

SENATE FINANCE COMMITTEE
BUDGET WORK SESSION
PACKET # 2

05/26/23

SENATE FINANCE - 2023 BUDGET RECAP SHEET

Other Miscellaneous Items

Department of Justice	Contact	SOF	FY 2023	FY 2024	FY 2025	Total
1. HB 2 - Amendment #2023-1663s, Page 3 - Youth Development Center Claims Administration and Settlement Fund.	Senator Rosenwald /D'Allesandro	N/A				
2. HB 2 - Amendment #2023-1786s, Page 6 - Youth Development Center Claims Administration and Settlement Fund.	Senator Bradley	N/A				
Department of Environmental Services	Contact	SOF	FY 2023	FY 2024	FY 2025	Total
1. HB 2 - Amendment #2023-2024s, Page 8 - Replaces sections 18-25 relative to Environmental Service's administrative enforcement matters, administrative appeals and the various councils, and establishes a committee to study the appeals process.	Senator Bradley/ Commissioner Scott	N/A				
DHHS - Division of Medicaid Services	Contact	SOF	FY 2023	FY 2024	FY 2025	Total
1. HB 2 - Amendment 2023-1959s, Page 12 - Incorporates two components of SB 175: funding for family resource centers, and policies relating to nursing mothers. The amounts shown here are the increases above the House-passed level for family resource centers.	Senator Rosenwald	G	-	\$1,000,000	\$1,000,000	\$2,000,000
DHHS - Division of Behavioral Health	Contact	SOF	FY 2023	FY 2024	FY 2025	Total
1. HB 2 - Amendment 2023-1884s, Page 15- Establishes an early childhood mental health consultation pilot program and funds out of FY23.	Senator Bradley	G	\$1,000,000	-	-	\$1,000,000
2. HB 2 - Amendment 2023-1848s, Page 17 - Establishes an early childhood mental health consultation pilot program and funds in FY24/25.	Senator Rosenwald	G	-	\$500,000	\$500,000	\$1,000,000

SENATE FINANCE - 2023 BUDGET RECAP SHEET

Other Miscellaneous Items

Other Miscellaneous Items	Contact	SOF	FY 2023	FY 2024	FY 2025	Total
1. HB 2 - Amendment 2023-2028s, Page 19 - Extending the sunset period relative to the recruitment and retention program for state employment	Senator Bradley	N/A				
2. HB 2 - Amendment 2023-2029s, Page 20 - relative to an appropriation to the Department of Natural and Cultural Resources for the Northwood Meadow Lake Dam.	Senator Pearl	G	\$1,000,000	-	-	\$1,000,000
3. HB 2 - Amendment 2023-2027s, Page 21 - FY 2023 appropriation to the USNH to be matched with USNH funds and allocated to Keene State College and Plymouth State University.	Senator Innis	G	\$3,000,000	\$0	\$0	\$3,000,000
4. Lapse Adjustment - Direct the LBA to increase the General Fund lapse estimates for FY 2024-2025.	Senator Bradley/ Senator Gray	G	-	(\$2,500,000)	(\$5,000,000)	(\$7,500,000)
5. Technical Changes - Authorize the LBA to make any technical and mechanical changes necessary to reflect the intent of the Committee.	Senator Gray	N/A				

Sen. Rosenwald, Dist 13
Sen. D'Allesandro, Dist 20
May 4, 2023
2023-1663s
07/10

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting the following new sections:

2

3 1 Youth Development Center Claims Administration and Settlement Fund. Amend RSA 21-
4 M:11-a, I(g) to read as follows:

5 (g) "~~Investigator~~ **Fact facilitator**" means one or more individuals assigned by the
6 administrator to independently investigate a claim.

7 2 Youth Development Center Claims Administration and Settlement Fund. Amend RSA 21-
8 M:11-a, I(i) to read as follows:

9 (i) "Sexual abuse" means an incident of conduct which would constitute an offense under
10 RSA 632-A:2, RSA 632-A:3, or RSA 632-A:4, or a common law cause of action for assault or battery
11 that involves sexual contact or sexual penetration as defined by RSA 632-A:1. **Regardless of**
12 **whether physical contact or sexual contact has occurred, sexual abuse shall also include**
13 **acts defining an abused child under RSA 169-C:3, II, incidents of institutional child abuse**
14 **or neglect as defined under RSA 169-C:3, XVI, and acts constituting psychological abuse,**
15 **emotional abuse, child endangerment, trafficking in persons as contemplated by RSA**
16 **633:7, false imprisonment as contemplated by RSA 633:3, unlawful confinement, child**
17 **exploitation, and deprivation of educational rights.**

18 3 Youth Development Center Claims Administration and Settlement Fund. Amend RSA 21-
19 M:11-a, V to read as follows:

20 V. For all claims involving both sexual and physical abuse or sexual abuse only, no
21 individual claimant shall be paid more than \$1,500,000 in settlement of all claims in the aggregate.
22 For all claims involving physical abuse only, no individual claimant shall be paid more than
23 \$150,000 in settlement of all physical abuse claims in the aggregate. **The attorney general**
24 **designee and the administrator may authorize an individual claimant's settlement to be**
25 **more than \$1,500,000 when the nature and character of the acts of abuse, or the frequency**
26 **and duration of those acts, are so egregious that the deciding parties deem a higher**
27 **settlement necessary. In no instance shall any individual claimant be paid more than the**
28 **threshold amount at which a financial settlement would be subject to legislative approval**
29 **under RSA 14:35-b**

30 4 Youth Development Center Claims Administration and Settlement Fund. Amend RSA 21-
31 M:11-a, VIII (c)-(f) to read as follows:

Amendment to HB 2-FN-A-LOCAL

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1 (c) Once a claim is considered complete, the AG designee shall have 30 days to indicate
2 to the claimant and the administrator its position regarding the claim. The AG designee may agree
3 or disagree with the claim in whole or in part, and shall indicate whether he or she believes the
4 claim should be referred to ~~[an investigator]~~ **a fact facilitator**. The administrator may grant the
5 AG designee an extension of time to indicate its position for good cause shown.

6 (d) Following receipt of the AG designee's position, the administrator may refer a claim
7 to ~~[an investigator]~~ **a fact facilitator** if, in the administrator's independent judgment, an
8 investigation is needed. The administrator shall direct the investigator as to any particular aspects
9 of the claimant's claim for which the administrator seeks further information or verification, and in
10 such case, the investigation shall be limited to that scope. If the administrator elects not to refer a
11 claim to ~~[an investigator]~~ **a fact facilitator**, then the administrator shall so notify the AG designee
12 and the claimant, and advise the claimant in writing regarding his or her options: to accept the AG
13 designee's position, to request the administrator decide the claim, or to withdraw his or her claim
14 from further processing. Within 30 days of receiving the position of the AG designee, the claimant
15 shall indicate to the administrator and the AG designee whether he or she agrees with the AG
16 designee's position, whether he or she wishes for the administrator to decide the claim, or whether
17 he or she wishes to withdraw his or her claim from further processing. In the absence of an
18 indication from the claimant, the administrator may assume that the claimant is in agreement with
19 the position of the AG designee.

20 (e) The purpose of an investigation shall be to verify a claim, as submitted, if possible.
21 The investigation shall, to the greatest extent possible, be conducted in a trauma-informed,
22 respectful, and dignified manner. The investigation may include an interview of the claimant, which
23 may be conducted under oath and recorded. The ~~[investigator]~~ **fact facilitator** may also request to
24 review additional records related to the claim. The claimant shall be entitled to the assistance of an
25 advocate in connection with the investigation process who shall be allowed to accompany the
26 claimant during any interview. The claimant shall execute such documents or authorizations as
27 may be necessary to permit the ~~[investigator]~~ **fact facilitator** to access records. If the claimant is
28 represented by counsel, counsel shall also be allowed to attend any interview of the claimant. A
29 claim may be denied if a claimant refuses to cooperate with the investigation. Except in
30 extraordinary circumstances, investigations should be completed within 90 days of referral.

31 (f) The ~~[investigator]~~ **fact facilitator** shall present a report to the administrator of his
32 or her findings, which shall include a summary of any interviews conducted or records gathered, a
33 copy of any such supporting documentation, records and recordings. The administrator shall provide
34 a copy of the ~~[investigator's]~~ **fact facilitator's** report and supporting documentation to the claimant
35 and the AG designee once received.

36 5 Youth Development Center Claims Administration and Settlement Fund. Amend RSA 21-
37 M:11-a, IX(a) to read as follows:

Amendment to HB 2-FN-A-LOCAL

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1 IX.(a) When a claimant requests that the administrator decide the claim, the administrator
2 shall schedule the claim for a resolution proceeding according to the procedures approved by the
3 joint fiscal committee. All resolution proceedings shall take place in the state of New Hampshire,
4 although parties and witnesses may attend by telephone or video conference in the discretion of the
5 administrator. To the greatest extent possible, claims shall be scheduled for resolution in the order
6 that they are received and determined to be complete, except that the administrator may also give
7 consideration to the time for which litigation may have been pending prior to the filing of a claim.
8 ~~[By requesting a resolution proceeding,]~~ **When a claimant accepts the administrator's decision**
9 **on the claim,** a claimant fully waives his or her right to seek other or additional monetary relief in
10 any forum from the state of New Hampshire or any of its agents or employees, or from any of its
11 political subdivisions or their agents or employees arising out of or relating to any incidents which
12 are or could have been the subject of a claim, except that the claimant does not waive his or her right
13 to seek or continue to seek relief in any forum from an individual whose direct, personal actions
14 constitute sexual abuse or physical abuse, even if said individual was a state employee at the time of
15 the acts. The administrator shall require a claimant to execute appropriate dismissals, waivers,
16 releases, or other documents as a condition of scheduling a resolution proceeding, provided that such
17 documents expressly preserve the right to pursue claims against individual perpetrators as
18 described.

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting the following new sections:

2

3 1 Youth Development Center Claims Administration and Settlement Fund. Amend RSA 21-
4 M:11-a, I(g) to read as follows:

5 (g) "~~[Investigator]~~ **Fact facilitator**" means one or more individuals assigned by the
6 administrator to independently investigate a claim.

7 2 Youth Development Center Claims Administration and Settlement Fund. Amend RSA 21-
8 M:11-a, VIII (c)-(f) to read as follows:

9 (c) Once a claim is considered complete, the AG designee shall have 30 days to indicate
10 to the claimant and the administrator its position regarding the claim. The AG designee may agree
11 or disagree with the claim in whole or in part, and shall indicate whether he or she believes the
12 claim should be referred to ~~[an investigator]~~ **a fact facilitator**. The administrator may grant the
13 AG designee an extension of time to indicate its position for good cause shown.

14 (d) Following receipt of the AG designee's position, the administrator may refer a claim
15 to ~~[an investigator]~~ **a fact facilitator** if, in the administrator's independent judgment, an
16 investigation is needed. The administrator shall direct the investigator as to any particular aspects
17 of the claimant's claim for which the administrator seeks further information or verification, and in
18 such case, the investigation shall be limited to that scope. If the administrator elects not to refer a
19 claim to ~~[an investigator]~~ **a fact facilitator**, then the administrator shall so notify the AG designee
20 and the claimant, and advise the claimant in writing regarding his or her options: to accept the AG
21 designee's position, to request the administrator decide the claim, or to withdraw his or her claim
22 from further processing. Within 30 days of receiving the position of the AG designee, the claimant
23 shall indicate to the administrator and the AG designee whether he or she agrees with the AG
24 designee's position, whether he or she wishes for the administrator to decide the claim, or whether
25 he or she wishes to withdraw his or her claim from further processing. In the absence of an
26 indication from the claimant, the administrator may assume that the claimant is in agreement with
27 the position of the AG designee.

28 (e) The purpose of an investigation shall be to verify a claim, as submitted, if possible.
29 The investigation shall, to the greatest extent possible, be conducted in a trauma-informed,
30 respectful, and dignified manner. The investigation may include an interview of the claimant, which
31 may be conducted under oath and recorded. The ~~[investigator]~~ **fact facilitator** may also request to
32 review additional records related to the claim. The claimant shall be entitled to the assistance of an

Amendment to HB 2-FN-A-LOCAL

- Page 2 -

1 advocate in connection with the investigation process who shall be allowed to accompany the
2 claimant during any interview. The claimant shall execute such documents or authorizations as
3 may be necessary to permit the ~~[investigator]~~ *fact facilitator* to access records. If the claimant is
4 represented by counsel, counsel shall also be allowed to attend any interview of the claimant. A
5 claim may be denied if a claimant refuses to cooperate with the investigation. Except in
6 extraordinary circumstances, investigations should be completed within 90 days of referral.

7 (f) The ~~[investigator]~~ *fact facilitator* shall present a report to the administrator of his
8 or her findings, which shall include a summary of any interviews conducted or records gathered, a
9 copy of any such supporting documentation, records and recordings. The administrator shall provide
10 a copy of the ~~[investigator's]~~ *fact facilitator's* report and supporting documentation to the claimant
11 and the AG designee once received.

12 3 Youth Development Center Claims Administration and Settlement Fund. Amend RSA 21-
13 M:11-a, IX(a) to read as follows:

14 IX.(a) When a claimant requests that the administrator decide the claim, the administrator
15 shall schedule the claim for a resolution proceeding according to the procedures approved by the
16 joint fiscal committee. All resolution proceedings shall take place in the state of New Hampshire,
17 although parties and witnesses may attend by telephone or video conference in the discretion of the
18 administrator. To the greatest extent possible, claims shall be scheduled for resolution in the order
19 that they are received and determined to be complete, except that the administrator may also give
20 consideration to the time for which litigation may have been pending prior to the filing of a claim.
21 ~~[By requesting a resolution proceeding.]~~ *When a claimant accepts the administrator's decision*
22 *on the claim*, a claimant fully waives his or her right to seek other or additional monetary relief in
23 any forum from the state of New Hampshire or any of its agents or employees, or from any of its
24 political subdivisions or their agents or employees arising out of or relating to any incidents which
25 are or could have been the subject of a claim, except that the claimant does not waive his or her right
26 to seek or continue to seek relief in any forum from an individual whose direct, personal actions
27 constitute sexual abuse or physical abuse, even if said individual was a state employee at the time of
28 the acts. The administrator shall require a claimant to execute appropriate dismissals, waivers,
29 releases, or other documents as a condition of scheduling a resolution proceeding, provided that such
30 documents expressly preserve the right to pursue claims against individual perpetrators as
31 described.

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing sections 18-25 with the following:

2

3 18 Department of Justice; Attorney General; Deputy; Associates; Assistants. Amend RSA 21-
4 M:3, VIII-IX to read as follows:

5 VIII. The attorney general shall appoint qualified applicants to serve as a hearing officer for
6 appeals to any of the councils established under RSA 21-O. The attorney general and the
7 commissioner of the department of environmental services may enter into a memorandum of
8 understanding to transfer funds sufficient to fund the hearing officer position, *clerical and*
9 *support personnel and services*, and related expenses. Such individual or individuals shall:

10 (a) Be *an attorney* qualified by education and experience in the conduct of
11 administrative adjudicative hearings and the application of law to facts, *preferably a retired*
12 *justice of the superior or supreme court*; and
13 (b) Be fully screened by the attorney general from the outset of any such appeal from
14 any attorney representing the department.

15 *VIII-a. Upon request by the commissioner of the department of environmental*
16 *services, the attorney general shall appoint qualified applicants to serve as a hearing*
17 *officer for all administrative enforcement matters authorized under any provision of law*
18 *including, but not limited to, administrative fines and license actions. The attorney*
19 *general and the commissioner of the department of environmental services may enter into*
20 *a memorandum of understanding to fund the hearing officer position, clerical and support*
21 *personnel and services, and related expenses. Such individual or individuals shall:*

22 (a) *Be an attorney qualified by education and experience in the conduct of*
23 *administrative adjudicative hearings and the application of law to facts;*

24 (b) *Be fully screened by the attorney general from the outset of any such appeal*
25 *from any attorney representing the department;*

26 (c) *Regulate all procedural aspects of a proceeding, including presiding over*
27 *the hearing and any prehearing conferences; and*

28 (d) *Provide the commissioner with a proposed written decision on the merits*
29 *within 45 days of the conclusion of the final hearing.*

30 IX. When designated as the hearing officer for a particular appeal to any of the councils
31 established under RSA 21-O, the hearing officer shall:

Amendment to HB 2-FN-A-LOCAL

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- 1 (a) Regulate all procedural aspects of a proceeding, including presiding over the hearing
2 and any prehearing conferences;
- 3 (b) Subject to RSA 21-O:14, at the first prehearing conference order the parties and any
4 persons who have been allowed to intervene to participate in mediation if the hearing officer
5 concludes that it is reasonably possible that mediation will result in the resolution of the issues in
6 dispute in the proceeding. No order to mediate shall stay the appeal proceeding;
- 7 (c) Adopt all findings of fact made by the council except to the extent any such finding is
8 without evidentiary support in the record;
- 9 (d) Deliberate with the council before reaching conclusions on mixed questions of law
10 and fact;
- 11 (e) Decide all questions of law presented during the pendency of the appeal; and
- 12 (f) Prepare and issue written decisions on all motions and on the merits of the appeal
13 within 100 days of the conclusion of the hearing on the merits. The hearing officer shall provide the
14 council with a proposed written decision on the merits within 45 days of the conclusion of the
15 hearing on the merits. If requested to do so by the members of the council participating in the
16 discussion, the hearing officer shall meet with those members within the 100 day period to discuss
17 the decision.
- 18 19 Department of Environmental Services; Duties of Commissioner. Amend RSA 21-O:3, VIII-X
19 to read as follows:
- 20 VIII. Provide all necessary clerical and technical support to any council established by this
21 chapter. At a minimum, the commissioner shall:
- 22 (a) ~~For any appeal from a department decision before any such council provide all~~
23 ~~necessary clerical and support personnel and services in order to:~~
- 24 (1) ~~Prepare notices and other documents required under RSA 541-A and distribute~~
25 ~~such notices and documents as directed by the hearing officer appointed under RSA 21-M:3, VIII;~~
26 (2) ~~Schedule the conduct of all council administrative appeal proceedings, as directed~~
27 ~~by the hearing officer appointed under RSA 21-M:3, VIII so as to ensure timely and efficient conduct~~
28 ~~of such proceedings;~~
- 29 (3) ~~Prepare and maintain the record, required by RSA 541-A, of all such appeals,~~
30 ~~which shall include the decisions issued in such proceedings.~~
- 31 (4) Provide comfortable and adequate space for the use of all councils in performing
32 their official duties; and
- 33 [(e)] (b) Provide all necessary clerical and support personnel and services in order to:
- 34 (1) Prepare and distribute notices and other documents required under RSA 91-A for
35 council meetings; and
- 36 (2) Prepare and maintain as public records the official minutes of the meetings of all
37 councils supported by the department.

1 **VIII-a. Have the authority to enter into a memorandum of understanding with the**
2 **attorney general pursuant to RSA 21-M:3, VIII and VIII-a, to fund the hearing officer**
3 **position, clerical and support personnel and services, and related expenses.**

4 IX. [Repealed.]

5 X. [Repealed.]

6 20 Department of Environmental Services; Wetlands Council. Amend RSA 21-O:5-a, V to read
7 as follows:

8 V. **A quorum of at least 3 members** of the wetlands council shall hear all administrative
9 appeals from department decisions made under RSA 482-A relative to wetlands, or under RSA 483-B
10 relative to shoreland protection and shall decide all disputed issues of fact in such appeals, in
11 accordance with RSA 21-O:14.

12 21 Department of Environmental Services; Water Council. Amend RSA 21-O:7, IV to read as
13 follows:

14 IV. **A quorum of at least 3 members** of the water council shall hear all administrative
15 appeals from department decisions relative to the functions and responsibilities of the division of
16 water other than department decisions made under RSA 482-A relative to wetlands and RSA 483-B
17 relative to shoreland protection, and shall decide all disputed issues of fact in such appeals, in
18 accordance with RSA 21-O:14.

19 22 Department of Environmental Services; Waste Management Council. Amend RSA 21-O:9, V
20 to read as follows:

21 V. **A quorum of at least 3 members** of the waste management council shall hear all
22 administrative appeals from department decisions relative to the functions and responsibilities of
23 the division of waste management, and shall decide all disputed issues of fact in such appeals, in
24 accordance with RSA 21-O:14.

25 23 Department of Environmental Services; Air Resources Council. Amend RSA 21-O:11, IV to
26 read as follows:

27 IV. **A quorum of at least 3 members** of the air resources council shall hear all
28 administrative appeals from department decisions relative to the functions and responsibilities of
29 the division of air resources and shall decide all disputed issues of fact in such appeals, in accordance
30 with RSA 21-O:14.

31 24 Department of Environmental Services; Administrative Appeals. Amend RSA 21-O:14, I-a
32 (a) to read as follows:

33 I-a.(a) Any person aggrieved by a department decision may, in addition to any other remedy
34 provided by law, appeal **such decision by submitting a notice of appeal** to the council having
35 **advisory** jurisdiction over the subject matter of the appeal within 30 days of the date of the decision
36 and shall set forth fully in a notice of appeal every ground upon which it is claimed that the decision
37 complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal shall

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1 be considered by the council. On any such appeal, the council shall determine whether the
2 department decision was unlawful or unreasonable by reviewing the administrative record together
3 with any evidence and testimony the parties to the appeal may present.

4 25 Department of Environmental Services; Appeals Process Study Committee Established.

5 I. There is hereby established a committee to study the appeals process administered by the
6 environmental councils established under RSA 21-O.

7 II. The members of the committee shall be as follows:

8 (a) Two members of the house of representatives, appointed by the speaker of the house
9 of representatives; and

10 (b) One member of the senate, appointed by the president of the senate.

11 III. Members of the committee shall receive mileage at the legislative rate when attending
12 to the duties of the committee.

13 IV. The duties of the committee shall be as follows:

14 (a) Study the appeals process of the environmental councils established in RSA 21-O
15 with a focus on expediting appeals resolutions;

16 (b) Improve the cost effectiveness of the appeals process; and

17 (c) Consult with the chairmen of the four environmental councils to accomplish these
18 goals.

19 V. The members of the committee shall elect a chairperson from among the members. The
20 first meeting of the committee shall be called by the first-named house member. The first meeting of
21 the committee shall be held within 45 days of the effective date of this section. Two members of the
22 committee shall constitute a quorum.

23 VI. The committee shall report its findings and any recommendations for proposed
24 legislation to the speaker of the house of representatives, the president of the senate, the house
25 clerk, the senate clerk, the governor, and the state library on or before November 1, 2023.

Sen. Rosenwald, Dist 13
May 19, 2023
2023-1959s
05/10

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 437 with the following:

2

3 437 Department of Health and Human Services; Family Resource Centers; Appropriation.
4 There is hereby appropriated to the department of health and human services the sums of
5 \$2,000,000 for the state fiscal year ending June 30, 2024, and \$2,000,000 for the state fiscal year
6 ending June 30, 2025, to support family resource center (FRC) infrastructure. The appropriation
7 shall be allocated to the FRC facilitating organization to distribute to FRCs. The use of the funds
8 shall include, but not be limited to, better serving families, preparing for FRC-Q designation,
9 enhancing coordination with other early childhood systems, and supporting evidence-based
10 programs such as home visiting programs, ACERT, and community collaborations. The governor is
11 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
12 appropriated.

13

14 Amend the bill by inserting the following new sections:

15

16 1 New Subdivision; Labor; Protective Legislation; Policies Relating to Nursing Mothers. Amend
17 RSA 275 by inserting after section 77 the following new subdivision:

18

Policies Relating to Nursing Mothers

19 275:78 Definitions. In this subdivision:

20 I. "Employee" shall mean a person who may be permitted, required, or directed by an
21 employer in consideration of direct or indirect gain or profit but shall not include any individual who
22 volunteers services for a public, charitable, or religious facility without expectation or promise of
23 pay.

24 II. "Employer" shall mean a person, partnership, association, corporation, or legal
25 representative of a person, partnership, association, or corporation, or the state or any of its political
26 subdivisions, which has 6 or more employees working in the state.

27 III. "Expression of milk" means the initiation of lactation by manual or mechanical means
28 but shall not include breastfeeding.

29 IV. "Reasonable break period" shall mean an unpaid break of approximately 30 minutes for
30 every 3 hours of work performed by a nursing employee for the purpose of expressing milk.

Amendment to HB 2-FN-A-LOCAL

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- 1 V. "Undue hardship" shall mean any action that requires significant difficulty or expense
2 when considered in relation to factors such as the size of the business, its financial resources and the
3 nature and structure of its operation.
4 275:79 Notification of Policies.
5 I. Every employer shall adopt a policy to address the provision of sufficient space and
6 reasonable break periods for nursing employees that need to express milk during working hours.
7 II. Every employer shall, at the time of hire, make available to its employees the employer's
8 policy related to expression of milk during working hours.
9 III. A nursing employee shall notify its employer at least 2 weeks prior to needing
10 reasonable break periods and sufficient space for expression of milk during work hours.
11 275:80 Sufficient Space.
12 I. Every employer shall provide access to reasonable, sufficient space, either temporary or
13 permanent in nature, for the use of an employee to express milk for a nursing child for a period of
14 one year from the date of birth of the child.
15 II. The location of the space provided shall be within a reasonable walk of the employee's
16 worksite, unless otherwise mutually agreed to by the employer and employee.
17 III. Sufficient space provided in accordance with this section shall not be a bathroom, and
18 shall be a clean space shielded from view and free from intrusion from coworkers and the public.
19 (a) If the space is not solely for the use of employees expressing milk it shall be made
20 available when requested to comply with the requirements set forth in this subdivision.
21 (b) If feasible, the room shall have, at a minimum, an electrical outlet and a chair.
22 275:81 Reasonable Break Period.
23 I. Every employer shall provide reasonable break periods to employees who need to express
24 milk for a child for a period of one year from the date of birth of the child. Nothing in this section
25 shall preclude an employer from negotiating with an employee reasonable break periods to express
26 milk that are different from the requirements in this subdivision.
27 II. Nothing under this subdivision shall preclude an employee from taking a reasonable
28 break period contemporaneously with break or meal periods already provided to the employee by the
29 employer.
30 III. An employer shall not require an employee to make up time related to use of unpaid
31 reasonable break periods.
32 275:82 Penalties. Any employer who violates any provision of this subdivision shall be subject
33 to a one-time civil penalty pursuant to RSA 273:11-a.
34 275:83 Hardship Exemption. An employer may be exempted from this subdivision if providing
35 reasonable break time and sufficient space for expressing milk would impose an undue hardship to
36 the employer's operations.
37 2 Effective Date.

Amendment to HB 2-FN-A-LOCAL

- Page 3 -

- 1 I. Section 1 of this act, except for RSA 275:82, shall take effect July 1, 2025.
- 2 II. RSA 275:82, as inserted by section 1 of this act shall take effect July 1, 2026.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting the following:

2

3 1 Department of Health and Human Services; Early Childhood Mental Health Consultation
4 Pilot Program.

5 I. The department of health and human services shall implement a minimum 2-year pilot
6 program to develop and maintain a publicly available network of trauma-informed early childhood
7 mental health consultants and ensure ongoing training and consultation of the early childhood
8 mental health consultants. The department may consult with outside resources when establishing
9 the pilot program. Under the pilot program, early childhood mental health consultations shall be:

10 (a) Provided by qualified mental health professionals who possess a masters or doctoral-
11 level degree in the mental health field and who demonstrate evidence of specialized training and
12 experience in infant and early childhood mental health as established by the department;

13 (b) Offered, if necessary, to children across settings and regardless of changes to setting
14 and placement;

15 (c) Integrated with other available behavioral health and family support services
16 providers, including but not limited to the care management entities established under RSA 135-F,
17 early childhood mental health services, and early supports and services; and

18 (d) Implemented in accordance with this section and include, but not be limited to, the
19 following services:

20 (1) Conducting observation and assessment of a child and their caregivers across
21 child care settings, including universal strengths-based assessments in accordance with this chapter
22 and RSA 170-G:4-e and the use of valid and reliable measures of: trauma exposure, chronic exposure
23 to stress and symptoms, emotional and behavioral development, and the strengths and needs of the
24 caregiving/child-caregiver relationship;

25 (2) Consulting with caregivers, teachers, directors, administrators, and other
26 medical and behavioral health providers about the meaning of challenging behaviors and how to
27 meet the needs of the child and care givers;

28 (3) Strengthening caregiver and professional capacity to successfully handle
29 challenging behaviors through developmentally appropriate methods, including but not limited to
30 reflective questioning, developmental guidance, modeling, and role playing;

31 (4) Offering training in young child socio-emotional development, emotional and
32 behavioral regulation, and trauma exposure to caregivers and professionals; and

Amendment to HB 2-FN-A-LOCAL

- Page 2 -

- 1 (5) Be provided to any child 0 to 6 years of age presenting with behaviors
2 substantially interfering with their successful engagement in child care and to any child who is
3 placed or at risk of being placed in foster care within 30 days of their placement in care.
- 4 II. The department shall establish the eligibility and referral process for consultations that
5 prioritize children in foster care or at risk of being placed in foster care.
- 6 III. Notwithstanding any paragraph of this section, the availability of consultations shall be
7 subject to available appropriations to this program.
- 8 2 Appropriation; Early Childhood Mental Health Consultation Pilot Program. The sum of
9 \$1,000,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the department of
10 health and human services to support the early childhood mental health consultation pilot program.
11 Said funds shall not lapse and shall be allocated equally in each year of the biennium ending June
12 30, 2025.
- 13 3 Effective Date. Section 2 of this act shall take effect June 30, 2023.

Sen. Rosenwald, Dist 13
May 16, 2023
2023-1848s
07/05

Amendment to HB 2-FN-A-LOCAL

1 Insert the following new sections:

2

3 1 New Section; System of Care for Children's Mental Health; Early Childhood Behavioral
4 Health Supports. Amend RSA 135-F by inserting after section 9 the following new section:

5 135-F:10 Early Childhood Behavioral Health Supports Established.

6 I. The department of health and human services shall develop and maintain a publicly
7 available network of trauma-informed early childhood mental health consultants and ensure ongoing
8 training and consultation of the early childhood mental health consultants. Early childhood mental
9 health consultations shall be:

10 (a) Provided by qualified mental health professionals who possess a masters or doctoral-
11 level degree in the mental health field and who demonstrate evidence of specialized training and
12 experience in infant and early childhood mental health as established by the department;

13 (b) Offered, if necessary, to children across settings and regardless of changes to setting
14 and placement;

15 (c) Integrated with other available behavioral health and family support services
16 providers, including but not limited to the care management entities established under RSA 135-F,
17 early childhood mental health services, and early supports and services; and

18 (d) Implemented in accordance with this chapter and include, but not be limited to, the
19 following services:

20 (1) Conducting observation and assessment of a child and their caregivers across
21 child care settings, including universal strengths-based assessments in accordance with this chapter
22 and RSA 170-G:4-e and the use of valid and reliable measures of: trauma exposure, chronic exposure
23 to stress and symptoms, emotional and behavioral development, and the strengths and needs of the
24 caregiving/child-caregiver relationship;

25 (2) Consulting with caregivers, teachers, directors, administrators, and other
26 medical and behavioral health providers about the meaning of challenging behaviors and how to
27 meet the needs of the child and care givers;

28 (3) Strengthening caregiver and professional capacity to successfully handle
29 challenging behaviors through developmentally appropriate methods, including but not limited to
30 reflective questioning, developmental guidance, modeling, and role playing;

31 (4) Offering training in young child socio-emotional development, emotional and
32 behavioral regulation, and trauma exposure to caregivers and professionals; and

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

1 (5) Be provided to any child 0-6 presenting with behaviors substantially interfering
2 with their successful engagement in child care and to any child who is placed or at risk of being
3 placed in foster care within 30 days of their placement in care.

4 II. The department shall establish the eligibility and referral process for the consultations
5 that prioritized children in foster care or at risk of being placed in foster care.

6 III. Notwithstanding any paragraph of this section, the availability of consultations shall be
7 subject to available appropriations to this program.

8 2 Department of Health and Human Services; Children's Mental Health Consultation;
9 Appropriation. The sum of \$500,000 for the fiscal year ending June 30, 2024, and the sum of
10 \$500,000 for the fiscal year ending June 30, 2025, is hereby appropriated to the department of health
11 and human services for the purpose of providing mental health consultation for young children in
12 childcare. The governor is authorized to draw a warrant for said sums out of any money in the
13 treasury not otherwise appropriated.

14 3 Prospective Repeal. Early Childhood Behavioral Health Supports Pilot Program. Section 1 of
15 this act is repealed.

16 4 Effective Date. Section 3 of this act shall take effect June 30, 2025.

Sen. Bradley, Dist 3
May 25, 2023
2023-2028s
10/05

Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by inserting the following:
- 2
- 3 1 Program for Recruitment and Retention; Effective Date of Repeal Extended. Amend 2022,
- 4 147:3 to read as follows:
- 5 147:3 Effective Date.
- 6 I. Section 2 of this act shall take effect July 1, [~~2023~~] **2024**.
- 7 II. The remainder of this act shall take effect 60 days after its passage.
- 8 2 Effective Date. Section 1 of this act shall take effect June 30, 2023.

Sen. Pearl, Dist 17
May 25, 2023
2023-2029s
03/05

Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by inserting the following new sections:
- 2
- 3 1 Appropriation; Department of Natural and Cultural Resources. There is hereby appropriated
- 4 to the department of natural and cultural resources the sum of \$1,000,000 for the fiscal year ending
- 5 June 30, 2023, which shall be nonlapsing until June 30, 2025, for the purpose of making renovations
- 6 and repairs to the Northwood Meadows Lake Dam. The governor is authorized to draw a warrant
- 7 for said sum out of any money in the treasury not otherwise appropriated.
- 8 2 Effective Date. Section 1 of this act shall take effect June 30, 2023.

Sen. Innis, Dist 7
May 25, 2023
2023-2027s
07/10

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting the following new sections:
2

3 1 Appropriation; University System of New Hampshire. There is hereby appropriated to
4 university system of New Hampshire the sum of \$3,000,000 in the fiscal year ending June 30, 2023.
5 Said appropriation shall be matched with \$3,000,000 from the university system, for a total of
6 \$6,000,000, and allocated to Keene state college and Plymouth state university. This appropriation
7 shall not lapse. The governor is authorized to draw a warrant for said sums out of any money in the
8 treasury not otherwise appropriated.

9 2 Effective Date. Section 1 of this act shall take effect June 30, 2023.