend RSA 178:20-a, II(c) to read as follows:

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

33 346:109 Adequate Public Education; Policy Regarding Tobacco Products. Amend RSA
34 193-E:2-a, I(g) to read as follows:

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

36 346:110 Alcoholic Beverages; Definition of E-Cigarette and E-Liquid Added. Amend
37 RSA 175:1, XXXI-a to read as follows:

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

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

13 346:111 Definition of License. Amend RSA 175:1, XXXIX to read as follows:

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

17 346:112 Definition of Retailer. Amend RSA 175:1, LIX-a to read as follows:

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

21 346:113 Liquor Commission; Liquor Investigator. Amend RSA 176:9, III to read as
22 follows:

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

28 346:114 Liquor Licenses and Fees; Licenses Required. Amend RSA 178:1, VI to read as
29 follows:

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

36 346:115 Licenses Authorized; Sale of Tobacco Products. Amend RSA 178:2, I to read as
37 follows:

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

9 346:116 Combination License; Sale of Tobacco Products or E-Cigarettes. Amend RSA
10 178:18 to read as follows:

11 178:18 Combination License.

12 I. Off-premises licenses shall be issued only for grocery and drug stores not
13 holding on-premises licenses. Such licenses shall authorize the licensees to sell fortified
14 wine, table wine, and beverages for consumption only off the premises designated in the
15 licenses and not to other licensees for resale. Such sale shall be made only in the
16 immediate container in which the beverage, wine, or fortified wine was received by the
17 off-premises combination licensee; except that in the case of the holder of a wholesale
18 distributor license, beverages may be sold only in such barrels, bottles, or other
19 containers as the commission may by rule prescribe. Off-premises licenses may also
20 authorize the licensee to sell tobacco products *or e-cigarettes*. There shall be no
21 restriction on the number of combination licenses held by any person. The license shall
22 authorize the licensee to transport and deliver beverages, tobacco products, *e-cigarettes*,
23 and table or fortified wines ordered from and sold by the licensee in vehicles operated
24 under the licensee's control or an employee's control.

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

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

32 346:117 Retail Wine License; Sale of Tobacco Products. Amend RSA 178:19 to read as
33 follows:

34 178:19 Retail Wine License.

35 I. A retail wine license may be issued by the commission to any person operating a
36 retail outlet in this state which shall allow the licensee to sell tobacco products, *e-*
37 *cigarettes*, fortified wines, and table wines directly to individuals at retail on the

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1 premises for consumption off the premises; provided, however, that persons holding any
2 license authorizing the sale of liquor or wine by the glass under this chapter shall sell the
3 wines authorized pursuant to this section in a separate area of the premises from the
4 areas licensed for on-premises consumption. A separate license shall be required with
5 respect to each place of business of an applicant. The license shall authorize the licensee
6 to transport and deliver fortified and table wines ordered from and sold by the
7 commission and sold by the licensee in vehicles operated under the licensee's control or
8 an employee's control.

9 II. All sales of wine, [~~and~~] tobacco products, *and e-cigarettes* shall be recorded on
10 cash registers. No additional registers shall be added during the remainder of the year
11 without prior approval of the commission. No rebate shall be allowed for cash registers
12 discontinued during the license year.

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

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

24 346:118 Retail Tobacco License; Sale of E-Cigarettes. Amend RSA 178:19-a to read as
25 follows:

26 178:19-a Retail Tobacco License.

27 I. The commission may issue a retail tobacco license to a person engaged in the
28 business of retail sales and distribution of tobacco products *or e-cigarettes* in this state.
29 Each retail outlet shall have a separate license regardless of the fact that one or more
30 outlets may be owned or controlled by a single person.

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

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

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1 346:119 Beer Specialty License; Tobacco Products and E-Cigarette Sales. Amend RSA
2 178:19-d, I to read as follows:

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

9 346:120 Beer Specialty License; Sale of Tobacco Products and E-Cigarettes. Amend
10 RSA 178:19-d, V-VI to read as follows:

11 V. All sales of beer, ~~and~~ tobacco products, **and e-cigarettes** shall be recorded on
12 cash registers. No additional registers shall be added during the remainder of the year
13 without prior approval of the commission. No rebate shall be allowed for cash registers
14 discontinued during the license year.

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

17 346:121 Board of Veterinary Medicine; Transfer to Office of Professional Licensure
18 and Certification. Amend RSA 332-B:3 to read as follows:

19 332-B:3 Board; Compensation.

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

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

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

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

36 (d) Participation in complaint investigations.

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

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

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

14 346:122 Department of Environmental Services; Modification of Qualifications for
15 Director of Division of Water. Amend RSA 21-O:2, III(a) to read as follows:

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

24 346:123 Department of Environmental Services; Certified Application Preparer
25 Program. Amend RSA 482-A:3, XX(a)-(b) to read as follows:

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

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

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

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

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

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

20 346:124 Department of Environmental Services; Public Bathing Facilities. RSA 485-
21 A:26 is repealed and reenacted to read as follows:

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

23 I. In this section:

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

35 (b) "Public bathing facility" means a pool that is operated by or for any
36 governmental subdivision, public or private corporation, partnership, association, or

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1 educational institution and that is open to the public, members, or students, whether for
2 a fee or free.

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

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

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

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

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

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

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

7 346:125 New Subparagraph; Public Bathing Facility Fund. Amend RSA 6:12, I(b) by
8 inserting after subparagraph 343 the following new subparagraph:

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

11 346:126 New Section; Public Bathing Facility Compliance Self-Certification. Amend
12 RSA 485-A by inserting after section 26 the following new section:

13 485-A:26-a Public Bathing Facility Compliance Self-Certification.

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

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

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

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

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

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

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

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

7 346:127 Public Bathing Facilities; Injunctions; Emergency Closures. RSA 485-A:27 is
8 repealed and reenacted to read as follows:

9 485-A:27 Injunction; Emergency Closures.

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

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

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

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

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

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

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

34 (d) If an owner believes an emergency closure notice has been issued in error,
35 the owner shall notify the department in writing, which may be sent by email, fax, United
36 States Postal Service delivery, or private delivery. The written notice shall identify each
37 reason why the owner or operator believes the emergency closure notice is not

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1 appropriate. The department shall provide the owner or operator with an opportunity
2 for an adjudicative hearing within 10 days of receiving the written notice.

3 346:128 New Section; Public Bathing Facilities; Certified Operators Required. Amend
4 RSA 485-A by inserting after section 27 the following new section:

5 485-A:27-a Certified Operator Training Required.

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

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

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

18 346:129 Repeal. The following are repealed:

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

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

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

25 346:130 Terrain Alteration; Modify Reporting Requirements. Amend RSA 485-A:17, II-
26 c to read as follows:

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

32 346:131 State Treasurer and State Accounts; Application of Receipts. Amend RSA
33 6:12, I(b)(315) to read as follows:

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

36 346:132 Child Day Care Licensing; Definitions. Amend RSA 170-E:2, IV(g) to read as
37 follows:

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

7 346:133 New Subdivision; Recreation Camp Licensing. Amend RSA 170-E by inserting
8 after section 52 the following new subdivision:

Recreation Camp Licensing

10 170-E:53 Purpose. The purpose of this subdivision is to provide for the licensing of
11 recreation camps and certification of criminal background checks for youth skill camps.

12 170-E:54 Rulemaking.

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

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

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

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

22 170-E:55 Definitions.

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

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

29 170-E:56 Recreation Camp License; Youth Skill Camp Certification of Criminal
30 Background Check.

31 I. No person shall for profit or for charitable purposes operate any recreation
32 camp, as defined in RSA 170-E:55, I, designed or intended as a vacation or recreation
33 resort, without a license issued by the department. Such license shall be conditioned
34 upon the maintenance of clean, healthful sanitary conditions and methods, as determined
35 and approved by said department, good only for the calendar year in which it is issued
36 and subject to suspension or revocation at any time for cause. The fee for such license

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1 shall be \$200 which shall be paid into the recreation camp and youth skill camp fund
2 established in RSA 170-E:57.

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

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

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

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

15 (c) Subparagraphs (a) and (b) shall not apply to any person or entity which
16 owns property used to operate a youth skill camp or any buildings or structures on such
17 property used in the operation of a youth skill camp, provided such person or entity
18 obtains written certification signed by the youth skill camp operator stating that
19 background checks in accordance with this paragraph have been completed.

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

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

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

32 170-E:57 Recreation Camp and Youth Skill Camp Fund. There is established the
33 recreation camp and youth skills camp fund. This fund shall be nonlapsing and
34 continually appropriated to the commissioner of the department of health and human
35 services, for the purpose of paying costs associated with administering the provisions of
36 this subdivision.

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1 170-E:58 Statement of Health for Recreational Camps. Notwithstanding any law or
2 rule to the contrary, any physical examination which is required before a child may enter
3 a recreational camp may be conducted by a physician, an advance practice registered
4 nurse, or a physician assistant.

5 170-E:59 Possession and Use of Epinephrine Auto-Injectors at Recreation Camps. A
6 recreation camp shall permit a child with severe, potentially life-threatening allergies to
7 possess and use an epinephrine auto-injector, if the following conditions are satisfied:

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

11 (a) The child's name.

12 (b) The name and signature of the licensed prescriber and business and
13 emergency numbers.

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

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

16 (e) The date of the order.

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

20 (g) Specific recommendations for administration.

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

23 (i) The name of each required medication.

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

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

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

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

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

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1 170-E:60 Use of Epinephrine Auto-Injector. Immediately after using the epinephrine
2 auto-injector, the child shall report such use to the nurse or another camp employee to
3 enable the nurse or camp employee to provide appropriate follow-up care.

4 170-E:61 Availability of Epinephrine Auto-Injector. The recreational camp nurse or, if
5 a nurse is not assigned to the camp, the recreational camp administrator shall maintain
6 for the use of a
7 child with severe allergies at least one epinephrine auto-injector, provided by the child or
8 the child's parent or guardian, in the nurse's office or in a similarly accessible location.

9 170-E:62 Immunity. No recreational camp or camp employee shall be liable in a suit
10 for damages as a result of any act or omission related to a child's use of an epinephrine
11 auto-injector if the provisions of RSA 170-E:59 have been met, unless the damages were
12 caused by willful or wanton conduct or disregard of the criteria established in that
13 section for the possession and self-administration of an epinephrine auto-injector by a
14 child.

15 170-E:63 Possession and Use of Asthma Inhalers at Recreation Camps. A recreation
16 camp shall permit a child to possess and use a metered dose inhaler or a dry powder
17 inhaler to alleviate asthmatic symptoms, or before exercise to prevent the onset of
18 asthmatic symptoms, if the following conditions are satisfied:

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

22 (a) The child's name.

23 (b) The name and signature of the licensed prescriber and business and
24 emergency numbers.

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

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

27 (e) The date of the order.

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

31 (g) Specific recommendations for administration.

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

34 (i) The name of each required medication.

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

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

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

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

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

10 170-E:64 Immunity. No recreational camp or camp employee shall be liable in a suit
11 for damages as a result of any act or omission related to a child's use of an inhaler if the
12 provisions of RSA 170-E:63 have been met, unless the damages were caused by willful or
13 wanton conduct or
14 disregard of the criteria established in that section for the possession and self-
15 administration of an asthma inhaler by a child.

16 170-E:65 Injunction. Any person operating or maintaining a recreation camp or youth
17 skill camp without the same having been approved by the department may be enjoined by
18 the superior court or any justice of the court upon petition brought by the attorney
19 general.

20 170-E:66 Penalty; Administrative Fines.

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

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

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

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

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1 346:134 Water Pollution and Waste Disposal; Safety Regulations for Pools and Bathing
2 Places. Amend the subdivision heading preceding RSA 485-A:23 to read as follows:

3 Safety Regulations for [~~Camps,~~] Pools[~~,~~] and Bathing Places

4 346:135 Water Pollution and Waste Disposal; Injunction. Amend RSA 485-A:27 to read
5 as follows:

6 485-A:27 Injunction. Any person operating or maintaining a [~~recreation camp, youth~~
7 ~~skill camp,~~] public swimming pool[~~,~~] or bathing place without the same having been
8 approved by the department may be enjoined by the superior court or any justice of the
9 court upon petition brought by the attorney general.

10 346:136 Repeal. The following are repealed:

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

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

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

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

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

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

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

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

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

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

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

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

36 346:137 Cross Reference Changed; Safety Regulations for Camps. Amend RSA 216-I:1,
37 VII to read as follows:

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

5 346:138 Cross Reference Changed; Safety Regulations for Camps. Amend RSA 275:35,
6 IX to read as follows:

7 IX. Employees of a recreation camp or a youth skill camp licensed pursuant to
8 ~~[RSA 485-A:24]~~ ***RSA 170-E:56.346:346:***

9 346:139 Sale of Property; National Guard Armory in Berlin. The adjutant general and
10 the department of military affairs and veterans services are authorized to offer for sale
11 the national guard armory land and buildings in the city of Berlin. The adjutant general
12 and the department shall submit quarterly reports on the progress of the sale to the fiscal
13 committee of the general court. Any sale of such land and buildings shall be subject to
14 the requirements of RSA 4:40. All proceeds from the sale may be used for the purchase of
15 a new armory in general proximity to the current armory in Berlin, and any proceeds
16 from the sale that are not used for such a purchase shall lapse to the general fund.

17 346:140 Department of Business and Economic Affairs; Rest Areas and Welcome
18 Centers. Amend RSA 12-O:18, I to read as follows:

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

27 346:141 New Paragraphs; Department of Business and Economic Affairs; Rest Areas
28 and Welcome Centers. Amend RSA 12-O:18 by inserting after paragraph II the following
29 new paragraphs:

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

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

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1 346:142 Labor; Workers' Compensation; Safety Provisions; Administrative Penalty.
2 Amend RSA 281-A:64, VIII to read as follows:

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

10 346:143 Labor; Workers' Compensation; Definitions. Amend RSA 281-A:2, VI(d) to read
11 as follows:

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

26 346:144 Repeal. RSA 6:12, I(b)(267), relative to moneys deposited in the workers'
27 compensation fraud fund, is repealed.

28 346:145 Administration of Transportation Laws; Certification of Current Workers'
29 Compensation Coverage Required. Amend RSA 228:4-b, IV to read as follows:

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

32 346:146 New Subdivision; Community College System; Finish Line New Hampshire
33 Program. Amend RSA 188-F by inserting after section 68 the following new subdivision:

34 Finish Line New Hampshire Program

35 188-F:69 Finish Line New Hampshire Program.

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

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

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

12 346:147 New Section; Department of Transportation; Bulk Disposal of Highway or
13 Turnpike Funded Real Estate. Amend RSA 4 by inserting after section 39-e the following
14 new section:

15 4:39-f Bulk Disposal of Highway or Turnpike Funded Real Estate. Notwithstanding
16 RSA 4:39-c, the bulk disposal of real estate purchased with state or federal highway funds,
17 or both, or with turnpike funds shall occur as follows:

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

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

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

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

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1 V. As used in this section “bulk disposal” means multiple properties within the
2 department of transportation’s real estate inventory, which are valued and presented to
3 the long range capital planning and utilization committee as a whole for review and
4 approval to be sold to multiple buyers.

5 346:148 Number Plates; Official Cover Plates. Amend RSA 261:90 to read as follows:

6 261:90 Official Cover Plates. Upon payment of a fee, the director may issue and shall
7 designate official cover plates with the reproduction of the state seal thereon to be affixed
8 to a vehicle of United States senators from this state, representatives to congress from
9 this state, the governor, members of the governor's council, the president of the senate,
10 members of the senate, the speaker of the house of representatives, members of the house
11 of representatives, the attorney general, the secretary of state, the state treasurer, the
12 President of the United States and members of his or her executive staff, *and* any
13 ambassador or member of the foreign diplomatic corps[, and members of the Maine-New
14 Hampshire Interstate Bridge Authority]. The fee for official cover plates shall be \$1 in
15 addition to any other number plate manufacturing fee otherwise required. The official
16 cover plates, exclusive of the seal, shall be white with green lettering, which shall
17 alternate with red lettering every other biennium. Official cover plates shall have the
18 title of the person requesting the plates, except for members of the governor's council
19 whose plates shall have their council district numbers embossed on them, and members
20 of the general court, whose plates shall have their house seat numbers or their senate
21 district numbers embossed on them unless the president of the senate, for members of the
22 senate, or the speaker of the house of representatives, for members of the house of
23 representatives, shall designate a title for their plates. The president of the senate, or a
24 designee, and the speaker of the house of representatives, or a designee, shall provide the
25 director with input as needed on the cover plate design for members of the general court.
26 The director shall not issue more than 2 sets of official cover plates to any person.
27 Official cover plates may be attached only to vehicles registered in the name of the person
28 issued the plates or the name of the spouse of a member of the general court, or any
29 vehicle being operated by a member of the general court. Nothing herein shall be
30 construed as affecting the issuance of regular motor vehicle plates and the payment of
31 the registration fee therefor. Official cover plates shall be manufactured at the state
32 prison and the prison shall provide the plates to the department at the prison's cost.

33 346:149 Repeal; Maine-New Hampshire Interstate Bridge Authority. The following are
34 repealed:

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

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

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

3 346:150 Executive Branch Code of Ethics; Complaints. Amend RSA 21-G:31, VI to read
4 as follows:

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

10 346:151 Insurance Holding Companies; Examination. Amend RSA 401-B:6, V to read
11 as follows:

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

26 346:152 Payment of Witnesses in Criminal Cases. Amend RSA 592-A:12 to read as
27 follows:

28 592-A:12 ~~[Payment of]~~ Witnesses in Criminal Cases. Any person who attends any
29 court for the state in criminal cases pursuant to subpoena ~~[shall be paid the witness fees~~
30 ~~provided by RSA 516:16. Any such person]~~ shall sign a witness log, which shall be
31 available in the office of the clerk of court, on which the individual shall provide the
32 following information: name, mailing address, and the name of the case for which the
33 person was subpoenaed. The prosecuting agency shall review the log each day and
34 certify that each individual appeared as indicated on the log. ~~[The attorney general shall~~
35 ~~pay all witness fees to all such persons who are entitled to such fees.]~~

36 346:153 Parole Revocation. Amend RSA 651-A:17 to read as follows:

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1 651-A:17 Parole Revocation. Any parolee arrested under RSA 651-A:15-a shall be
2 entitled to a hearing before the board within 45 days, in addition to any preliminary
3 hearing which is required under RSA 504-A:5. The parolee shall have the right to appear
4 and be heard at the revocation hearing. The board shall have power to subpoena
5 witnesses~~[, pay said witnesses such fees and expenses as allowed under RSA 516:16,]~~ and
6 administer oaths in any proceeding or examination instituted before or conducted by it,
7 and to compel, by subpoena duces tecum, the production of any accounts, books,
8 contracts, records, documents, memoranda, papers or tangible objects of any kind. If the
9 board, after a hearing, finds that the parolee has violated the conditions of parole,
10 violated the law, or associated with criminal companions and in its judgment should be
11 returned to the custody of the commissioner of corrections, the board shall revoke the
12 parole. A prisoner whose parole is revoked shall be recommitted to the custody of the
13 commissioner of corrections. This provision shall not apply to a parolee who has
14 accepted an option, offered by a probation/parole officer, to participate in an
15 intermediate sanction program and has waived his or her right to counsel and to a
16 preliminary hearing under RSA 504-A:5.

17 346:154 Arbitration of Disputes; Witnesses. Amend RSA 542:5 to read as follows:

18 542:5 Witnesses; Summoning; Compelling Attendance. When more than one arbitrator
19 is agreed to, all the arbitrators shall sit at the hearing of the case unless, by consent in
20 writing, all parties shall agree to proceed with the hearing with a less number. Any
21 person may be summoned as provided in RSA 516~~[,]~~ to attend before the arbitrators as a
22 witness ~~[and the fees for such attendance shall be the same as the fees of witnesses in the~~
23 ~~superior court]~~. If any person or persons so summoned to testify shall refuse or neglect to
24 attend, upon petition the court in and for the county in which such arbitrators are sitting
25 may compel the attendance of such person or persons before said arbitrator or
26 arbitrators, or punish said person or persons for contempt in the same manner now
27 provided in RSA 516.

28 346:155 Midwifery; Powers and Duties of the Council. Amend RSA 326-D:4, II to read
29 as follows:

30 II. The council shall have the power to subpoena witnesses and administer oaths
31 in any hearing or disciplinary proceedings, and to compel, by subpoena duces tecum, the
32 production of papers and records. ~~[Witnesses summoned before the council shall be paid~~
33 ~~the same fees as witnesses summoned to appear before the superior court, and such~~
34 ~~summons shall have the same effect as though issued for appearance before such court.]~~

35 346:156 Alcoholic Beverages; Hearings and Investigations. Amend RSA 179:56, I to
36 read as follows:

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

12 346:157 Repeal. The following are repealed:

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

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

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

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

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

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

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

25 346:158 Granite Workforce. 2018, 342:3 through 342:9 are repealed and reenacted to
26 read as follows:

27 342:3 Granite Workforce; Program Established.

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

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1 security. No cash assistance shall be provided to eligible participants through granite
2 workforce.

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

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

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

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

23 342:4 Granite Workforce; Subsidies for Employers.

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

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

32 III. Upon notice by the department of an overpayment, the employer shall
33 reimburse the department the amount of the overpayment.

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

36 342:5 Granite Workforce; Referral for Barriers to Employment.

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

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

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

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

17 342:6 Granite Workforce; Network of Education and Training.

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

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

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

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

27 (d) Referring individuals to training available through other colleges and
28 training programs.

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

32 342:7 Granite Workforce; Job Placement. Upon determining the participant is job
33 ready, the department of employment security shall place individuals into jobs with
34 employers in high need areas, as determined by the department of employment security
35 based upon workforce shortages. High need areas include but are not limited to jobs in
36 the fields of healthcare, advanced manufacturing, construction/building trades,
37 information technology, and hospitality. Training and job placement shall focus on:

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

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

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

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

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

18 342:8 Reporting Requirement; Measurement of Outcomes.

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

24 (a) Degree of participation.

25 (b) Progress with overcoming barriers.

26 (c) Entry into employment.

27 (d) Job retention.

28 (e) Earnings gain.

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

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

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

37 342:9 Termination of Granite Workforce Program.

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

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

16 346:159 Department of Natural and Cultural Resources; Exemption from Transfer
17 Restrictions. Amend RSA 9:16-a, II-a(d) as follows:

18 (d) The following account units within the department of natural and cultural
19 resources shall be exempt from the transfer restrictions in subparagraphs (a), (b), and (c):
20 03-35-35-351510-3701, 03-35-35-351510-3745, 03-35-35-351510-3720, 03-35-35-351510-7300, 03-
21 35-35-351510-3414, 03-35-35-351510-3556, 03-35-35-351510-3558, 03-35-35-351510-3484, 03-35-
22 35-351510-3486, 03-35-35-351510-3488, 03-35-35-351510-3562, 03-35-35-351510-3415, 03-35-35-
23 351510-3746, 03-35-35-351510-3777, 03-35-35-351510-3717, [and] 03-35-35-351510-3703, **and 03-
24 35-35-351510-4016.**

25 346:160 Motor Vehicles; Waiver in Lieu of Court Appearance. Amend RSA 262:44, I to
26 read as follows:

27 I. Such defendant shall receive, in addition to the summons, a uniform fine
28 schedule entitled "Notice of Fine, Division of Motor Vehicles" which shall contain the
29 normal fines for violations of the provisions of title XXI on vehicles for which a plea may
30 be entered by mail. The defendant shall be given a notice of fine indicating the amount of
31 the fine plus penalty assessment at the time the summons is issued; except if, for cause,
32 the summoning authority wishes the defendant to appear personally. Defendants
33 summoned to appear personally shall do so on the arraignment date specified in the
34 summons, unless otherwise ordered by the court. Defendants who are issued a summons
35 and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea
36 on the summons and return it with payment of the fine plus penalty assessment to the
37 director of the division of motor vehicles within 30 days of the date of the summons. The

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1 director of the division of motor vehicles may accept payment of the fine by credit card in
2 lieu of cash payment. Any transaction costs assessed by the issuer of the credit card shall
3 be paid out of the portion of the fine amount which is credited ~~[as agency income]~~ **to the**
4 **highway fund** and not out of the penalty assessment charged by the district court. The
5 director of the division of motor vehicles shall remit the penalty assessments collected to
6 the state treasurer to be credited and continually appropriated to the state general fund
7 and to the victims' assistance fund and the judicial branch information technology fund
8 in the percentages and manner prescribed in RSA 106-L:10. Fines shall be paid over to
9 the state treasurer, and shall be credited ~~[as agency income by the department of safety]~~
10 **to the highway fund** within 14 days of their receipt ~~[and shall not lapse to the general~~
11 ~~fund until the second year of each biennium]~~.

12 346:161 Business Finance Authority Revenue Bonds; Additional State Guarantees.
13 Amend RSA 162-I:9-b, I(a) to read as follows:

14 I.(a) The governor and council may award an unconditional state guarantee of the
15 principal of and interest on bonds issued under this chapter. The full faith and credit of
16 the state shall be pledged for any such guarantee, but the total amount of bonds
17 guaranteed by the state under this section ~~[shall not exceed in the aggregate at any time~~
18 ~~\$10,000,000, plus interest, provided that such amount shall be increased to \$20,000,000~~
19 ~~plus interest on January 1, 1993, to \$30,000,000 plus interest on January 1, 1994, to~~
20 ~~\$40,000,000 plus interest on January 1, 1995, and to \$50,000,000 plus interest on January 1,~~
21 ~~1996. In addition, the amount of bonds guaranteed by the state under this section]~~ shall
22 not cause the contingent credit limit under RSA 162-A:22 to be exceeded. The governor,
23 with the advice and consent of the council, is authorized to draw his warrant for such
24 sum as may be necessary out of any money in the treasury not otherwise appropriated,
25 for the purpose of honoring any guarantee awarded under this section. The state's
26 guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the
27 state treasurer in substantially the following form:

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

31 _____
32 State Treasurer

33 346:162 Repeal. RSA 162-I:9-b, II, relative to the total amount of state guarantees
34 issued by the business finance authority, is repealed.

35 346:163 Business Finance Authority; Unified Contingent Credit Limit. Amend RSA
36 162-A:22 to read as follows:

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1 162-A:22 Unified Contingent Credit Limit. The total amount of state guarantees in
2 force under RSA 162-A:7-a, RSA 162-A:8, RSA 162-A:10, III, RSA 162-A:13, RSA 162-A:13-a,
3 RSA 162-A:17, ~~[RSA 162-I:9-a,]~~ and RSA 162-I:9-b shall not exceed in the aggregate at any
4 time \$50,000,000 plus interest, provided that such amount shall be increased to
5 \$80,000,000 plus interest on January 1, 1993, to \$95,000,000 plus interest on January 1,
6 1994, and to \$115,000,000 plus interest on May 1, 2015. ~~[After May 1, 2015, an amount not~~
7 ~~to exceed \$30,000,000 plus interest may be used solely for bonds guaranteed pursuant to~~
8 ~~RSA 162-I:9-a, and an amount not to exceed the remaining \$85,000,000 plus interest may~~
9 ~~be used solely for bonds issued pursuant to sections other than RSA 162-I:9-a.]~~

10 346:164 Repeal. The following are repealed:

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

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

15 346:165 Office of Professional Licensure and Certification; Fees. Amend RSA 310-A:1-
16 e, I(b) to read as follows:

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

23 346:166 New Paragraphs; Department of Justice; Director of the Office of
24 Victim/Witness Assistance. Amend RSA 21-M:3 by inserting after paragraph X the
25 following new paragraphs:

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

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

36 346:167 Department of Justice; Office of Victim/Witness Assistance. Amend the
37 introductory paragraph in RSA 21-M:8-b, II to read as follows:

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

10 346:168 New Paragraph; Department of Justice; Officer-Involved Deadly Force
11 Investigator Position Established. Amend RSA 21-M:8 by inserting after paragraph III the
12 following new paragraph:

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

18 (b) There is established within the department of justice an unclassified full-
19 time investigator position for the purpose of working on officer-involved use of deadly
20 force investigations as required in this paragraph. Notwithstanding RSA 14:14-c and RSA
21 94:1-d, the salary for the full-time investigator position shall be established as a labor
22 grade BB pursuant to RSA 94:1-a, I(a).

23 346:169 Department of Justice; Position Reclassified and Established.

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

27 II. There is established within the department of justice the unclassified position
28 of director of communications. The salary of the director of communications shall be
29 determined after assessment and review of the appropriate temporary letter grade
30 allocation in RSA 94:1-a, I(b) for the positions which shall be conducted pursuant to RSA
31 94:1-d and RSA 14:14-c. Upon completion of this action and appointment of the director of
32 communications, position number 18030 shall be abolished to allow for the transition of
33 its available appropriations into the unclassified position of director of communications.
34 Funding shall be transferred into the proper unclassified expenditure class for the
35 attorney general accounting unit. The incumbent in the abolished classified position
36 shall be offered the opportunity to seek the attorney general's nomination for the
37 unclassified position of director of communications.

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1 346:170 Department of Justice; Position Reclassified and Established.

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

5 II. There is established within the department of justice the unclassified position
6 of assistant attorney general. The salary of the assistant attorney general is established
7 in RSA 94:1-a, I-c. Upon completion of this action and appointment of the assistant
8 attorney general, position number 10321 shall be abolished to allow for the transition of
9 its available appropriations into the unclassified position of assistant attorney general.
10 Funding shall be transferred into the proper unclassified expenditure class for the
11 charitable trust accounting unit. The incumbent in the abolished classified position shall
12 be offered the opportunity to seek the attorney general's nomination for the unclassified
13 position of assistant attorney general.

14 346:171 Department of Administrative Services; Rehiring of Laid Off Classified State
15 Employees.

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

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

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

29 346:172 Appropriation; State Treasurer; Municipal Aid.

30 I. The sum of \$40,000,000 for the fiscal year ending June 30, 2020 is hereby
31 appropriated to the state treasurer for the purpose of providing municipal aid to each
32 city, town, and unincorporated place in the state. The treasurer shall distribute
33 \$20,000,000 of the municipal aid to each city, town, and unincorporated place in the state
34 by October 1 of the fiscal year ending June 30, 2020 and \$20,000,000 of the municipal aid
35 to each city, town, and unincorporated place in the state by October 1 of the fiscal year
36 ending June 30, 2021. The proportion of municipal aid distributed to each municipality
37 pursuant to this paragraph shall be calculated pursuant to paragraph II. The governor is

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1 authorized to draw a warrant for said sums out of any money in the treasury not
2 otherwise appropriated. The appropriation in this section shall not lapse until June 30,
3 2021. Municipal aid received by October 15, 2019 may be considered unanticipated
4 revenue under RSA 31:95-b and may be accepted and expended pursuant to RSA 31:95-b,
5 II through IV whether or not a town has adopted the provisions of RSA 31:95-b.

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

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

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

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

22 IV. For purposes of this section:

23 (a) "Average daily membership in residence" or "ADMR" means the average
24 daily membership in attendance of pupils who are legal residents of the school district,
25 pursuant to RSA 193:12 or RSA 193:27, IV, in kindergarten through grade 12 in the
26 determination year and attend a state-approved public or nonpublic school as assigned
27 by the school district in which the pupil resides, or by the state, or attend an approved
28 chartered public school, and who are educated at the school district's expense, which may
29 include costs of attendance at public academies or out-of-district placements.

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

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

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

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

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1 346:173 New Section; Community Development Fund for New Hampshire Established.
2 Amend RSA 162-L by inserting after section 4 the following new section:

3 162-L:4-a Community Development Fund for New Hampshire. There is hereby
4 established in the state treasury the community development fund for New Hampshire,
5 which shall be kept distinct and separate from all other funds. All moneys in the fund
6 shall be nonlapsing and continually appropriated to the community development finance
7 authority. In addition to any state appropriations, the community development finance
8 authority may accept gifts, grants, and donations from other sources, including
9 contributions and loans from businesses, for deposit into the fund. The fund shall be used
10 to provide flexible loan capital for community development initiatives and for one-time
11 capital infrastructure revitalization and strategic investments.

12 346:174 New Subparagraph; Dedicated Funds or Accounts; Community Development
13 Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new
14 subparagraph:

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

17 346:175 Appropriation; Community Development Finance Authority; Community
18 Development Fund for New Hampshire. There is hereby appropriated to the community
19 development finance authority the sum of \$1,000,000 for the biennium ending June, 30
20 2021, for deposit in the community development fund for New Hampshire established in
21 RSA 162-L:4-a. The governor is authorized to draw a warrant for such sum from any
22 money in the treasury not otherwise appropriated.

23 346:176 State Aid Grant Program; Appropriation to Department of Environmental
24 Services.

25 I. The sum of \$3,652,347 for the fiscal year ending June 30, 2020, is hereby
26 appropriated to the department of environmental services for the purpose of funding
27 state aid grant programs under RSA 486 for wastewater SAG 03-44-44-442010-1003-073-
28 500580. The governor is authorized to draw a warrant for said sum out of any money in
29 the treasury not otherwise appropriated.

30 II. The sum of \$3,781,024 for the fiscal year ending June 30, 2021, is hereby
31 appropriated to the department of environmental services for the purpose of funding
32 state aid grant programs under RSA 486 for wastewater SAG 03-44-44-442010-1003-073-
33 500580. The governor is authorized to draw a warrant for said sum out of any money in
34 the treasury not otherwise appropriated.

35 346:177 Department of Justice; Victim/Witness Specialist Positions Reclassified and
36 Established. The positions of victim/witness specialist position numbers 18674, 19419,
37 9T2817, and 9T2811, within the department of justice shall be designated as unclassified

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

12 346:178 New Paragraphs; Department of Justice; Criminal Justice Bureau;
13 Victim/Witness Specialist Positions Established. Amend RSA 21-M:8-b by inserting after
14 paragraph IV the following new paragraphs:

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

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

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

29 346:179 Department of Natural and Cultural Resources; Curatorial Responsibilities
30 Suspended. Due to inadequate funding and staffing resources at the department of
31 natural and cultural resources, the commissioner of the department of natural and
32 cultural resources may suspend the requirements of RSA 227-C and RSA 12-A relative to
33 curatorial responsibilities, for each year of the biennium ending June 30, 2021.

34 346:180 Statewide Public Boat Access Fund; Appropriation to Department of Natural
35 and Cultural Resources. Amend RSA 233-A:13 to read as follows:

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

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

8 346:181 Department of State; Archives and Records Management; Appointment of
9 Director. Amend RSA 5:28 to read as follows:

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

18 346:182 Department and Secretary of State; Election Fund. Amend RSA 5:6-d, I-III to
19 read as follows:

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

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

33 III. The secretary of state is authorized to accept, budget, and, subject to the
34 limitations of this paragraph, expend monies in the election fund received from any party
35 for the purposes of conducting elections, voter and election official education, the
36 purchase or lease of equipment that complies with the Help America Vote Act of 2002,
37 Public Law 107-252, or with RSA 659:13, V, reimbursing the department of safety for the

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1 actual cost of voter identification cards, election law enforcement, *enhancing election*
2 *technology, making election security improvements*, and improvements to related
3 information technology, including acquisition and operation of an automated election
4 management system. *With the exception of federal and state portions of funds associated*
5 *with the 2018 Election Reform Program*, the secretary of state shall not expend any
6 monies in the election fund unless the balance in the fund following such expenditures
7 shall be at least 12 times the estimated annual cost of maintaining the programs
8 established to comply with the Help America Vote Act of 2002, Public Law 107-252.

9 346:183 Short Title. Sections 184-190 of this act shall be known as the Granite State
10 Jobs Act of 2019.

11 346:184 Findings. The general court finds it is in the public interest to enhance
12 public-private partnerships to recruit, train, and re-employ workers in order to meet New
13 Hampshire's skills gap and worker shortage, efficiently and timely assisting Granite state
14 businesses and Granite staters looking for work, including those in recovery.

15 346:185 Unemployment Compensation; Contribution Rates. Amend RSA 282-A:87,
16 IV(a) to read as follows:

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

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

34 346:186 Department of Employment Security; Job Training Program. Amend RSA
35 282-A by inserting after section 180 the following new subdivision:

36 Job Training Program

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1 282-A:181 Job Training Program. The department of employment security shall
2 administer the job training program in this subdivision. The commissioner of the
3 department of employment security shall adopt rules under RSA 541-A, relative to the
4 grant award process and general administration of this subdivision.

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

6 (a) Structured, on-site laboratory or classroom training.

7 (b) Basic skills.

8 (c) Technical skills.

9 (d) Quality improvement.

10 (e) Safety.

11 (f) Management and supervision.

12 (g) English as a second language.

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

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

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

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

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

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

36 (f) Recruitment and coordination of services provided in this section to
37 populations with higher than average unemployment in New Hampshire, including

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1 persons in need of training to change careers, persons with substance use disorders who
2 are in recovery programs, persons with disabilities, inmates transitioning to the general
3 population, persons who are homeless, senior citizens, legal immigrants and speakers of
4 languages other than English, including documented outreach to and priority given to
5 persons with substance use disorders who are in recovery programs.

6 **282-A:182 Training Fund.**

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

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

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

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

22 **282-A:183 Expenditure for Job Training Program.** The department of employment
23 security shall use no more than 10 percent, or \$600,000, of any moneys received from the
24 training fund established in RSA 282-A:182, whichever is less, to administer the job
25 training program in this subdivision, including support for the sector partnership
26 initiative.

27 **282-A:184 Report.** The commissioner shall annually submit a report to the governor's
28 state workforce innovation board, the speaker of the house of representatives, the
29 president of senate, the chairperson of the senate committee with jurisdiction over
30 commerce issues, and the chairperson of the house committee with jurisdiction over
31 labor issues concerning the effectiveness of the job training program established in this
32 subdivision.

33 **346:187 Commission to Review and Evaluate Workforce and Job Training Programs in**
34 **New Hampshire.** Amend RSA 273:28, IV(g)(12) to read as follows:

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

37 **346:188 Application of Receipts.** Amend RSA 6:12, I(b)(74) to read as follows:

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1 (74) Moneys deposited in the training fund established by RSA [282-A:138-a]
2 **282-A:182.**

3 346:189 New Hampshire Workforce Opportunity Fund. Amend RSA 12-O:45, V to read
4 as follows:

5 V. In accordance with RSA [12-O:30] **282-A:181** through RSA [12-O:37] **282-A:184**,
6 the commissioner of the department of employment security shall have the authority to
7 make grants to New Hampshire employers for the purpose of training employees in
8 accordance with this chapter, such grants not to exceed the amounts specified in RSA
9 282-A:87, IV(a)(2), and not to exceed to any single employer in any grant year the sum of
10 \$70,000, unless first approved by governor and council. The commissioner shall provide
11 the governor and council an information item not less frequently than semi-annually
12 describing all such grants expended pursuant thereto. Such grants shall be made
13 pursuant to a form of agreement that shall be approved by governor and council after
14 review by the attorney general and the commissioner of the department of administrative
15 services.

16 346:190 Repeal. The following are repealed:

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

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

20 346:191 Contingent Nullification. If sections 184-190 of this act, relative to the granite
21 state jobs act of 2019 become law, then SB 2-FN of the 2019 regular legislative session is
22 nullified and shall not take effect.

23 346:192 Applicability. If SB 2-FN of the 2019 regular legislative session becomes law,
24 section 191 of this act shall take effect one minute after the effective date of SB 2-FN.

25 346:193 Appropriation; Affordable Housing Fund. The sum of \$5,000,000 for the fiscal
26 year ending June 30, 2020, is hereby appropriated to the housing finance authority for
27 deposit in the affordable housing fund established in RSA 204-C:57, for the purpose of
28 providing financing or state matching funds for affordable housing. The appropriation
29 shall be in addition to any other funds appropriated to the housing finance authority.
30 The governor is authorized to draw a warrant for said sum out of any money in the
31 treasury not otherwise appropriated.

32 346:194 New Section; Special Account. Amend RSA 432 by inserting after section 30
33 the following new section:

34 432:30-a Special Account. There is established a separate account to which shall be
35 credited all funds appropriated or acquired to provide financial and technical assistance
36 associated with this subdivision. This shall be a nonlapsing account, and funds in said
37 account are hereby appropriated for the purpose of this subdivision.

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1 346:195 Appropriation. Department of Agriculture, Markets and Food. There is
2 hereby appropriated to the department of agriculture, markets and food the sum of
3 \$250,000 for the fiscal year ending June 30, 2020 and \$500,000 for the fiscal year ending
4 June 30, 2021 for deposit in the special account established in RSA 432:30-a. The governor
5 is authorized to draw a warrant for said sum out of any money in the treasury not
6 otherwise appropriated.

7 346:196 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by
8 inserting after subparagraph (343) the following new subparagraph:

9 (344) Moneys deposited in the special account for agriculture development
10 rights under RSA 432:30-a.

11 346:197 State Demographer. For the biennium ending June 30, 2021, the provisions of
12 RSA 4-C:36 and RSA 14:46, VII are hereby suspended. For said biennium, the director of
13 the office of strategic initiatives may provide assistance to the commission on
14 demographic trends established pursuant to RSA 4-C:37, the department of health and
15 human services pursuant to RSA 9:9-e, or the legislative budget assistant pursuant to RSA
16 9:9-f, in place of the state demographer.

17 346:198 Board of Tax and Land Appeals; Staff. Amend RSA 71-B:14 to read as follows:

18 71-B:14 Staff. The board shall have upon its staff [2] *at least one* review [~~appraisers~~
19 *appraiser* who shall be *a* classified state [~~employees~~] *employee* and who shall be
20 competent to review the value of property for tax and eminent domain purposes. In
21 addition, the board shall have such clerical and technical staff as may be necessary
22 within the limits of appropriation made therefor.

23 346:199 Coos County Job Creation Tax Credit Extended. Amend RSA 77-E:3-c, II to
24 read as follows:

25 II. [~~The initial job creation tax credit allowed under this paragraph shall not apply~~
26 ~~to any tax period ending prior to the effective date of this section, or to any tax period~~
27 ~~ending after December 31, 2018.~~] After being initially granted, the tax credit shall be
28 renewable for 4 consecutive additional years, provided that no additional tax credit shall
29 be granted under this chapter for any tax period after December 31, [2022] **2027**.

30 346:200 Business Profits Tax; Imposition of Tax. RSA 77-A:2 is repealed and reenacted
31 to read as follows:

32 77-A:2 Imposition of Tax.

33 I. For all taxable periods ending on or after December 31, 2019, a tax is imposed at
34 the rate of 7.7 percent upon the taxable business profits of every business organization.

35 II. For all taxable periods ending on or after December 31, 2021, a tax is imposed
36 at the rate of 7.9 percent upon the taxable business profits of every business organization.

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1 III. For all taxable periods ending on or after December 31, 2021, a tax is imposed
2 at the rate of 7.5 percent upon the taxable business profits of every business organization.

3 IV. Upon completion of the audited comprehensive annual report performed
4 pursuant to RSA 21-I:8, II(a), the commissioner of the department of revenue
5 administration shall report the total amount of combined unrestricted general and
6 education trust fund revenue collected for the fiscal year ending June 30, 2020, as
7 reported in the schedule of undesignated/unassigned fund balance for the general fund
8 and education fund, to the secretary of state with copies to the governor, speaker of the
9 house of representatives, the senate president, the fiscal committee of the general court,
10 and the director of the office of legislative services. If the combined amount of general
11 and education trust fund revenue collected, not including sums appropriated to the
12 education trust fund in section 386 of this act, for the fiscal year ending June 30, 2020 is 6
13 percent or more below the official revenue estimates for said fiscal year, the tax shall be
14 imposed at the rate in paragraph II and the rate in paragraph III shall not take effect. If
15 the combined amount of general and education trust fund revenue collected, not
16 including sums appropriated to the education trust fund in section 386 of this act, for the
17 fiscal year ending June 30, 2020 is 6 percent or more above the official revenue estimates
18 for said fiscal year, the tax shall be imposed at the rate in paragraph III and the rate in
19 paragraph II shall not take effect. If the combined amount of general and education trust
20 fund revenue collected, not including sums appropriated to the education trust fund in
21 section 386 of this act, for the fiscal year ending June 30, 2020 is not 6 percent or more
22 below or above the official revenue estimates for said fiscal year, the tax shall continue to
23 be imposed at the rate in paragraph I, and the rates in paragraphs II and III shall not
24 take effect.

25 346:201 Business Enterprise Tax; Imposition of Tax. RSA 77-E:2 is repealed and
26 reenacted to read as follows:

27 77-E:2 Imposition of Tax.

28 I. For all taxable periods ending on or after December 31, 2019, a tax is imposed at
29 the rate of 0.6 percent upon the taxable enterprise value tax base of every business
30 enterprise.

31 II. For all taxable periods ending on or after December 31, 2021, a tax is imposed
32 at the rate of 0.675 percent upon the taxable enterprise value tax base of every business
33 enterprise.

34 III. For all taxable periods ending on or after December 31, 2021, a tax is imposed
35 at the rate of 0.5 percent upon the taxable enterprise value tax base of every business
36 enterprise.

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1 IV. Upon completion of the audited comprehensive annual report performed
2 pursuant to RSA 21-I:8, II(a), the commissioner of the department of revenue
3 administration shall report the total amount of combined unrestricted general and
4 education trust fund revenue collected for the fiscal year ending June 30, 2020, as
5 reported in the schedule of undesignated/unassigned fund balance for the general fund
6 and education fund, to the secretary of state with copies to the governor, speaker of the
7 house of representatives, the senate president, the fiscal committee of the general court,
8 and the director of the office of legislative services. If the combined amount of general
9 and education trust fund revenue collected, not including sums appropriated to the
10 education trust fund in section 386 of this act, for the fiscal year ending June 30, 2020 is 6
11 percent or more below the official revenue estimates for said fiscal year, the tax shall be
12 imposed at the rate in paragraph II and the rate in paragraph III shall not take effect. If
13 the combined amount of general and education trust fund revenue collected, not
14 including sums appropriated to the education trust fund in section 386 of this act, for the
15 fiscal year ending June 30, 2020 is 6 percent or more above the official revenue estimates
16 for said fiscal year, the tax shall be imposed at the rate in paragraph III and the rate in
17 paragraph II shall not take effect. If the combined amount of general and education trust
18 fund revenue collected, not including sums appropriated to the education trust fund in
19 section 386 of this act, for the fiscal year ending June 30, 2020 is not 6 percent or more
20 below or above the official revenue estimates for said fiscal year, the tax shall continue to
21 be imposed at the rate in paragraph I, and the rates in paragraphs II and III shall not
22 take effect.

23 346:202 Repeal of Prospective Amendments. The following are repealed:

- 24 I. 2017, 156:215, relative to the rate of the business profits tax in 2021.
- 25 II. 2017, 156:216, relative to the rate of the business enterprise tax in 2021.
- 26 III. 2017, 156:217, II, relative to the applicability of the 2021 rates changes.

27 346:203 Business Profits Tax; Apportionment. Amend RSA 77-A:3, II(b)(5) to read as
28 follows:

29 (5) Apply the resulting percentage to the foreign dividends *less such*
30 *amount of foreign dividends previously included in gross business profits and subject to*
31 *tax as global intangible low-taxed income as determined in accordance with section 951A*
32 *of the United States Internal Revenue Code as defined in RSA 77-A:1, XX adjusted by the*
33 *deduction provided in RSA 77-A:4, XIX.*

34 346:204 New Paragraph; Business Profits Tax; Additions and Deductions. Amend RSA
35 77-A:4 by inserting after paragraph XVIII the following new paragraph:

36 XIX. A deduction of such amount of gross business profits as is attributable to
37 global intangible low-taxed income under section 951A of the United States Internal

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1 Revenue Code as defined in RSA 77-A:1, XX, as determined in accordance with section
2 250(a) of the United States Internal Revenue Code as defined in RSA 77-A:1, XX.

3 346:205 Repeal. RSA 77-A:3-b, II, relative to Internal Revenue Code adjustments for
4 determining gross business profits, is repealed.

5 346:206 Applicability. Sections 203-205 of this act shall apply to taxable periods
6 beginning on or after January 1, 2020. 346:

7 346:207 Education Trust Fund. Notwithstanding RSA 198:39, I, for the biennium
8 ending June 30, 2021, the education trust fund may be used for the purpose of
9 distributing school building aid to school districts and approved chartered public schools
10 pursuant to RSA 198:15-b, distributing tuition and transportation funds to school districts
11 for students attending career and technical education programs pursuant to RSA 188-E:9,
12 and distributing special education aid to school districts pursuant to RSA 186-C:18.

13 346:208 New Section; The Budget; Transmission to the Legislature; Changes to
14 Statutory Law. Amend RSA 9 by inserting after section 2 the following new section:

15 9:2-a Transmission to the Legislature; Changes to Statutory Law. Not later than
16 February 15 of the first year of each biennial legislative session, the governor shall
17 transmit to the legislature a document to be known as the trailer bill containing any
18 changes to statutory law deemed necessary for the ensuing biennium. This document
19 shall be separate from the document known as the budget as provided in RSA 9:2 and
20 shall not be considered a budget bill as provided in part II, article 18-a of the New
21 Hampshire constitution. This document shall be available in printed format and at least
22 one electronic computer file format in common use at the time.

23 346:209 Department of Safety; Deputy Director of Administration; Position
24 Established. There is established within the department of safety the unclassified
25 position of deputy director of administration. The deputy director of administration shall
26 be qualified to hold that position by reason of education and experience, and shall be
27 appointed by and serve at the pleasure of the commissioner of safety. The deputy
28 director of administration shall assist the director of administration in carrying out the
29 duties of the department of safety. The salary of the deputy director of administration
30 shall be determined after assessment and review of the appropriate temporary letter
31 grade allocation in RSA 94:1-a, I for the position which shall be conducted pursuant to
32 RSA 94:1-d and RSA 14:14-c. Funding shall be appropriated from expenditure class 012,
33 within accounting unit 02-23-23-232015-2310.

34 346:210 New Section; Department of Safety; Deputy Director of Administration.
35 Amend RSA 21-P by inserting after section 6 the following new section:

36 21-P:6-a Deputy Director of Administration.

37 I. The commissioner of safety shall nominate a deputy director of administration

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1 for appointment by the governor, with the consent of the council. The deputy director of
2 administration shall serve a term of 4 years, and may be reappointed. The deputy
3 director of administration shall be qualified to hold that position by reason of education
4 and experience.

5 II. The deputy director of administration shall perform such duties as are
6 assigned by the director of administration. The deputy director of administration shall
7 assume the duties of the director of administration in the event that the director of
8 administration is unable for any reason to perform such duties.

9 III. The salary of the deputy director of administration shall be as specified in
10 RSA 94:1-a.

11 346:211 Assistant Director of Division of Fire Standards and Training and Emergency
12 Medical Services; Membership in New Hampshire Retirement System. Notwithstanding
13 any provision of RSA 100-A to the contrary, the current assistant director of the division
14 of fire standards and training and emergency medical services, department of safety,
15 shall be considered to have been properly enrolled as a member in group II of the New
16 Hampshire retirement system as of his original date of hire with the division of fire
17 standards and training and emergency medical services and he shall retain such
18 membership for the duration of service in his present capacity.

19 346:212 Motor Vehicles; Copies of Certificates and Motor Vehicle Records. Amend
20 RSA 260:15, II to read as follows:

21 II. The department may issue a copy of any motor vehicle record upon the request
22 of an insurance company or any other authorized agent, and notwithstanding RSA 91-A
23 shall require payment by the insurance company or authorized agent of a fee of [~~\$12~~] ***\$13***
24 for email or other computer-generated requests where payment is debited against an
25 account established with the department, or \$15 for all other requests, which shall be
26 deposited in the fire standards and training and emergency medical services fund
27 established in RSA 21-P:12-d.

28 346:213 Motor Vehicles; Drivers' Licenses; Real ID Compliant; Fee. Amend RSA
29 263:42, I to read as follows:

30 I. For each original driver's license and examination or driver's license renewal,
31 other than for a commercial vehicle or motorcycle- ***\$60 for a Real ID Act compliant license***
32 ***under RSA 263:14-b or \$50 for each other license***; for each license issued under RSA 263:5-
33 f- \$10; for each youth operator's license and examination- \$10 per year, not to exceed \$50;
34 for each license issued to a nonresident alien for less than 5 years- \$10 per year or portion
35 thereof; for each original commercial driver license and examination or commercial
36 driver license renewal- \$60; for each commercial driver license reexamination in a one-
37 year period- \$20; for each commercial vehicle endorsement, renewal of an endorsement,

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1 or removal of a restriction- \$10; for each special motorcycle original license and
2 examination or special motorcycle license renewal- \$50; for each original motorcycle
3 endorsement- \$25; for each 3-wheeled motorcycle endorsement- \$25; for each motorcycle
4 endorsement and 3-wheeled motorcycle endorsement renewal- no charge. For each
5 original driver's license issued, \$5 shall be credited to the driver training fund
6 established by RSA 263:52. Except as provided in RSA 263:5-f, I, RSA 263:14, and RSA
7 263:39-a, III, every license shall expire on the licensee's birthdate in the fifth year
8 following the issuance of such license. No fee collected under this paragraph shall be
9 refunded once an examination has been taken or a license issued, except as provided in
10 RSA 263:43.

11 346:214 Department of Transportation; Capital Corridor Rail Expansion. The
12 department of transportation is hereby authorized to access the Boston Urbanized Area
13 Formula Funding program of the Federal Transit Administration, 49 U.S.C. section 5307,
14 identified in the 2019-2028 Ten Year Transportation Improvement Plan, to complete the
15 project development phase of the project named Nashua-Manchester-Concord, project
16 number 40818. The department may use toll credits pursuant to RSA 228:12-a for this
17 project.

18 346:215 Department of Transportation; Use of Toll Credits. Amend RSA 228:12-a to
19 read as follows:

20 228:12-a Use of Toll Credits. The department may use toll credits as a match for
21 federal highway funds solely for the funding of highway and road projects, ~~or~~ projects
22 concerning the travel of motor vehicles on such highways and roads, ***and the completion***
23 ***of the project development phase of the project named Nashua-Manchester-Concord,***
24 ***project number 40818, in the 2019-2028 Ten Year Transportation Improvement Plan.*** Any
25 other use of toll credits shall require approval of the joint legislative capital budget
26 overview committee, established in RSA 17-J:1, prior to moving the project forward for
27 approval in the state 10-year transportation improvement program.

28 346:216 Department of Transportation; Appropriation. There is hereby appropriated
29 to the department of transportation the sum of \$1,870,000 for the fiscal year ending June
30 30, 2020, for the purpose of demolition and environmental mitigation of structures on
31 state-owned property. Such funds shall not lapse. The governor is authorized to draw a
32 warrant for said sum out of any money in the treasury not otherwise appropriated.

33 346:217 Rulemaking Exception; Medicaid Rate of Reimbursement Methodology for
34 Nursing Facilities. Amend RSA 541-A:21 by inserting after paragraph III the following
35 new paragraph:

36 III-a. Rules adopted relative to the budget adjustment factor contained within the
37 Medicaid rate of reimbursement methodology for nursing facilities shall be exempt from

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1 the provisions of 541-A:5 through RSA 541-A:14 provided that the budget adjustment
2 factor applied to the reimbursement methodology is equal to or less than 28.76 percent. If
3 the budget adjustment factor to be applied to the reimbursement methodology is greater
4 than 28.76 percent, the provisions of 541-A shall apply.

5 346:218 Alcohol Abuse Prevention and Treatment Fund; Disbursements. Amend RSA
6 176-A:1, III to read as follows:

7 III. Moneys received from all other sources other than the liquor commission
8 pursuant to RSA 176:16, III, ***including any community benefit contribution made by New***
9 ***Hampshire's hospitals***, shall be disbursed from the fund upon the authorization of the
10 governor's commission on alcohol and drug abuse prevention, treatment, and recovery
11 established pursuant to RSA 12-J:1 ***and shall not be diverted for any other purposes.***
12 Funds disbursed shall be used for alcohol and other drug abuse prevention, treatment,
13 and recovery services, and other purposes related to the duties of the commission under
14 RSA 12-J:3; provided, however, that funds received from any source other than the liquor
15 commission, pursuant to RSA 176:16, III, shall not be used to support the New Hampshire
16 granite advantage health care program and shall not be deposited into the fund
17 established in RSA 126-AA:3.

18 346:219 Appropriation; Department of Health and Human Services; Inpatient
19 Psychiatric Treatment Facility for Children.

20 I. There is hereby appropriated the sum of \$5,000,000 for the fiscal year ending
21 June 30, 2020, which shall be nonlapsing, to the department of health and human services
22 for the purpose of operating a psychiatric treatment facility for children who are in need
23 of acute inpatient psychiatric treatment. The governor is authorized to draw a warrant
24 for said sum out of any money in the treasury not otherwise appropriated.

25 II.(a) Before entering into any contractual obligation regarding the facility, the
26 commissioner of the department of health and human services shall prepare a report
27 which describes how the operational plan shall certify and provide for:

28 (1) Continued Joint Commission accreditation;

29 (2) Age- and developmentally- appropriate education, recreation, and
30 rehabilitation services; and

31 (3) Backup staffing and security services so that the capacity for response
32 to staffing shortages and emergencies, including psychiatric emergencies of children, is
33 no less effective and no less protective than now exists at New Hampshire hospital.

34 (b) The report shall be provided to the governor, the speaker of the house of
35 representatives, the president of the senate, and the fiscal committee of the general court
36 no later than 30 days before the issuance of a request for proposals or the entrance into
37 any contractual obligation for the development of the facility.

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1 (c) In addition, the commissioner shall ensure that the facility is operated
2 consistently with the principles and requirements of RSA 135-F, regarding the system of
3 care for children's mental health.

4 **346:220 Appropriation; Department of Health and Human Services; New Hampshire**
5 **Hospital Repurposing.** There is hereby appropriated to the department of health and
6 human services the sum of \$4,000,000 for the fiscal year ending June 30, 2020, which shall
7 be nonlapsing, for the purpose of repurposing the children's unit at New Hampshire
8 Hospital for up to 48 adult beds. The unit shall be operational for adult patients by June
9 1, 2021. The governor is authorized to draw a warrant for said sum out of any money in
10 the treasury not otherwise appropriated. The appropriation made in this section shall be
11 contingent upon the department submitting and presenting a plan to the fiscal committee
12 of the general court.

13 **346:221 Appropriation; Department of Health and Human Services; Transitional**
14 **Housing Beds.** There is hereby appropriated to the department of health and human
15 services the sum of \$5,000,000 for the fiscal year ending June 30, 2020, which shall be
16 nonlapsing, for the purpose of funding 40 new transitional housing beds for forensic
17 patients and/or patients with complex behavioral health conditions including those
18 transitioning from the New Hampshire hospital. The plans for constructing such beds
19 shall be completed by January 1, 2020, and the beds shall be operational by June 1, 2021.
20 The appropriation made in this section shall be contingent upon the department
21 submitting and presenting a plan to the fiscal committee of the general court. The
22 governor is authorized to draw a warrant for said sum out of any money in the treasury
23 not otherwise appropriated.

24 **346:222 Appropriation; Department of Health and Human Services; Patients Residing**
25 **in Hospital Emergency Rooms.**

26 I. There is hereby appropriated to the department of health and human services
27 the sum of \$750,000 for the fiscal year ending June 30, 2020, which shall be nonlapsing,
28 and shall be expended for the purpose of providing due process for involuntary
29 emergency admissions patients currently residing in emergency rooms in hospitals;
30 provided that no hospital shall receive more than \$100,000. The appropriation made in
31 this section shall only cover the portion of costs not reimbursable by insurance carriers.
32 The commissioner of the department of health and human services shall establish the
33 application process for such funds. The governor is authorized to draw a warrant for said
34 sum out of any money in the treasury not otherwise appropriated.

35 II. If the expenditure is greater than the appropriation contained in this section,
36 the commissioner of the department of health and human services may request and
37 receive additional funding, with the prior approval of the fiscal committee of the general

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1 court and governor and council. The governor is hereby authorized to draw a warrant
2 for said sum out of any money in the treasury not otherwise appropriated.

3 346:223 Transfer of Funds for Operation of the Sununu Youth Services Center.
4 Notwithstanding RSA 9:16-a and RSA 9:16-c, for the biennium ending June 30, 2021, prior
5 approval of the fiscal committee of the general court shall be required for any transfer of
6 funds required for the operation of the Sununu youth services center.

7 346:224 Medicaid Managed Care Program; Dental Benefits. RSA 126-A:5, XIX(a) is
8 repealed and reenacted to read as follows:

9 XIX.(a) The commissioner shall employ a managed care model for administering
10 the Medicaid program and its enrollees to provide for managed care services for all
11 Medicaid populations throughout New Hampshire consistent with the provisions of 42
12 U.S.C. section 1396u-2. Models for managed care may include, but not be limited to, a
13 traditional capitated managed care organization contract, an administrative services
14 organization, an accountable care organization, or a primary care case management
15 model, or a combination thereof, offering the best value, quality assurance, and
16 efficiency, maximizing the potential for savings, and presenting the most innovative
17 approach compared to other externally administered models. Services to be managed
18 within the model shall include all mandatory Medicaid covered services and may include,
19 but shall not be limited to, care coordination, utilization management, disease
20 management, pharmacy benefit management, provider network management, quality
21 management, and customer services. The commissioner shall enter into contracts with
22 the vendors that demonstrate the greatest ability to satisfy the state's need for value,
23 quality, efficiency, innovation, and savings. The commissioner shall establish rates based
24 on the appropriate model for the contract that is full risk to the vendors. The rates shall
25 be established in rate cells or other appropriate units for each population or service
26 provided including, but not limited to, persons eligible for temporary assistance to needy
27 families (TANF), aid for the permanently and totally disabled (APTD), breast and cervical
28 cancer program (BCCP), home care for children with severe disabilities (HC-CSD), and
29 those residing in nursing facilities. The rates and/or payment models for the program
30 shall be presented to the fiscal committee of the general court on an annual basis. The
31 managed care model or models' selected vendors providing the Medicaid services shall
32 emphasize patient-centered, value-based care and include enhanced care management of
33 high-risk populations as identified by the department. In contracting for the managed
34 care program, the department shall ensure no reduction in the quality of care of services
35 provided to enrollees in the managed care model and shall exercise all due diligence to
36 maintain or increase the current level of quality of care provided. The commissioner
37 may, in consultation with the fiscal committee, adopt rules, if necessary, to implement the

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1 provisions of this paragraph. The department shall seek, with the approval of the fiscal
2 committee, all necessary and appropriate waivers to implement the provisions of this
3 paragraph.

4 346:225 Department of Health and Human Services; Adult Dental Benefit;
5 Development of Plan. The department of health and human services shall develop a plan
6 for the incorporation of an adult dental benefit into a value-based care platform, as
7 follows:

8 I. In this section, "value-based care" means an oral health care delivery model in
9 which providers are paid based upon making positive health outcomes while reducing
10 costs.

11 II. No later than 30 days after the effective date of this section, the department
12 shall convene a working group consisting, at a minimum, of representatives of the
13 following stakeholders: each managed care plan under contract with the state, the New
14 Hampshire Oral Health Coalition, a public health dentist and a solo private practice
15 dentist recommended by the New Hampshire Dental Society, the New Hampshire Dental
16 Hygienist Association, and the Bi-State Primary Care Association, a representative of a
17 New Hampshire dental insurance carrier designated by the governor, 2 members of the
18 house of representatives, one of whom shall be from the majority party and one of whom
19 shall be from the minority party, appointed by the speaker of the house of
20 representatives, 2 members of the senate, one of whom shall be from the majority party
21 and one of whom shall be from the minority party, appointed by the president of the
22 senate, a member of the commission to evaluate the effectiveness and future of the New
23 Hampshire granite advantage health care program designated by the commission, and 2
24 members of the New Hampshire medical care advisory committee, one of whom shall be a
25 consumer advocate, designated by the committee.

26 III. The working group shall be convened by the commissioner of health and
27 human services and shall be subject to RSA 91-A. The department, in consultation with
28 the working group, shall prepare a plan for the incorporation of an adult dental benefit
29 into a value-based care platform. The adult dental benefit shall become effective on April
30 1, 2021. Each plan shall include, at a minimum, a detailed description of the following:
31 eligibility and enrollment covered benefits and scope of services, cost benefit analysis
32 including projected expenditures and anticipated cost savings, transition planning, prior
33 authorization, transportation, pharmacy, case management, network adequacy,
34 credentialing, quality metrics and outcome measurements, patient safety, utilization
35 management, finance and reimbursement, rates and payment, grievance and appeals, and
36 office of ombudsman. Each plan shall also address how the incorporation of the services

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1 into a value-based care platform shall achieve the legislative intent of providing value,
2 quality, efficiency, innovation, and savings.

3 IV. Under no circumstances shall a fee for service model be included in the plan.
4 The plan shall promote the development of an adult value-based dental benefit and/or an
5 alternative payment model.

6 **346:226 Reports.**

7 I. The department of health and human services shall present an update on the
8 status of the plan preparation each month to the fiscal committee of the general court and
9 the oversight committee on health and human services, established in RSA 126-A:13, until
10 the plan has been implemented. The department's updates shall also include managed
11 care organization and department readiness for implementation.

12 II. No later than January 1, 2020, the commissioner shall submit to the speaker of
13 the house of representatives, the president of the senate, and the governor, all proposed
14 changes to state law the commissioner believes may be necessary for the incorporation of
15 an adult dental benefit into a value-based care platform.

16 **346:227 Repeal.** RSA 126-A:5, XIX(b), relative to relative to enrollment in the managed
17 care program, is repealed.

18 **346:228 New Subdivision; Child Abuse Specialized Medical Evaluation Program.**
19 Amend RSA 169-C by inserting after section 39-k the following new subdivision:

20 **Child Abuse Specialized Medical Evaluation Program**

21 **169-C:39-1 Child Abuse Specialized Medical Evaluation Program Established.** A child
22 abuse specialized medical evaluation program is hereby established in the department.
23 The program shall include the following elements:

24 I. Child protective service workers shall have on-call access, 24 hours a day and 7
25 days a week, to an experienced health care professional who is trained in and can advise
26 on the standardized diagnostic methods, treatment, and disposition of suspected child
27 sexual abuse and physical abuse.

28 II. Department nurses and child protective service workers performing screenings
29 and assessments of reported cases of child abuse shall receive pre-service training in the
30 standardized medical diagnostic methods, treatment, and disposition as well as periodic
31 in-service training by health care providers experienced in child abuse and neglect.

32 III. Annually, a limited number of designated health care providers
33 geographically distributed shall be trained in nationally recognized curricula to respond
34 to initial presentations of child sexual abuse, physical abuse, and neglect.

35 IV. Health care professionals who participate in the training or are members of a
36 multidisciplinary team, working with the department of health and human services or
37 law enforcement, shall participate in periodic peer or expert reviews of their evaluations

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1 and undertake continuing education in the medical evaluation of child abuse and neglect
2 according to professional standards.

3 V. The department shall contract with a health care provider with experience in
4 child abuse and neglect to administer the program in collaboration with participating
5 private and public entities.

6 VI. Reimbursement rates for health care providers who participate in the program
7 shall reflect the average cost to deliver such services, including the participation in
8 multidisciplinary team activities and associated court proceedings. The rates shall be
9 periodically reviewed and, if necessary, revised.

10 VII. The commissioner of the department shall adopt rules, under RSA 541-A,
11 relative to the medical evaluation program, training and continuing education
12 requirements, and reimbursement rates.

13 346:229 Federal Family Planning Funding. If the proposed federal rule on
14 Compliance with Statutory Program Integrity Requirements, 83 Fed. Reg. 25,502 (to be
15 codified at 42 C.F.R. pt 59) does not go into effect and federal family planning funds are
16 made available to the providers funded out of account 05-95-90-902010-5530, the unused
17 portion of general funds appropriated to that account for the purpose of replacing lost
18 federal funds shall lapse to the general fund.

19 346:230 New Section; Commission to Study School Funding. Amend RSA 193-E by
20 inserting after section 2-d the following new section:

21 193-E:2-e Commission Established.

22 I. There is established a commission to study school funding.

23 II. The members of the commission shall be as follows:

24 (a) Four members of the house of representatives, appointed by the speaker of
25 the house of representatives.

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

27 (c) Six members of the public, 3 of whom shall be appointed by the president of
28 the senate and 3 of whom shall be appointed by the speaker of the house of
29 representatives.

30 (d) One member appointed by the governor.

31 (e) Three members appointed by the chairperson of the commission pursuant
32 to paragraph V.

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

35 IV. The commission shall:

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1 (a) Review the education funding formula and make recommendations to
2 ensure a uniform and equitable design for financing the cost of an adequate education for
3 all public school students in pre-kindergarten through grade 12 in the state.

4 (b) Determine whether the New Hampshire school funding formula complies
5 with court decisions mandating the opportunity for an adequate education for all
6 students in pre-kindergarten through grade 12, with a revenue source that is uniform
7 across the state.

8 (c) Identify trends and disparities across the state in student performance in
9 pre-kindergarten through grade 12 based on current school funding options.

10 (d) Re-establish the baseline for the costs, programs, staffing, and facilities
11 needed to provide the opportunity for an adequate education.

12 (e) Act as an independent commission.

13 (f) Study and produce recommendations regarding all costs and existing
14 funding for special education, including listing any currently unfunded special education
15 mandates issued to date by the state department of education.

16 (g) Study integrating into the education funding adequacy formula a factor
17 that accounts for the number of Class A, B, and C properties in a community, and the
18 distribution of education funding costs across those numbers and classes of properties.

19 (h) Consider other policy issues as the commission deems necessary. The
20 commission may consult with outside resources and state agencies, including but not
21 limited to the department of education, the department of revenue administration, and
22 the legislative budget office.

23 V. The members of the study commission shall elect a chairperson from among the
24 members. The chairperson shall appoint 3 individuals to be members of the commission.
25 The first meeting of the commission shall be called by the first-named house member.
26 The first meeting of the commission shall be held within 60 days of the effective date of
27 this section. Eight members of the commission shall constitute a quorum. The
28 commission shall establish a calendar to meet on a regular basis.

29 VI. The commission shall establish a budget and hire staff with an understanding
30 of school finance options. Such staff shall be independent of government agencies.

31 VII. The commission shall make an initial report to the speaker of the house of
32 representatives, the president of the senate, the senate clerk, the house clerk, the
33 governor, and the state library 9 months after its first meeting, with a subsequent report
34 to the house clerk, the senate clerk, the governor, and the state library on or before
35 September 1, 2020. The commission shall remain active until and when the general court
36 addresses its recommendations.

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1 346:231 Appropriation. The sum of \$500,000 for the biennium ending June 30, 2021 is
2 hereby appropriated to the commission to study school funding established in RSA 193-
3 E:2-e for the purpose of administration, staffing, and the utilization of independent school
4 finance experts. Notwithstanding restrictions on the use of moneys in the education trust
5 fund in RSA 198:39, said appropriation shall be a charge against the education trust fund
6 and shall be nonlapsing.

7 346:232 School Money; Definitions. Amend RSA 198:38, I(a) to read as follows:

8 (a) "Average daily membership in attendance" or "ADMA" means the average
9 daily membership in attendance, as defined in RSA 189:1-d, III, of pupils in kindergarten
10 through grade 12, in the determination year [~~provided that no kindergarten pupil shall~~
11 ~~count as more than 1/2 day attendance per school year~~]. ADMA shall only include pupils
12 who are legal residents of New Hampshire pursuant to RSA 193:12 and educated at school
13 district expense which may include public academies or out-of-district placements. For
14 the purpose of calculating funding for municipalities, the ADMA shall not include pupils
15 attending chartered public schools, but shall include pupils attending a charter
16 conversion school approved by the school district in which the pupil resides.

17 346:233 Repeal. RSA 198:48-c, III, relative to distribution of a kindergarten grant
18 based on Keno revenue, is repealed.

19 346:234 School Money; Additional Aid Based on Free or Reduced Price Meals; Fiscal
20 Capacity Disparity Aid. RSA 198:40-b and RSA 198:40-c are repealed and reenacted to
21 read as follows:

22 198:40-b Additional Aid Based on Free or Reduced-Price Meals.

23 I. In a school district in which 48 percent or more of the ADMA is eligible to
24 receive a free or reduced-priced meal, an additional \$350 for each pupil in the ADMA who
25 is eligible for a free or reduced-priced meal.

26 II. In a school district in which at least 12 percent but less than 48 percent of the
27 ADMA is eligible to receive a free or reduced-priced meal, an amount equal to \$87.50 plus
28 \$0.0729 for each 0.01 percent that its free or reduced-priced meal eligibility rate exceeds
29 12 percent, for each pupil in the ADMA who is eligible for a free or reduced-priced meal.

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

32 198:40-c Fiscal Capacity Disparity Aid.

33 I. In addition to aid for the cost of the opportunity for an adequate education
34 provided under RSA 198:40-a, each biennium the commissioner shall calculate fiscal
35 capacity disparity aid and provide that amount of aid in each year of the biennium to a
36 municipality's school districts as follows:

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1 (a) A municipality with an equalized valuation per pupil of \$350,000 or less
2 shall receive \$1,750 per pupil in the municipality's ADMA.

3 (b) A municipality with an equalized valuation per pupil between \$350,001 and
4 \$999,999 shall receive a grant equal to \$0.0027 for each dollar of difference between its
5 equalized valuation per pupil and \$1,000,000, per pupil in the municipality's ADMA.

6 (c) A municipality with an equalized valuation per pupil of \$1,000,000 or more
7 shall receive no fiscal capacity disparity aid.

8 II. Fiscal capacity disparity aid shall be distributed pursuant to RSA 198:42.

9 III. In this section, "equalized valuation per pupil" means a municipality's
10 equalized valuation, including properties subject to taxation under RSA 82 and RSA 83-F,
11 as determined by the department of revenue administration, that was the basis for the
12 local tax assessment in the determination year, divided by the school district's
13 kindergarten through grade 12 ADMA in the determination year. 346:

14 346:235 Determination of Adequate Education Grants. Amend RSA 198:41, I(b) to read
15 as follows:

16 (b) Subtract the amount of the education tax warrant to be issued by the
17 commissioner of revenue administration for such municipality reported pursuant to RSA
18 76:8 for the next tax year[-] ; *and*

19 (c) *Add the municipality's additional aid for free or reduced-price meals*
20 *pursuant to RSA 198:40-b and fiscal capacity disparity aid pursuant to RSA 198:40-c.*

21 236 Repeal. The following are repealed:

22 I. RSA 198:40-b, relative to additional aid based on free or reduced-price meals.

23 II. RSA 198:40-c, relative to fiscal capacity disparity aid.

24 III. RSA 198:41, I(c), relative to determination of adequate education grants.

25 346:237 Transfer; Education Trust Fund. At the close of the fiscal year ending June
26 30, 2019, the state treasurer shall transfer the sum of \$62,500,000 from education trust
27 fund surplus to a restricted account under the department of education for purposes of
28 funding additional aid based on free or reduced-price meals pursuant to RSA 198-40-b,
29 and fiscal capacity disparity aid pursuant to RSA 198:40-c for fiscal year 2021. Any
30 balance in said account at the end of fiscal year 2021 shall lapse to the education trust
31 fund.

32 346:238 Determination of Education Grants. Amend RSA 198:41, IV(d) to read as
33 follows:

34 (d) For fiscal year 2017 and each fiscal year thereafter, the department of
35 education shall distribute a total education grant to each municipality in an amount
36 equal to the total education grant for the fiscal year in which the grant is calculated plus
37 a percentage of the municipality's fiscal year 2012 stabilization grant, if any, distributed

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1 to the municipality; the percentage shall be 96 percent for fiscal year 2017, [~~and shall be~~
2 ~~reduced by 4 percent of the amount of the 2012 education grant for~~] **92 percent for fiscal**
3 **year 2018, 88 percent for fiscal year 2019, and 100 percent for fiscal year 2020** and each
4 fiscal year thereafter. No stabilization grant shall be distributed to any municipality for
5 any fiscal year in which the municipality's education property tax revenue collected
6 pursuant to RSA 76 exceeds the total cost of an adequate education or to any municipality
7 for any fiscal year in which the municipality's ADMA is zero.

8 **346:239 Adjustments to Education Aid.** For the fiscal year ending June 30, 2020, the
9 commissioner of the department of education is hereby authorized to:

10 I. Adjust fiscal year 2020 stabilization grants to reflect the provisions of RSA
11 198:41, IV(d), as amended by this act; and

12 II. Reduce fiscal year 2020 adequate education grants by the amount of any fiscal
13 year 2020 kindergarten grants received pursuant to RSA 198:48-c, III prior to the effective
14 date of this act.

15 **346:240 General Fund Surplus; Revenue Stabilization Reserve Account.**
16 Notwithstanding RSA 9:13-e, after transferring \$5,000,000 to the revenue stabilization
17 reserve account at the close of the fiscal biennium ending June 30, 2019, the remainder of
18 the general fund surplus for said biennium shall remain in the general fund.

19 **346:241 Appropriation; Internet Crimes Against Children Fund; Reductions.**

20 I. The sum of \$250,000 for the fiscal year ending June 30, 2020, and \$250,000 for the
21 fiscal year ending June 30, 2021 are hereby appropriated to the New Hampshire Internet
22 crimes against children fund established in RSA 21-M:17. The governor is authorized to
23 draw a warrant for said sums out of any money in the treasury not otherwise
24 appropriated.

25 II. In order to offset sums appropriated under paragraph I, the department of
26 education shall reduce state general fund appropriations to account 06-56-56-567010-3058,
27 expenditure class 631-building aid lease, by \$300,000 for the fiscal year ending June 30,
28 2020.

29 **346:242 Governor's Commission on Disability; Analysis and Report.** The governor's
30 commission on disability, established in RSA 275-C, shall analyze the state's system of
31 support for individuals with developmental disabilities and recommend reforms and
32 improvements to ensure that the state's service delivery model is structured to provide
33 maximum benefit and tailored services to individuals with developmental disabilities.
34 The governor's commission on disability shall consult with the university of New
35 Hampshire institute on disability, the department of health and human services, the New
36 Hampshire council on developmental disabilities, Granite State Independent Living,
37 Community Support Network, Inc., Disability Rights Center-NH, the developmental

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1 services quality council of the department of health and human services, and any other
2 relevant stakeholders including individuals with developmental disabilities and their
3 families and/or guardians, and may accept and expend any applicable federal funds, and
4 any gifts, grants, or donations that may be available for the purposes of this section. The
5 commission shall also coordinate with the New Hampshire council on developmental
6 disabilities to secure any funds that may be used for this purpose under the federal
7 Developmental Disabilities Assistance and Bill of Rights Act of 2000 (PL 106-402) and in
8 conjunction with the development and amendment of the state plan goals and objectives.
9 The governor's commission on disability shall report its findings to the governor, the
10 speaker of the house of representatives, the president of the senate, the house clerk, the
11 senate clerk, and the state library on or before February 1, 2020.

12 **346:243 Department of Administrative Services; Study of Personnel System.**

13 I. In order to ensure that the state is as effective an organization as possible in the
14 21st century to deliver quality public services to the people of New Hampshire while also
15 operating as model employer for its workforce, the department of administrative services
16 shall conduct a comprehensive study of the state's personnel system. The study shall
17 include a review of all laws, administrative rules, and collective bargaining agreements
18 related thereto, and by February 1, 2020, the commissioner of the department of
19 administrative services shall issue a report with recommendations to the governor, the
20 speaker of the house of representatives, and the president of the senate.

21 II. The sum of \$150,000 for the fiscal year ending June 30, 2020 is hereby
22 appropriated to the department of administrative services for the purpose of a study of
23 the state's personnel system as specified in paragraph I of this section. Said sum shall not
24 lapse until June 30, 2021. The governor is hereby authorized to draw a warrant for said
25 sum out of any money in the treasury not otherwise appropriated.

26 **346:244 Appropriation; Department of Administrative Services.** The sum of \$1,300,000
27 for the fiscal year ending June 30, 2020 is hereby appropriated to the department of
28 administrative services for the purpose of obtaining scheduling software. Said sum shall
29 not lapse until June 30, 2021. The governor is hereby authorized to draw a warrant for
30 said sum out of any money in the treasury not otherwise appropriated.

31 **346:245 Joint Legislative Historical Committee; Annual Appropriation.** Amend RSA
32 17-I:5 to read as follows:

33 17-I:5 Annual Appropriation. There is hereby appropriated annually the sum of
34 [~~\$10,000~~] **\$25,000** to the joint legislative historical committee established in RSA 17-I for
35 deposit in the nonlapsing historical fund established under RSA 177:8, II for the purpose
36 of carrying out its statutory duties. The governor is authorized to draw [~~his~~] **a** warrant
37 for said sum out of any money in the treasury not otherwise appropriated.

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1 346:246 Legislative Branch; Special Account. Amend 2011, 224:217, II(c), as amended
2 by 2013, 144:102, 2015, 276:214, and 2017, 156:129 to read as follows:

3 (c) ~~[Beginning in]~~ **For** fiscal year 2017 and for each fiscal year thereafter,
4 unexpended and unencumbered appropriations shall be transferred to the appropriate
5 subaccount.

6 ***(d) Beginning in fiscal year 2020 and for each year thereafter, any unexpended***
7 ***and unencumbered appropriations of the house of representatives, senate, joint offices,***
8 ***and office of legislative budget assistant remaining at the close of the fiscal year shall not***
9 ***lapse.***

10 346:247 Office of Professional Licensure and Certification; Division Directors. Amend
11 RSA 310-A:1-c to read as follows:

12 310-A:1-c Division Directors~~[- Positions Transferred].~~

13 I. There is established in the office of professional licensure and certification 2
14 ~~[classified positions, at salary grade 35, of]~~ ***unclassified directors: The*** director of the
15 division of technical professions and director of the division of health professions. ***Each***
16 ***director shall be qualified to hold that position by reason of education and experience***
17 ***and shall perform such duties as the executive director from time to time may authorize.***

18 ***II. The executive director shall nominate for appointment by the governor, with***
19 ***the consent of the council, each unclassified division director, each of whom shall serve***
20 ***for a term of 4 years.***

21 ~~[II. Every classified or unclassified state employee position authorized in the~~
22 ~~boards, councils, and commissions under RSA 310-A:1-a shall be transferred to the office~~
23 ~~of professional licensure and certification and subject to the supervisory authority of the~~
24 ~~executive director.~~

25 ~~III. The authority granted to the executive director of the real estate commission~~
26 ~~under RSA 331-A:8, relative to the issuance and denial of licenses, hearing and procedures~~
27 ~~on denial of licenses, the hiring of clerical, administrative, and investigative staff,~~
28 ~~maintenance of the official record, and implementation of a program for consumer~~
29 ~~education, is hereby transferred to the executive director of the office of professional~~
30 ~~licensure and certification.~~

31 ~~IV. The unclassified position of executive director of the real estate commission~~
32 ~~shall be converted from an unclassified position to a similar classified position when the~~
33 ~~incumbent serving as the executive director of the real estate commission upon transfer~~
34 ~~to the office of professional licensure and certification vacates the position. Any funds~~
35 ~~appropriated for the compensation of the unclassified position of executive director of~~
36 ~~the real estate commission shall be used for compensation of the classified position at the~~
37 ~~office of professional licensure and certification.]~~

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1 346:248 Division Directors; Salary; OPLC.

2 I. The salary of the unclassified director of the division of technical professions
3 and director of the division of health professions shall be determined after assessment
4 and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the
5 position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

6 II. Upon completion of the action in paragraph I, and appointment of the director
7 of the division of technical professions, position number 44018 shall be abolished to allow
8 for the transition of this classified position with its available appropriations into the
9 unclassified position of director of the division of technical professions. Funding shall be
10 transferred into a new expenditure class number 11 within accounting unit 01-21-21-
11 212010-2405. The incumbent in the abolished classified position shall be offered the
12 opportunity to seek the executive director's appointment to the unclassified position of
13 director of the division of technical professions.

14 III. Upon completion of the action in paragraph I, and appointment of the director
15 of the division of health professions, position number 44019 shall be abolished to allow for
16 the transition of this classified position with its available appropriations into the
17 unclassified position of director of the division of health professions. Funding shall be
18 transferred into a new expenditure class number 11 within accounting unit 01-21-21-
19 215010-2406. The incumbent in the abolished classified position shall be offered the
20 opportunity to seek the executive director's appointment to the unclassified position of
21 director of the division of health professions.

22 346:249 Board of Nursing. Amend RSA 326-B:3, VI to read as follows:

23 VI. No more than ~~one~~ **2** board ~~member~~ **members** shall be associated with a
24 particular agency, corporation, or other enterprise or subsidiary at one time.

25 346:250 New Paragraph; Tax on Transfer of Real Property; Distribution of Funds.
26 Amend RSA 78-B:13 by inserting after paragraph II the following new paragraph:

27 III. Annually, on or before October 1, the commissioner shall direct the state
28 treasurer to transfer the sum of \$5,000,000 from revenue collected pursuant to the tax
29 imposed by RSA 78-B:1 to the affordable housing fund established in RSA 204-C:57.

30 346:251 New Subparagraph; Business Profits Tax; Definition; Internal Revenue Code.
31 Amend RSA 77-A:1, XX by inserting after subparagraph (n) the following new
32 subparagraph:

33 (o) For all taxable periods beginning on or after January 1, 2020, the United
34 States Internal Revenue Code of 1986 in effect on December 31, 2018, subject to RSA 77-
35 A:3-b.

36 346:252 Communications Services Tax; Purpose; Basic Communications Services
37 Deleted. Amend RSA 82-A:1 to read as follows:

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1 82-A:1 Statement of Purpose. It is the intent of the general court to impose a tax on
2 those who use 2-way communications services and to source mobile telecommunications
3 services to the place of primary use. It is also the intent of the general court that Internet
4 access service [~~and basic communications services essential to public health, safety, and~~
5 ~~welfare~~] shall not be subject to the tax imposed by this chapter.

6 346:253 Definitions; Communications Services. Amend the introductory paragraph of
7 RSA 82-A:2, III to read as follows:

8 III. "Communications services" means services for transmitting, emitting, or
9 receiving signs, signals, writing, images, sounds or intelligence of any nature by any
10 electromagnetic system capable of 2-way communication and includes, without limitation,
11 messages or information transmitted through use of local, toll and wide area telephone
12 service; private line services and networks, whether leased, rented or owned; channel
13 services; telegraph services; teletypewriter services; cable television; computer exchange
14 services; mobile telecommunications services; ***prepaid wireless telecommunications***
15 ***services; VoIP;*** facsimile services; specialized mobile radio; stationary 2-way radio; paging
16 services; or any other form, whether stationary, portable or mobile, of 2-way
17 communications; or any other transmission of messages or information by electronic or
18 similar means, between or among points by wire, cable, fiber-optics, laser, microwave,
19 radio, satellite or similar facilities. "Communications services" shall not include:

20 346:254 Definitions; Retailer. Amend RSA 82-A:2, X to read as follows:

21 X. "Retailer" means and includes every person engaged in the business of making
22 sales at retail as defined in this chapter. The department may, in its discretion, upon
23 application, authorize the collection of the tax hereby imposed by any retailer not
24 maintaining a place of business within this state, who, to the satisfaction of the
25 department, furnishes adequate security to insure collection and payment of the tax.
26 Such retailer shall be issued, without charge, a permit to collect such tax. When so
27 authorized, it shall be the duty of such retailer to collect the tax upon all of the gross
28 charges for communications services in this state in the same manner and subject to the
29 same requirements as a retailer maintaining a place of business within this state. The
30 permit may be revoked by the department at its discretion. ***For purposes of the tax***
31 ***imposed by this chapter on prepaid wireless telecommunications service, "retailer" has***
32 ***the same meaning as "seller."***

33 346:255 New Paragraphs; Definitions; Prepaid Wireless Telecommunications Service;
34 VoIP. Amend RSA 82-A:2 by inserting after paragraph XXVI the following new
35 paragraphs:

36 XXVII. "Prepaid wireless telecommunications service" means "prepaid commercial
37 mobile radio service," as that term is defined in RSA 106-H:2, VIII-b.

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1 XXVIII. “Retail transaction” means the purchase of prepaid wireless
2 telecommunications service from a seller for any purpose other than resale.

3 XXIX. “Seller” means a person who sells prepaid wireless telecommunications
4 service to another person.

5 XXX. “Voice over Internet Protocol” or “VoIP” means any service that:

6 (a) Enables real-time, 2-way voice communications that originate from or
7 terminate to the user’s location in Internet Protocol or any successor protocol;

8 (b) Requires a broadband connection from the user’s location; and

9 (c) Permits users generally to receive calls that originate on the public
10 switched telephone network and to terminate calls to the public switched telephone
11 network.

12 346:256 Imposition of Tax; Reference Added. Amend RSA 82-A:4 to read as follows:

13 82-A:4 Imposition of Tax; Interstate Communications Services. Except as provided in
14 RSA 82-A:4-b, ***RSA 82-A:4-d***, and ***RSA 82-A:4-e***, a tax is imposed upon interstate
15 communications services and private communications services furnished to a person in
16 this state and purchased at retail from a retailer by such person, at the rate of 7 percent
17 of the gross charge when such service purchased on a call-by call basis originates in this
18 state and terminates outside this state or originates outside this state and terminates in
19 this state and the service address is in this state, or when such service purchased on a
20 basis other than a call-by-call basis is provided to a person with a place of primary use in
21 this state or when such private communications services are apportioned to this state in
22 accordance with RSA 82-A:4-c. Provided however, a tax is imposed upon interstate paid
23 calling service furnished to a person in this state and purchased at retail from a retailer
24 by such person, at the rate of 7 percent of the gross charge when the origination point of
25 the communications signal (as first identified by either (a) the seller’s
26 telecommunications system, or (b) information received by the seller from its service
27 provider, where the system used to transport such signals is not that of the seller) is in
28 this state. To prevent actual multi-state taxation of communications services that are
29 subject to taxation under this section, any taxpayer, upon proof that the taxpayer has
30 paid a tax in another state on such services, shall be allowed a credit against the tax
31 imposed in this section to the extent of the amount of such tax properly due and paid in
32 such other state. However, such tax is not imposed on communications services to the
33 extent such services may not, under the Constitution and statutes of the United States, be
34 made the subject of taxation by the state.

35 346:257 New Sections; Special Rules for VOIP Services and Prepaid Wireless
36 Telecommunications Service. Amend RSA 82-A by inserting after section 4-c the following
37 new sections:

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1 82-A:4-d Special Rules for VoIP Services. A tax is imposed on intrastate and interstate
2 communications services that are VoIP services provided by a retailer to a person with a
3 place of primary use in this state, regardless of where the VoIP services originate,
4 terminate, or pass through. The tax shall be imposed on the gross charge at the rate
5 specified in RSA 82-A:3 and RSA 82-A:4. No tax shall be imposed on a person whose place
6 of primary use is outside this state.

7 82-A:4-e Special Rules for Prepaid Wireless Telecommunications Service.

8 I. A tax is imposed on each retail transaction in this state of intrastate and
9 interstate communications services that are prepaid wireless telecommunications
10 services. The tax shall be imposed on the gross charge at the rate specified in RSA 82-A:3
11 and 82-A:4.

12 II. For purposes of paragraph I, a retail transaction is sourced to New Hampshire:

13 (a) If the retail transaction occurs in person at a seller's location in New
14 Hampshire; or

15 (b) If subparagraph (a) does not apply, the prepaid wireless
16 telecommunications service is evidenced by a physical item, such as a card, and the
17 purchaser provides a New Hampshire delivery address for such item; or

18 (c) If subparagraphs (a) and (b) do not apply, the consumer gives a New
19 Hampshire address during the consummation of the sale, including the address
20 associated with the consumer's payment instrument if no other address is available, and
21 the address is not given in bad faith; or

22 (d) If subparagraphs (a)-(c) do not apply, the consumer's mobile telephone
23 number is associated with a postal zip code, telephone area code, or location within New
24 Hampshire.

25 III. The tax imposed by this section shall be collected by the seller from the
26 consumer with respect to each retail transaction sourced to New Hampshire, in
27 accordance with RSA 82-A:6; provided, however, the amount of the tax shall be either
28 separately stated on an invoice, receipt, or other similar document that is provided by the
29 seller to the consumer, or otherwise disclosed to the consumer.

30 IV. If prepaid wireless telecommunications service is sold with one or more other
31 products or services for a single, non-itemized charge, then the tax shall apply to the
32 entire non-itemized charge except as provided in RSA 82-A:2, V(e).

33 V. If a minimal amount of prepaid wireless telecommunications service is sold
34 with a prepaid wireless device for a single, non-itemized charge, then the seller may elect
35 not to apply the tax to such transaction. For purposes of this subparagraph, an amount of
36 service denominated as 10 minutes or less, or \$5 or less, is minimal.

37 VI. The seller shall be liable to remit all taxes required by this section that are

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1 collected from consumers, including all such taxes that the seller is deemed to collect
2 where the amount of the tax has not been separately stated on an invoice, receipt, or
3 other similar document provided by the seller to the consumer, in accordance with RSA
4 82-A:7.

5 VII. The prepaid commercial mobile radio service E911 surcharge imposed under
6 RSA 106-H:9, I-a shall not be subject to the tax imposed by this section.

7 346:258 Applicability. Sections 252-257 of this act shall apply to taxable periods
8 ending after December 31, 2019.

9 346:259 Findings. The general court declares that:

10 I. An adequate supply of housing that is affordable to a range of incomes is
11 essential to New Hampshire's economic and community development goals.

12 II. Access to an efficient and inexpensive legal appeals process is fundamental to
13 protecting private property rights against unreasonable governmental regulation and
14 processes.

15 III. Individual homeowners who are denied local permits for additions or other
16 simple modifications to their homes often abandon their legal right to appeal because of
17 the time and expense involved in a superior court appeal.

18 IV. Abutters and other parties with standing to appeal local land use decisions on
19 housing developments often abandon their legal right to appeal because of the costs
20 associated with court appeals.

21 V. There are several factors that inhibit builders' ability to meet the demand for
22 new housing in New Hampshire. Significant among these factors are local land use
23 regulations and board practices that can arbitrarily thwart development or impose costly
24 delays. These powers are delegated to municipalities by the state, and must be used in a
25 manner that is consistent with state law.

26 VI. Builders may appeal local land use decisions to the superior court, but such
27 appeals are expensive and time consuming, often leading builders to either abandon their
28 appeals or completely avoid seeking development permits.

29 VII. The cost of litigating such matters in court is significant, and by establishing
30 an alternative process, but without eliminating the option of court appeals, will help to
31 reduce costs of litigation for all parties.

32 VIII. It is appropriate and necessary to establish an alternative track for review of
33 local decisions on housing and housing development without diminishing anyone's
34 existing legal right to pursue a remedy in superior court and without affecting local
35 control or changing the legal standards by which local decisions are adjudicated.

36 346:260 New Chapter; Housing Appeals Board. Amend RSA by inserting after chapter
37 678 the following new chapter:

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CHAPTER 679

HOUSING APPEALS BOARD

1
2
3 **679:1 Board Established.** There is hereby established a housing appeals board,
4 hereinafter referred to as the board, which shall be composed of 3 members who shall
5 individually and collectively be learned and experienced in questions of land use law or
6 housing development or both. At least one member shall be an attorney licensed to
7 practice law in the state of New Hampshire, and at least one member shall be either a
8 professional engineer or land surveyor. The members of the board shall be full-time
9 employees and shall not engage in any other employment, appointments, or duties during
10 their terms that is in conflict with their duties as members of the board.

11 **679:2 Appointment; Term; Chair.** The members of the board shall be appointed by the
12 supreme court and commissioned by the governor for a term of 5 years and until their
13 successors are appointed and qualified; provided, however, that any vacancy on the
14 board shall be filled for the unexpired term. The initial members of the board shall serve
15 staggered terms of 3, 4, and 5 years. The supreme court shall designate one member as
16 chair to serve in that capacity for the duration of his or her term.

17 **679:3 Removal.** Any member may be removed by the same authority for inefficiency,
18 neglect of duty, or malfeasance in office; but, before removal, the member shall be
19 furnished with a copy of the charges and have an opportunity to be heard in defense.

20 **679:4 Compensation.** Each member of the board shall receive the annual salary
21 prescribed by RSA 94:1-a and reasonable expenses, including transportation, subject to
22 the approval of the governor and council.

23 **679:5 Authority; Duties.**

24 I. It shall be the duty of the board and it shall have power and authority to hear
25 and affirm, reverse, or modify, in whole or in part, appeals of final decisions of municipal
26 boards, committees, and commissions regarding questions of housing and housing
27 development. This includes, but is not limited to:

28 (a) Planning board decisions on subdivisions or site plans.

29 (b) Board of adjustment decisions on variances, special exceptions,
30 administrative appeals, and ordinance administration.

31 (c) The use of innovative land use controls.

32 (d) Growth management controls and interim growth management controls.

33 (e) Decisions of historic district commissions, heritage commissions, and
34 conservation commissions.

35 (f) Other municipal permits and fees applicable to housing and housing
36 developments.

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1 (g) Matters subject to the board's authority may include mixed-use
2 combinations of residential and nonresidential uses. Such different uses may occur on
3 separate properties, provided such properties are all part of a common scheme of
4 development.

5 II. In exercising its authority under this chapter, the board shall have the power
6 to award all remedies available to the superior courts in similar cases, including
7 permission to develop the proposed housing.

8 III. Relative to RSA 674:58 through RSA 674:61, the board shall have the power and
9 authority to hear and determine appeals of decisions of local land use boards regarding
10 proposals for workforce housing, including but not limited to whether the municipality's
11 land use ordinances and regulations provide a reasonable and realistic opportunity for
12 the development of workforce housing; whether the local land use board has imposed
13 conditions of approval that render the proposal economically unviable; and whether a
14 denial by a local land use board was unreasonable or unlawful.

15 IV. After local remedies have been exhausted, appeals may be brought before the
16 board by an applicant to the municipal board, committee, or commission, or by any other
17 aggrieved or injured party who can demonstrate legal standing to appeal pursuant to
18 RSA 677:4 or RSA 677:15. The municipality shall be a party to the action. If the applicant
19 is not the party initiating the action before the board, then the applicant shall
20 automatically be an intervenor. The board shall grant intervenor status to abutters and
21 to any other aggrieved or injured party who can demonstrate legal standing to appeal
22 pursuant to RSA 677:4 or RSA 677:15.

23 **679:6 Timing of Appeals and Board Proceedings.**

24 I. Appeals shall be filed with the board within 30 days of the final decision of a
25 municipal board, committee, or commission. At the same time an appeal is filed with the
26 board, the applicant shall notify the municipal board, committee, or commission of such
27 appeal.

28 II. The municipal board, committee, or commission shall within 30 days of receipt
29 of such notice submit to the board a certified record of its proceedings on the matter
30 subject to the appeal.

31 III. The board shall hold a hearing on the merits within 90 days of its receipt of a
32 notice of appeal.

33 IV. The board shall make a decision on an appeal within 60 days after conducting
34 a hearing on the merits.

35 **679:7 Jurisdiction; Court Appeals.**

36 I. In matters within its authority the board shall have concurrent, appellate
37 jurisdiction with the superior court. An election by any party to bring an action before

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1 the board shall be deemed a waiver of any right to bring an action in the superior court,
2 but shall not abrogate any party's right to appeal decisions of the board to the supreme
3 court; as such, the board shall retain jurisdiction of any matter originally brought before
4 it. At any time during an appeal to the board, if the board determines that it does not
5 have jurisdiction to hear the appeal, the appellant shall have 30 days to file an appeal
6 with the superior court.

7 II. In an appeal of a local decision on housing or housing development, any claim
8 that is within the board's authority under RSA 679:5 and that has previously been or is
9 subsequently included in an appeal in superior court by another party to the decision or
10 by any other aggrieved or injured party who can demonstrate legal standing to appeal
11 pursuant to RSA 677:4 or RSA 677:15 shall automatically be stayed by the court to provide
12 the party with standing the opportunity to intervene in the matter before the board. If
13 intervenor status is granted, the stay of the court action regarding those claims shall
14 continue during the pendency of the appeal to the board. After the board has decided the
15 appeal, the court shall dismiss the matter before it to the extent the matter has been
16 resolved by the board. Any claim included in an appeal to superior court that is not
17 within the board's authority shall not be subject to automatic stay by the court.

18 679:8 Quorum; Disqualification; Temporary Members.

19 I. In all matters a majority of the board shall constitute a quorum to transact
20 business.

21 II. No member of the board shall represent a party or testify as an expert witness
22 or render any professional service for any party or interest before the board, and any
23 member having an interest in the subject matter shall be disqualified to act therein.

24 III. If, in the event of a disqualification or temporary disability of a member or
25 members of the board, it shall become necessary to do so, the board, subject to the
26 approval of the supreme court, shall appoint such number of temporary board members
27 as shall be necessary to meet the requirements herein imposed. Such temporary board
28 members shall serve with respect to such matter until the same has been fully disposed of
29 before the board.

30 IV. Temporary board members shall have the same qualifications as regular board
31 members in whose place they are acting.

32 V. A temporary board member shall be compensated at the rate of \$75 for each day
33 devoted to the work of the board and shall be reimbursed the necessary and reasonable
34 expenses incurred by him or her in the performance of his or her duties.

35 VI. In the event of a vacancy on the board, the appellant may elect to continue the
36 proceedings while awaiting the appointment of a successor board member.

37 679:9 Hearing Procedure; Standard of Review.

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1 I. Appeals to the board shall be consistent with appeals to the superior court
2 pursuant to RSA 677:4 through RSA 677:16. Appeals shall be on the certified record, and
3 except in such cases as justice may warrant, in the sole discretion of the board, no
4 additional evidence will be introduced. Consistent with the contested case provisions of
5 RSA 541-A, the rules of evidence shall not strictly apply. In addition to the provisions of
6 RSA 91-A, the board shall record the proceedings of any hearing before it and shall make
7 such recording available to the public for inspection and recording from the date of the
8 hearing to a date which is 15 working days after the board has made a final decision on
9 the matter which is the subject of the hearing, or, if an appeal is made from such decision,
10 the date upon which the matter has been finally adjudicated, whichever date is later.

11 II. The board shall not reverse or modify a decision except for errors of law or if
12 the board is persuaded by the balance of probabilities, on the evidence before it, that said
13 decision is unreasonable.

14 679:10 Representation by Nonattorneys. Nonattorneys, including professional
15 engineers, architects, and land surveyors, may represent any party before the board.
16 Nothing in this section shall prevent the board from denying representation by any
17 individual it deems to be improper, inappropriate, or unable to adequately represent the
18 interests of the applicant to the municipal board, committee, or commission.

19 679:11 Board Meetings. The board's deliberative processes in adjudicatory
20 proceedings held pursuant to RSA 541-A shall be exempt from the public meeting and
21 notice provisions of RSA 91-A. Decisions and orders in adjudicatory proceedings shall be
22 publicly available, but only after they have been reduced to writing, signed by a quorum
23 of the board, and served upon the parties, and shall set forth the board's rulings of law
24 and findings of fact in support of its decisions. Discussions and actions by the board
25 concerning procedural, administrative, legal, and internal matters shall be exempt from
26 the meeting and notice provisions of RSA 91-A:2.

27 679:12 Rules and Regulations. The board may adopt rules under RSA 541-A necessary
28 for carrying out its functions including but not limited to rules of procedure to be
29 followed in hearings conducted by it not inconsistent with the provisions of this chapter.

30 679:13 Administration of Oaths, Subpoenas, Etc.; Fees. The board shall have authority
31 to administer oaths and to compel the attendance of witnesses to proceedings before it.
32 The board shall have the power to subpoena and subpoena duces tecum. Witnesses
33 compelled to appear shall be paid the same fee and mileage that are paid to witnesses in
34 the superior court of the state. A subpoena or subpoena duces tecum of the board may be
35 served by any person designated in the subpoena or subpoena duces tecum to serve it.
36 Any testimony given by a person duly sworn shall be subject to the pains and penalties of
37 perjury. All applications or petitions to the board for which no filing fee has been

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1 otherwise specified by statute shall be accompanied by a \$250 filing fee. Costs and
2 attorney's fees may be taxed as in the superior court.

3 679:14 Notice. The board shall serve notice in writing of the time, place, and cause of
4 any hearing upon all parties at least 20 days prior to the date of the hearing.

5 679:15 Appeal. Decisions of the board may be appealed to the supreme court by any
6 party in accordance with the provisions of RSA 541 as from time to time amended.

7 679:16 Enforcement of Decisions. After a decision of the board becomes final, the
8 board shall, at the request of any party, file a certified abstract thereof in the Merrimack
9 county superior court. The clerk of said court shall forthwith enter judgment thereon
10 and such judgment may be enforced as with any final judgment of the superior court.

11 679:17 Staff. The board shall have such clerical, administrative, and technical staff as
12 may be necessary within the limits of the appropriation made therefor.

13 679:18 Office. The board shall be provided with an office in Concord in which its
14 records, documents, and books shall be kept, and with a suitable room in which it may
15 hold hearings.

16 679:19 Neglect to Comply With Board's Orders. Neglect or failure on the part of any
17 municipality to comply with such orders shall be deemed willful neglect of duty, and it
18 shall be subject to the penalties and damages provided by law in such cases.

19 346:261 Salaries Established; Amend RSA 94:1-a, I(b) by inserting in salary grade DD
20 the following new positions:

21 DD	housing appeals board	member
22 DD	housing appeals board	chair

23 346:262 Appropriation; Housing Appeals Board. The sum of \$415,000 for the fiscal
24 year ending June 30, 2021 is hereby appropriated to the housing appeals board
25 established pursuant to RSA 679 for the proper administration of said chapter. Said sum
26 shall not lapse until June 30, 2021. The governor is authorized to draw a warrant for said
27 sum out of any money in the treasury not otherwise appropriated.

28 346:263 Adequate Representation for Indigent Defendants in Criminal Cases;
29 Repayment. RSA 604-A:9, I, I-a, I-b, and I-c are repealed and reenacted to read as follows:

30 I.(a) Any adult defendant or juvenile respondent who has been assigned counsel or
31 a public defender shall be subject to an order by the court, pursuant to this section,
32 regarding payment to the state for counsel fees and expenses paid by the state on behalf
33 of the defendant or juvenile, and regarding payment of an administrative service
34 assessment. Any payment obligation shall apply only to a defendant who has been
35 convicted or a juvenile who has been found delinquent.

36 (b) Upon entering a judgment of conviction or a finding of delinquency, and
37 the issuance of sentence or disposition, the court shall enter a separate written order

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1 setting forth the reasons for the court's conclusion regarding the financial ability of the
2 defendant or the juvenile, including any person liable for the support of the juvenile
3 pursuant to RSA 604-A:2-a, to make payment of counsel fees and expenses, and
4 administrative service assessment. In its discretion, the court may conduct an ability-to-
5 pay hearing to assist in its determination. If the court finds that there is an ability to pay
6 some or all of the counsel fees and expenses and the assessment, either presently or in the
7 future, it shall order payment in such amounts and upon such terms and conditions it
8 finds equitable; any payment obligation shall not commence until the conviction and
9 sentence or the finding of delinquency and disposition has become final. If the court
10 finds that there is no such ability to pay, it shall so order, and any payment obligation
11 shall terminate.

12 (c) In assessing ability to pay upon or after the entering of a judgment of
13 conviction and the issuance of a sentence, neither the court nor the office of cost
14 containment shall consider income that is exempt from execution, levy, attachment,
15 garnishment, or other legal process under any state or federal law, and shall be reduced
16 only by the amount of expenses which are reasonably necessary for the maintenance of
17 the defendant and his dependents.

18 (d) If the court determines that the defendant is financially unable to repay
19 any fees and expenses to the state, the repayment obligation shall be waived. A copy of
20 each order finding that the defendant has an ability to pay fees and assessments shall be
21 forwarded to the commissioner of the department of administrative services and the
22 office of cost containment. An order waiving the repayment obligation shall not be
23 forwarded. Neither the commissioner of the department of administrative services nor
24 the office of cost containment shall have the authority to alter the court's determination
25 that a repayment obligation is waived.

26 (e) After the judgment of conviction is entered and a repayment order is
27 issued, a defendant subject to a repayment order under this section may, if his or her
28 circumstances have changed since the date of the court's order, petition the court for
29 relief from the obligation imposed by this section, which may be granted upon a finding
30 that the defendant is unable to comply with the terms of the court's order or any
31 modification of the order by the court.

32 (f) The maximum payment amount for counsel fees and expenses shall be
33 according to a schedule established by the administrator of the office of cost containment
34 with the approval of the administrative justices of the courts. Any payment obligation for
35 fees and expenses shall not exceed the amount of the state's flat rate payable to a contract
36 attorney as established pursuant to RSA 604-B. The administrative service assessment
37 shall not exceed 10 percent of the counsel fees and expenses. Payment shall be made to

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1 the office of cost containment unless the defendant or juvenile is placed on probation or
2 sentenced to a period of conditional discharge, in which case repayment shall be made to
3 the state through the department of corrections. Any payment obligation attributable to
4 a juvenile shall terminate when the juvenile reaches the age of majority, except when the
5 juvenile has been certified and tried as an adult.

6 (g) In a case where counsel has been appointed, and a repayment order issued,
7 the defendant shall be required to notify the clerk of the court and the office of cost
8 containment of each change of mail address and actual street address. Whenever notice
9 to the defendant is required, notice to the last mail address on file shall be deemed notice
10 to and binding on the defendant.

11 346:264 Adequate Representation for Indigent Defendants in Criminal Cases;
12 Repayment. Amend RSA 604-A:9, II to read as follows:

13 II. All petitions for court appointed counsel shall bear the following words in
14 capital letters:

15 I UNDERSTAND THAT I MAY BE REQUIRED TO REPAY THE SERVICES PROVIDED TO
16 ME BY COURT APPOINTED COUNSEL ***IF I AM CONVICTED*** UNLESS THE COURT
17 FINDS THAT I AM OR WILL BE FINANCIALLY UNABLE TO PAY.

18 346:265 Reference Change; Appointment of Counsel; Payment Obligation. Amend RSA
19 604-A:2-f, IV to read as follows:

20 IV. When the court appoints counsel to represent a defendant in a proceeding
21 under this section, the court shall grant the defendant relief from the obligation to repay
22 the state for appointed counsel fees under [~~RSA 604-A:9, I-b~~] ***RSA 604-A:9, I(b)***, if the court
23 determines that the defendant is financially unable to repay.

24 346:266 Committee to Study the Costs to the State for the Appointment of Counsel to
25 Represent Indigent Defendants in Criminal Cases.

26 I. There is established a committee to study the costs to the state for the
27 appointment of counsel to represent indigent defendants in criminal cases.

28 II. The members of the committee shall be as follows:

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

30 (b) Three members of the house of representatives, appointed by the speaker
31 of the house of representatives.

32 III. The committee shall convene an advisory group consisting of the following
33 individuals, who shall not be voting members of the committee, but shall provide the
34 committee members with information and expertise on matters related to the committee's
35 objective:

36 (a) The chief justice of the supreme court, or designee.

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1 (b) The commissioner of the department of administrative services, or
2 designee.

3 (c) An individual representing the judicial council, appointed by the judicial
4 council.

5 (d) An individual representing the New Hampshire Public Defender, appointed
6 by that office.

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

9 V. The committee shall study the cost to the state for the appointment of counsel
10 pursuant to RSA 604-A to represent indigent defendants in criminal cases. The committee
11 shall:

12 (a) Determine, from the most recent information and data available, the
13 percentage of indigent defendants in criminal cases who have been appointed counsel
14 pursuant to RSA 604-A who are found guilty, and the percentage of indigent defendants in
15 criminal cases who have been appointed counsel pursuant to RSA 604-A who are found
16 not guilty.

17 (b) Calculate the cost to the state for the appointment of counsel pursuant to
18 RSA 604-A for such indigent defendants.

19 VI. The members of the study committee shall elect a chairperson from among the
20 members. The first meeting of the committee shall be called by the first-named senate
21 member. The first meeting of the committee shall be held within 45 days of the effective
22 date of this section. Three members of the committee shall constitute a quorum.

23 VII. The committee shall report its findings and any recommendations for
24 proposed legislation to the president of the senate, the speaker of the house of
25 representatives, the senate clerk, the house clerk, the governor, the fiscal committee of
26 the general court, and the state library on or before January 1, 2020.

27 346:267 New Paragraph; Department of Justice; Bureau of Civil Law; Authority to
28 Hire Additional Staff for Campaign Finance, Election Law, Inaugural Committee
29 Oversight, and Lobbying Matters. Amend RSA 21-M:11 by inserting after paragraph III
30 the following new paragraph:

31 IV. To assist the attorney general in his or her duty to exercise supervision of
32 campaign finance, election law, inaugural committee oversight, and lobbying matters, the
33 department of justice may hire:

34 (a) An unclassified full-time investigator assigned to the bureau, who shall
35 work exclusively on, campaign finance, election law, inaugural committee oversight, and
36 lobbying matters. Notwithstanding RSA 14:14-c, the salary for the full-time investigator
37 position shall be established as a salary grade BB.

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1 (b) A classified full-time investigative paralegal assigned to the bureau, who
2 shall work exclusively on campaign finance, election law, inaugural committee oversight,
3 and lobbying matter. The classification shall be a paralegal II, labor grade 19.

4 346:268 Off Highway Recreational Vehicles and Trails; Regulations of Political
5 Subdivisions. Amend RSA 215-A:15, V to read as follows:

6 V. Enforcement of ~~[paragraph]~~ *paragraphs* IV *and* VII shall be the joint
7 responsibility of the city of Concord and the state of New Hampshire.

8 346:269 New Paragraph; Off Highway Recreational Vehicles and Trails; Regulations of
9 Political Subdivisions. Amend RSA 215-A:15 by inserting after paragraph VI the following
10 new paragraph:

11 VII. OHRVs shall be prohibited from traveling on Hoit Road Marsh in the city of
12 Concord.

13 346:270 Statement of Findings and Purpose. The general court hereby finds that
14 outdoor recreation is vital to a diverse economy, is a delineating asset for the state in
15 competition for workforce and employer recruitment, represents an opportunity for
16 communities of the state to connect to a statewide asset, and contributes to a healthy
17 community. In furtherance of these objectives, the general court hereby establishes an
18 office of outdoor recreation industry development in the department of business and
19 economic affairs.

20 346:271 New Section; Department of Business and Economic Affairs; Outdoor
21 Recreation Industry Development; Office and Position Established. Amend RSA 12-O by
22 inserting after section 23 the following new section:

23 12-O:23-a Office of Outdoor Recreation Industry Development Established.

24 I. There is established in the department the office of outdoor recreation industry
25 development. The office shall be under the supervision of a classified director of the
26 office of outdoor recreation industry development, who shall serve under the supervision
27 of the commissioner. The director shall provide administrative oversight and ensure that
28 the responsibilities of the office described in this section are fulfilled.

29 II. The office of outdoor recreation industry development shall:

30 (a) Coordinate outdoor recreation policy, management, and promotion among
31 state and federal agencies and local government entities.

32 (b) Promote economic development in the state by:

33 (1) Coordinating with outdoor recreation stakeholders.

34 (2) Using outdoor recreational infrastructure and industry to promote
35 tourism and recruit members of the general workforce.

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1 (3) Working with stakeholders and academic institutions to develop
2 relevant training and curricula for members of the outdoor industry and manufacturing
3 workforce.

4 (4) Improving motorized and nonmotorized recreational opportunities in
5 cooperation with the department of natural and cultural resources.

6 (5) Recruiting outdoor recreation business and industry.

7 (c) Recommend policies and initiatives to enhance recreational amenities and
8 experiences in the state and help implement those policies and initiatives.

9 (d) Develop outcome-driven data regarding the effect of outdoor recreation in
10 the state.

11 (e) Promote the health and social benefits of outdoor recreation, especially to
12 young people.

13 (f) Advance sustainable land stewardship initiatives recognizing the
14 relationship between outdoor recreation and its economic benefit to the state.

15 III. Provided that any federally funded programs managed by the department of
16 natural and cultural resources, division of parks on the effective date of this section shall
17 continue to be managed by the division of parks, the office of outdoor recreation
18 industry development may:

19 (a) Seek federal grants or loans.

20 (b) Seek private foundation partnerships.

21 (c) Seek to participate in federal programs.

22 (d) In accordance with applicable federal program guidelines, administer
23 federally funded outdoor recreation programs.

24 346:272 New Paragraph; Community Recreation Service; Duties. Amend RSA 12-B:3
25 by inserting after paragraph X the following new paragraph:

26 XI. To serve as liaison to the office of outdoor recreation industry development
27 established pursuant to RSA 12-O:23-a.

28 346:273 Appropriation; Department of Business and Economic Affairs. The sum of
29 \$125,000 for the fiscal year ending June 30, 2020 and the sum of \$125,000 for the fiscal year
30 ending June 30, 2021 are hereby appropriated to the department of business and
31 economic affairs for the purpose of supporting the small business development center
32 and its programs. The governor is authorized to draw a warrant for said sums out of any
33 money in the treasury not otherwise appropriated.

34 346:274 Fill and Dredge in Wetlands; Excavating and Dredging Permits. Amend RSA
35 482-A:3, I(b) and (c) as follows:

36 (b) The application fee for shoreline structure projects shall be [~~\$200~~] **\$400** plus
37 an amount based on the area of dredge, fill, or dock surface area proposed, or a

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1 combination thereof, which shall be [~~\$2~~] **\$4** per square foot for permanent dock surface
2 area; [~~\$1~~] **\$2** per square foot for seasonal dock surface area; and [~~\$.20~~] **\$.40** per square foot
3 for dredge or fill surface area or both. For projects involving only the repair,
4 reconstruction, or reconfiguration of an existing docking structure, the application fee
5 shall be [~~\$200~~] **\$400**.

6 (c) The application fee shall be [~~\$200~~] **\$400** for minimum impact dredge and fill
7 projects [~~under this chapter~~] **and for non-enforcement related publicly funded and**
8 **supervised restoration projects as defined by rules, regardless of impact classification, if**
9 **undertaken by other than the person or persons responsible for causing the restoration**
10 **to be needed.** The application fee for all projects under this chapter which are not
11 covered by subparagraph (b) or (c) or paragraphs IV-a, V, X through XII, XV, XVI, or XVII
12 through XIX shall be [~~\$.20~~] **\$.40** per square foot of proposed impact, with a minimum fee of
13 [~~\$200~~] **\$400** for all such projects that impact fewer than [~~1,000~~] **600** square feet.

14 346:275 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Use of Fees.
15 Amend RSA 482-A:3, III to read as follows:

16 III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), XII(c), and X are
17 continually appropriated to and shall be expended by the department for paying per diem
18 and expenses of the public members of the council, hiring additional staff, reviewing
19 applications and activities relative to [~~the~~] wetlands [~~of the state~~] **under RSA 482-A, [and]**
20 **protected shorelands under RSA 483-B, alteration of terrain under RSA 485-A:17,**
21 **conducting field investigations, and holding public hearings. Such fees and any monetary**
22 **grants, gifts, donations, or interest generated by these funds shall be deposited with and**
23 **held by the treasurer in a nonlapsing fund identified as the [wetlands and shorelands**
24 **review] water resources fund.**

25 346:276 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certain Fees.
26 Amend RSA 482-A:3, X(a) to read as follows:

27 (a) The maximum cash application fee for the New Hampshire department of
28 transportation shall be [~~\$10,000~~] **\$30,000** per application plus provisions for technical or
29 consulting services or a combination of such services as necessary to meet the needs of
30 the department. The department may enter into a memorandum of agreement with the
31 New Hampshire department of transportation to accept equivalent technical or
32 consulting services or a combination of such services in lieu of a portion of their standard
33 application fees.

34 346:277 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Review of
35 Applications. Amend RSA 482-A:3, XIV(b)(1) to read as follows:

36 (1) The time limits prescribed by this paragraph shall supersede any time
37 limits provided in any other provision of law. **The time limits prescribed by this**

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1 *paragraph shall not apply to applications submitted by the department of transportation,*
2 *for which time limits shall be set by a memorandum of agreement between the*
3 *commissioner of the department of environmental services and the commissioner of the*
4 *department of transportation.* If the department fails to act within the applicable time
5 frame established in subparagraphs (a)(3), (a)(4), and (a)(5), the applicant may ask the
6 department to issue the permit by submitting a written request. If the applicant has
7 previously agreed to accept communications from the department by electronic means, a
8 request submitted electronically by the applicant shall constitute a written request.

9 346:278 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Review of
10 Applications. Amend RSA 482-A:3, XIV(e) to read as follows:

11 (e) *Any request for an amendment to an application or permit shall be*
12 *submitted to the department on the appropriate amendment form.* Any request for a
13 significant amendment to a pending application or an existing permit which changes the
14 footprint of the permitted fill or dredge area shall be deemed a new application subject to
15 the provisions of RSA 482-A:3, I and the time limits prescribed by this paragraph.
16 "Significant amendment" means an amendment which changes the proposed or previously
17 approved acreage of the permitted fill or dredge area by 20 percent or more, [~~relocates~~
18 ~~the proposed footprint of the permitted fill or dredge area,~~] includes a prime wetland, or
19 [~~surface waters of the state, includes a wetland of a different classification as classified by~~
20 ~~the department, or includes non-wetland areas requiring permits for filling and dredging]~~
21 *elevates the project's impact classification.* This meaning of "significant amendment"
22 shall not apply to an application amendment that is in response to a request from the
23 department.

24 346:279 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Permit
25 Duration and Extensions. Amend RSA 482-A:3, XIV-a to read as follows:

26 XIV-a.(a) With the exception of permits issued under subparagraph (b) *or*
27 *paragraph XIV-b,* all permits issued pursuant to this chapter shall be valid for a period of
28 5 years. Requests for extensions of such permits may be made to the department *by*
29 *submitting the information required in rules adopted by the department.* The
30 department shall grant one extension of up to 5 additional years, provided the applicant
31 demonstrates all of the following:

32 (1) The permit for which extension is sought has not been revoked or
33 suspended without reinstatement.

34 (2) Extension would not violate a condition of law or rule *other than that*
35 *established in this paragraph relative to permit duration.*

36 (3) The project is proceeding towards completion in accordance with plans
37 and other documentation referenced by the permit.

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1 (4) The applicant proposes reasonable mitigation measures to protect the
2 public waters of the state from deterioration during the period of extension.

3 (b) Any permit issued to repair or replace shoreline structures to maintain the
4 integrity and safety of such structures including, but not limited to docks, sea walls,
5 breakwaters, riprap, access ramps and stairs, that are damaged by storms or ice, shall
6 expire 10 years from the date the permit was issued as long as any work performed after
7 the initial permitted work complies with the following:

8 (1) The work is not in violation of the original permit or subparagraphs
9 (a)(1)-(4).

10 (2) All structures are repaired or replaced to the original permitted
11 location and configuration.

12 (3) All significant work is reported to the department in accordance with
13 the reporting requirements for the original permit.

14 (c) *After review, if the department determines that a request to extend a*
15 *permit for a major project in public waters meets the stated criteria, the department shall*
16 *submit the request to the governor and executive council with a recommendation that the*
17 *request be approved. The department shall issue decisions on all other extension*
18 *requests.*

19 346:280 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Utilities.
20 Amend the introductory paragraph of RSA 482-A:3, XV(b):

21 (b) [~~Appropriate~~] *The utility provider shall provide an annual* notice to the
22 department, *which* shall include the following information:

23 346:281 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Utilities.
24 Amend RSA 482-A:3, XV(d) to read as follows:

25 (d) A [~~one-time annual~~] *non-refundable* filing fee of [~~\$200~~] *\$400* per town[, ~~not~~
26 ~~to exceed a maximum of \$10,000,~~] per year shall accompany the notice to the department.
27 Such fees shall be held in accordance with paragraph III.

28 346:282 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certified
29 Culvert Maintainers. Amend RSA 482-A:3, XVIII and XIX to read as follows:

30 XVIII. The department shall develop [~~an installer's~~] *a* certification program *for*
31 *culvert maintainers*, in accordance with paragraph XVII, and shall determine the
32 educational requirements for certification, including continuing education requirements.
33 Professional engineers who are duly licensed by the New Hampshire board of
34 professional engineers are exempt from the program requirements of this section. All
35 certified individuals who perform such work shall submit a quarterly report to the
36 department fully identifying work that they performed during each quarter and
37 documentation of continuing education requirements.

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1 XIX. The department shall issue ~~[an installer's permit]~~ **a culvert maintainer**
2 **certificate** to any individual who submits an application provided by the department, and
3 has satisfactorily completed the program in accordance with paragraphs XVII and XVIII.
4 ~~[Permits]~~ **Initial certificates** shall be ~~[issued]~~ **valid through December 31 of the year**
5 **following the year of issue. Renewal certificates shall be valid** from January 1 ~~[and shall~~
6 ~~expire]~~ **through** December 31 of every other year. Permits shall be renewable upon
7 proper application, and documentation of compliance with the continuing education
8 requirement of paragraph XVIII. The installer's permit may be suspended, revoked, or
9 not renewed for just cause, including, but not limited to, the installation of culverts in
10 violation of this chapter or the refusal by a permit holder to correct defective work. The
11 department shall not suspend, revoke, or refuse to renew a permit except for just cause
12 until the permit holder has had an opportunity to be heard by the department. An appeal
13 from such decision to revoke, suspend, or not renew a permit may be taken pursuant to
14 RSA 21-O:14.

15 346:283 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certified
16 Application Preparer Program. Amend RSA 482-A:3, XX(d) to read as follows:

17 (d) The certification shall be valid for one year from the date of issuance and
18 may be renewed every year. The initial fee for certification shall be \$200 and the fee for
19 renewal shall be \$50. The department shall not issue a certification or a renewal
20 certification if the required fee is not paid. All fees shall be deposited into the ~~[wetlands~~
21 ~~and shoreland review]~~ **water resources fund** established in RSA 482-A:3, III.

22 346:284 Aquatic Resources Fund. Amend RSA 482-A:29, II to read as follows:

23 II. A separate, non-lapsing account shall be established within the fund into which
24 all administrative assessments collected under RSA 482-A:30, III and RSA 482-A:30-a, II
25 shall be placed. Such account moneys shall ~~[only]~~ be used ~~[to support up to 2 full-time~~
26 ~~positions]~~ for administration of the fund, **including staff**, and **aquatic resource mitigation**
27 related projects. ~~[No other fund moneys shall be used for state personnel costs.]~~

28 346:285 Shoreland Water Quality Protection; Permit Application Fees. Amend the
29 introductory paragraph of RSA 483-B:5-b, VI:

30 VI. All permits issued pursuant to this chapter shall be valid for a period of 5
31 years. Requests for extensions of such permits may be made to the department **by**
32 **providing such information as is required by rules adopted pursuant to RSA 541-A.** The
33 department shall grant one extension of up to 5 additional years, provided the applicant
34 demonstrates all of the following:

35 346:286 Shoreland Water Quality Protection; Permit Application Fees. Amend RSA
36 483-B:5-b, I(b) to read as follows:

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1 (b) The permit application fee shall be [~~\$100~~] *the base fee specified in this*
2 *subparagraph* plus *an impact fee of* [~~\$.10~~] *\$\$.20* per square foot of area affected by the
3 proposed activities and shall be deposited in the [~~wetlands and shorelands review~~] *water*
4 *resources* fund established under RSA 482-A:3, III. [~~Such fees shall be capped as follows:~~

5 (1) For projects that qualify for permit by notification under this
6 paragraph or RSA 483-B:17, X, [~~\$100~~], *the base fee shall be \$200* for restoration of water
7 quality improvement projects, and [~~\$250~~] *the base fee shall be \$400* for all other permit by
8 notification projects.

9 [~~(2) For projects of 0-9,999 square feet, that do not qualify for a permit by~~
10 ~~notification, \$750.~~

11 [~~(3) For projects of 10,000-24,999 square feet, \$1,875.~~

12 [~~(4) For projects of 25,000 square feet or more, \$3,750.]~~

13 346:287 Shoreland Water Quality Protection; Other Required Permits and Approvals.
14 Amend RSA 483-B:6, II to read as follows:

15 II. In applying for approvals and permits, pursuant to paragraph I, applicants
16 shall demonstrate that the proposal meets or exceeds the development standards of this
17 chapter. The department shall develop minimum standards for information to be
18 required on or with all applications under paragraph I. The department or municipality
19 shall grant, deny, or attach reasonable conditions to approvals or permits listed in
20 subparagraphs I(a)-(f) *and RSA 483-B:5-b*, to protect the public waters or the public
21 health, safety, or welfare. Such conditions shall be related to the purposes of this
22 chapter.

23 346:288 Terrain Alteration; Permit Application Fees. Amend RSA 485-A:17, II to read
24 as follows:

25 II.(a) The department shall charge a fee for each review of plans, including project
26 inspections, required under this section. The *plan review* fee shall be based on the
27 [~~extent of contiguous~~] *total* area to be disturbed. Except for *property subject to* RSA 483-
28 B:9, the fee for *review of* plans encompassing an area of at least 100,000 square feet but
29 less than 200,000 square feet shall be [~~\$1,250~~] *\$3,125*. For the [~~purposes of~~] *property*
30 *subject to* RSA 483-B:9, the fee for *review of* plans encompassing an area of at least 50,000
31 square feet but less than 200,000 square feet shall be [~~\$1,250~~] *\$3,125*. An additional fee of
32 [~~\$500~~] *\$1,250* shall be assessed for each additional area of up to 100,000 square feet to be
33 disturbed. No [~~permit~~] *application* shall be [~~issued~~] *accepted* by the department until the
34 fee required by this paragraph is paid. All fees required under this paragraph shall be
35 paid when plans are submitted for review and shall be deposited in the [~~terrain~~
36 ~~alteration~~] *water resources* fund established in [~~paragraph II-a~~] *RSA 482-A:3, III*.

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1 ***(b) The department shall charge a non-refundable fee of \$500 plus a \$.10 per***
2 ***square foot fee for each request to amend a permit that requires plans to be reviewed.***

3 346:289 Wetlands and Shorelands Review Fund Renamed. Amend RSA 6:12, I(b)(131)
4 to read as follows:

5 (131) Moneys deposited in the [~~wetlands and shorelands review~~] ***water***
6 ***resources*** fund ***established*** under RSA 482-A:3, III.

7 346:290 Repeal. The following are repealed.

8 I. 2008, 5:27, I, relative to repealing permit application fees.

9 II. RSA 6:12, I(b)(256), relative to the terrain alteration fund.

10 III. RSA 482-A:3, XV(e), relative to the additional fee for amendments to the
11 notification for maintenance to existing utility services.

12 IV. RSA 485-A:17, II-a, relative to the terrain alteration fund.

13 346:291 Appropriation; Department of Environmental Services; Ossipee Lake Dam
14 Reconstruction. There is hereby appropriated the sum of \$1,500,000 for the fiscal year
15 ending June 30, 2020 to the department of environmental services to supplement the
16 capital appropriation in 2017, 228:1, VIII, H, for the purpose of reconstructing the Ossipee
17 Lake Dam. This appropriation shall not lapse until June 30, 2021. The governor is
18 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
19 appropriated.

20 346:292 New Paragraph; Pease Development Authority; Real Estate Transfer Tax
21 Exemption for Leases. Amend RSA 78-B:2 by inserting after paragraph XXIII the
22 following new paragraph:

23 XXIV. To a lease of any term by and between the Pease development authority and
24 any other person, including any sales, transfers, or assignments of any interest in the
25 leased property.

26 346:293 Hazardous Waste Clean Up; Civil Actions; Cost Recovery. Amend RSA 147-
27 B:10, III(a) to read as follows:

28 (a) The attorney general may institute an action before the superior court for
29 the county in which the facility is located against any person liable pursuant to
30 paragraph I of this section to recover all costs incurred by the state. Costs recovered
31 under this section shall be deposited into the fund ***except that costs recovered to offset***
32 ***expenditures made from the drinking water and groundwater trust fund established in***
33 ***RSA 6-D:1 shall be deposited into the drinking water and groundwater trust fund.***

34 346:294 New Section; Deposits to Drinking Water and Groundwater Trust Fund.
35 Amend RSA 485-F by inserting after section 6 the following new section:

36 485-F:7 Deposits to Drinking Water and Groundwater Trust Fund. Any money
37 received by the state related to the contamination of drinking water or groundwater,

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1 other than fees, fines, penalties, oil or hazardous waste cost recovery, or any other money
2 already allocated to a specified fund, shall be deposited into the drinking water and
3 groundwater trust fund. This paragraph shall not be construed to limit any damages
4 otherwise awarded in a related private cause of action.

5 346:295 New Paragraph; Recovered Costs; Deposited in Drinking Water and
6 Groundwater Trust Fund. Amend RSA 485-F:3 by inserting after paragraph II the
7 following new paragraph:

8 III. Costs paid from the drinking water and groundwater trust fund for the action
9 described in paragraph I(a) and recovered by the state under RSA 147-B:10, shall be
10 deposited to the trust fund. In addition, upon payment from the trust fund for any costs
11 for which a third party would otherwise be liable, the right to recover payment from such
12 third party shall be assumed by the drinking water and groundwater advisory
13 commission to the extent of payment made from the trust fund. Any money so recovered
14 shall be repaid to the trust fund. No party shall receive multiple compensation for the
15 same injury, and any such compensation shall be repaid to the trust fund.

16 346:296 Repeal. RSA 176:16-a, relative to liquor commission revenue shortfalls, is
17 repealed.

18 346:297 Definition of Pet Vendor. Amend RSA 437:1, IV to read as follows:

19 IV. "Pet vendor" means any person, firm, corporation, or other entity ~~[engaged in~~
20 ~~the business of transferring live animals or birds]~~ ***that transfers 25 or more dogs, 25 or***
21 ***more cats, 30 or more ferrets, or 50 or more birds,*** live animals or birds customarily used
22 as household pets to the public, with or without a fee or donation required, and whether
23 or not a physical facility is owned by the licensee in New Hampshire, when transfer to the
24 final owner occurs within New Hampshire, ***between July 1 and June 30 of each year. Pet***
25 ***vendor also means any person, firm, corporation, or other entity that transfers***
26 ***amphibians, reptiles, fish, or small mammals customarily used as household pets to the***
27 ***public in quantities set in rules adopted by the department, with or without a fee or***
28 ***donation required, and whether or not a physical facility is owned by the licensee in New***
29 ***Hampshire between July 1 and June 30 of each year. Nothing in this paragraph shall be***
30 ***construed to alter or affect the municipal zoning regulations that a pet vendor shall***
31 ***conform with under RSA 437:3.***

32 346:298 Exemptions; Commercial Kennel Deleted. Amend RSA 437:7 to read as
33 follows:

34 437:7 Exceptions. The license provisions of this subdivision shall not apply to
35 breeders of dogs that do not meet the definition of ~~[commercial kennel]~~ ***pet vendor*** in RSA
36 437:1, veterinarians, or the transfer of livestock or poultry.

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1 (a) The administration and disbursement of the cost of care fund, including
2 guidelines to ensure that multiple applicants would have equitable access to grants.

3 (b) The application process by an arresting officer or his or her designee for
4 financial assistance to cover the cost of emergency veterinary treatment.

5 V. The commissioner may accept private gifts and donations of any kind for the
6 purpose of supporting the cost of animal care which shall be deposited into the cost of
7 care fund.

8 VI. If a person is convicted of animal cruelty and is ordered by the court to make
9 restitution, the municipality shall report such restitution to the department of
10 agriculture, markets, and food. If the restitution exceeds the costs incurred by the
11 municipality in caring for the seized animals, that excess shall be remitted to the
12 department and shall be deposited into the cost of care fund.

13 346:301 Department of Agriculture, Markets, and Food; Cost of Care Fund. The sum of
14 \$100,000 for the fiscal year ending June 30, 2020, and the sum of \$100,000 for the fiscal
15 year ending June 30, 2021 are hereby appropriated to the department of agriculture,
16 markets, and food to fund the cost of care fund established in RSA 437-B:1. The governor
17 is authorized to draw a warrant for said sums out of any money in the treasury not
18 otherwise appropriated.

19 346:302 Repeal. RSA 437:1, II, relative to the definition of commercial kennel, is
20 repealed.

21 346:303 New Paragraph; Cemetery Operations. Amend RSA 110-B:77 by inserting
22 after paragraph III the following new paragraph:

23 IV. All federal funds received and income earned from internment fees shall be
24 nonlapsing and continually appropriated for the sole purpose of supporting the New
25 Hampshire state veterans cemetery. 346:

26 346:304 Appropriation; Department of Environmental Services; Report Required.

27 I. The sum of \$6,000,000 for the fiscal year ending June 30, 2020 is hereby
28 appropriated to the department of environmental services for the purpose of studying,
29 investigating, and testing for contamination caused by perfluorinated chemicals, and the
30 preliminary design for a treatment system for such contamination. This appropriation
31 shall not lapse until June 30, 2021. Such appropriation shall be a charge against the
32 drinking water and groundwater trust fund established in RSA 6-D:1.

33 II. The department of environmental services, in coordination with the attorney
34 general, shall report to the fiscal committee of the general court upon any significant
35 developments relative to the state's lawsuit against companies for the manufacturing and
36 dissemination of perfluorinated chemicals in New Hampshire.

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1 346:305 New Paragraph; Organization of Executive Branch; Purpose. Amend RSA 21-
2 G:2 by inserting after paragraph III the following new paragraph:

3 IV. The various scopes in the mission of the executive branch departments,
4 agencies, and commissions require a delineation of their organization within the
5 executive branch.

6 346:306 Organization of Executive Branch; Definitions. RSA 21-G:5 is repealed and
7 reenacted to read as follows:

8 21-G:5 Definitions. In this chapter:

9 I. "Administratively attached agency" means an independent agency linked to a
10 department for purposes of reporting and sharing support services.

11 II. "Administrative head of the agency" means the individual, by whatever title
12 conferred upon them by the relevant statute, who is in charge of operations of an
13 executive agency, executive commission, or administratively attached agency.

14 III. "Advisory committee" means a committee established pursuant to RSA 21-G:11
15 which shall furnish advice, gather information, make recommendations and perform such
16 other activities as may be instructed or as may be necessary to fulfill advisory functions
17 or to comply with federal funding requirements, but which shall not administer a
18 program or function or set policy.

19 IV. "Agency" means any department, commission, board, institution, bureau, office,
20 or other entity, by whatever name called, other than the legislative and judicial branches
21 of state government, established in the state constitution, statute, session law, or
22 executive order.

23 V. "Bureau" means the principal unit within a division, which is directly
24 responsible to the division level and is concerned with individual program management.

25 VI. "Commissioner" means the individual in charge of the operations of an
26 executive department, who is directly responsible to the governor.

27 VII. "Constitutional office" means an executive department that also comprises a
28 constitutional office established by the state constitution and common law practice.

29 VIII. "Division" means the principal unit within a department, which is directly
30 responsible to the department level and is concerned with related major functional
31 programs and activities.

32 IX. "Executive agency" means an administrative unit within the executive branch
33 of state government, which is concerned with a specific objective or administrative
34 function.

35 X. "Executive commission" means an administrative unit within the executive
36 branch of state government established to provide a specific enterprise or regulatory
37 function.

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1 XI. "Executive department" means the principal administrative unit within the
2 executive branch of state government, which is concerned with broad functional
3 responsibilities.

4 XII. "Field operations" means district or area offices which may combine division,
5 bureau, and section functions.

6 XIII. "Section" means the principal unit of a bureau, which is directly responsible
7 to the bureau level and is concerned with direct provision of services to the public or
8 other state agencies.

9 346:307 Structure of Executive Branch. Amend the section heading of RSA 21-G:6 to
10 read as follows:

11 21-G:6 Structure of Executive Branch *Departments*.

12 346:308 Repeal. RSA 21-G:6, II(d), relative to division into subsections, is repealed.

13 346:309 New Section; Organization of Executive Branch. Amend RSA 21-G by
14 inserting after section 6-a the following new section:

15 21-G:6-b Organization of the Executive Branch.

16 I. Constitutional offices are as follows:

- 17 (a) The executive department, comprising the office of the governor.
18 (b) The department of state, comprising the office of the secretary of state.
19 (c) The state treasury, comprising the office of the state treasurer.
20 (d) The department of justice, comprising the office of the attorney general.

21 II. The executive departments are as follows:

- 22 (a) The department of administrative services.
23 (b) The department of agriculture, markets, and food.
24 (c) The department of banking.
25 (d) The department of business and economic affairs.
26 (e) The department of corrections.
27 (f) The department of education.
28 (g) The department of employment security.
29 (h) The department of environmental services.
30 (i) The department of health and human services.
31 (j) The department of information technology.
32 (k) The department of insurance.
33 (l) The department of labor.
34 (m) The department of military affairs and veteran services.
35 (n) The department of natural and cultural resources.
36 (o) The department of revenue administration.
37 (p) The department of safety.

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1 the senate, and speaker of the house of representatives the compiled quarterly reports on
2 an ongoing basis.

3 346:311 General Fund Transfer to Highway Fund. The sum of \$3,963,000 for the fiscal
4 year ending June 30, 2020 is hereby appropriated to the highway fund. The governor is
5 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
6 appropriated.

7 346:312 Administration of Motor Vehicle Laws; Road Tolls; Exception. Amend RSA
8 260:60 to read as follows:

9 260:60 Exception. Notwithstanding all other laws and rules to the contrary, annually,
10 on or before June 1, the road toll administrator shall compare the number of gallons on
11 which refunds have been made for the preceding calendar year for motor fuel used in the
12 propulsion of boats on inland public waters of the state, with the number of gallons of
13 such motor fuel sold and delivered directly into the fuel tanks, or supplementary fuel
14 tanks, of boats or outboard motors upon the inland public waters for use in such boats or
15 outboards, based on the number of boats registered in the state at 100 gallons usage per
16 boat, and if there is any balance of unrefunded tolls so collected, the administrator shall
17 report the same to the comptroller who shall, on July 1, next following, credit 1/2 of said
18 balance to the general fund and credit 1/2 of said balance to the fish and game
19 department. The funds credited to the fish and game department shall be used by said
20 department to carry out its program and be accounted for as *unrestricted revenue to* the
21 fish and game fund [~~is accounted for~~]. Any funds credited to the fish and game
22 department as above provided shall not lapse at the end of the fiscal year. The
23 department shall pay monthly to the state treasurer all revenue from the aircraft landing
24 area toll.

25 346:313 Administration of Motor Vehicle Laws; Road Tolls; Credit Provided. Amend
26 RSA 260:61, I to read as follows:

27 I. Annually, on or before June 30, the comptroller shall transfer, from road tolls
28 collected, an amount equal to the number of licensed OHRVs and snowmobiles for the
29 previous year times the average number of gallons consumed per year per OHRV and
30 snowmobile times the gasoline road toll imposed under RSA 260:32, less any amount
31 refunded for OHRV and snowmobile use for the previous year, to the fish and game
32 department and the bureau of trails as follows. The road toll administrator shall report
33 to the comptroller if there is a balance of unrefunded road tolls collected. The
34 administrator shall certify the amount to the comptroller who shall credit 1/2 of such
35 balance to the bureau of trails for use as provided in paragraph I-a, and 1/2 of such
36 balance to the fish and game department *as unrestricted revenue to the fish and game*

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1 ***fund.*** For the purposes of this section, "the average number of gallons consumed per year
2 per OHRV or snowmobile" is 100.

3 346:314 Department of Safety Appropriations; Revenue from Motor Vehicle Fines;
4 Exemption. For the fiscal year ending June 30, 2019, department of safety appropriations
5 funded with agency income from restricted revenue collected under RSA 262:44, I, shall
6 be exempt from 2017, 155:1.08(I).

7 346:315 Department of Safety; Fund Transfer; Authorization. Notwithstanding the
8 provisions of RSA 9:16-a, for the biennium ending June 30, 2021, the department of safety
9 may transfer funds between accounting units in classes 027-transfers to the department
10 of information technology, 028-transfers to general services, 064-retiree pension benefit-
11 health insurance compensation, and 211-property and casualty insurance, upon approval
12 of the department of administrative services' budget office.

13 346:316 Substance Abuse Enforcement Program; Appropriations.

14 I. The sum of \$587,700 for the fiscal year ending June 30, 2020 is hereby
15 appropriated to the department of safety. This sum shall be expended as follows:

16 (a) \$171,600 shall be expended for the purpose of funding overtime at the state
17 forensic laboratory as a result of increased caseloads attributable to narcotics related
18 enforcement and investigations with no more than 50 percent of the appropriation
19 expended in each fiscal year of the biennium ending June 30, 2021.

20 (b) \$416,100 shall be expended for the purpose of funding overtime at the state
21 police for narcotics related enforcement and investigations with no more than 50 percent
22 of the appropriation expended in each fiscal year of the biennium ending June 30, 2021.

23 II. The sum of \$2,400,000 for the fiscal year ending June 30, 2020 is hereby
24 appropriated to the department of safety to disburse grants to county and local law
25 enforcement agencies for the purpose of funding overtime costs for county and local law
26 enforcement officers performing law enforcement activities attributable to the substance
27 abuse enforcement program established in RSA 21-P:66. No more than 50 percent of the
28 appropriation shall be expended in each fiscal year of the biennium ending June 30, 2021.

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

31 IV. No appropriation made in this section shall lapse until July 1, 2021.

32 346:317 Department of Safety; Appropriation. There is hereby appropriated to the
33 department of safety the sum of \$195,000 for the fiscal year ending June 30, 2020, for the
34 purpose of providing administrative support to the state building code review board. The
35 governor is authorized to draw a warrant for said sums out of any money in the treasury
36 not otherwise appropriated and said sums shall not lapse until June 30, 2021.

37 346:318 Public School Infrastructure Fund. Amend RSA 198:15-y, II to read as follows:

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1 II. There is hereby established in the office of the state treasurer the public school
2 infrastructure fund which shall be kept distinct and separate from all other funds and
3 which shall be administered by the department of education. After transferring sufficient
4 funds to the revenue stabilization reserve account to bring the balance of that account to
5 \$100,000,000, the state treasurer shall transfer the remainder of the general fund surplus
6 for fiscal year 2017, as determined by the official audit performed pursuant to RSA 21-I:8,
7 II(a), to the fund. Any earnings on fund moneys shall be added to the fund. All moneys in
8 the fund shall be nonlapsing and continually appropriated. *The department of education*
9 *may retain up to 3 percent of the total annual appropriation of the public school*
10 *infrastructure fund on or after July 1, 2019, to be used to administer the public school*
11 *infrastructure program.* Any unexpended or unencumbered balance as of June 30, 2021
12 shall be transferred to the general fund.

13 346:319 Public School Infrastructure Fund. Amend RSA 198:15-y, III(e) to read as
14 follows:

15 (e) *A school building or infrastructure proposal which is necessary to comply*
16 *with Americans with Disabilities Act (ADA) regulations.*

17 (f) Other school building or infrastructure needs the governor, in consultation
18 with the public school infrastructure commission, may identify, except for school
19 building aid projects that are otherwise prohibited by law.

20 346:320 Department of Education; Vocational Rehabilitation Programs or Services.
21 For the biennium ending June 30, 2021, the department of education may request funds
22 not otherwise appropriated for the purpose of funding unanticipated costs relative to
23 vocational rehabilitation programs or services, with review and approval of the joint
24 fiscal committee of the general court.

25 346:321 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, I to read
26 as follows:

27 I. Each school board shall make [a] *at least one* meal available during school hours
28 to every pupil under its jurisdiction. Such meals shall be served without cost or at a
29 reduced cost to any [needy] child who [is unable to pay the full cost of said meals] *meets*
30 *federal income eligibility guidelines.* The state board of education shall [insure] *ensure*
31 compliance with this section and shall establish minimum nutritional standards for such
32 meals [and shall further establish] *as well as* income guidelines [setting forth] *set for* the
33 [minimum] family size [annual income levels to be] used in determining eligibility for free
34 and reduced price meals. Nothing in this section shall prohibit the operation of both a
35 breakfast and lunch program in the same school. [Further any requirement of this
36 section which conflicts with any federal statute or regulation may be waived by the state
37 board of education.]

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1 346:322 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, VII(b) to
2 read as follows:

3 (b) Such school which demonstrates to the department of education that an
4 approved school wellness policy, as required under the [~~Child Nutrition and WIC~~
5 ~~Reauthorization Act of 2004~~] ***Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296,***
6 ***and the Richard B. Russell National School Lunch Act, 42 U.S.C. section 1758b*** is in effect,
7 and that such school is providing breakfast meals to pupils that meet or exceed the
8 United States Department of Agriculture's child nutrition criteria may apply for and
9 receive a 3 cent reimbursement for each breakfast meal served to a pupil ***and an***
10 ***additional 27 cent reimbursement for each meal served to students eligible for a reduced***
11 ***price meal.*** The department of education shall request biennial appropriations in an
12 amount sufficient to meet projected school breakfast reimbursements ***to ensure students***
13 ***eligible for reduced price meals are offered breakfast at no cost.*** The department of
14 education shall prescribe forms as necessary under this paragraph.

15 346:323 New Section; Department of Education; New Position; School Nurse
16 Coordinator. Amend RSA 21-N by inserting after section 6 the following new section:

17 21-N:6-a School Nurse Coordinator. There is established within the division of
18 learner support the position of school nurse coordinator who shall be a classified
19 employee. The school nurse coordinator shall be a licensed RN eligible for New
20 Hampshire school nurse certification under RSA 200:29 and shall be qualified to hold
21 such position by reason of education and experience. The position shall be subject to any
22 other employment requirements as determined by the department. The school nurse
23 coordinator shall coordinate and provide technical assistance to guide school nurses and
24 other school personnel responsible for student health care in the areas of student health
25 and wellness, safety, behavioral and mental health, and alcohol and substance use
26 disorder. The school nurse coordinator shall also be a resource for administrators,
27 educators, families, and policymakers across the state.

28 346:324 New Subdivision; Family and Medical Leave Coverage. Amend RSA 189 by
29 inserting after section 72 the following new subdivision:

30 Family and Medical Leave Coverage

31 189:73 Family and Medical Leave Coverage. A school district employee who has been
32 employed by the school district for at least 12 months and who has worked at least 900
33 hours in the previous 12-month period shall be eligible for family and medical leave
34 under the same terms and conditions as leave provided to eligible employees under the
35 federal Family and Medical Leave Act of 1993 (Pub. L. 103-3), 29 U.S.C. section 2611, et
36 seq., as amended.

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1 346:325 Heat and Hot Water System Purchase and Replacement; Appropriation. The
2 sum of \$1,000,000 for the fiscal year ending June 30, 2020 is hereby appropriated to the
3 department of administrative services to be disbursed to the Concord school district no
4 later than December 1, 2019, which shall be used for the purchase and replacement of all
5 systems providing heat to those buildings in the Concord school district which previously
6 obtained steam from the former Concord Steam corporation. The Concord school district
7 is authorized to expend such appropriation for the purpose set forth in this section. The
8 Concord school district shall advise the commissioner of the department of
9 administrative services of cost and expenditure estimates relating to the project. The
10 governor is authorized to draw a warrant for said sum out of any money in the treasury
11 not otherwise appropriated.

12 346:326 Appropriation; Community College System of New Hampshire. In addition to
13 funds otherwise appropriated, there is hereby appropriated to the community college
14 system of New Hampshire the sum of \$3,200,000 in the fiscal year ending June 30, 2020,
15 which shall not lapse. The governor is authorized to draw a warrant for said sum out of
16 any money in the treasury not otherwise appropriated.

17 346:327 Appropriation; Department of Education. The sum of \$500,000 for the fiscal
18 year ending June 30, 2020 is hereby appropriated to the department of education for the
19 purpose of providing funding to Granite State Independent Living to support the
20 IMPACCT (Inspiring the Mastery of Post-Secondary Achievement in College, Career, and
21 Training) program. Of this amount, \$400,000 shall be a charge against the state general
22 fund and \$100,000 shall be federal funds. This appropriation shall be in addition to any
23 other funds appropriated to the department of education and shall not lapse. The
24 governor is authorized to draw a warrant for the general fund share of said sum out of
25 any money in the treasury not otherwise appropriated.

26 346:328 Department of Safety Position Reallocation; Appropriation.

27 I. The sum of \$1,450,000 is hereby appropriated, upon approval of the fiscal
28 committee of the general court by June 30, 2020, to the department of safety for the
29 biennium ending June 30, 2021 for the purpose of funding reallocation of all sworn police
30 troopers from the rank of probationary trooper through the rank of executive major for
31 the last 6 months of the biennium ending June 30, 2021. The department of
32 administrative services shall conduct an assessment review of the reallocation request
33 and shall report its findings to the fiscal committee prior to the fiscal committee vote.
34 Reallocated pay shall take effect January 1, 2021.

35 II. The sum of \$50,000 for the biennium ending June 30, 2021 is hereby
36 appropriated to the department of administrative services for the purpose of retaining a
37 consultant to assist with the assessment review conducted pursuant to paragraph I.

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1 **III. The governor is authorized to draw a warrant for said sums in this section out**
2 **of any money in the treasury not otherwise appropriated. Such funds shall not lapse**
3 **until June 30, 2021.**

4 **346:329 Statement of Findings.**

5 **I. The general court hereby finds that:**

6 **(a) The ongoing mental health, substance misuse, and child protection crises**
7 **have taken a significant toll on New Hampshire’s children and families, impacting all**
8 **child-serving systems and placing increased pressure on the children’s behavioral health**
9 **system;**

10 **(b) The New Hampshire department of health and human services recently**
11 **released an Adequacy and Enhancement Assessment of New Hampshire’s child welfare**
12 **system, which called for sweeping reforms including further integration of services with**
13 **the children’s behavioral health system; immediate enhancements to the service array for**
14 **children with significant emotional, behavioral and mental health needs; and**
15 **transformation of New Hampshire’s child-serving system to one that is based on early**
16 **intervention, evidence-based services, and accountability for outcomes;**

17 **(c) Recent changes to child welfare funding at the federal level with the**
18 **passage of the federal Family First Prevention Services Act also drive the need to**
19 **transform New Hampshire’s child-serving system;**

20 **(d) The state of New Hampshire faces a significant shortage in its capacity to**
21 **provide children with early and effective home and community-based services and**
22 **therefore must rely on expensive, residential and inpatient treatment that drain the state**
23 **resources;**

24 **(e) Adoption of interventions that are proven to be effective such as mobile**
25 **crisis and stabilization services will provide support and treatment to families in crisis**
26 **and will in many cases avoid costly, restrictive, and often unnecessary institutional care;**

27 **(f) Increasing access to mobile crisis response and stabilization services for**
28 **children can also help the state meet its legal obligations under the Early and Periodic**
29 **Screening, Diagnostic and Treatment (“EPSDT”) provisions of the federal Medicaid Act**
30 **and the integration mandate of the federal Americans with Disabilities Act. EPSDT is a**
31 **federally mandated robust benefit for Medicaid-eligible children under age 21, designed**
32 **to address children’s health concerns before they become advanced and treatment is**
33 **more difficult and costlier;**

34 **II. Therefore, the department of health and human services shall expand home**
35 **and community-based behavioral health services for children to include mobile crisis**
36 **response and stabilization services and make the following improvements to the child-**

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1 serving system as recommended by the Adequacy and Enhancement Assessment and in
2 alignment with the federal Family First Prevention Services Act and EPSDT.

3 346:330 System of Care for Children's Mental Health. Amend RSA 135-F:3, III(e) to
4 read as follows:

5 (e) Services that are family-driven, youth-guided, community-based, *trauma-*
6 *informed*, and culturally and linguistically competent.

7 346:331 New Paragraph; System of Care for Children's Mental Health; Duties of the
8 Department of Health and Human Services; Care Management Entities. Amend RSA 135-
9 F:4 by inserting after paragraph II the following new paragraph:

10 III. Establish and maintain at least one care management entity to oversee and
11 coordinate the care for children with complex behavioral health needs who are at risk for
12 residential, hospital, or corrections placement or involved in multiple service systems. In
13 this section, "care management entity" means an organizational entity that serves as a
14 centralized entity to coordinate all care for youth with complex behavioral health
15 challenges who are involved in multiple systems and their families.

16 (a) The care management entity shall oversee and manage residential
17 treatment, psychiatric hospitalization, and the development of a continuum of
18 community-based services and supports for children and youth with more complex needs.

19 (b) Beginning January 1, 2020, the care management entity shall coordinate
20 behavioral health services in no less than 25 percent of cases involving referrals for
21 residential treatment. Beginning January 1, 2021, the care management entity shall
22 coordinate services in no less than 50 percent of such cases, and, beginning January 1,
23 2022 and thereafter, the care management entity shall coordinate services in no less than
24 75 percent of such cases.

25 346:332 New Sections; Family Support Clearinghouse; System of Care Advisory
26 Committee. Amend RSA 135-F by inserting after section 7 the following new sections:

27 135-F:8 Family Support Clearinghouse.

28 I. The department of health and human services shall establish and maintain an
29 information clearinghouse for families seeking information regarding children's
30 behavioral health services. The clearinghouse functions required by this section may be
31 assigned to an entity that has responsibilities in addition to those required by this
32 section.

33 II. The information provided shall be available on the department of health and
34 human services website and shall include:

35 (a) Access to mobile crisis and stabilization services.

36 (b) Insurance coverage and other reimbursement sources.

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1 (c) The results of assessments of the quality of service providers and whether
2 they utilize evidence-based practices.

3 (d) Referral information for legal service organizations.

4 (e) Referral information, including links to websites and contact telephone
5 numbers, for behavioral health service providers, organized by region.

6 (f) Advice and guidance regarding family navigation of the behavioral health
7 system.

8 135-F:9 System of Care Advisory Committee. The department of education and the
9 department of health and human services shall create a system of care advisory
10 committee to improve the well-being of children and families; promote coordination
11 across state agencies; identify cost-savings, opportunities to increase efficiency, and
12 improvements to the service array and service delivery system and effectiveness; and
13 assist and advise the commissioners of the department of education and the department
14 of health and human services on the system of care principles and values and
15 implementation of RSA 135-F. The committee shall include youth and families with
16 relevant experience and members of child-serving public and private agencies, including
17 experts in education, community-based and facility-based behavioral health services, and
18 effective administration of private and public educational and health services. The
19 committee shall meet at least 6 times per year and at such other times as the chairperson
20 deems necessary.

21 346:333 Home and Community-Based Behavioral Health Services for Children; Mobile
22 Crisis Response and Stabilization Services Included. Amend RSA 167:3-1 to read as
23 follows:

24 167:3-1 Home and Community-Based Behavioral Health Services for Children.

25 *I.* The department shall establish a Medicaid home and community-based
26 behavioral health services program for children with severe emotional disturbances
27 whose service needs cannot be met through traditional behavioral health services. The
28 department may establish such services through a state plan amendment as provided in
29 Section 1915(i) of the Social Security Act or a waiver under other provisions of the Act, *as*
30 *needed*. If the department proceeds with a waiver, it shall not limit the geographic
31 availability of services.

32 *II.* Such services shall include the following services or their functional
33 equivalent:

34 (a) Wraparound care coordination.

35 (b) Wraparound participation.

36 (c) In-home respite care.

37 (d) Out-of-home respite care.

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1 (e) Customizable goods and services.

2 (f) Family peer support.

3 (g) Youth peer support.

4 ***III. Mobile crisis response and stabilization services for children under 21 shall be***
5 ***provided and delivered using system of care values and principles in compliance with***
6 ***RSA 135-F.***

7 (a) ***The department shall contract with one or more third-party entities to***
8 ***ensure that all children in the state under 21 years of age have access to mobile crisis***
9 ***response and stabilization services, that such services are available with a response time***
10 ***of no more than one hour, and that such services are available in every part of the state.***

11 (b) ***The department shall ensure the development of a performance***
12 ***measurement system for monitoring quality and access to mobile crisis response and***
13 ***stabilization services.***

14 (c) ***All providers of mobile crisis response and stabilization services shall***
15 ***coordinate with the child's wraparound care coordinator, primary care physician, and***
16 ***any other care management program or other behavioral health providers providing***
17 ***services to the youth throughout the delivery of the service.***

18 (d) ***Development and procurement of the mobile crises and stabilization***
19 ***services required under this section shall begin on the effective date of this section;***
20 ***implementation shall occur upon completion of the procurement process and approval by***
21 ***the governor and council.***

22 346:334 Delinquent Children; Arraignment. Amend RSA 169-B:13, I(f)(1)(C) to read as
23 follows:

24 (C) Identified as eligible for special education services[-]; ***or***

25 (D) ***Previously referred to a care management entity as defined in RSA***
26 ***135-F:4, III.***

27 346:335 New Paragraph; Delinquent Children; Court Referrals; Referral to Care
28 Management Entity. Amend RSA 169-B:13 by inserting after paragraph II the following
29 new paragraph:

30 II-a. The court may, at the arraignment or at any time thereafter, with the consent
31 of the minor and the minor's family, refer the minor and family to a care management
32 entity, as defined in RSA 135-F:4, III, for evaluation and/or behavioral health services to
33 be coordinated and supervised by that entity.

34 346:336 New Subparagraph; Delinquent Children; Disposition; Referral to Care
35 Management Entity. Amend RSA 169-B:19, I by inserting after subparagraph (k) the
36 following new subparagraph:

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1 (1) With the consent of the minor and the minor's family, refer the minor and
2 family to a care management entity, as defined in RSA 135-F:4, III, for behavioral health
3 services to be coordinated and supervised by that entity. Such referral may be
4 accompanied by one or more other dispositions in this section, if otherwise authorized
5 and appropriate.

6 346:337 New Paragraph; Delinquent Children; Dispositional Hearing. Amend RSA
7 169-B:19 by inserting after paragraph I the following new paragraph:

8 I-a. In the case of a child for whom behavioral health services are being
9 coordinated by a care management entity as defined in RSA 135-F:4, III, the court shall
10 solicit and consider treatment and service recommendations from the entity. If the court
11 orders a disposition which is not consistent with the care management entity's
12 recommendations, it shall make written findings regarding the basis for the disposition
13 and the reasons for its determination not to follow the recommendations.

14 346:338 Children in Need of Services; Initial Appearance. Amend RSA 169-D:11,
15 II(e)(2) and (3) to read as follows:

16 (2) Determined to have a mental illness, emotional or behavioral disorder,
17 or another disorder that may impede the child's decision-making abilities; [øø]

18 (3) Identified as eligible for special education services[.] ; *or*

19 (4) *Previously referred to a care management entity as defined in RSA 135-*
20 *F:4, III.*

21 346:339 New Paragraph; Children in Need of Services; Initial Appearance; Referral to
22 Case Management Entity. Amend RSA 169-D:11 by inserting after paragraph II-a the
23 following new paragraph:

24 II-b. The court may, at the initial appearance or at any time thereafter, with the
25 consent of the minor and the minor's family, refer the minor and family to a care
26 management entity as defined in RSA 135-F:4 III for evaluation and/or behavioral health
27 services to be coordinated and supervised by that entity.

28 346:340 New Paragraph; Children in Need of Services; Dispositional Hearing;
29 Recommendations of Care Management Entity. Amend RSA 169-D:17 by inserting after
30 paragraph I the following new paragraph:

31 I-a. In the case of a child for whom behavioral health services are being
32 coordinated by a care management entity as defined in RSA 135-F:4, the court shall solicit
33 and consider treatment and service recommendations from the entity. If the court orders
34 a disposition which is not consistent with the entity's recommendations, it shall make
35 written findings regarding the basis for the disposition and the reasons for its
36 determination not to follow the recommendations.

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1 346:341 New Paragraph; Children in Need of Services; Dispositional Hearing; Referral
2 to Care Management Entity. Amend RSA 169-D:17 by inserting after paragraph III the
3 following new paragraph:

4 III-a. In addition to any other disposition, the court may, with the consent of the
5 minor and the minor's family, refer the minor and family to a care management entity as
6 defined in RSA 135-F:4 III for behavioral health services to be coordinated and supervised
7 by that entity. Such a referral may be accompanied by one or more other dispositions in
8 this section, if otherwise authorized and appropriate.

9 346:342 New Paragraph; Services for Children Youth and Families; Definition of
10 Evidence-Based Practice. Amend RSA 170-G:1 by inserting after paragraph V the
11 following new paragraph:

12 V-a. "Evidence-based practice" means a practice that has been recognized as
13 supported by research evidence by an evidence-based clearinghouse, such as the
14 California Evidence-Based Clearinghouse for Child Welfare and the Title IV-E Prevention
15 Services Clearinghouse. Other acceptable evidence-based practices shall include
16 practices and programs evaluated using research which utilizes methods that meet high
17 scientific standards. Acceptable methods shall include:

18 (a) Systematic, empirical techniques that draw on observation or experiment.

19 (b) Rigorous data analyses that are adequate to test stated hypotheses and
20 justify general conclusions.

21 (c) Measurements or observational methods that provide reliable and valid
22 data across evaluators and observers, across multiple measurements and observations,
23 and across studies by the same or different investigators.

24 (d) Randomized controlled trials when possible and appropriate.

25 346:343 New Paragraph; Services for Children, Youth, and Families; Duties of the
26 Department of Health and Human Services. Amend RSA 170-G:4 by inserting after
27 paragraph XX the following new paragraph:

28 XXI. Utilize, to the fullest permissible extent, available public reimbursement for
29 behavioral health and other services provided pursuant to this chapter and RSA 169-B,
30 169-C, and 169-D, in settings including the home, schools, and treatment facilities. Such
31 reimbursement includes, but is not limited to, the federal Early and Periodic Screening,
32 Diagnosis and Treatment Program under 42 U.S.C. section 1396d.

33 346:344 New Sections; Services for Children Youth and Families. Amend RSA 170-G
34 by inserting after section 4-a the following new sections:

35 170-G:4-b Evidence-Based Practices.

36 I. On or before July 1, 2020, at least 10 percent of state funds received by the
37 department for children's behavioral health services, whether or not they are subject to

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1 this chapter, shall be expended for evidence-based practices. Beginning July 1, 2022, the
2 percentage of state funds expended for evidence-based practices shall be at least 25
3 percent; and beginning July 1, 2025, the percentage expended for evidence-based
4 practices shall be at least 50 percent.

5 II. The department shall submit a biennial report containing:

6 (a) An assessment of each service provider on which the department expends
7 funds, including but not limited to whether each service provided is an evidence-based
8 practice, and whether the service provider is in compliance with the contract
9 accountability requirements of RSA 170-G:4-d.

10 (b) The percentage of state funds the department receives for behavioral
11 health services that is being expended on evidence-based practices.

12 (c) The percentage of federal and other funds the department receives for
13 behavioral health services that is being expended on evidence-based practices.

14 (d) A description of the efforts the department is making to increase the use of
15 evidence-based practices for children's behavioral health and other services.

16 III. The department shall submit the report required under paragraph II no later
17 than January 15 of each odd-numbered year to the governor, the administrative justice of
18 the circuit court, and the house and senate finance committees. The report shall also be
19 posted on the department's website.

20 170-G:4-c Establishment of Resource Center for Children's Behavioral Health. The
21 department shall establish and maintain a resource center for children's behavioral
22 health, which shall:

23 I. Provide technical assistance to the department and to service providers to
24 support the implementation and operation of evidence-based practices, along with the
25 provision of services according to the system of care characteristics described in RSA 135-
26 F:3.

27 II. Provide training on a statewide basis to persons employed in the children's
28 behavioral health system, relating to:

29 (a) The use of evidence-based practices.

30 (b) The analysis of quality assurance protocols to determine whether service
31 providers are utilizing evidence-based practices with fidelity.

32 III. Act as a clearinghouse for information and statewide resources on evidence-
33 based practices for children receiving services pursuant to RSA 169-B, 169-C, 169-D, and
34 170-G.

35 IV. Facilitate collaboration among state and local agencies and service providers
36 to increase access to such providers.

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1 V. Provide support for the assessment of the implementation of evidence-based
2 practices by such state and local agencies.

3 170-G:4-d Content of Provider Contracts.

4 I. All contracts between the department and providers of services under this
5 chapter, or any behavior health service to children, shall include provisions addressing
6 outcome measurement, incentives for the use of evidence-based practices, and
7 accountability for high-quality services. Such provisions shall, at minimum, include the
8 following:

9 (a) Required use of a uniform assessment instrument developed and/or
10 approved by the department pursuant to RSA 170-G:4-e.

11 (b) In the case of providers of services to children pursuant to the dispositional
12 authority of the circuit court under RSA 169-B and 169-D, outcome measurement which
13 includes recidivism as measured by post-service arrests, violations of parole, conditional
14 release, or other conditional liberty, and behavior meeting the definition of a child in
15 need of service under RSA 169-D:2. Contracts with such providers shall also include
16 incentives for recidivism reduction.

17 (c) Reporting to the department changes in assessment results following
18 provision of the contracted service for each child served.

19 II. The department shall include substantially similar requirements in its
20 standards for provider certification and other processes administered by the department
21 to qualify providers to deliver services pursuant to this chapter.

22 170-G:4-e Assessment, Treatment, and Discharge Planning.

23 I. In every case in which a placement outside the home is being considered, the
24 department shall require the completion of a written clinical assessment of the
25 behavioral health and other treatment needs of the child.

26 II. A written treatment plan shall be required upon a child's placement in a
27 residential or other treatment program. The plan shall have definable goals and
28 strategies to achieve those goals and include concrete, outcome-oriented interventions
29 with the objective of restoring, rehabilitating, or maintaining the child's capacity to
30 successfully function in the community and diminish the need for a more intensive level
31 of care.

32 III. The development of a written discharge plan for each child shall begin upon
33 admission to any treatment program, and shall be available to the parents or guardians of
34 the child no later than 10 days following admission to the program. Treatment and
35 discharge plans shall be updated on an ongoing basis as treatment proceeds and a child's
36 condition changes.

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1 IV. All assessments conducted pursuant to this section shall include the use of a
2 universal, strengths-based assessment tool which is adopted by the department and used
3 throughout the system of care for children's mental health as defined in RSA 135-F.

4 V. The assessment of the child's behavioral health and other treatment needs shall
5 be repeated upon discharge from any residential treatment program or commitment
6 pursuant to RSA 169-B:19, I(j).

7 VI. Assessments required by this section may not be conducted by employees of a
8 residential treatment provider or commitment pursuant to RSA 169-B:19, I(j).

9 170-G:4-f Medical Assistance Screening. The department of health and human
10 services shall establish a procedure to assess court-involved children for eligibility for
11 private and public medical insurance, including the medical assistance program under
12 RSA 167. This procedure shall apply to any child who is subject to proceedings under
13 RSA 169-B or 169-D, or receives services pursuant to RSA 169-C. Children who may be
14 eligible and their families shall be provided assistance by the department in making
15 application for such assistance. The circuit court shall make any necessary adjustments
16 to its arraignment and other procedures to facilitate such assessments.

17 346:345 Establishment of Resource Center for Children's Behavioral Health; RFP
18 Required. On or before January 1, 2020, the department of health and human services
19 shall issue a request for proposals to establish the resource center for children's
20 behavioral health pursuant to RSA 170-G:4-c, as inserted by this act, and shall establish
21 the resource center no later than July 1, 2020.

22 346:346 New Paragraph; Release and Discharge from the Youth Services Center.
23 Amend RSA 621:19 by inserting after paragraph III the following new paragraph:

24 III-a. In every case in which there is a diagnosis or other evidence that a minor at
25 the center may have a serious emotional disturbance or other behavioral health disorder,
26 the center shall, with the consent of the minor and the minor's family, refer the minor to a
27 care management entity, as defined in RSA 135-F:4, III, for evaluation and
28 recommendations for behavioral health services to be coordinated and supervised by that
29 entity before and after discharge from the facility. Discharge plans shall incorporate the
30 recommendations of the care management entity whenever appropriate. In any case
31 where the recommendations of the care management entity are not incorporated into the
32 discharge planning process, the minor, the minor's family, and counsel for the minor shall
33 be notified in writing of the decision and of the basis for the decision.

34 346:347 Appropriation; Department of Health and Human Services; Child Welfare
35 Behavioral Health Services. The sum of \$6,084,000 for the fiscal year ending June 30,
36 2020, and the sum of \$13,164,000 for the fiscal year ending June 30, 2021, are hereby
37 appropriated to the department of health and human services for the purposes of sections

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1 330-346 of this act. Notwithstanding RSA 14:30-a, VI, the department may accept and
2 expend any federal fund match to the appropriation in this section without prior
3 approval of this fiscal committee of the general court. The governor is authorized to
4 draw a warrant for said sums out of any money in the treasury not otherwise
5 appropriated.

6 **346:348 Department of Health and Human Services; Medicaid Rate Increases.**

7 I. The commissioner of the department of health and human services shall
8 increase all Medicaid provider rates, including all state plan services and waiver
9 programs, excluding any provider rate increases for inpatient-only substance use
10 disorder treatment services, by 3.1 percent effective January 1, 2020 and an additional 3.1
11 percent effective January 1, 2021. The commissioner shall apply the rate increases to the
12 Medicaid fee-for-service fee schedule for the purpose of determining payments for all
13 services not delivered through managed care, and shall require the department's actuary
14 to incorporate the rate increases into the capitation payment for all services provided in
15 the care management program. Nothing in this section shall be construed to alter the
16 traditional method of establishing the county contribution for the Medicaid federal
17 medical assistance percentage.

18 II. The department of health and human services shall, beginning on April 1, 2020
19 and every 3 months thereafter, provide a report to the fiscal committee of the general
20 court on the status of the rate increases described in paragraph I. Such reports shall
21 include, but not be limited to, year-to-date expenditures compiled by funding source and
22 provider type.

23 **346:349 Department of Health and Human Services; Appropriation.**

24 I. The sum of \$31,000,000 for the biennium ending June 30, 2021 is hereby
25 appropriated to the department of health and human services for the purposes of section
26 348 of this act. Said sums shall be charged as follows:

27 (a) The sum of \$22,238,000 shall be a charge against the state general fund, and
28 the governor is authorized to draw a warrant for said sum out of any money in the
29 treasury not otherwise appropriated;

30 (b) The sums of \$3,753,000 in the fiscal year ending June 30, 2020 and \$3,966,000
31 in the fiscal year ending June 30, 2021 shall be a charge against state general funds
32 appropriated in account 05-95-93-930010-7100;

33 (c) The sums of \$74,000 in the fiscal year ending June 30, 2020 and \$79,000 in
34 the fiscal year ending June 30, 2021 shall be a charge against state general funds
35 appropriated in account 05-95-48-482010-2152;

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1 (d) The sums of \$92,000 in the fiscal year ending June 30, 2020 and \$92,000 in
2 the fiscal year ending June 30, 2021 shall be a charge against state general funds
3 appropriated in account 05-95-93-930010-7110; and

4 (e) The sums of \$353,000 in the fiscal year ending June 30, 2020 and \$353,000 in
5 the fiscal year ending June 30, 2021 shall be a charge against state general funds
6 appropriated in account 05-95-93-930010-7016.

7 II. Notwithstanding RSA 14:30-a, VI, in addition to the amounts appropriated in
8 paragraph I, the department of health and human services may accept and expend any
9 matching federal funds available for the purposes of this section without the prior
10 approval of the fiscal committee of the general court.

11 III. Nothing in this section shall be construed to provide a rate increase of an
12 amount other than 3.1 percent during each fiscal year to providers funded in accounts 05-
13 95-93-930010-7100, 05-95-48-482010-2152, 05-95-93-930010-7110, and 05-95-93-930010-
14 7016.346:346:

15 346:350 Appropriation; Pease Development Authority; Fish Pier. There is hereby
16 appropriated to the Pease development authority, division of ports and harbors, the sum
17 \$3,250,000 for the fiscal year ending June 30, 2020, for the purpose of repair and
18 construction costs associated with the commercial fish pier in Portsmouth. Said funds
19 shall not lapse, and the governor is authorized to draw a warrant for said sum out of any
20 money in the treasury not otherwise appropriated.

21 346:351 New Hampshire Granite Advantage Health Care Program; Trust Fund.
22 Amend RSA 126-AA:3, VI to read as follows:

23 VI. The commissioner, in accordance with the most current available information,
24 shall be responsible for determining, quarterly commencing no later than December 31,
25 2018, whether there is sufficient funding in the fund to cover projected program costs for
26 the nonfederal share for the next 6-month period. If at any time the commissioner
27 determines that a projected shortfall exists, ***then the sum necessary to cover such***
28 ***shortfall shall be transferred to the fund from the liquor commission fund established in***
29 ***RSA 176:16. In the event the commissioner determines that there are not sufficient funds***
30 ***in the liquor commission fund to cover the shortfall, then*** he or she shall terminate the
31 program in accordance with the federally approved terms and conditions issued by CMS.
32 Upon making a determination that a projected shortfall exists ***and that there are***
33 ***insufficient funds in the liquor commission fund to cover the shortfall,*** the commissioner
34 shall:

35 (a) Within 48 hours of making the determination, notify the governor, the
36 speaker of the house of representatives, the president of the senate, and the chairperson
37 of the fiscal committee of the general court of the program's pending termination; and

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1 (b) Within 10 business days of making the determination, notify
2 program participants of the program's pending termination.

3 346:352 Appropriation; Department of Health and Human Services; Safe Stations. The
4 sum of \$375,000 for the fiscal year ending June 30, 2020 and the sum of \$375,000 for the
5 fiscal year ending June 30, 2021 is hereby appropriated to the department of health and
6 human services for the purpose of funding existing Safe Stations located in Manchester
7 and Nashua. The governor is authorized to draw a warrant for said sums out of any
8 money in the treasury not otherwise appropriated.346:

9 346:353 Department of Health and Human Services; Supported Housing. The
10 commissioner of the department of health and human services shall contract with
11 programs that enable individuals with serious mental illness to attain and maintain
12 integrated, affordable, supported housing. The department shall use funding not to
13 exceed \$500,000 from existing appropriations for the biennium ending June 30, 2021.
14 Eligibility for such funding shall include persons who are not eligible for existing housing
15 subsidy programs. The department shall submit a monthly report to the fiscal committee
16 of the general court regarding implementation of this section.346:

17 346:354 Department of Health and Human Services; Appropriation. Notwithstanding
18 RSA 126-AA:2, I(a) and RSA 126-AA:3, the sum of \$8,000,000 for the fiscal year ending June
19 30, 2020 is hereby appropriated to the department of health and human services, which
20 shall be nonlapsing, for the purpose of enhancing provider rates for mental health and
21 substance use disorder inpatient and outpatient services consistent with 2018, 342. The
22 governor is authorized to draw a warrant for said sum out of any money in the treasury
23 not otherwise appropriated. The commissioner of the department of health and human
24 services shall, within 21 days of the effective date of this section, issue a report to the
25 finance committees of the senate and the house of representatives stating how he intends
26 to expend the appropriation. Notwithstanding RSA 14:30-a,VI, the department may
27 accept and expend any federal fund match to the appropriation in this section without
28 prior approval of the fiscal committee of the general court.

29 346:355 Repeal. 2019, 41:1, relative to an appropriation to the department of health
30 and human services for increasing diagnosis-related group (DRG) rates for designated
31 receiving facilities (DRF) beds, is repealed.

32 346:356 Department of Health and Human Services; Designated Receiving Facilities
33 Beds. 2019, 41:3 is repealed and reenacted to read as follows:

34 41:3 Department of Health and Human Services; Designated Receiving Facilities;
35 Community Residential Beds.

36 I.(a) The commissioner of the department of health and human services is
37 authorized to enter into a contract with an acute care hospital to establish no fewer than

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1 8 and no more than 10 new designated receiving facility (DRF) beds to be operational no
2 later than January 1, 2020. If the contract is approved by the governor and executive
3 council by December 15, 2019, the department shall be appropriated the amounts
4 specified in paragraph II to increase the diagnosis related group (DRG) base rate
5 reimbursement of all existing and newly established DRF beds. If a contract is not
6 approved by the governor and executive council by December 15, 2019, then no funds in
7 paragraph II shall be appropriated to increase the DRG base rate for all existing and new
8 DRF beds.

9 (b) A hospital that establishes between 8 and 10 new DRF beds shall allocate
10 the beds based on the statewide need. The commissioner shall report monthly to the
11 oversight committee on health and human services established in RSA 126-A:13
12 commencing on February 1, 2020, relative to the county of residence of all community
13 DRF admissions for all community DRF beds. The new beds shall be awarded based on a
14 procurement process conducted by the department.

15 II. The sum of \$732,000 in the fiscal year ending June 30, 2020 and the sum of
16 \$976,000 for the fiscal year ending June 30, 2021 are hereby appropriated for the purpose
17 of increasing the DRG rates for all community based DRF beds in New Hampshire. Of the
18 amounts appropriated, 50 percent shall be general funds and 50 percent shall be federal
19 funds. Such funds shall be nonlapsing. The governor is authorized to draw a warrant for
20 the general fund portion of said sums in the treasury not otherwise appropriated.

21 346:357 Appropriation; Secure Psychiatric Unit Facility. The sum of \$8,750,000 for the
22 biennium ending June 30, 2021 is hereby appropriated to the department of health and
23 human services and shall be expended for the purpose of constructing a new 25-bed
24 secure psychiatric unit facility on the New Hampshire Hospital grounds. The sum
25 appropriated shall be nonlapsing, provided that any unexpended amount following
26 construction shall lapse to the general fund. The facility shall be built to house such
27 persons that do not require continued joint commission accreditation. The department of
28 administrative services shall prioritize this project in its workload. The department of
29 administrative services and the department of health and human shall provide reports
30 each quarter to the fiscal committee of the general court and the senate finance and
31 house finance committees concerning the progress of the project. Appropriate persons
32 housed in the secure psychiatric unit of the state prison shall be safely transferred to this
33 facility no later than 2 weeks after it is operational. This facility shall be operated and
34 managed by the department of health and human services. The state shall not enter into
35 a contract with a private or for-profit prison company for the construction or operation of
36 the secure psychiatric facility unit. The governor is authorized to draw a warrant for
37 said sum out of any money in the treasury not otherwise appropriated.

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1 346:358 Repeal. The following are repealed:

2 I. RSA 84-D, relative to the ICF quality assessment.

3 II. RSA 151-E:15-a, relative to expenditure of funds from ICF quality assessment.

4 346:359 Department of Health and Human Services; State Plan Amendment; Medicaid
5 for Older Employed Adults with Disabilities (MOAD) Work Incentive Program. On or
6 before January 15, 2020, the commissioner of the department of health and human
7 services shall apply to the Centers for Medicare and Medicaid Services for an amendment
8 to the state Medicaid plan pursuant to 42 C.F.R. section 430.12 to allow working persons
9 with disabilities who are age 65 and older to receive medical assistance pursuant to 42
10 U.S.C. section 1396a(a)(10)(A)(ii)(XIII) and as permitted under the Balanced Budget Act of
11 1997, to be known as Medicaid for Older Employed Adults with Disabilities (MOAD). The
12 state plan amendment shall be used to create a program similar to the state's Medicaid
13 for Employed Adults with Disabilities (MEAD) program, established pursuant to RSA
14 167:3-i, which is currently limited to individuals between 18 and 64 years of age. Program
15 eligibility under the state plan amendment shall be structured to provide the broadest
16 range of Medicaid coverage consistent with federal eligibility criteria, and to utilize
17 available income and asset disregards so that, to the extent possible, persons eligible for
18 the MEAD program shall also be eligible for the MOAD program when they reach age 65.

19 346:360 New Paragraph; Definitions; MOAD Program. Amend RSA 167:6 by inserting
20 after paragraph IX the following new paragraph:

21 IX-a. A person with a disability age 65 and older who is eligible to participate in
22 the work incentive program, known as Medicaid for employed older adults with
23 disabilities (MOAD), shall be eligible for medical assistance as medically needy or
24 categorically needy but not to exclude Medicare coverage. The department of health and
25 human services shall establish a sliding fee scale for participants to contribute to the cost
26 of such medical assistance. Participants in the MOAD program shall be employed at the
27 time of enrollment, and may remain enrolled during temporary unemployment for
28 medical reasons or other good cause.

29 346:361 New Section; MOAD Work Incentive Program. Amend RSA 167 by inserting
30 after section 3-l the following new section:

31 167:3-m MOAD Work Incentive Program.

32 I. Pursuant to section 1902(a)(10)(A)(ii)(XIII) of the Social Security Act, 42 U.S.C.
33 section 1396a(a)(10)(A)(ii)(XIII), the department of health and human services shall
34 establish and administer a work incentive program, known as Medicaid for employed
35 older adults with disabilities (MOAD). The purpose of the program shall be to ensure the
36 availability of long-term supports to workers age 65 and older with disabilities who are
37 medically eligible for Medicaid, enabling them to maximize their employment potential

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1 and financial independence and prevent impoverishment and dependence upon cash
2 assistance programs.

3 II. In addition to the requirements of RSA 167:6, IX-a, the MOAD program shall:

4 (a) Exclude from consideration resources accumulated from earnings,
5 including interest earned by the resource, by a MOAD-eligible individual beginning on or
6 after the date of eligibility through the period of MOAD eligibility and kept in a separate
7 account from other resources, when determining future eligibility for other medical
8 assistance programs.

9 (b) Provide continued eligibility during periods of temporary unemployment
10 provided that the individual is unable to work for medical reasons but is likely to return
11 to work, or the individual becomes unemployed for other good cause and is actively
12 seeking employment.

13 (c) Define employment for eligibility purposes in a manner that permits a self-
14 employed individual to earn less than the federal minimum wage.

15 (d) Permit individuals who are eligible for home and community-based care
16 waiver services and who qualify for a special income limit, to receive medical assistance
17 through the MOAD program, if they so choose.

18 (e) Provide notice and an opportunity for a fair hearing in the event of any
19 adverse action affecting eligibility for or enrollment in the MOAD program.

20 (f) Establish oversight and enforcement procedures to prevent fraud and to
21 assure that participants are consistently engaging in gainful employment.

22 III. Pursuant to section 1902(a)(10)(A)(ii)(XIII) of the Social Security Act, 42 U.S.C.
23 section 1396a(a)(10)(A)(ii)(XIII), individuals shall be eligible for MOAD if their income
24 does not exceed 250 percent of the federal poverty level, and they meet all criteria for
25 receiving benefits under the Supplemental Security Income (SSI) program.

26 346:362 New Paragraph; Rulemaking; MOAD Program. Amend RSA 167:3-c by
27 inserting after paragraph XII the following new paragraph:

28 XII-a. Administration of the MOAD work incentive program established pursuant
29 to RSA 167:6, IX-a and RSA 167:3-m.

30 346:363 Applicability; MOAD. Sections 360-362 of this act shall take effect on the date
31 that the commissioner of the department of health and human services certifies to the
32 secretary of state and the director of legislative services that the state plan amendment
33 submitted under section 359 of this act has been approved by the Centers for Medicare
34 and Medicaid Services.

35 346:364 Appropriation; Department of Health and Human Services; Child Protective
36 Service Workers and Supervisors. Amend 2019, 43:1 and 43:2 to read as follows:

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1 43:1 Appropriation; Department of Health and Human Services; Child Protective
2 Service Workers. The sum of \$1,998,005 for the fiscal year ending June 30, 2020, and the
3 sum of \$4,119,845 for the fiscal year ending June 30, 2021, are hereby appropriated to the
4 department of health and human services for the purpose of hiring 27 child protective
5 service workers in fiscal year 2020 and an additional 30 child protective service workers
6 in fiscal year 2021. Of these amounts, \$1,398,604 for the fiscal year ending June 30, 2020
7 and \$2,883,892 for the fiscal year ending June 30, 2021 shall be state general funds, and
8 the remainder shall be federal funds. ***The funds appropriated in this section shall only be***
9 ***used for the purposes of this section, and shall not be transferred or used for any other***
10 ***purpose.*** The governor is authorized to draw a warrant for the general fund share of said
11 sums out of any money in the treasury not otherwise appropriated.

12 43:2 Appropriation; Department of Health and Human Services; Child Protective
13 Service Supervisors. The sum of \$773,552 for the fiscal year ending June 30, 2020, and the
14 sum of \$1,703,152 for the fiscal year ending June 30, 2021, are hereby appropriated to the
15 department of health and human services for the purpose of hiring 9 child protective
16 service supervisors in fiscal year 2020 and an additional 11 supervisors in fiscal year 2021.
17 Of these amounts, \$541,487 for the fiscal year ending June 30, 2020 and \$1,192,207 for the
18 fiscal year ending June 30, 2021 shall be state general funds, and the remainder shall be
19 federal funds. ***The funds appropriated in this section shall only be used for the purposes***
20 ***of this section, and shall not be transferred or used for any other purpose.*** The governor
21 is authorized to draw a warrant for the general fund share of said sums out of any money
22 in the treasury not otherwise appropriated.

23 346:365 Statement of Purpose. The purpose of sections 366-367 of this act is to set
24 minimum training requirements for staff members working in facilities or programs
25 regulated by the health facilities administration, department of health and human
26 services which include persons with Alzheimer's disease or other dementias in the
27 populations they serve. The dementia-specific training curriculum shall incorporate
28 principles of person-centered dementia care including: thorough knowledge of the person
29 and the person's abilities and needs; advancement of optimal functioning and a high
30 quality of life; and use of problem-solving approaches to care. Staff members shall be
31 trained adequately and appropriately to best address the needs of the population of care
32 recipients they serve. Training shall be culturally competent both for the staff member
33 and the care recipient.

34 346:366 New Subdivision; Dementia Training for Direct Care Staff in Residential
35 Facilities and Community-Based Services. Amend RSA 151 by inserting after section 46
36 the following new subdivision:

37 Dementia Training for Direct Care Staff in Residential Facilities

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and Community-Based Services

151:47 Definitions. In this subdivision:

I. "Covered administrative staff member" means the senior manager of the facility or program, including administrators, as well as managerial staff members that directly supervise covered direct service staff members.

II. "Covered direct service staff member" means a staff member whose work involves extensive contact with residents or program participants. Such staff members include: certified nursing assistants, nurse aides, personal care assistants, home health or personal care aides, licensed practical nurses, licensed vocational nurses, registered nurses, social workers, activity directors, and dietary staff.

III. "Department" means the department of health and human services.

IV. "Facilities or programs" means residential facilities or home and community-based programs, serving an adult population, licensed as appropriate under this chapter, that provide supportive services including, but not limited to, skilled care facilities, intermediate care facilities, assisted living facilities, residential care for the elderly, adult day programs, home health, in-home services, or adult family care homes or programs that advertise specialty memory care that have residents or program participants with Alzheimer's disease or other dementias.

V. "Other covered staff member" means a staff member who has incidental contact on a recurring basis with residents or program participants, including housekeeping staff, front desk staff, maintenance staff, other administrative staff, and other individuals who have such incidental contact.

VI. "Staff member" includes full and part-time employees, independent consultants, and staff of contractors and subcontractors.

151:48 Initial and Continuing Training in Dementia Required.

I. Facilities and programs shall provide initial training to:

(a) All covered staff members hired on or after July 1, 2019, who shall complete initial training within 6 months of the commencement of employment.

(b) All covered staff members who were employed prior to the date under subparagraph (a) and who have not received equivalent training; such training shall be completed within 6 months of that date.

II. Each facility or program shall establish a system for ongoing onsite support, supervision, and mentoring for its staff with regard to the treatment and care of persons with dementia.

III. For covered direct service staff members and covered administrative staff members, at a minimum, the curriculum used for the initial training shall adhere to the

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1 latest nationwide Alzheimer's Association Dementia Care Practice Recommendations
2 and, at a minimum, cover the following topics:

- 3 (a) Alzheimer's disease and dementia;
- 4 (b) Person-centered care;
- 5 (c) Assessment and care planning;
- 6 (d) Activities of daily living; and
- 7 (e) Dementia-related behaviors and communication.

8 IV. For other covered staff members, training shall include, at a minimum,
9 communication issues related to dementia.

10 V. Initial dementia training shall be considered complete only after the staff
11 member has taken and passed an evaluation.

12 151:49 Portability.

13 I. The facility or staff shall issue a certificate to covered staff members upon
14 completion of initial training, which shall be portable between settings. Provided that
15 the covered staff member does not have a lapse of dementia related direct service or
16 administration employment for 24 consecutive months or more, the covered staff member
17 shall not be required to repeat the initial dementia training.

18 II. Covered staff members shall be responsible for maintaining records of
19 certificates received.

20 151:50 Continuing Education. In addition to initial training, the commissioner shall
21 adopt rules to determine when and how often continuing education on dementia shall be
22 required. Such continuing education shall include new information on best practices in
23 the treatment and care of persons with dementia. The department shall require at least a
24 minimum of 6 hours of initial continuing education for covered administrative staff
25 members and covered direct service staff members and shall require at least a minimum
26 of 4 hours of ongoing training each calendar year. Such continuing education shall
27 include new information on best practices in the treatment and care of persons with
28 dementia.

29 151:51 Requirements for Trainers; Training Costs. Persons responsible for
30 conducting in-person dementia trainings shall meet minimum criteria including: 2 years
31 of work experience related to Alzheimer's disease or other dementias or in health care,
32 gerontology, or other related field; and have completed training equivalent to the
33 requirements provided herein. Covered staff members shall not be required to bear any
34 of the cost of training or to attend trainings and shall receive their normal compensation
35 when attending required trainings.

36 151:52 Departmental Oversight.

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1 I. The department shall exercise oversight of a facility's or program's dementia
2 training program as part of its comprehensive regulatory responsibilities. Such oversight
3 shall:

4 (a) Ensure that the facility or program provides continuing education
5 opportunities.

6 (b) Ensure that the facility or program uses designated online training
7 programs or facility-based training that meets the requirements for dementia training in
8 the state.

9 (c) Ensure compliance with any other requirements specified in this
10 subdivision.

11 II. The department may use all of its enforcement tools to ensure that facilities
12 and programs comply with paragraph I.

13 346:367 Applicability; Dementia Training. Section 366 of this act is intended to
14 address gaps in current dementia training requirements for covered staff and improve
15 the quality of training. If prior-enacted laws or rules contain more rigorous training
16 requirements for some covered staff members, those laws or rules shall apply. Where
17 there is overlap between these provisions and other laws and rules, the department shall
18 interpret this statute to avoid duplication of requirements while ensuring that the
19 minimum requirements set forth in this act are met.

20 346:368 Reproductive Health Care Facilities. Unless specifically appropriated in the
21 biennial budget, no state funds awarded by the department of health and human services
22 to a reproductive health care facility, as defined in RSA 132:37, I, shall be used to provide
23 abortion services. This section shall not apply to funding available from the state
24 pursuant to Title XIX of the Social Security Act to the minimum extent necessary to
25 comply with federal conditions for the state's participation in the Medicaid program.

26 346:369 County Nursing Homes; Proportionate Share Payments. Amend RSA 167:18-h
27 to read as follows:

28 167:18-h County Nursing Homes; Proportionate Share Payments.

29 I. Proportionate share payments to county nursing homes shall be made each
30 state fiscal year in an amount equal to the maximum permissible by federal regulations.
31 All payments shall be ~~[apportioned]~~ *specific* to each facility in ~~[a percentage equal to that~~
32 ~~facility's proportion of total county nursing home medicaid utilization]~~ *accordance with*
33 *the methodology in the approved Medicaid state plan amendment*. If the federal
34 government makes adjustments to any proportionate share payments that have been
35 made by the state, the amounts due under this section shall be amended accordingly and
36 adjusted payments shall be made to or from the state as necessary.

37 II. ~~[Notwithstanding any provision of law to the contrary, each county~~

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1 ~~government shall reimburse the state for 50 percent of the total cost of proportionate~~
2 ~~share payments made to the county pursuant to paragraph I.]~~

3 *(a) The certified public expenditure (CPE) nursing facilities group shall be*
4 *financed on the basis of a CPE methodology and shall not require a transfer of funds from*
5 *the respective county to the state to effectuate the federal match.*

6 *(b) Any intergovernmental transfers (IGT) specific to the IGT nursing facilities*
7 *group that serve as the basis for generating the federal match shall be in accordance with*
8 *the approved Medicaid state plan amendment.*

9 346:370 New Paragraph; Services for Children, Youth and Families; Department of
10 Health and Human Services Funding for Juvenile Diversion Programs. Amend RSA 170-
11 G:4 by inserting after paragraph XXI the following new paragraph:

12 XXII. Encourage cities, towns, counties, and non-governmental organizations to
13 develop and maintain court-approved diversion programs for juveniles. The amount to
14 be distributed to the diversion programs shall be not more than \$600,000 for the biennium
15 ending June 30, 2021, from which the sum of \$30,000 in each year of the biennium shall be
16 reserved for newly approved programs, with the remainder divided equally among
17 existing, approved programs that make application for such funding. The judicial branch
18 family division shall establish requirements for court-approved diversion programs
19 under this section and RSA 169-B:10.

20 346:371 Appropriation; Department of Health and Human Services; Juvenile
21 Diversion Programs. The sum of \$300,000 annually, for the biennium ending June 30,
22 2021, is hereby appropriated to the department of health and human services for
23 distribution to juvenile diversion programs developed and maintained by municipalities,
24 counties, and non-governmental organizations pursuant to RSA 170-G:4, XXII, as inserted
25 by this act. The governor is authorized to draw a warrant for said sum out of any money
26 in the treasury not otherwise appropriated.

27 346:372 Department of Health and Human Services; Appropriation. The sum of
28 \$450,000 in the fiscal year ending June 30, 2020 and the sum of \$450,000 in the fiscal year
29 ending June 30, 2021 are hereby appropriated to the department of health and human
30 services for the purpose of funding existing supervised visitation centers in New
31 Hampshire. The governor is authorized to draw a warrant for said sums out of any
32 money in the treasury not otherwise appropriated.

33 346:373 Department of Health and Human Services; Rural Health and Primary Care
34 Section; Positions Established. There is established within the department of health and
35 human services, division of public health services, rural health and primary care section,
36 2 full-time, unclassified positions. The salary for such positions shall be as set forth in
37 RSA 94:1-a, provided that the salary for such positions shall be determined after

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1 assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a,
2 I(b) for the positions which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

3 346:374 Appropriations; Department of Health and Human Services; Rural Health and
4 Primary Care Section.

5 I. State Loan Repayment Program. The sum of \$6,500,000 for the biennium ending
6 June 30, 2021 is hereby appropriated to the department of health and human services,
7 division of public health services, rural health and primary care section to accounting
8 unit 05-95-90-901010-7965, line 103, Contracts for Op Services, and to fund one of the
9 positions established in section 373 of this act. This appropriation shall be nonlapsing.
10 Of this appropriation, the sums of \$750,000 for the fiscal year ending June 30, 2020 and
11 \$750,000 for the fiscal year ending June 30, 2021 shall be expended by clinicians solely to
12 deliver mental health and substance use disorder treatment services in Carroll, Cheshire,
13 and Coos counties. The governor is authorized to draw a warrant for said sums out of any
14 money in the treasury not otherwise appropriated.

15 II. Primary Care Workforce Program. The sum of \$120,000 for the fiscal year
16 ending June 30, 2020 and the sum of \$120,000 for the fiscal year ending June 30, 2021 are
17 hereby appropriated to the department of health and human services, division of public
18 health services, rural health and primary care section, for the purpose of funding one of
19 the positions established in section 373 of this act. The commissioner of the department
20 of health and human services may use up to \$20,000 of the appropriation in each fiscal
21 year towards the upgrade of an existing position in the rural health and primary care
22 section. The governor is authorized to draw a warrant for said sums out of any money in
23 the treasury not otherwise appropriated.

24 346:375 Appropriation; Department of Business and Economic Affairs. The sum of
25 \$100,000 for the fiscal year ending June 30, 2020 and the sum of \$100,000 for the fiscal year
26 ending June 30, 2021 are hereby appropriated to the department of business and
27 economic affairs for the purpose of supporting the education and acceleration programs
28 within New Hampshire's non-profit business technology incubators. The governor is
29 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
30 appropriated.

31 346:376 New Subdivision; Lead Paint Hazard Remediation Fund. Amend RSA 204-C
32 by inserting after section 87 the following new subdivision:

33 Lead Paint Hazard Remediation Fund

34 204-C:88 Definitions. In this subdivision:

35 I. "Multi-unit" means more than one dwelling unit.

36 II. "Property" means a rental or owner-occupied residential property, or a child
37 care facility licensed under RSA 170-E.

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1 III. "Unit" means a single dwelling unit within a structure that contains more than
2 one dwelling unit. "Unit" may also include any dwelling unit within a structure that is
3 otherwise used for non-residential purposes.

4 **204-C:89 Lead Paint Hazard Remediation Fund Established.**

5 I. There is hereby established within the authority a fund to be used for the
6 purposes of remediating lead paint hazards in housing, to be known as the lead paint
7 hazard remediation fund. The lead paint hazard remediation fund shall be composed of
8 appropriations, gifts, grants, donations, bequests, or other moneys from any public or
9 private source, but such revenues shall not be deemed to be money received from the
10 state, and nothing in this subdivision shall be construed as pledging the faith and credit
11 of the state.

12 II. The authority may use the lead paint hazard remediation fund to make loans to
13 owners of properties for the costs of remediation of lead paint hazards. The authority
14 may also make loans to owners of licensed child care facilities for remediation of lead in
15 water. Loans may be made provided that such remediation is conducted in accordance
16 with lead-safe practices under applicable laws and regulations.

17 III. The authority may use up to 5 percent of any funds deposited in the lead paint
18 hazard remediation fund for program administration.

19 **204-C:90 Eligibility.** For a property to be eligible to use the funding under this
20 subdivision, the property shall be:

21 I. An owner-occupied single family home occupied by a household with a child
22 under 6 years or a pregnant woman and where household income is no more than 100
23 percent of the median income adjusted for household size for the metropolitan area or
24 county in which the housing is located as published annually by the United States
25 Department of Housing and Urban Development;

26 II. A unit in a multi-unit residential property or a renter-occupied single family
27 home where household income is no more than 90 percent of the median income adjusted
28 for household size for the metropolitan area or county in which the housing is located as
29 published annually by the United States Department of Housing and Urban Development;
30 or

31 III. A child care facility licensed under RSA 170-E.

32 **204-C:91 Use of Federal Funds.** The lead paint hazard remediation fund shall only be
33 used to supplement, but not supplant, existing federal resources. If a property or unit is
34 eligible for federal funding from a program in operation by the authority, or by any state
35 agency or political subdivision, the owner of the property shall first apply to that
36 program before applying to the lead paint hazard remediation fund.

37 **204-C:92 Rulemaking.** Pursuant to RSA 204-C:53, the authority shall adopt rules

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1 governing the distribution the lead paint hazard remediation fund.

2 346:377 Repeal. Loans for Lead Hazard Remediation Projects. RSA 130-A:15-a,
3 relative to loans for lead hazard remediation projects, is repealed.

4 346:378 Appropriation; Lead Paint Hazard Remediation Fund. The sum of \$3,000,000
5 for the fiscal year ending June 30, 2020 is hereby appropriated to the lead paint hazard
6 remediation fund established in RSA 204-C:89. The governor is authorized to draw a
7 warrant for said sum out of any money in the treasury not otherwise appropriated.

8 346:379 Appropriation; Division of Public Health Services. Notwithstanding the
9 provisions of RSA 485-F, \$500,000 in fiscal year 2020 shall be appropriated from the
10 drinking water and groundwater trust fund established in RSA 6-D:1 to the department of
11 health and human services, division of public health services to fund a study to determine
12 the causes of high levels of pediatric cancer in New Hampshire. These funds shall not
13 lapse until June 30, 2021.

14 346:380 New Hampshire Veterans' Home; Transfer Among Accounts and Classes.
15 Notwithstanding any provision of law to the contrary, for the biennium ending June 30,
16 2021, the commandant of the New Hampshire veterans' home is authorized to transfer
17 funds within and among all accounting units within the home and to create accounting
18 units and expenditure classes as required and as the commandant deems necessary and
19 appropriate to address present or projected budget deficits, or to respond to changes in
20 federal law, regulations, or programs, and otherwise as necessary for the efficient
21 management of the home, including funding of unfunded positions, provided that if a
22 transfer does not include new accounting units or expenditure classes, only such
23 transfers of \$100,000 or more shall require prior approval of the fiscal committee of the
24 general court and the governor and council. The New Hampshire veterans' home shall be
25 exempt from RSA 9:17-a, I and RSA 9:17-c, subject to approval by the fiscal committee of
26 the general court of any transfer of appropriations from permanent personal services or
27 employee benefits to any other use or purpose

28 346:381 Committee Established. There is established a committee to study the
29 disparity in reimbursement among organizations that provide case management under
30 Social Security Act section 1915(c) waiver programs.

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

32 (a) Two members of the senate finance committee, one of whom shall be from
33 the majority party and one of whom shall be from the minority party, appointed by the
34 president of the senate.

35 (b) Two members of the house of representatives finance committee, one of
36 whom shall from the majority party and one of whom shall be from the minority party,
37 appointed by the speaker of the house of representatives.

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

3 III.(a) The committee shall examine the extent of any disparity in reimbursement
4 among organizations that provide case management under Section 1915(c) waiver
5 programs and the potential causes of and solutions to such disparity.

6 (b) The study shall include a comparison between all Section 1915(c) waiver
7 case management reimbursements, including reimbursement for providers in the
8 following programmatic areas: developmental services, choices for independence, in-
9 home support, and acquired brain disorder services.

10 IV. The committee shall meet in duly noticed public meetings, take testimony
11 when the committee feels it is appropriate, and may accept and solicit information from
12 any person or entity the committee deems relevant to its study.

13 V. The members of the study committee shall elect a chairperson from among the
14 members. The first meeting of the committee shall be called by the first-named senate
15 member. The first meeting of the committee shall be held within 45 days of the effective
16 date of this section. Three members of the committee shall constitute a quorum.

17 VI. The committee shall report its findings and any recommendations for
18 proposed legislation to the president of the senate, the speaker of the house of
19 representatives, the senate clerk, the house clerk, the governor, and the state library on
20 or before February 15, 2020.

21 346:382 Statement of Purpose. The purpose of sections 383 and 384 this act is to assist
22 lower income seniors with prescription drug costs when they reach the coverage limit for
23 prescription drugs under the Medicare Part D program. Since most Medicare drug plans
24 have a coverage gap, often called the “donut hole,” the general court finds that there is a
25 need for a state assistance plan to supplement or wrap around the benefit available under
26 the federal program to ensure that low income seniors retain access to necessary
27 medication during this gap in coverage.

28 346:383 New Subdivision; Department of Health and Human Services; New Hampshire
29 Pharmaceutical Assistance Pilot Program for Seniors. Amend RSA 126-A by inserting
30 after section 79 the following new subdivision:

31 New Hampshire Pharmaceutical Assistance Pilot Program for Seniors

32 126-A:80 New Hampshire Pharmaceutical Assistance Pilot Program for Seniors.

33 I. The commissioner of the department of health and human services shall
34 establish a prescription drug assistance pilot program for seniors. The purpose of the
35 pilot program shall be to wraparound or supplement the federal prescription drug benefit
36 under Medicare Part D by paying the out-of-pocket costs for prescription drugs for
37 eligible individuals who have reached the coverage gap, known as the donut hole, under

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1 Medicare Part D. The pilot program shall be the payer of last resort and shall cover all
2 out-of-pocket prescription drug costs for which assistance is not otherwise available in
3 the coverage gap, known as the donut hole. The pilot program shall be available to the
4 first 1,000 individuals age 65 or older who apply for such assistance, who have a gross
5 annual household income of 250 percent or less of the federal poverty level, and who
6 otherwise meet the eligibility criteria established by the department. Assistance shall be
7 available under the pilot program from January 1, 2020 to January 1, 2021. The
8 commissioner shall make available an online application, a telephone number for
9 applications and questions, and shall provide written applications upon request.
10 Applications shall include information on income, household size, Medicare Part D
11 enrollment and coverage information, the prescription drugs for which assistance is
12 sought, the age of the applicant, and the location of the applicant. On or before February
13 1, 2020, the commissioner shall adopt rules, under RSA 541-A, relative to pilot program
14 enrollment, administration, and evaluation.

15 II. On or before March 1, 2021, the commissioner of the department of health and
16 human services shall submit an evaluation report of the pilot program to the senate
17 president, the speaker of the house of representatives, the governor, the senate finance
18 committee, the house finance committee, the senate health and human services
19 committee, and the house health, human services and elderly affairs committee. The
20 report shall include information regarding the number of applications, age and location
21 of applicants, prescription drugs for which assistance was provided, costs per eligible
22 applicant, likely costs per non-eligible applicant, and descriptions regarding applicant
23 ineligibility.

24 346:384 Appropriation; Department of Health and Human Services. For the purpose
25 of funding the prescription drug assistance pilot program for seniors established in this
26 act, the sum of \$2,000,000 for fiscal year ending June 30, 2020, is hereby appropriated to
27 the department of health and human services. Such appropriation shall not lapse. The
28 governor is authorized to draw a warrant for said sum out of any money in the treasury
29 not otherwise appropriated.

30 346:385 Appropriation. The sum of \$1,000,000 for the fiscal year ending June 30, 2020
31 is hereby appropriated to the department of health and human services for the purposes
32 of upgrading existing substance use disorder treatment and recovery housing facilities
33 and creating new substance use disorder treatment and recovery housing facilities.
34 Funds appropriated under this section shall be used for upgrading or renovating existing
35 facilities to ensure compliance with fire code and safety standards; expanding existing
36 facilities to increase service capacity; and developing new substance use disorder
37 treatment and recovery housing facilities. Facilities receiving funds under this section

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1 shall be in compliance with any state rules associated with the operation of such
2 programs. The governor is authorized to draw a warrant for said sum out of any money
3 in the treasury not otherwise appropriated. Funds appropriated in this section shall be
4 nonlapsing.

5 346:386 Appropriation; Education Trust Fund. The sum of \$68,100,000 for the fiscal
6 year ending June 30, 2020 is hereby appropriated to the education trust fund. The
7 governor is authorized to draw a warrant for said sum out of any money in the treasury
8 not otherwise appropriated.

9 346:387 Board of Trustees, Community College System of New Hampshire. Amend
10 RSA 188-F:4, II(j) to read as follows:

11 (j) Two members who shall be New Hampshire residents and who are [~~full-~~
12 ~~time~~] students enrolled in ***a credit program at*** one of the colleges within the community
13 college system. The student trustees shall be voted from the colleges within the
14 community college system of New Hampshire locations proceeding in alphabetical order
15 and shall be elected by the student body of the campus responsible for providing the
16 student trustee. The student trustees shall serve a one-year term commencing June 1 of
17 the year for which the student was elected and ending May 31 of the next year. In the
18 event that a student trustee ceases for any reason to attend the school from which the
19 student was elected, the chancellor of the community college system of New Hampshire
20 shall declare a vacancy in that student trustee position, and the next school in order shall
21 elect the student trustee who shall serve for the remainder of the predecessor's term and
22 an additional one-year term immediately.

23 346:388 Energy Infrastructure Development and Corridors; RSA 162-R; Contingency
24 Revised. Amend 2016, 218:3 and 4 to read as follows:

25 218:3 Updated and Revised Utility Accommodation Manual. The department of
26 transportation shall update and revise its utility accommodation manual in order to
27 provide for the optional use of the energy infrastructure corridors designated pursuant
28 to RSA 162-R:2. The updated and revised manual shall be approved by the Federal
29 Highway Administration no later than [~~June 1, 2017~~] ***April 1, 2018***.

30 218:4 Contingency. If the updated and revised utility accommodation manual
31 required by section 3 of this act is adopted and approved by [~~June 1, 2017~~] ***April 1, 2018***,
32 sections 1 and 2 of this act shall take effect [~~July 1, 2017~~] ***April 15, 2018***. If the updated
33 and revised utility accommodation manual is not adopted and approved by [~~June 1, 2017~~]
34 ***April 1, 2018***, sections 1 and 2 of this act shall not take effect. The commissioner of the
35 department of transportation shall certify the date of approval of the manual to the
36 secretary of state and the director of legislative services.

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1 346:389 Attorney General; Criminal Justice Bureau. Amend 2018, 127:3, III(b) to read
2 as follows:

3 (b) There is established within the department of justice an unclassified full-
4 time attorney position for the purpose of implementing and establishing a training
5 program for regional, county, and state prosecutors as required in this paragraph. The
6 salary for the full-time attorney position shall be [~~determined after assessment and~~
7 ~~review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the~~
8 ~~position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-e]~~ **established as**
9 **provided for in RSA 94:1-a, I(c).**

10 346:390 Department of Health and Human Services; Emergency Shelter and
11 Stabilization Services.

12 I. The sum of \$450,000 in general funds is hereby appropriated to the department
13 of health and human services for the fiscal year ending June 30, 2020, which shall be
14 nonlapsing, for the purpose of emergency shelter and stabilization services for persons
15 experiencing substance use disorder. The governor is authorized to draw a warrant for
16 said sum out of any money in the treasury not otherwise appropriated. Notwithstanding
17 RSA 14:30-a, VI, the department is hereby authorized to accept and expend any federal
18 fund match to the appropriation in this section without prior approval of the fiscal
19 committee of the general court.

20 II. The commissioner of the department of health and human services shall
21 allocate and disburse such funds through a sole source contract or contracts and shall
22 prioritize the use of the funds to high need areas within the state of New Hampshire that
23 are in immediate need for those services. The contracted services shall be operational on
24 or before March 31, 2020.

25 346:391 Health and Human Services; Amendment, Waiver; Supportive Housing
26 Services. The commissioner of the department of health and human services shall submit
27 a state plan amendment as provided in Section 1915(i) of the Social Security Act or a
28 waiver under other provisions of the Act to the Centers for Medicare and Medicaid
29 Services to create a state Medicaid benefit for supportive housing services.

30 346:392 Notice of Leased Interests in Public Property; Applicability to the Department
31 of Transportation Temporarily Suspended. RSA 72:23, I(b)(1)(B), requiring lessors of
32 public property to provide notice to assessing officials of the municipality in which the
33 property is located, shall not apply to the department of transportation until January 1,
34 2021.

35 346:393 Seasonal Workers; Exempt from Work Search Requirements for
36 Unemployment; SB 62. RSA 282-A:31, I(d)(4) is repealed and reenacted to read as follows:

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1 (4) If availability is limited to part-time work, the claim for unemployment
2 benefits is based on wages earned in part-time work; and

3 (5) If the individual furnishes evidence satisfactory to the commissioner
4 that such individual has a definite date for returning to work which is within 11 weeks of
5 the last day of work, such person shall be exempt from the work search requirements in
6 subparagraph (d).

7 346:394 Adequate Representation for Indigent Defendants in Criminal Cases;
8 Appointment of Counsel. Amend RSA 604-A:2, I to read as follows:

9 I. In every criminal case in which the defendant is charged with a felony or a class
10 A misdemeanor and appears without counsel, the court before which he or she appears
11 shall advise the defendant that he or she has a right to be represented by counsel and
12 that counsel will be appointed to represent him or her if he or she is financially unable to
13 obtain counsel. Unless the defendant waives the appointment of counsel, if the defendant
14 indicates to the court that he or she is financially unable to obtain counsel, the court shall
15 instruct the defendant to complete a financial [affidavit] *statement under oath* in such
16 form as designated by the unit of cost containment. If after review of the financial
17 [affidavit] *statement under oath* and application of the rules established pursuant to RSA
18 604-A:10, IV the court is satisfied that the defendant is financially unable to obtain
19 counsel, the court shall appoint counsel to represent him or her; provided, however, that
20 in any case in which the defendant is charged with a capital offense, the court may
21 appoint 2 counsel to represent him or her. Whenever defendants have such conflicting
22 interests that they cannot be properly represented by the same counsel, or when other
23 good cause is shown, the court shall appoint separate counsel for each of them. In a post-
24 conviction proceeding in which a defendant seeks to attack the validity of an underlying
25 conviction, the court shall appoint counsel or approve a request for services other than
26 counsel when the interests of justice or judicial economy require.

27 346:395 Appointment of Counsel for Nonpayment or Nonperformance; Statement
28 Under Oath. Amend RSA 604-A:2-f, II(a) to read as follows:

29 (a) Provide the defendant with a financial [affidavit] *statement under oath* and
30 direct the defendant to complete the [affidavit] *financial statement under oath*;

31 346:396 New Subdivision; Statewide Threat Notification System for Schools. Amend
32 RSA 21-P by inserting after section 52 the following new subdivision:

33 Statewide Threat Notification System for Schools

34 21-P:52-a Statewide Threat Notification System for Schools.

35 I. The department of safety, in conjunction with the United States Department of
36 Homeland Security, shall commence a process of due diligence in anticipation of future
37 deployment of a statewide, real-time threat notification system for schools, the purpose of

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1 which shall be to link school personnel directly to law enforcement in the event of a
2 direct threat against the school community or a general emergency situation in which
3 law enforcement would respond.

4 II. The department of safety shall solicit requests for information (RFI) for a
5 statewide, real-time threat notification system based on the following criteria:

6 (a) The system would be activated by authorized school personnel using
7 classroom desktop computers, laptop computers, mobile phones, fobs, and other suitable
8 devices.

9 (b) Upon activation, the system would determine the location of the nearest
10 law enforcement officers, regardless of jurisdiction, and directly notifies them of the
11 activation.

12 (c) The system would notify the following state and local agencies of the
13 activation:

14 (1) The bureau of emergency communications, or state 911 center.

15 (2) The New Hampshire state police.

16 (3) The New Hampshire information and analysis center.

17 (4) The department of safety, division of homeland security and emergency
18 management.

19 (5) The appropriate local or regional dispatch center for the school.

20 (d) The system would provide electronic school floor plans and related
21 documents to responding officers.

22 (e) The system would provide a communication method for responding officers
23 to communicate with school personnel.

24 III. The threat notification system for schools shall be a state-funded program,
25 available to all school districts and law enforcement agencies in the state. However,
26 participation in the program by local school districts and local law enforcement agencies
27 shall be voluntary.

28 IV. No state funds are appropriated for the due diligence process.

29 V. Deployment of a statewide real-time threat alert system is contingent on an
30 appropriation of funds from surplus revenues received by the state during the 2020-2021
31 biennium.

32 VI. The commissioner of the department of safety shall adopt rules, under RSA
33 541-A, relative to implementation and operation of the real-time threat notification
34 system for schools.

35 346:397 Statement of Purpose. The purpose of sections 398-422 of this act is to provide
36 legislative authorization for initiatives to improve the health coverage available through
37 this state's individual and small employer markets, including authorizing new forms of

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1 multiple employer welfare arrangements contingent on the establishment of the legal
2 validity of the United States Department of Labor’s Association Health Plan Rule codified
3 at 29 C.F.R. section 2510.3-5(b), authorizing the insurance commissioner to apply for a
4 waiver on an expedited basis under section 1332 of the Affordable Care Act to create a
5 market stabilization mechanism for the individual market, and creating a legislative
6 commission on the status of health coverage markets for individuals and small employers.
7 The general court hereby seeks to help individuals and small businesses obtain more
8 affordable health care coverage and new coverage options while preserving protections
9 for higher risk individuals and groups and while protecting against adverse impacts on
10 New Hampshire's existing individual and small group health insurance markets.

11 346:398 Title. Sections 399-419 of this act shall be known as the Individual and Small
12 Business Health Care Reform Act of 2019.

13 346:399 Multiple-Employer Welfare Arrangements; Definitions. RSA 415-E:1 is
14 repealed and reenacted to read as follows:

15 415-E:1 Definitions. In this chapter:

16 I. "Bona fide association" means a bona fide pathway I association or a bona fide
17 pathway II association.

18 II. "Bona fide pathway I association" means a group or association that satisfies
19 the criteria established by the United States Department of Labor prior to the adoption in
20 2018 of 29 C.F.R. section 2510.3-5, including the guidance provided in the United States
21 Department of Labor publication entitled “MEWAS, Multiple-Employer Welfare
22 Arrangements under the Employee Retirement Income Security Act (ERISA): A Guide to
23 Federal and State Regulation, Revised August 2013” and including published United
24 States Department of Labor ERISA Advisory Opinion Letters.

25 III. “Bona fide pathway II association” means a group or association that meets
26 the requirements of 29 C.F.R. section 2510.3-5(b).

27 IV. "Commissioner" means the insurance commissioner of the state of New
28 Hampshire.

29 V. “Eligible employee” means a full-time or part-time employee who meets the
30 requirements for eligibility for group coverage set forth in RSA 415:18, I(q).

31 VI. Employee welfare benefit plan” has the same meaning as in 29 U.S.C. section
32 1002(1).

33 VII. “Fully insured health benefit plan” means a policy, contract, certificate, or
34 agreement to provide, deliver, arrange for, pay for, or reimburse any of the costs of health
35 services, that is offered or issued to bona fide association by a health insurer licensed to
36 do business in New Hampshire and that bears the risk under the plan.

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1 VIII. "Fund balance" means the total assets in excess of total liabilities, except that
2 assets pledged to secure debts not reflected on the books of the multiple-employer welfare
3 arrangement shall not be included in the fund balance. Fund balance shall include other
4 contributed capital, retained earnings, and surplus notes.

5 IX. "Insolvency termination" means the termination of an arrangement where the
6 fund balance as of the termination date is inadequate.

7 X. "Insurer" means any insurer, nonprofit hospital or medical service corporation,
8 health maintenance organization, or managed care organization, including but not
9 limited to an insurer offering health coverage as defined in RSA 420-G:2, IX.

10 XI. "Multiple-employer welfare arrangement (MEWA)" or "association" means an
11 employee welfare benefit plan or any other arrangement which is established or
12 maintained for the purpose of offering or providing health benefits to the eligible
13 employees of 2 or more employers, or to their beneficiaries, and shall include a MEWA as
14 defined in the Employee Retirement Income Security Act of 1974, 29 U.S.C. section 1001 et
15 seq. (ERISA). This shall include plans established by any political subdivision of the state
16 or religious organization, but shall not include any plan or arrangement established or
17 maintained under or pursuant to one or more agreements deemed collective bargaining
18 agreements under section 3(40)(A)(i) of (ERISA). For the purposes of this chapter, 2 or
19 more trades or businesses, whether or not incorporated, shall be deemed a single
20 employer if such trades or businesses are under common ownership or within the same
21 control group as defined under section 3(40)(B) of ERISA.

22 346:400 Multiple-Employer Welfare Arrangements; Applicability; General Eligibility.
23 Amend RSA 415-E:2, I and II to read as follows:

24 I. No person shall~~[, after April 1, 1992,]~~ operate a multiple-employer welfare
25 arrangement unless such arrangement is approved by the commissioner. ~~[No person~~
26 ~~shall, after April 1, 1992, operate a multiple-employer welfare arrangement in existence~~
27 ~~prior to April 1, 1992, unless such arrangement has submitted for approval in compliance~~
28 ~~with RSA 415-E:4, or otherwise meets the special requirements of paragraph III of this~~
29 ~~section.] *A foreign or domestic MEWA or association shall be subject to the jurisdiction of*~~
30 ~~*this state if it provides a health benefit plan that covers the employees of at least one*~~
31 ~~*employer that maintains a work location in New Hampshire, which is the primary*~~
32 ~~*workplace of at least one New Hampshire resident, including any self-employed New*~~
33 ~~*Hampshire resident who is qualified to enroll in the plan.*~~

34 II. This chapter shall not apply to a multiple-employer welfare arrangement *that*
35 *is a bona fide pathway I association* which offers or provides benefits which are fully
36 insured by an authorized insurer or under the provisions of RSA 5-B.

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1 346:401 Multiple-Employer Welfare Arrangements. RSA 415-E:3 is repealed and
2 reenacted to read as follows:

3 415-E:3 General Eligibility; Pathway I and Pathway II. To meet the requirements for
4 approval and to maintain a multiple employer welfare arrangement, an association not
5 exempted under RSA 415-E:2, II shall be approved either as a self-insured bona fide
6 pathway I association or as a bona fide pathway II association as follows:

7 I. An association seeking approval as a self-insured bona fide pathway I
8 association shall:

9 (a) Meet the definition in RSA 415-E:1, II of a bona fide pathway I association.

10 (b) Sponsor health coverage that is self-insured.

11 (c) Be nonprofit.

12 (d) Be established by a trade association, industry association, political
13 subdivision of the state, religious organization, or professional association of employers
14 or professionals which has a constitution or bylaws and which has been organized and
15 maintained in good faith for a continuous period of one year for purposes other than that
16 of obtaining or providing insurance.

17 (e) Be operated pursuant to a trust agreement by a board of trustees which
18 shall have complete fiscal control over the arrangement and which shall be responsible
19 for all operations of the arrangement. The trustees selected shall be owners, partners,
20 officers, directors, or employees of one or more employers in the arrangement. A trustee
21 may not be an owner, officer, or employee of the administrator or service company of the
22 arrangement. The trustees shall have the authority to approve applications of
23 association members for participation in the arrangement and to contract with an
24 authorized administrator or service company to administer the day-to-day affairs of the
25 arrangement.

26 (f) Be neither offered nor advertised to the public generally.

27 (g) Be operated in accordance with sound actuarial principles.

28 II. An association seeking approval as a bona fide pathway II association shall:

29 (a) Meet the definition in RSA 415-E:1, III of a bona fide pathway II association.

30 (b) Have a formal organizational structure with a governing body, bylaws, and
31 other similar indications of formality, and complies with RSA 415-E:3, I-a(e) and with all
32 other organizational requirements under this chapter and, if the association offers fully
33 insured coverage, under RSA 420-M.

34 (c) Have its functions and activities controlled by its employer members, and
35 the association's employer members that participate in the group health plan shall
36 control the plan, both in form and in substance.

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1 (d) Have a commonality of interest with its employer members, such that one
2 or both of the following standards are met, in a manner that is not a subterfuge for
3 discrimination as prohibited under RSA 415-E:1-e:

4 (1) The employers are in the same trade, industry, line of business, or
5 profession; or

6 (2) Each employer has a principal place of business in the same region.

7 (e) Have at least one substantial business purpose unrelated to offering and
8 providing health coverage or other employee benefits to its employer members and their
9 employees.

10 (f) Have each employer member of the association participating in the group
11 health plan who is a person acting directly as an employer of at least one employee who is
12 a participant covered under the plan.

13 (g) Not make health coverage through the association's group health plan
14 available other than to:

15 (1) An employee of a current employer member of the association; and

16 (2) A beneficiary of an individual eligible under subparagraph (1).

17 (h) Not be a health insurance issuer, or owned or controlled by a health
18 insurance issuer, or by a subsidiary or affiliate of a health insurance issuer, other than to
19 the extent such entities participate in the association in their capacity as employer
20 members of the association.

21 346:402 New Sections; Multiple-Employer Welfare Arrangements. Amend RSA 415-E
22 by inserting after section 3 the following new sections:

23 415-E:3-a Bona Fide Pathway I and II Association Coverage; General Authorization.
24 Bona fide pathway association coverage as set forth in the United States Department of
25 Labor's June 21, 2018 amendment to 29 C.F.R. section 2510, 83 Fed. Reg. 28,961 (codified at
26 29 C.F.R. section 2510.3-5) shall be permissible in New Hampshire provided it conforms
27 with this chapter and all of the provisions of Title XXXVII concerning this coverage.

28 415-E:3-b Bona Fide Pathway I and II Association Coverage: Option to Offer Fully-
29 Insured Coverage.

30 I. A bona fide pathway I association may offer coverage on a fully insured basis if
31 it is a qualified association trust as defined in RSA 420-G:2, XV.

32 II. A bona fide pathway II association may offer coverage on a fully insured basis
33 if it is licensed as a qualified purchasing alliance under RSA 420-M and meets all of the
34 pathway II requirements under this chapter.

35 III. No insurer shall issue a fully-insured health benefit plan to an association or
36 MEWA with covered lives in New Hampshire unless the association or MEWA meets the
37 requirements of either paragraphs I or II.

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1 IV. A fully-insured association or MEWA that is a qualified association trust or
2 that has been licensed by the department as a qualified purchasing alliance shall not be
3 subject to the financial reporting and solvency requirements of this chapter that are
4 applicable only to self-funded associations.

5 V. An insurer issuing a fully insured health benefit plan to an association or
6 MEWA shall ensure that the terms of the plan conform with all applicable requirements of
7 this chapter with respect to bona fide association coverage and that the coverage has
8 received all required approvals from the department.

9 **415-E:3-c Bona Fide Pathway II Association Coverage; Benefit Requirements.**

10 I. Each health benefit plan offered to or by a bona fide pathway II association,
11 whether on a fully insured or self-funded basis, shall, at a minimum, provide the following
12 benefits:

13 (a) Coverage for each of the 10 essential health benefits as defined in 42 U.S.C.
14 section 18022(b)(1), subject to approval of the commissioner based on the New Hampshire
15 benchmark plan;

16 (b) Cost sharing requirements of 42 U.S.C. section 18022(c)(1)-(c)(3);

17 (c) Lifetime and annual limits as prescribed in 29 C.F.R. section 2590.715-2711;

18 (d) A level of coverage equal to or greater than that designed to provide
19 benefits that are actuarially equivalent to 60 percent of the full actuarial value of the
20 benefits provided under the plan; and

21 (e) All other benefits required to comply with applicable federal laws and
22 regulations and with any provision of title XXXVII that applies to large group health
23 insurance coverage.

24 II. Every health benefit plan offered by any bona fide pathway II association,
25 whether offering coverage on a self-funded basis or fully insured basis, and any insurer
26 contracting with an offering association, shall comply with the following:

27 (a) Except as otherwise specifically provided herein, all requirements of RSA
28 420-G, including claims data and other reporting requirements;

29 (b) Requirements contained in RSA 420-J, and any rules adopted thereunder
30 by the commissioner including, but not limited to, network adequacy, balance billing
31 protections, and appeal and grievance processes;

32 (c) Payment of premium tax as provided in RSA 400-A:31-35 and administrative
33 assessment under RSA 400-A:39;

34 (d) Requirements pertaining to examinations under RSA 400-A:37;

35 (e) Requirements pertaining to unfair insurance trade practices under RSA
36 417;

37 (f) Vaccine association assessment under RSA 126-Q; and

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1 (g) Individual market assessment under RSA 404-G.

2 III. No health benefit plan or related policy, contract, certificate, or agreement
3 offered or issued in this state to a bona fide pathway II association, whether offering
4 coverage on a self-funded basis or fully insured basis, shall reserve discretion to the
5 insurer or sponsoring association to interpret the terms of the contract or to provide
6 standards of interpretation or review that are inconsistent with the laws of this state.
7 Any such policy, contract, certificate, or agreement shall be void and unenforceable to the
8 extent it conflicts with this section.

9 IV. A bona fide pathway II association, whether offering coverage on a self-funded
10 basis or fully insured basis, shall not offer, and an insurer shall not deliver or issue for
11 delivery to such association, a health benefit plan covering lives located in this state that
12 contains an exclusion or limitation for pre-existing conditions or a waiting period on the
13 coverage of pre-existing conditions.

14 V. For any bona fide pathway II association, whether offering coverage on a self-
15 funded basis or fully insured basis, if coverage is issued to a sole proprietor, the
16 association sponsoring the coverage shall be responsible for monitoring and ensuring
17 that the sole proprietor meets the requirements to qualify as an employer under 29 C.F.R.
18 section 2510.3-5(b) and meets the per month hourly work requirement contained in RSA
19 126-AA:2, III. Failure to ensure compliance with this provision shall be a violation of this
20 chapter.

21 415-E:3-d Rating Requirements for Bona Fide Pathway I Fully Insured Coverage and
22 all Pathway II Coverage; Rating Requirements.

23 I. Any fully insured bona fide pathway I association and any pathway II
24 association, whether self-funded or fully insured, or any insurer contracting with such
25 bona fide pathway I or II association to provide a health benefit plan, shall comply with
26 all requirements of RSA 420-G, except that, for any such association with 250 or more New
27 Hampshire covered lives, the association as a whole may be rated as a single risk pool
28 separately from the small employer market.

29 II. Coverage for a fully insured bona fide pathway I association with 250 or more
30 New Hampshire covered lives and any bona fide pathway II association with 250 or more
31 New Hampshire covered lives may be rated as a single large group based on the
32 association's group experience and in accordance with all standards applicable to large
33 employer groups under RSA 420-G. The following additional requirements shall apply to
34 such coverage:

35 (a) All premium rates charged shall be guaranteed for a rating period of at
36 least 12 months, and shall not be changed for any reason, including, but not limited to, a
37 change in the group's case characteristics.

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1 (b) For fully insured bona fide pathway I associations, the association may
2 vary rates among member small employers only in accordance with the provisions in RSA
3 420-G:10 applying to qualified association trusts.

4 (c) For any pathway II association, whether self funded or fully insured, the
5 association may vary rates among member small employers, including participating self-
6 employed New Hampshire members, as follows:

7 (1) Variation associated with age shall not exceed 5:1.

8 (2) Variation associated with tobacco use shall not exceed 1.5 to 1.

9 (3) No other variation shall be permitted.

10 (d) The same rating methodology shall apply to newly covered member
11 employer groups and employee members renewing at each annual renewal date or
12 anniversary date. The rating methodology shall not be construed to include health
13 carrier incentives to individual subscribers or members to participate in wellness and
14 fitness programs provided such incentives are approved by the insurance department.

15 (e) Nothing in this chapter shall be construed to allow a member small
16 employer group within any association to be rated separately under large group rating
17 standards.

18 415-E:3-e Bona Fide Pathway II Association Coverage; Nondiscrimination
19 Requirements. In accordance with 29 C.F.R. section 2590.702, bona fide pathway II
20 association coverage shall comply with the following:

21 I. The group or association shall not condition employer membership in the group
22 or association on any health factor of any individual who is or may become eligible to
23 participate in the group health plan sponsored by the group or association.

24 II. The group health plan sponsored by the group or association shall comply with
25 29 C.F.R. section 2590.702(b) with respect to nondiscrimination in rules for eligibility of
26 benefits.

27 III. The group health plan sponsored by the group or association shall comply
28 with 29 C.F.R. section 2590.702(c) with respect to nondiscrimination in premiums or
29 contributions required by any participant or beneficiary for coverage under the plan.

30 IV. In applying the nondiscrimination provisions of paragraphs II and III, the
31 group or association shall not treat the employees of different employer members of the
32 group or association as distinct groups of similarly-situated individuals based on a health
33 factor of one or more individuals.

34 415-E:3-f Free Movement Between Bona Fide Association Coverage and Small Group
35 Coverage. A small employer that leaves the small group market for bona fide pathway I
36 or II association coverage or that leaves pathway I or II association coverage for the small
37 group market shall not be subjected to a waiting period before being permitted to return

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1 to the original market, nor shall an insurer or administrator be permitted to impose such
2 a waiting period.

3 415-E:3-g Bona Fide Pathway II Association Coverage; Mitigation of Small Group
4 Market Impacts of Pathway II Association Coverage.

5 I. In order to mitigate potential adverse effects of pathway II association coverage
6 on the existing small group markets, the commissioner shall retain an independent
7 actuarial firm to model and quantify the impacts of pathway II coverage on the existing
8 small group markets and to perform the actuarial review necessary to support the small
9 group risk adjustment program required under RSA 420-K. The plan of operation for the
10 small group risk adjustment program required under RSA 420-K shall be approved and in
11 place before any pathway II association coverage may be issued.

12 II. Upon the recommendation of the commission on the status of health coverage
13 markets for individuals and small employers established under RSA 404-J, or upon the
14 commissioner's own initiative, the commissioner may limit pathway II associations to the
15 writing of existing business only and may adjust the risk score differential amount in
16 RSA 420-K:4, I(d) as necessary to prevent the pathway II association market from having
17 an adverse impact on the availability and choice of coverage in the small group market
18 and as necessary to prevent average premiums for small groups from increasing at a rate
19 that is significantly higher than the trend in claims costs.

20 346:403 Multiple-Employer Welfare Arrangements; Filing of Application. Amend the
21 section heading and the introductory paragraph of RSA 415-E:4 to read as follows:

22 415-E:4 ***Self-Funded Arrangements***; Filing of Application. ***For self-funded***
23 ***arrangements***, the sponsoring association shall file with the commissioner an application
24 for approval of the arrangement upon a form to be furnished by the commissioner, which
25 shall include or have attached the following:

26 346:404 Multiple-Employer Welfare Arrangements; Termination Liability Fund. RSA
27 415-E:5 is repealed and reenacted to read as follows:

28 415-E:5 Self-Funded Arrangements: Termination Liability Fund.

29 I. Each self-funded multiple-employer welfare arrangement shall maintain a
30 termination liability fund wherein the fund balance of the multiple-employer welfare
31 arrangement shall at no time, for a consecutive 90-day period, be less than \$750,000 or 33
32 percent of the aggregate premiums billed during the 12 prior months, whichever is
33 greater. For purposes of this paragraph, that surety amount, if any, deposited with the
34 commissioner pursuant to RSA 415-E:7, I, may be credited as a fund balance asset toward
35 the termination liability fund amount.

36 II. Each self-funded multiple-employer welfare arrangement shall file with the
37 commissioner, not later than 4 months following the end of each fiscal year, a report on

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1 the financial status of the termination liability fund, which report is filed under oath by a
2 member of its board of trustees, or by an administrative executive duly appointed by the
3 board, and further certified to by an independent certified public accountant.

4 346:405 Multiple-Employer Arrangements, Financial Condition, Loss Reserves.
5 Amend RSA 415-E:6 to read as follows:

6 415-E:6 *Self-Funded Arrangements*; Financial Condition, Loss Reserves, Reinsurance,
7 or Working Capital; Determination of Inadequacy.

8 *I. Each self-funded arrangement shall maintain specific excess insurance with a*
9 *retention level determined in accordance with sound actuarial principles and approved*
10 *by the commissioner.*

11 *II. Each self-funded arrangement shall establish and maintain appropriate loss*
12 *reserves determined in accordance with sound actuarial principles and approved by the*
13 *commissioner.*

14 ~~[I.]~~ *III.* The commissioner may, upon reasonable notice, conduct an examination of
15 the loss reserves, financial condition, specific excess insurance, and working capital of a
16 multiple-employer welfare arrangement *the costs of which shall be borne by the*
17 *arrangement*. If the commissioner preliminarily finds that the reserves, specific excess
18 insurance, or financial condition may be inadequate, or that the arrangement does not
19 have a combined working capital in an amount establishing the financial strength and
20 liquidity of the arrangement to pay claims promptly and showing evidence of the
21 financial ability of the arrangement to meet its obligations to covered employees, the
22 commissioner shall notify the arrangement of such inadequacy. Upon being so notified,
23 the arrangement shall within 30 days file with the commissioner all information which, in
24 the belief of the arrangement, proves the reasonableness and adequacy of the condition
25 noted as being inadequate.

26 ~~[II.]~~ *IV.* If the commissioner determines, after reviewing the information filed, that
27 an inadequate condition exists, the arrangement shall implement, within 30 days, a plan
28 to correct the inadequacy and shall file proof of reasonable improvement or adequate
29 condition with the commissioner within 6 months of the implementation of the plan. If
30 the commissioner is satisfied that the plan submitted to improve the inadequate
31 condition of the arrangement is sufficient, he shall so notify the arrangement. The
32 arrangement shall report quarterly to the commissioner until the causes of the
33 inadequate condition have been corrected.

34 ~~[III.]~~ *V.* The commissioner may suspend or revoke the approval of an arrangement
35 if he finds that the arrangement has failed to correct or reasonably improve an
36 inadequate condition within the time authorized by paragraph ~~[II]~~ *IV*.

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1 346:406 Multiple-Employer Arrangements; Insolvency Protection. Amend RSA 415-
2 E:7, I to read as follows:

3 I. To assure the faithful performance of its obligations to its member employers
4 and covered employees *who are New Hampshire residents* and their dependents, every
5 arrangement shall, within 30 days after the close of the arrangement's fiscal year, deposit
6 with the commissioner cash, securities, or any combination of these or other measures
7 acceptable to the commissioner, in an amount equal to ~~[25 percent of the preceding 12~~
8 ~~months' health care claims expenditures or 5 percent of gross annual premiums for the~~
9 ~~succeeding year]~~, ***\$100,000 or 25 percent of the aggregate premiums billed during the 12***
10 ***prior months attributable to New Hampshire residents***, whichever is greater~~[- however,~~
11 ~~in no case shall the amount of the deposit exceed \$100,000]~~. All income from deposits
12 shall belong to the depositing arrangement and shall be paid to it as it becomes available.
13 An arrangement that has made a securities deposit may withdraw that deposit, or any
14 part of such deposit, after making a substitute deposit of cash, securities, or any
15 combination of these or other measures of equal amount and value, upon approval by the
16 commissioner. No judgment creditor or other claimant of a multiple-employer welfare
17 association shall have the right to levy upon any of the assets or securities held in this
18 state as a deposit under this section.

19 346:407 Multiple-Employer Arrangements. Amend RSA 415-E:8 through RSA 415-E:13
20 to read as follows:

21 415-E:8 Policy Forms.

22 I. ***Whether an arrangement is self-funded or fully insured***, no policy or contract
23 form, application form, certificate, rider, endorsement, summary plan description, or
24 other evidence of coverage shall be ***sponsored or*** issued by an arrangement unless the
25 form and all changes to it have been filed with the commissioner by or on behalf of the
26 arrangement which proposed to use such form and have been approved by the
27 commissioner.

28 II. The commissioner shall disapprove any form filed under this section, or
29 withdraw any previous approval, only if the form:

30 (a) Is in any respect in violation of, or does not comply with, this chapter.

31 (b) Contains or incorporates by reference, where such incorporation is
32 otherwise permissible, any inconsistent, ambiguous, or misleading clauses, or exceptions
33 and conditions which deceptively affect the risk purported to be assumed in the general
34 coverage of the contract.

35 (c) Has any title, heading, or other indication of its provisions which is
36 misleading.

37 (d) Is printed or otherwise reproduced in such manner as to render any

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1 material provision of the form substantially illegible.

2 (e) Contains provisions which are unfair or inequitable, or contrary to the
3 public policy of this state or which encourage misrepresentation.

4 **III. Each self-funded arrangement shall issue to each covered employee a policy**
5 **contract, certificate, summary plan description, or other evidence of the benefits and**
6 **coverages provided. The evidence of the benefits and coverages provided shall contain in**
7 **boldfaced print in a conspicuous location, the following statement: "The benefits and**
8 **coverages described herein are provided through a trust fund established and funded by**
9 **a group of employers."**

10 **IV. Each self-funded arrangement shall provide to each covered employee, on**
11 **request, a written statement of the dollar amount of allowable benefit for any procedure**
12 **which is requested by the appropriate procedure code.**

13 415-E:9 **Self-Funded Arrangements; Employer Participants' Liability. For self-funded**
14 **arrangements:**

15 I. The liability of each employer participant for the obligations of the multiple-
16 employer welfare arrangement shall be individual, several, and proportionate, but not
17 joint.

18 II. Each employer participant shall have a contingent assessment liability
19 pursuant to 415-E:10 for payment of actual losses and expenses incurred while the policy
20 was in force.

21 III. Each policy issued by the arrangement shall contain a statement of the
22 contingent liability. Both the application for insurance and policy shall contain, in
23 contrasting color and not less than 10-point type, the following statement: "This is a fully
24 assessable policy. In the event the arrangement is unable to pay its obligations,
25 policyholders (employers) shall be required to contribute on a pro rata earned premium
26 basis the money necessary to meet any unfulfilled obligations."

27 415-E:10 **Self-Funded Arrangements; Termination of Arrangement. For self-funded**
28 **arrangements, if an arrangement is terminated for any reason, it shall pay all outstanding**
29 **claims, debts, and obligations. The arrangement may retain sufficient funds to provide**
30 **coverage for such additional period as the trustees of the arrangement consider prudent.**
31 **In addition, the trustees may purchase such additional insurance as they consider**
32 **necessary for protection against potential future claims. Any funds remaining in the**
33 **arrangement after satisfaction of all obligations upon termination shall be paid to**
34 **participating employers and/or covered employees as of the termination date in some**
35 **equitable manner meeting with the approval of the commissioner, including, without**
36 **ruling out other alternatives, equally on a per capita basis to each participating employer**
37 **and/or employee who is covered under the arrangement as of the effective date of**

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1 termination.

2 415-E:11 *Self-Funded Arrangements*; Annual Reports and Triennial Actuarial Reports.

3 *For self-funded arrangements:*

4 I. Every *such* arrangement shall, annually within 4 months of the end of the fiscal
5 year or within such extension of time as the commissioner for good cause may grant, file a
6 report with the commissioner, verified by the oath of a member of the board of trustees or
7 by an administrative executive appointed by the board, showing its condition on the last
8 day of the preceding fiscal year. The report shall contain a financial statement of the
9 arrangement, including its balance sheet and a statement of operations for the preceding
10 year certified by an independent certified public accountant. The report shall also
11 include an analysis of the adequacy of reserves and contributions or premiums charged,
12 based on a review of past and projected claims and expenses.

13 II. In addition to information called for and furnished in connection with the
14 annual report, if reasonable grounds exist, the commissioner may request information
15 which summarizes paid and incurred expenses, and contributions or premiums received,
16 and may request evidence satisfactory to the commissioner that the arrangement is
17 actuarially sound. Such information and evidence shall be furnished to the commissioner
18 by the arrangement as soon as reasonably possible after requested by the commissioner,
19 but no later than 30 days after such request, unless the commissioner, for good cause,
20 grants an extension.

21 III. At least once every 3 years, each *such* arrangement shall have a report
22 prepared by an actuary who is a member of the Society of Actuaries of the American
23 Academy of Actuaries as to the actuarial soundness of the arrangement. The report shall
24 be made available to the commissioner upon request. The report shall consist of, but
25 shall not be limited to, the following:

26 (a) Adequacy of contribution rate in meeting the level of benefits provided and
27 changes, if any, needed in the contribution rates to achieve or preserve a level of funding
28 deemed adequate to enable payment of the benefit amounts provided under the
29 arrangement, which shall include a valuation of present assets, based on statement value,
30 and prospective assets and liabilities of the plan and the extent of any unfunded accrued
31 liabilities.

32 (b) A plan to amortize any unfunded liabilities and a description of actions
33 taken to reduce unfunded liabilities.

34 (c) A description and explanation of actuarial assumptions.

35 (d) A schedule illustrating the amortization of any unfunded liabilities.

36 (e) A comparative review illustrating the level of funds available to the
37 arrangement from rates, investment income, and other sources realized over the period

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1 covered by the report, indicating the assumptions used.

2 (f) A statement by the actuary that the report is complete and accurate and
3 that in his opinion the techniques and assumptions used are reasonable and meet the
4 requirements and intent of this chapter.

5 (g) Other factors or statements as may be reasonably required by the
6 commissioner in order to determine the actuarial soundness of the plan.

7 415-E:12 [~~Place of Business;~~] Maintenance of Records. Each arrangement shall [~~have~~
8 ~~and maintain its principal place of business in this state and shall~~] make available to the
9 commissioner complete records of its assets, transactions, and affairs in accordance with
10 such methods and systems as are customary for, or suitable to, the kind or kinds of
11 business transacted.

12 415-E:13 ***Qualification for Approval and*** Suspension^[s] ***or*** Revocation of Approval.

13 I. Subject to other provisions in this chapter, the commissioner shall deny,
14 suspend, or revoke an arrangement's approval if it finds that the arrangement:

15 (a) Has failed to meet the financial requirements of this chapter, RSA 420-G, or
16 has violated any lawful order or rules.

17 (b) Has refused to be examined or to produce its accounts, records and files for
18 examination, or if any of its officers has refused to give information with respect to its
19 affairs or to perform any other legal obligation as to such examination, when required by
20 the commissioner.

21 (c) Has failed to pay any final judgment rendered against it in this state within
22 60 days after the judgment became final.

23 (d) No longer meets the requirements for the authority originally granted.

24 II. The commissioner may, in his discretion, deny, suspend, or revoke the approval
25 of any arrangement if it finds that the arrangement:

26 (a) Has violated any lawful order or rule of the commissioner, provision of this
27 chapter, RSA 420-J, or relevant provision of RSA 161-H.

28 (b) Has refused to be examined or to produce its accounts, records, and files
29 for examination, or if any of its officers have refused to give information with respect to
30 its affairs or to perform any other legal obligation as to such examination, when required
31 by the commissioner.

32 ***III. The commissioner shall not grant or continue approval until such time as the***
33 ***arrangement replaces any trustee found by the commissioner, upon the presentation of***
34 ***sufficient evidence:***

35 (a) ***To be incompetent;***

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

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

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

5 IV. *To qualify for and retain approval to transact business, an arrangement shall*
6 *make all contracts with administrators or service companies available for inspection by*
7 *the department initially, and thereafter upon reasonable notice.*

8 V. *Failure to maintain compliance with applicable eligibility or filing*
9 *requirements established by this section shall be grounds for suspension or revocation of*
10 *approval of an arrangement, provided, however, that such arrangement shall have 60*
11 *days after notification by the commissioner to take such action necessary to correct the*
12 *deficiency.*

13 346:408 Multiple Employer Arrangements; Rehabilitation; Rulemaking. Amend RSA
14 415-E:15 and RSA 415-E:16 to read as follows:

15 415-E:15 Rehabilitation, Dissolution. Any rehabilitation, liquidation, conservation,
16 *supervision*, or dissolution of a multiple-employer welfare arrangement shall be
17 conducted under the supervision of the commissioner, who shall have all power with
18 respect thereto granted to it under the laws governing the rehabilitation, liquidation,
19 conservation, *supervision*, or dissolution of insurers.

20 415-E:16 Rulemaking. The commissioner may adopt such rules, pursuant to RSA 541-
21 A, as [~~he deems~~] *are* reasonable and necessary in order to carry out properly the
22 functions and responsibilities assigned the insurance department under [~~the laws of the~~
23 ~~state~~] *this chapter*. [~~This rulemaking authority shall expire on January 1, 1993, at which~~
24 ~~time this section, unless replaced by a later legislative enactment, shall be deemed~~
25 ~~repealed. Any rules adopted under this section shall be drafted in as narrow a manner as~~
26 ~~possible, consistent with the authority granted the department under the laws of this~~
27 ~~state.~~]

28 346:409 Health Coverage; Definitions. Amend RSA 420-G:2, XVI(a) to read as follows:

29 XVI.(a) "Small employer" means a business or organization which employed on
30 average, one and up to 50 employees, including owners and self-employed persons, on
31 business days during the previous calendar year. A small employer is subject to this
32 chapter whether or not it becomes part of an association, multi-employer plan, trust, or
33 any other entity cited in RSA 420-G:3 provided it meets this definition. *However, with*
34 *respect to coverage written under RSA 415-E to a bona fide pathway II association,*
35 *whether self funded or fully insured, if such association has at least 250 New Hampshire*
36 *covered lives and meets all applicable standards under RSA 415-E and all large group*

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1 *standards under this chapter, coverage offered by such association may be offered to sole*
2 *proprietors or self-employed persons.*

3 346:410 Purchasing Alliances; Definitions. Amend RSA 420-M:2, X to read as follows:

4 X. "Qualified purchasing alliance" means a purchasing alliance that has obtained
5 certification from the commissioner under RSA 420-M:13 as a qualified purchasing
6 alliance with authority to ~~operate in the same manner as a qualified association trust~~
7 ~~pursuant to RSA 420-G:10] sponsor fully-insured bona fide pathway II association~~
8 *coverage under RSA 415-E.*

9 346:411 Purchasing Alliances. RSA 420-M:13 is repealed and reenacted to read as
10 follows:

11 420-M:13 Qualified Purchasing Alliance. A purchasing alliance that has a minimum of
12 500 enrollees may elect to obtain certification from the commissioner as a qualified
13 purchasing alliance. To obtain certification, a purchasing alliance shall demonstrate:

14 I. That the purchasing alliance meets all requirements under RSA 415-E to operate
15 as a bona fide pathway II association; and

16 II. That certification of the applicant as a qualified purchasing alliance will
17 promote the purposes set out in RSA 420-M:1; and

18 III. That the purchasing alliance has the capacity to monitor and screen sole
19 proprietor members purchasing pathway II association coverage to ensure that they meet
20 all requirements to qualify as an "employee" under 29 C.F.R. section 2510.3-5(b) and meets
21 the per month hourly work requirement contained in RSA 126-AA:2, III.

22 346:412 Definition of Qualified Association Trust. Amend the introductory paragraph
23 of RSA 420-G:2, XV to read as follows:

24 XV. "Qualified association trust or other entity" means an association established
25 trust or other entity in existence on January 1, 1995, and providing health coverage
26 within the state of New Hampshire to at least ~~[1,000]~~ **250** employees and/or the
27 dependents of association members, which association:

28 346:413 Health Coverage; Qualified Association Trust. Amend RSA 420-G:10 to read as
29 follows:

30 420-G:10 Qualified Association Trust ~~[and Qualified Purchasing Alliance].~~

31 I. A qualified association trust or other entity, as defined in RSA 420-G:2, XV~~, and~~
32 ~~a qualified purchasing alliance, as defined in RSA 420-M:2, X,~~ shall:

33 (a) Comply with the rating restrictions outlined in RSA 420-G:4 for all small
34 employer members with 50 or fewer employees based upon the association's or alliance's
35 group experience, except that ~~[for a qualified association trust,~~ no rating factor shall be
36 utilized without the express written consent of the association.

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1 (b) Offer all eligible members, as defined under the applicable trust or other
2 documents, coverage and rates on a guaranteed issue and renewable basis.

3 (c) Comply with the regulations concerning medical underwriting in RSA 420-
4 G:5.

5 (d) Comply with the preexisting conditions provision of RSA 420-G:7.

6 ~~[(e) Prohibit any employer that voluntarily discontinues participation in~~
7 ~~either a qualified association trust or a qualified purchasing alliance from rejoining for a~~
8 ~~period of at least 24 months.]~~

9 II. Nothing in this chapter shall be interpreted to limit the size of employers who
10 may participate in coverage with a qualified association trust ~~[or a qualified purchasing~~
11 ~~alliance]~~.

12 346:414 Small Employer Health Reinsurance Pool. Amend the chapter heading of RSA
13 420-K to read as follows:

14 SMALL EMPLOYER HEALTH ~~[REINSURANCE POOL]~~
15 ***RISK ADJUSTMENT PROGRAM***

16 346:415 Small Employer Health Reinsurance Pool; Definitions. RSA 420-K:1 is
17 repealed and reenacted to read as follows:

18 420-K:1 Definitions. In this chapter:

19 I. "Assessment" means the liability of the member insurer to the reinsurance pool.

20 II. "Board" means the board of directors of the small employer health reinsurance
21 pool.

22 III. "Bona fide pathway II association coverage" means coverage, whether self-
23 funded or fully insured, that constitutes an employee welfare benefit plan sponsored by a
24 bona fide pathway II association as defined in RSA 415-E:1.

25 IV. "Commissioner" means the insurance commissioner.

26 V. "Covered lives" shall include all persons who have health insurance via a health
27 carrier and who are employees or dependents of employees of a small employer, including
28 sole proprietors covered under bona fide pathway II association coverage.

29 VI. "Health insurance" means "health insurance" as defined in RSA 404-G:2, VII.

30 VII. "Plan of operation" means the plan of operation of the small employer health
31 risk adjustment program, including articles, bylaws and operating rules, procedures and
32 policies approved by the commissioner and adopted by the pool.

33 VIII. "Small employer" means "small employer" as defined in RSA 420-G:2, XVI.

34 IX. "Small employer health carrier" means any entity licensed pursuant to RSA
35 402, RSA 420-A, or RSA 420-B that delivers, issues for delivery or maintains in force
36 policies of health insurance in New Hampshire to any small employer. For purposes of
37 this chapter, health carrier shall include any association, organization or arrangement

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1 offering or sponsoring bona fide pathway II association coverage.

2 346:416 Establishment of the Risk Adjustment Program. Amend RSA 420-K:2 to read
3 as follows:

4 420-K:2 Establishment of the ~~[Pool]~~ ***Risk Adjustment Program***.

5 I. There is established a nonprofit entity to be known as the "New Hampshire
6 small employer health ~~[reinsurance pool]~~ ***risk adjustment program***." All ***small employer***
7 health carriers~~[, writers of health insurance, and other insurers]~~ issuing or maintaining
8 health insurance in this state shall be members of the ~~[pool]~~ ***program***.

9 II. ~~[On or before July 1, 2005,]~~ The commissioner shall give notice to all members
10 of the ~~[pool]~~ ***program*** of the time and place for the initial organizational meeting~~[, which~~
11 ~~shall take place by July 15, 2005]~~. The members shall select the initial board at the
12 organizational meeting and such initial board shall be subject to approval by the
13 commissioner. The members shall elect each subsequent board at the annual meeting of
14 members and each such subsequent board shall be subject to approval by the
15 commissioner. The initial board and each subsequent board shall consist of at least 5 and
16 not more than 9 representatives of members. There shall be no more than one board
17 member on the initial board and each subsequent board representing any one member
18 company. In determining voting rights at the organizational meeting and all subsequent
19 meetings of members, each member shall be entitled to vote in person or by proxy. All
20 such votes shall be proportional to the member's covered lives. To the extent possible, at
21 least 2/3 of members of each board shall be small employer health carriers. ~~[At least one~~
22 ~~member of each board shall be a small employer health carrier with less than \$100,000,000~~
23 ~~in net small employer health insurance premium in this state.]~~ The commissioner, or
24 designee, shall be an ex-officio voting member of the board. In approving selection of
25 each board, the commissioner shall assure that all members are fairly represented.

26 III. If the initial board is not elected at the organizational meeting, the
27 commissioner shall appoint the initial board within 15 days of the organizational
28 meeting.

29 IV. Within 60 days after the appointment of such initial board, the board shall
30 submit to the commissioner a plan of operation and thereafter any amendments to the
31 plan necessary or suitable to assure the fair, reasonable, and equitable administration of
32 the ~~[pool]~~ ***program***. The commissioner shall, after notice and hearing, approve the plan of
33 operation provided he or she determines it to be suitable to assure the fair, reasonable,
34 and equitable administration of the ~~[pool, and provides for the sharing of pool gains or~~
35 ~~losses on an equitable proportionate basis in accordance with the provisions of~~
36 ~~paragraph VI of this section]~~ ***program***. The plan of operation shall become effective upon
37 approval in writing by the commissioner consistent with the date on which the coverage

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1 under this section shall be made available. If the board fails to submit a suitable plan of
2 operation within 60 days after its appointment, or at any time thereafter fails to submit
3 suitable amendments to the plan of operation, the commissioner shall, after notice and
4 hearing, adopt and promulgate a plan of operation or amendments [~~no later than October~~
5 ~~1, 2005~~]. The commissioner shall amend any plan adopted by him or her, as necessary at
6 the time a plan of operation is submitted by the board and approved by the commissioner.

7 V. The board shall select [~~reinsurance pool~~] **risk adjustment program**
8 administrators through a competitive bidding process to administer the [~~pool~~] **program**.
9 The board shall evaluate bids submitted based on criteria established by the board.
10 [~~Each month, total payments to administrators shall not exceed the larger of \$2,500 or an~~
11 ~~amount equal to \$10 per life for which the reinsurance pool has any potential claims~~
12 ~~liability.~~]

13 VI. The plan of operation shall establish procedures for:

14 (a) Handling and accounting of assets and moneys of the [~~pool~~] **program**, and
15 for annual fiscal reporting to the commissioner.

16 (b) Filling vacancies on the board, subject to the approval of the commissioner.

17 (c) Selecting an administrator and setting forth the powers and duties of the
18 administrator.

19 (d) [~~Reinsuring risks in accordance with the provisions of this chapter~~]
20 **Establishing risk adjustment parameters.**

21 (e) Collecting assessments from all members to provide for [~~claims reinsured~~]
22 **risk adjustment payments** by the [~~pool~~] **program** and for administrative expenses
23 incurred or estimated to be incurred during the period for which the assessment is made.

24 (f) Any additional matters at the discretion of the board.

25 346:417 Powers of the Program. RSA 420-K:3 and RSA 420-K:4 are repealed and
26 reenacted to read as follows:

27 420-K:3 Powers of the Program. The program may:

28 I. Enter into contracts as are necessary or proper to carry out the provisions and
29 purposes of this chapter, including the authority, with the approval of the commissioner,
30 to enter into contracts with programs of other states for the joint performance of common
31 functions, or with persons or other organizations for the performance of administrative
32 functions.

33 II. Sue or be sued, including taking any legal actions necessary or proper for
34 recovery of any assessments for, on behalf of, or against members.

35 III. Take such legal action as necessary to avoid the payment of improper claims
36 against the program.

37 IV. Define the array of health coverage products for which risk adjustment will be

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1 applied in accordance with the requirements of this chapter.

2 V. Establish rules, conditions, and procedures pertaining to the risk adjustment
3 mechanism, including implementation and measurement time frames and the permitted
4 risk corridor where no transfer of risk adjustment funds shall take place.

5 VI. Establish appropriate rates, rate schedules, rate adjustments, rate
6 classifications, and any other actuarial functions appropriate to the operation of the
7 program.

8 VII. Assess members in accordance with the provisions of this chapter, and to
9 make advance interim assessments as may be reasonable and necessary for
10 organizational and interim operating expenses and to pay claims by the program. Any
11 such interim assessments shall be credited as offsets against any regular assessments due
12 following the close of the fiscal year.

13 VIII. Appoint from among the members appropriate legal, actuarial, and other
14 committees as necessary to provide technical assistance in the operation of the program,
15 policy, and other contract design, and any other function within the authority of the
16 program.

17 IX. Borrow money to effectuate the purposes of the program. Any notes or other
18 evidence of indebtedness of the program not in default shall be legal investments for
19 insurers and may be carried as admitted assets.

20 420-K:4 Risk Adjustment Program.

21 I. The board shall:

22 (a) Develop and monitor a measure of risk to be used in comparing populations
23 covered by small employer health insurance coverage and bona fide pathway II
24 association coverage. The population covered by qualified association trust coverage or
25 by bona fide pathway I association coverage, whether self-funded or fully insured, shall
26 not be a part of the risk adjustment program and, for the purposes of this chapter, shall
27 not be considered to be small group coverage.

28 (b) Access from the New Hampshire comprehensive health care information
29 system (CHIS), as described under RSA 420-G:11-a, member level information, including
30 length of coverage, gender, age, and diagnosis, sufficient to measure and monitor risk for
31 carriers issuing or administering small employer health insurance.

32 (c) Perform risk adjustment analysis which may include the use of data from
33 the CHIS, including calculating New Hampshire specific relative weights as necessary, to
34 analyze the difference in the medical care resources expected to be necessary to treat the
35 2 different populations, one covered in the small group insurance risk pool and the other
36 covered by bona fide pathway II association coverage.

37 (d) Subject to the limitation in paragraph II, establish risk adjustment

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1 payments between carriers that are triggered whenever the average risk over any
2 calendar year between bona fide pathway II association coverage and all other small
3 group coverage differs by more than the maximum allowed amount, and that serve to
4 create a net effect of reducing future expected risk score differences after payments to
5 approximately the target amount. The commissioner shall establish the maximum
6 allowed amount and the target amount by retaining actuarial experts. The standard that
7 the actuarial experts shall use in recommending values for the maximum allowed amount
8 and the target amount is that such amounts should be so determined as to prevent the
9 pathway II association market from having an adverse impact on the availability and
10 choice of coverage in the small group market and to prevent adverse selection against the
11 small group market that is sufficient to cause the average premiums for small groups to
12 increase at a rate that is significantly higher than the trend in claims costs.

13 (e) Provide a report to the insurance commissioner in a form and format
14 acceptable to the commissioner.

15 II. The board shall not implement any adjustments until the number of lives
16 covered by bona fide pathway II association coverage exceeds 2,000 member months for 3
17 consecutive months.

18 346:418 Immunity and Indemnification. Amend RSA 420-K:7 to read as follows:

19 420-K:7 Immunity and Indemnification.

20 I. Neither the participation in the [pøø] **program** as members, the establishment
21 of rates, forms, or procedures, nor any other joint or collective action required by this
22 chapter shall be the basis of any legal action against the [pøø] **program** or any of its
23 members.

24 II. Any person or member made a party to any action, suit, or proceeding because
25 the person or member served on the board or on a committee or was an officer or
26 employee of the [pøø] **program** shall be held harmless and be indemnified by the [pøø]
27 **program** against all liability and costs, including the amounts of judgments, settlements,
28 fines or penalties, and expenses and reasonable attorney's fees incurred in connection
29 with the action, suit, or proceeding. The indemnification shall not be provided on any
30 matter in which the person or member is finally adjudged in the action, suit, or
31 proceeding to have committed a breach of duty involving gross negligence, dishonesty,
32 willful misfeasance, or reckless disregard of the responsibilities of office. Costs and
33 expenses of the indemnification shall be prorated and paid for by all members. The right
34 of indemnification shall not be exclusive of other rights or defenses to which such person
35 or the legal representative or successors of such person, may be entitled to as a matter of
36 law. The commissioner may retain actuarial consultants necessary to carry out his or her

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1 responsibilities pursuant to this chapter and such expenses shall be paid by the [pool]
2 **program** established in this chapter.

3 346:419 New Chapter; Commission on the Status of Health Coverage Markets for
4 Individuals and Small Employers. Amend RSA by inserting after chapter 404-I the
5 following new chapter:

6 **CHAPTER 404-J**

7 **COMMISSION ON THE STATUS OF HEALTH COVERAGE MARKETS**
8 **FOR INDIVIDUALS AND SMALL EMPLOYERS**

9 **404-J:1 Commission Established.**

10 I. There is hereby established a commission on the status of health coverage
11 markets for individuals and small employers.

12 (a) The members of the commission shall be as follows:

13 (1) Three members of the senate, one of whom shall be a member of the
14 minority party, appointed by the president of the senate.

15 (2) Three members of the house of representatives, one of whom shall be a
16 member of the minority party, appointed by the speaker of the house of representatives.

17 (3) The insurance commissioner, or designee.

18 (4) Three persons representing health carriers, appointed by the insurance
19 commissioner, as follows:

20 (A) One person representing a health carrier with a significant
21 presence in the individual market;

22 (B) One person representing a health carrier with a significant
23 presence in the small employer market; and

24 (C) One person representing a health carrier with an interest in
25 providing or administering health coverage in the pathway II association market.

26 (5) Two producers, appointed by the insurance commissioner, one of whom
27 shall be a producer with a significant clientele in the individual market and the other a
28 producer with a significant clientele in the small employer market.

29 (6) A public member from an academic institution or charitable foundation
30 who has health care and health insurance expertise, appointed by the senate president.

31 (7) A public member who shall represent the interests of persons who
32 obtain their coverage through that market, appointed by the speaker of the house of
33 representatives.

34 (8) A public member who shall represent the interests of persons who
35 obtain their coverage through the individual market, appointed by the president of the
36 senate.

37 (9) Two public members from organizations that represent the interests of

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1 the medically underserved, persons with pre-existing conditions, or persons with chronic
2 health conditions, including mental health or substance use disorders, appointed by the
3 governor.

4 (10) A public member who shall represent the interests of small employers
5 sponsoring health coverage for their employees, appointed by the governor.

6 (11) A public member from the Business and Industry Association of New
7 Hampshire or a New Hampshire chamber of commerce, appointed by the governor.

8 (12) A public member from a national organization with a New Hampshire
9 chapter that is interested in qualifying as a bone fide pathway II association, as defined
10 in RSA 415-E:1, III, appointed by the governor.

11 (b) Of the commission members listed under subparagraph (a), only the 6
12 legislative members shall be voting members. All other members shall serve in an
13 advisory capacity only.

14 (c) Legislative members of the commission shall receive mileage at the
15 legislative rate when attending to the duties of the commission.

16 (d) The commission shall be a public body subject to RSA 91-A, and its
17 meetings shall be considered public proceedings.

18 II.(a) The commission shall evaluate the status of health coverage markets for
19 individuals and small employers. This shall include the individual market, the small
20 employer market, and alternative sources of coverage that may be available to
21 individuals and small employers, including pathway II association coverage, transitional
22 coverage, and short-term limited duration coverage. These markets shall be evaluated in
23 terms of their performance in making available to individuals and small employers
24 affordable coverage that provides access to medically necessary care on affordable terms.
25 Consideration shall be given to market competitiveness, price, choice of plans, market
26 size, market segmentation, the risk profile of the covered population in each market,
27 adverse selection against specific markets, migration between markets, the rate of growth
28 or diminution in the overall number of covered lives, and other similar factors that may
29 affect the coverage available to individuals and small employers. Specifically, the
30 commission shall evaluate markets and make recommendations on the following:

31 (1) The performance and effectiveness of the small group market in itself
32 and in conjunction with other markets that may be available to small employers and their
33 employees, including, if applicable, pathway II association coverage. This shall include
34 consideration of coverage for pre-existing conditions and essential health benefits,
35 premium rates and product offerings, impact on premiums, the availability and choice of
36 plans, the number of covered lives, and the overall impact on the availability and
37 affordability of coverage for higher risk individuals and small employer groups. Based on

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1 this evaluation, the commission shall make recommendations in its annual report for
2 future program or legislative modifications, including, if applicable, modifications to the
3 risk adjustment program authorized under RSA 420-K, as well as a final recommendation
4 as to whether the general court should allow the continuation or should phase out the
5 market for pathway II association coverage.

6 (2) The performance and effectiveness of the individual market in itself and
7 in conjunction with other markets that may be available to individuals and sole
8 proprietors, including, if applicable, pathway II association coverage. This shall include
9 consideration of the migration of sole proprietors to the pathway II market and the
10 effectiveness of screening procedures in validating sole proprietorship status, the price
11 and availability of coverage for individuals who do not qualify for an advanced premium
12 tax credit or cost sharing reduction assistance through the marketplace exchange, and
13 the design and effectiveness of the risk sharing mechanism and 1332 waiver for the
14 individual market authorized under RSA 420-N:6-a. Based on this evaluation, the
15 commission shall make recommendations concerning the individual market risk sharing
16 mechanism under the 1332 waiver, any changes that are needed to screening and
17 monitoring procedures for compliance with the hourly work standard to qualify as a sole
18 proprietor under pathway II association coverage, and any other legislative or regulatory
19 measures that would promote market stability and growth in the individual market.

20 (b) The commission shall not make any recommendation that includes the use
21 of new general funds.

22 (c) The commission shall solicit information from any person or entity the
23 commission deems relevant to its study.

24 III. The insurance commissioner shall provide information and reports to the
25 commission on a biannual basis concerning the status of the individual, small employer
26 and, if applicable, pathway II association markets as necessary to allow the commission
27 to carry out its duties. The commission shall have the authority, at any time, upon a
28 finding that pathway II association coverage is having an adverse impact on the
29 availability and choice of coverage in the individual or small employer markets or is
30 causing average premiums for individuals or small groups to increase at a rate that is
31 significantly higher than the trend in claims costs, to recommend that the commissioner
32 limit pathway II associations to the writing of existing business only or adjust the risk
33 score differential amount in RSA 420-K:4, I(d), and the commissioner shall have authority
34 to implement this recommendation by order pursuant to RSA 400-A:14 and this
35 paragraph.

36 IV. The members of the commission shall elect a chairperson from among the
37 members. The first meeting of the commission shall be called by the first-named senate

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1 member. The first meeting of the commission shall be held within 45 days of the effective
2 date of this section. Four of the 6 voting members of the commission shall constitute a
3 quorum.

4 V. The commission shall submit an annual report on or before November 1 of each
5 year with its findings and any recommendations for proposed legislation, and a final
6 report on December 1, 2024 to the president of the senate, the speaker of the house of
7 representatives, the senate clerk, the house clerk, the governor, and the state library. If
8 applicable, the commission's reports shall contain the commission's recommendation
9 regarding whether the market for pathway II association coverage should continue or be
10 phased out.

11 346:420 Individual Health Insurance; Market; Contingency. RSA 404-G:12, I and II are
12 repealed and reenacted to read as follows:

13 I. Notwithstanding RSA 404-G:11, and if supported by the recommendations of
14 actuarial experts retained by the department, the commissioner may request that the
15 board of directors of the association develop a plan of operation to support the
16 affordability and accessibility of health insurance in the state's individual health
17 insurance market. The proposal may include resumption of a risk sharing program
18 similar to that referenced in RSA 404-G:5, creation and operation of a reinsurance
19 program, or such other program as the board finds will best support the availability and
20 affordability of health insurance in the state and may also include the development of a
21 waiver application under the Act. The commissioner shall approve the revised plan of
22 operations if the commissioner finds that the plan will further the purpose of this chapter
23 as stated in RSA 404-G:1, I, and is otherwise consistent with New Hampshire and federal
24 law.

25 II. The board's proposal may include a recommendation that the state apply for a
26 waiver under the Act, or any successor to the Act. If the approved plan includes an
27 application for a waiver, the commissioner and the board shall proceed in accordance
28 with RSA 420-N:6-a. If the waiver is approved by the federal government, the board shall
29 prepare a revised plan of operations consistent with the terms of the waiver, and shall
30 implement it upon approval by the commissioner.

31 346:421 Federal Health Care Reform 2010; Waiver. RSA 420-N:6-a is repealed and
32 reenacted to read as follows:

33 420-N:6-a Waiver. If such action is supported by the recommendations of actuarial
34 experts retained by the department as being consistent with the purposes of RSA 404-G:1,
35 I, the commissioner shall, at the earliest practicable date, submit an application on behalf
36 of the state to the United States Secretary of the Treasury, and if required, to the United
37 States Secretary of Health and Human Services, to waive certain provisions of the Act, as

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1 provided in section 1332 of the Act, or any other applicable waiver provision in order to
2 create a risk sharing or reinsurance mechanism for the individual market under RSA 404-
3 G which is eligible to draw down federal pass-through funding to support such
4 mechanism. The commissioner shall publish and accept public comment on the 1332
5 waiver application and the plan of operation for the individual market mechanism prior
6 to approving such plans. Upon approval of the joint health care reform oversight
7 committee, the commissioner shall implement any federally approved waiver, including
8 but not limited to overseeing the implementation of a revised plan of operations under
9 RSA 404-G:12.

10 346:422 Repeal. The following are repealed:

11 I. RSA 404-J, relative to the commission on the status of health insurance markets
12 for individuals and small employers.

13 II. 2017, 221:8, relative to the 2020 amendment of RSA 404-G:12.

14 III. 2017, 221:11, relative to the 2020 repeal of RSA 420-N:6-a.

15 346:423 Applicability. Sections 399-419 of this act shall take effect 60 days after the
16 insurance commissioner, with the advice of the department of justice, certifies to the
17 secretary of state and the director of legislative services that the federal rule codified at
18 29 C.F.R. section 2510.3-5(b) is legally valid and the issues raised by the opinion issued on
19 March 28, 2019 in *State of New York v. United States Department of Labor*, United States
20 District Court of the District of Columbia, Civil Action No. 18-1747 have been resolved.
21 However, in no event shall sections 399-419 of this act take effect at a date later than
22 December 1, 2021.

23 346:424 Business Profits Tax; Apportionment; 2021. Amend RSA 77-A:3, I(c) to read as
24 follows:

25 (c) The percentage of the total sales, including charges for services, made by
26 the business organization everywhere as is made by it within this state[-] :

27 (1) Sales of tangible personal property are made in this state if the property
28 is delivered or shipped to a purchaser, other than the United States government, within
29 this state regardless of f.o.b. point or other conditions of sale, or the property is shipped
30 from an office, store, warehouse, factory or other place of storage in this state and [(1)]
31 (A) the purchaser is the United States government, or [(2)] (B) the business organization
32 is not taxable in the state of the purchaser.

33 (2) Sales other than sales of tangible personal property are in this state if
34 the [~~income-producing activity is performed in this state, or the income-producing~~
35 ~~activity is performed both in and outside this state and a greater proportion of the~~
36 ~~income-producing activity is performed in this state than in any other state, based on~~

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1 ~~costs of performance]~~ *business organization's market for the sales is in this state, as*
2 *follows:*

3 (A) *In the case of sale, rental, lease, or license of real property, if and to*
4 *the extent the property is located in this state;*

5 (B) *In the case of rental, lease, or license of tangible personal property,*
6 *if and to the extent the property is located in this state;*

7 (C) *In the case of sale of a service, if and to the extent the service is*
8 *delivered to a location in this state;*

9 (D) *In the case of sale, rental, lease, or license of intangible property, if*
10 *and to the extent the property is used in this state;*

11 (E) *In the case of interest income, if and to the extent the debtor or*
12 *encumbered property is located in this state;*

13 (F) *In the case of dividend income, if and to the extent the business*
14 *organization's commercial domicile is in this state; and*

15 (G) *In the case of other income, if and to the extent the income is*
16 *derived from sources in this state.*

17 (3) *In the case of sales other than sales of tangible personal property, if the*
18 *state or states of assignment cannot be determined, the state or states of assignment shall*
19 *be reasonably approximated.*

20 (4) *In the case of sales other than sales of tangible personal property, if the*
21 *taxpayer is not taxable in a state to which a sale is assigned, or if the state of assignment*
22 *cannot be determined or reasonably approximated, such sale shall be excluded from the*
23 *denominator of the sales factor.*

24 346:425 Business Enterprise Tax; Apportionment of Dividends; 2021. Amend RSA 77-
25 E:4, I(c)(3) to read as follows:

26 (3) The percentage of the total sales, including charges for services, made
27 by the business enterprise everywhere as is made by it within this state[-]:

28 (A) Sales of tangible personal property are made in this state if the
29 property is delivered or shipped to a purchaser, other than the United States government,
30 within this state regardless of free on board point or other conditions of sale, or the
31 property is shipped from an office, store, warehouse, factory or other place of storage in
32 this state and [(A)] (i) the purchaser is the United States government, or [(B)] (ii) the
33 business enterprise is not taxable in the state of the purchaser.

34 (B) Sales other than sales of tangible personal property are in this state
35 if the [~~revenue-producing activity is performed in this state, or the revenue-producing~~
36 ~~activity is performed both in and outside this state and a greater proportion of the~~

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1 ~~revenue-producing activity is performed in this state than in any other state, based on~~
2 ~~costs of performance]~~ ***business enterprise's market for the sales is in this state, as follows:***

3 ***(i) In the case of sale, rental, lease, or license of real property, if and***
4 ***to the extent the property is located in this state;***

5 ***(ii) In the case of rental, lease, or license of tangible personal***
6 ***property, if and to the extent the property is located in this state;***

7 ***(iii) In the case of sale of a service, if and to the extent the service is***
8 ***delivered to a location in this state;***

9 ***(iv) In the case of sale, rental, lease, or license of intangible***
10 ***property, if and to the extent the property is used in this state;***

11 ***(v) In the case of interest income, if and to the extent the debtor or***
12 ***encumbered property is located in this state;***

13 ***(vi) In the case of dividend income, if and to the extent the business***
14 ***enterprise's commercial domicile is in this state; and***

15 ***(vii) In the case of other income, if and to the extent the income is***
16 ***derived from sources in this state.***

17 ***(C) In the case of sales other than sales of tangible personal property, if***
18 ***the state or states of assignment cannot be determined, the state or states of assignment***
19 ***shall be reasonably approximated.***

20 ***(D) In the case of sales other than sales of tangible personal property, if***
21 ***the taxpayer is not taxable in a state to which a sale is assigned, or if the state of***
22 ***assignment cannot be determined or reasonably approximated, such sale shall be***
23 ***excluded from the denominator of the sales factor.***

24 346:426 Business Profits Tax; Apportionment; 2022. Amend RSA 77-A:3, I-III to read as
25 follows:

26 I. A business organization which derives gross business profits from business
27 activity both within and without this state, and which is subject to a net income tax, a
28 franchise tax measured by net income, or a capital stock tax in another state or is subject
29 to the jurisdiction of another state to impose a net income tax or capital stock tax upon it,
30 whether or not such tax is actually imposed, shall apportion its gross business profits so
31 as to allocate to this state a fair and equitable proportion of such business profits. Except
32 as provided in this section, such apportionment shall be made ~~on the basis of the~~
33 ~~following 3 factors]~~ ***in the following manner:***

34 ***(a) For taxable periods ending before December 31, 2022:***

35 ***(1) The business organization's gross business profits shall be apportioned***
36 ***on the basis of the following 3 factors:***

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1 ~~[(a)]~~ **(A)** The percentage of value of the total real and tangible personal
2 property owned, rented and employed by the business organization everywhere as is
3 owned, rented and employed by it in the operation of its business in this state. Property
4 owned by the business organization shall be valued at its original cost. Property rented
5 by the business organization shall be valued at 8 times the net annual rental rate. Net
6 annual rental rate is the annual rental rate paid by the business organization less any
7 annual rental rate received by the business organization from subrentals.

8 ~~[(b)]~~ **(B)** The percentage of total compensation paid by the business
9 organization to employees everywhere as is paid by the business organization to
10 employees for services rendered within this state. Such compensation is deemed to be
11 disbursed for services in this state if the service is performed entirely within this state, or
12 if the service is performed both within and without this state and the service performed
13 without this state is incidental to the service within this state, or some of the service is
14 performed in this state and ~~[(1)]~~ **(i)** the base of operations or, if there is no base of
15 operations, the place from which the service is directed or controlled is in this state, or
16 ~~[(2)]~~ **(ii)** the base of operations or the place from which the service is directed or
17 controlled is not in any state in which some part of the service is performed, but the
18 individual performing such service resides within this state.

19 ~~[(c)]~~ **(C)** The percentage of the total sales, including charges for services, made
20 by the business organization everywhere as is made by it within this state:

21 ~~[(1)]~~ **(i)** Sales of tangible personal property are made in this state if the
22 property is delivered or shipped to a purchaser, other than the United States government,
23 within this state regardless of f.o.b. point or other conditions of sale, or the property is
24 shipped from an office, store, warehouse, factory or other place of storage in this state
25 and ~~[(A)]~~ the purchaser is the United States government, or ~~[(B)]~~ the business
26 organization is not taxable in the state of the purchaser.

27 ~~[(2)]~~ **(ii)** Sales other than sales of tangible personal property are in this
28 state if the business organization's market for the sales is in this state, as follows:

29 ~~[(A)]~~ **1.** In the case of sale, rental, lease, or license of real property, if
30 and to the extent the property is located in this state;

31 ~~[(B)]~~ **2.** In the case of rental, lease, or license of tangible personal
32 property, if and to the extent the property is located in this state;

33 ~~[(C)]~~ **3.** In the case of sale of a service, if and to the extent the service is
34 delivered to a location in this state;

35 ~~[(D)]~~ **4.** In the case of sale, rental, lease, or license of intangible
36 property, if and to the extent the property is used in this state;

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1 ~~[(E)]~~ **5.** In the case of interest income, if and to the extent the debtor or
2 encumbered property is located in this state;

3 ~~[(F)]~~ **6.** In the case of dividend income, if and to the extent the business
4 organization's commercial domicile is in this state; and

5 ~~[(G)]~~ **7.** In the case of other income, if and to the extent the income is
6 derived from sources in this state.

7 ~~[(3)]~~ **(iii)** In the case of sales other than sales of tangible personal property,
8 if the state or states of assignment cannot be determined, the state or states of assignment
9 shall be reasonably approximated.

10 ~~[(4)]~~ **(iv)** In the case of sales other than sales of tangible personal property,
11 if the taxpayer is not taxable in a state to which a sale is assigned, or if the state of
12 assignment cannot be determined or reasonably approximated, such sale shall be
13 excluded from the denominator of the sales factor.

14 ~~[(H.(a))]~~ **(2)** A fraction, the numerator of which shall be the property factor in
15 subparagraph ~~[(a)]~~ **I(a)(1)(A)** plus the compensation factor in subparagraph ~~[(b)]~~
16 **I(a)(1)(B)** plus 2 multiplied by the sales factor in subparagraph ~~[(c)]~~ **I(a)(1)(C)** and the
17 denominator of which is 4, shall be applied to the total gross business profits (less foreign
18 dividends) of the business organization to ascertain its gross business profits in this state.

19 **(b) For taxable periods ending on or after December 31, 2022, the business**
20 **organization's gross business profits shall be apportioned by multiplying the total gross**
21 **business profits (less foreign dividends) of the business organization by the sales factor in**
22 **subparagraph I(a)(1)(C).**

23 **II.(a)** If ~~[this]~~ **the applicable** method of apportionment **in paragraph I** does not
24 fairly represent the business organization's business activity in this state, the business
25 organization may petition for, or the commissioner may require, in respect to all or any
26 part of the business organization's business activity, if reasonable~~[:]~~,

27 ~~[(1) The exclusion of any one or more of the apportionment factors;~~

28 ~~[(2) The inclusion of one or more additional apportionment factors which~~
29 ~~will fairly represent the business organization's business activity in the state; or~~

30 ~~[(3)]~~ the employment of any other method to effect an equitable
31 apportionment of the business organization's gross business profits.

32 **(b)** For foreign dividends from unitary sources, the following formula shall be
33 used to modify factors relating to included dividends:

34 (1) Determine a percentage for each dividend payor consisting of dividends
35 paid divided by taxable income which has been computed using United States standards.

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1 (2) Apply this percentage to the dividend payor's foreign property, payroll,
2 and sales *for taxable periods ending before December 31, 2022, or to the dividend payor's*
3 *foreign sales for taxable periods ending on or after December 31, 2022.*

4 (3) Sum the results in subparagraph (2) for all dividend payors.

5 (4) Add the result in subparagraph (3) to the denominators of the combined
6 water's edge group. The numerator will remain the New Hampshire numerator.

7 (5) Apply the resulting percentage to the foreign dividends.

8 (6) Add this amount to the amount of New Hampshire taxable business
9 profits computed pursuant to RSA 77-A:3, I [~~and II(a)~~].

10 III. When 2 or more related business organizations are engaged in a unitary
11 business, as defined in RSA 77-A:1, XIV, a part of which is conducted in this state by one
12 or more members of the group, the income attributable to this state shall be determined
13 by means of the *applicable* combined apportionment factors of the unitary business group
14 in accordance with paragraphs I and II.

15 346:427 Business Profits Tax; Qualified Manufacturing Research and Development
16 Expenditures. Amend the introductory paragraph of RSA 77-A:5, XIII(b)(1) to read as
17 follows:

18 (1) The term "qualified manufacturing research and development
19 expenditures" shall mean solely any wages paid or incurred to an employee of the
20 business organization for services rendered by such employee within this state within the
21 meaning of RSA [~~77-A:3;I(b)~~] *77-A:3, I(a)(1)(B)*, provided that:

22 346:428 Business Enterprise Tax; Application of Credit for Business Enterprise Tax
23 Against Business Profits Tax. Amend RSA 77-E:13, I and II to read as follows:

24 I. Determine a combined nexus group denominator for the [~~property, payroll and~~
25 ~~sales~~] *applicable apportionment* factors by adding the [~~property, payroll and sales~~]
26 *apportionment* factor numerators of the individual members of the combined group
27 subject to tax under RSA 77-A.

28 II. Determine an individual apportionment percentage for each member of the
29 combined group subject to tax under RSA 77-A by dividing such member's *applicable*
30 individual New Hampshire [~~property, payroll and sales~~] *apportionment* factor
31 numerators by the combined nexus group denominators determined in paragraph I.

32 346:429 New Paragraph; Business Profits Tax; Definition. Amend RSA 77-A:1 by
33 inserting after paragraph XVIII the following new paragraph:

34 XVIII-a. "Foreign sales" as used in RSA 77-A:3, II means the sales data of overseas
35 business organizations which have paid dividends to a member of the water's edge
36 combined group.

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1 346:430 Applicability. Sections 424-425 of this act shall apply to taxable periods
2 ending on or after December 31, 2021.

3 346:431 Legislative Committee on Apportionment; Enactment of Single Sales Factor.
4 Amend RSA 77-A by inserting after section 23 the following new section:

5 77-A:23-a Legislative Committee on Apportionment. There is established a
6 committee to study the apportionment of gross business profits under the business profits
7 tax, and to authorize the enactment of the single sales factor for the business profits tax
8 and business enterprise tax.

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

10 (a) Three members of the senate, appointed by the president of the senate.

11 (b) Four members of the house of representatives, appointed by the speaker of
12 the house of representatives.

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

15 III.(a) The committee shall study apportionment among states pursuant to RSA 77-
16 A:3 of gross business profits under the business profits tax. The committee shall also
17 monitor the laws and legislation of other states concerning market-based sourcing and
18 may study any other related issues. The committee may solicit input or testimony from
19 any person or organization the committee deems relevant to the study.

20 (b) The committee shall conduct meetings and on or before November 1, 2020,
21 shall hold at least 2 public hearings on the enactment of the single sales tax provisions
22 contained in sections 426-429 of HB 4-FN-A-LOCAL of the 2019 regular legislative session.
23 In November 2020, the committee shall, by majority vote of the committee, vote on
24 whether to rescind the enactment of the amendments contained in sections 426-429 of HB
25 4-FN-A-LOCAL regular legislative session. If the majority of the committee rescinds the
26 enactment of sections 426-429 of HB 4-FN-A-LOCAL regular legislative session, such
27 sections shall not take effect. The committee shall report on its actions to the
28 chairpersons of the senate and house finance committees, the chairpersons of the senate
29 and house ways and means committees, the secretary of state, and the director of the
30 office of legislative services.

31 IV. The members of the committee shall elect a chairperson from among the
32 members. The first meeting shall be called by the first-named senate member. The first
33 meeting of the committee shall be held within 45 days of the effective date of this section.
34 Four members of the committee shall constitute a quorum.

35 V. The committee shall report its findings and any recommendations for proposed
36 legislation to the president of the senate, the speaker of the house of representatives, the

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1 senate clerk, the house clerk, the governor, and the state library on or before December 1,
2 2020.

3 346:432 Enactment of Single Sales Factor. Sections 426-429 of this act shall take effect
4 January 1, 2022 unless upon the report of the committee established in RSA 77-A:23-a as
5 inserted in this act, that by majority vote of the committee, sections 426-429 are
6 rescinded.

7 346:433 Repeal. RSA 77-A:23-a, relative to the legislative committee on
8 apportionment, is repealed.

9 346:434 Appropriation; University of New Hampshire Nursing Program. There is
10 hereby appropriated to the university system of New Hampshire the sum of \$9,000,000 for
11 the fiscal year ending June 30, 2020 for the university of New Hampshire to add nurse
12 practitioner programs with additional specializations in acute care and psychiatric
13 mental health; increasing the number of annual graduates in the bachelor of nursing
14 program; adding an occupational therapy assistant and occupational therapy doctorate
15 programs; and increasing the number of annual graduates in the speech and language
16 pathology program. The governor is authorized to draw a warrant for said sum out of any
17 money in the treasury not otherwise appropriated. 346:

18 346:435 Appropriation; State Employee Collective Bargaining Agreement Costs.
19 There is hereby appropriated to the department of administrative services, the sum
20 \$6,000,000 for the biennium ending June 30, 2021 for the purpose of covering costs
21 associated with state employee collective bargaining agreements reached with the state
22 during such biennium. The commissioner of the department of administrative services is
23 hereby authorized to allocate these funds among agencies as necessary to implement the
24 requirements of this section. The governor is authorized to draw a warrant for said sum
25 out of any money in the treasury not otherwise appropriated.

26 346:436 Governor's Scholarship Program and Fund. RSA 4-C:31 through 4-C:35 are
27 repealed and reenacted to read as follows:

28 4-C:31 Definitions. In this subdivision:

29 I. "Commission" means the college tuition savings plan advisory commission
30 established in RSA 195-H:2.

31 II. "Eligible institution" means a postsecondary educational institution or training
32 program within the university system of New Hampshire as defined in RSA 187-A, a
33 postsecondary educational institution within the community college system of New
34 Hampshire as defined in RSA 188-F, or a private postsecondary institution approved to
35 operate in this state that:

36 (a) Is approved by the higher education commission pursuant to RSA 21-N:8-a
37 and accredited by the New England Commission of Higher Education; and

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1 (b) Is a not-for-profit organization eligible to receive federal Title IV funds.

2 III. "Eligible student" means a first-year, full-time, Pell Grant-eligible student who
3 meets the eligibility and residency requirements of RSA 4-C:33. "First-year" means a
4 student who has never enrolled in an eligible institution .

5 IV. "Full-time" means an enrolled student who is carrying an academic course load
6 that is determined to be full-time by the eligible institution based on a standard
7 applicable to all students enrolled in a particular educational program. The student's
8 course load may include any combination of courses, work, research, or special studies
9 that the eligible institution considers sufficient to classify the student as full-time.

10 4-C:32 Governor's Scholarship Program and Fund Established.

11 I. There is hereby established the governor's scholarship program and the
12 governor's scholarship fund. The program and fund shall be administered by the
13 commission. The fund shall be kept distinct and separate from all other funds and shall
14 be used to provide scholarships which a recipient shall apply to the costs of an education
15 at an eligible institution. The funds shall be distributed to an eligible institution based on
16 the number of eligible students awarded a scholarship and upon receipt of a request for
17 reimbursement for such scholarship funds accompanied by appropriate documentation.

18 II. The state treasurer shall credit to the fund any appropriation relating to the
19 governor's scholarship fund made in each fiscal year to the commission. The state
20 treasurer shall invest the fund in accordance with RSA 6:8. Any earnings shall be added
21 to the fund.

22 III. All moneys in the fund shall be nonlapsing and continually appropriated to the
23 commission for the purposes of this subdivision.

24 IV. The commission may institute promotional programs and solicit and receive
25 cash gifts or other donations for the purpose of supporting educational scholarships from
26 the fund. The commission shall not solicit or accept real property.

27 V. All gifts, grants, and donations of any kind shall be credited to the fund.

28 4-C:33 Eligibility.

29 I. Any person who meets the following requirements shall be an eligible student:

30 (a) A person shall meet the residency requirements of RSA 193:12; be a
31 graduate of a New Hampshire high school, public academy, chartered public school, New
32 Hampshire private preparatory high school, a high school-level home education program
33 as defined in RSA 193-A; have received a New Hampshire high school equivalency
34 certificate; have completed at least 3 years of high school in this state; be pursuing a
35 certificate, associate, or bachelor degree at an eligible institution in this state; and be
36 eligible to receive a Pell grant; or

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1 (b) A person shall be a graduate of a preparatory high school outside of this
2 state while a dependent of a parent or legal guardian who is a legal resident of this state
3 and who has custody of the dependent; or

4 (c) A person shall have a parent or guardian who has served in or has retired
5 from the United States Army, Navy, Air Force, Marine Corps, or Coast Guard within the
6 last 4 years and is a resident of this state; or

7 (d) A person shall be a graduate of a high school, public academy, chartered
8 public high school, or a high school-level home education program outside of this state
9 but have maintained his or her primary residence in this state for not less than 5 years
10 preceding the date of application for a scholarship.

11 II. A person shall meet the qualifications for academic performance or work
12 experience as established by the commission.

13 III. A person shall not have been adjudicated delinquent or convicted or pled
14 guilty or nolo contendere to any felonies or any second or subsequent alcohol or drug-
15 related offenses under the laws of this or any other state, or under the laws of the United
16 States, except that an otherwise eligible person who has been adjudicated delinquent or
17 has been convicted or pled guilty or nolo contendere to a second or subsequent alcohol or
18 drug-related misdemeanor offense shall be eligible or continue to be eligible for a
19 scholarship after the expiration of one academic year from the date of adjudication,
20 conviction, or plea.

21 4-C:34 Procedures.

22 I. All scholarship funds shall be distributed to the eligible student by the eligible
23 institution. The institution shall include the scholarship in the student's financial aid
24 package and may seek subsequent reimbursement. The state shall provide the
25 reimbursements twice per year to each eligible institution for the number of eligible
26 students enrolled in the current semester or term who are receiving a scholarship. The
27 institution shall submit the list of scholarship recipients to the commission or its designee
28 no later than November 30 and April 30 of each academic year, and shall be reimbursed
29 within 30 days of submission.

30 II. An eligible student may receive a scholarship in the amount of \$1,000 per year
31 provided he or she maintains at least a 2.0 grade point average. An eligible student who
32 earned the New Hampshire scholar designation at the time of high school graduation may
33 receive a scholarship in the amount of \$2,000 per year provided he or she maintains at
34 least a 2.5 grade point average. The eligible institution shall not reduce any merit or
35 need-based grant aid that would have otherwise been provided to the eligible student. An
36 eligible student may receive an annual scholarship for a maximum of 4 years.

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1 III. In the event the state does not reimburse the eligible institution for
2 scholarship amounts paid to an eligible student receiving an award, the eligible
3 institution shall agree not to seek additional payments from the eligible student and to
4 absorb the loss of funds without any consequence to the eligible student.

5 IV. The commission shall adopt rules, pursuant to RSA 541-A, relative to awarding
6 and disbursing scholarship funds to an eligible student enrolled in an eligible institution.

7 V. An eligible student, who initially attends a community college and transfers
8 directly to an eligible institution, without a break in attendance, shall remain an eligible
9 student for a maximum of 4 years of total eligibility.

10 VI. The commission may hire staff or enter into a contract for services or
11 personnel necessary to administer the program.

12 346:437 Program Transferred. The administration, implementation, and management
13 of the governor's scholarship program established in RSA 4-C:31-34 is hereby transferred
14 to the college tuition savings plan advisory commission established in RSA 195-H:2. Any
15 administrative rules for the governor's scholarship program shall continue in effect and
16 shall be enforced by the commission until such rules expire or are repealed or amended
17 in accordance with applicable law.

18 346:438 Application of Receipts; Governor's Scholarship Fund. Amend RSA 6:12,
19 I(b)(336) to read as follows:

20 (336) Moneys deposited into the governor's scholarship fund established in
21 ~~[RSA 4-C:34]~~ ***RSA 4-C:32.***

22 346:439 College Tuition Savings Plan Advisory Commission; Administration of
23 Governor's Scholarship Program. Amend the introductory paragraph of RSA 195-H:2, I(a)
24 to read as follows:

25 I.(a) There is established the New Hampshire college tuition savings plan advisory
26 commission which shall ensure the proper administration and management of the savings
27 plan. The advisory commission shall ensure that the savings plan complies with the
28 requirements of section 529 of the Internal Revenue Code of 1986, as amended, and any
29 related federal law applicable to the savings plan. The commission shall also be
30 responsible for ensuring the proper administration, implementation, and management of
31 the New Hampshire excellence in higher education endowment trust fund established in
32 ***RSA 6:38, and the governor's scholarship program and fund established in RSA 4-C:31-34.***

33 The commission shall consist of the following members: 346:

34 346:440 Effective Date.

35 I. Sections 1, 64, 165, 248, paragraph I of section 290, 314, 324, and 355-356 of this
36 act shall take effect June 30, 2019.

37 II. Section 232-233 and 389 of this act shall take effect July 1, 2019 at 12:01 a.m.

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1 III. Sections 97-109, 131-138, 203-205, 213, 252-257, and 365-367, RSA 170-G:4-d, as
2 inserted by section 344 shall take effect January 1, 2020.

3 IV. Sections 92-94 of this act shall take effect January 1, 2020 at 12:01 a.m., and
4 section 96 of this act shall not take effect.

5 V. Sections 234-235, 250, 259-265, and RSA 170-G:4-b, as inserted by section 344 of
6 this act shall take effect July 1, 2020.

7 VI. Section 5 of this act shall take effect as provided in section 6 of this act.

8 VII. Section 393 of this act shall take effect July 12, 2019 at 12:01 a.m.

9 VIII. Sections 399-419 of this act shall take effect as provided in section 423 of this
10 act.

11 IX. Paragraph I of section 422 of this act shall take effect December 1, 2024.

12 X. Sections 184-190 of this act shall take effect upon its passage.

13 XI. Section 191 of this act shall take effect as provided in section 192 of this act.

14 XII. Sections 360-362 of this act shall take effect as provided in section 363 of this
15 act.

16 XIII. Section 433 of this shall take effect December 1, 2020.

17 XIV. Sections 424 and 425 of this act shall take effect January 1, 2021.

18 XV. Sections 426-429 of this act shall take effect as provided in section 432 of this
19 act.

20 XVI. Section 236 of this act shall take effect July 1, 2021.

21 XVII. The remainder of this act shall take effect July 1, 2019.

Approved: September 26, 2019

Effective Date: June 30, 2019

I. Sections 1, 64, 165, 248, paragraph I of section 290, 314, 324, and 355-356 shall take effect
June 30, 2019.

II. Section 232-233 and 389 shall take effect July 1, 2019 at 12:01 a.m.

III. Sections 97-109, 131-138, 203-205, 252-257, and 365-367, RSA 170-G:4-d, as inserted y
section 344 shall take effect January 1, 2020.

IV. Sections 92-94 shall take effect January 1, 2020 at 12:01 a.m. and section 96 shall not
take effect.

V. Sections 234-235, 250, 259-265, and RSA 170-G:4-b, as inserted by section 344 shall take
effect July 1, 2020.

VI. Section 5 shall take effect as provided in section 6.

VII. Section 393 shall take effect July 12, 2019 at 12:01 a.m.

VIII. Sections 399-419 shall take effect as provided in section 423.

IX. Paragraph I of section 422 shall take effect December 1, 2024.

X. Sections 184-190 shall take effect September 26, 2019.

XI. Section 191 shall take effect as provided in section 192.

XII. Sections 360-362 shall take effect as provided in section 363.

XIII. Section 433 shall take effect December 1, 2020.

XIV. Sections 424 and 425 shall take effect January 1, 2021.

XV. Sections 426-429 shall take effect as provided in section 432.

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- XVI. Section 236 shall take effect July 1, 2021.
XVII. Remainder shall take effect July 1, 2019.

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