

**HB 2-FN-A-LOCAL - FINAL VERSION**

11Apr2019... 1403h  
11Apr2019... 1469h  
11Apr2019... 1470h  
06/06/2019 2403s  
27Jun2019... 2630-CofC  
27Jun2019... 2652-EBA

2019 SESSION

19-1119  
01/10

HOUSE BILL            ***2-FN-A***

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

SPONSORS:          Rep. Wallner, Merr. 10

COMMITTEE:        Finance

---

**AMENDED ANALYSIS**

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. Extends the state heating systems savings account.
7. Establishes an additional surplus fund within the department of administrative services.
8. Establishes the building maintenance fund within the department of administrative services and assesses charge to state agencies.
9. Permits the supreme court to transfer funds among judicial branch accounts.
10. Provides the department of corrections with additional transfer authority for the biennium ending June 30, 2021 and establishes the cost of care reimbursement account and the unclassified position of director of nursing in the department of corrections.
11. Provides that chartered public school lease aid shall not exceed more than \$30,000 per school in any fiscal year.
12. Directs the department of health and human services to raise the income

**HB 2-FN-A-LOCAL - FINAL VERSION**

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.
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

**HB 2-FN-A-LOCAL - FINAL VERSION**

alcohol and drug abuse prevention, treatment, and recovery.

32. Makes an appropriation to the department of employment security for the fiscal year ending June 30, 2019 for the purpose of funding start-up costs of family and medical leave insurance with a third party administrator.

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

34. 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.

35. Requires Keno revenue to be deposited in the education trust fund.

36. Defines and regulates the sale of electronic cigarettes or e-cigarettes; and increases the minimum age for sales and possession of tobacco products.

37. Modifies the duties of the board of veterinary medicine.

38. Modifies the procedure for certified application prepayers for minimum environmental impact projects.

39. Regulates public bathing facilities.

40. Moves recreational camp licensing to the department of health and human services.

41. Combines the adjutant general's department, the office of veterans services, and the bureau of community based military programs into the department of military affairs and veterans services and makes the adjutant general the commissioner of the department of military affairs and veterans services.

42. 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.

43. 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.

44. Transfers administration of the existing governor's scholarship program and fund to the college tuition savings plan advisory commission.

45. Provides funding for forgivable loans under the regenerative manufacturing workforce development program.

46. Authorizes the business finance authority to provide funding from bonds issued and repaid for regenerative manufacturing worker educational debt relief.

47. 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.

48. Repeals the Maine-New Hampshire interstate bridge authority.

49. Repeals witness fees for witnesses summoned before certain boards and commissions.

50. Amends the granite workforce program.

**HB 2-FN-A-LOCAL - FINAL VERSION**

51. Exempts certain accounting units within the department of natural and cultural resources from transfer restrictions.

52. 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.

53. Deletes obsolete limits on total bonds issued by the business finance authority.

54. Repeals the requirement for the Pease development authority to submit a comprehensive development plan.

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

56. 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.

57. 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.

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

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

60. Makes an appropriation to the state treasurer for the fiscal year ending June 30, 2019 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.

61. 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.

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

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

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

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

66. 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.

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

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

**HB 2-FN-A-LOCAL - FINAL VERSION**

deposited into the fund.

69. Makes changes to unemployment compensation contribution rates.

70. 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.

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

72. 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.

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

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

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

76. 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.

77. 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.

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

79. 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.

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

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

82. 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.

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

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

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

86. Makes an appropriation to the department of health and human services for the

**HB 2-FN-A-LOCAL - FINAL VERSION**

purpose of operating a new treatment facility for children in need of inpatient psychiatric treatment.

87. 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.

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

89. 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.

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

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

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

93. Requires evaluation of a minor committed to the youth development center to determine whether an alternative placement in a safe, therapeutic, and cost-effective, residential treatment facility is feasible.

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

95. Establishes a commission to study school funding.

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

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

98. 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.

99. Provides that any budget surplus in excess of \$5,000,000 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.

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

101. 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.

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

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

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

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

**HB 2-FN-A-LOCAL - FINAL VERSION**

106. 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.

107. Modifies the membership qualifications for the board of nursing.

108. Requires a portion of the revenue collected from the imposition of the real estate transfer tax to be transferred to the affordable housing fund.

109. Updates provisions and adjustments of the United States Internal Revenue Code applicable to the business profits tax.

110. Clarifies the applicability of the communications services tax to voice over Internet protocol (VoiP) and prepaid wireless telecommunications service.

111. 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.

112. 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.

113. Prohibits off highway recreational vehicles from traveling on Hoit Road Marsh in the city of Concord.

114. 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.

115. Makes an appropriation to the department of business and economic affairs to support the small business development center and its programs.

116. 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.

117. Makes a supplemental appropriation to the department of environmental services for the Ossipee Lake Dam reconstruction.

118. Adds an exception to the real estate transfer tax for any lease involving the Pease development authority.

119. 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, contingent on SB 169 of the 2019 regular legislative session.

120. Repeals a provision relative to liquor commission revenue shortfalls.

121. 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

**HB 2-FN-A-LOCAL - FINAL VERSION**

accompanied by a health certificate; and establishes and makes an appropriation to the cost of care fund.

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

123. Establishes the sunny day fund and grant program in the department of business and economic affairs to obtain and disburse grants for research and development, support the infrastructure necessary to address critical gaps in the state's ability to attract research and development projects, increase commercialization of new technologies, leverage federal funds, and support business development and expansion. The bill also transfers funds from the general fund surplus account to fund the program.

124. 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.

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

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

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

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

129. 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.

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

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

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

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

134. 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.

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

136. 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.

137. 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.



## **HB 2-FN-A-LOCAL - FINAL VERSION**

138. Makes an appropriation to the community college system of New Hampshire for the fiscal year ending June 30, 2019.
139. Makes an appropriation to the department of education to support the Granite State Independent Living IMPACCT program.
140. 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.
141. 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.
142. Requires the commissioner of the department of health and human services to increase Medicaid provider rates and makes an appropriation therefor.
143. Allows general funds to be used for the New Hampshire granite advantage health care program. Also allows moneys from the Medicaid enhancement tax to be used if necessary to pay for certain provider rate increases.
144. Makes an appropriation to the department of health and human services for safe stations in Manchester and Nashua.
145. Extends the funding for supported housing.
146. 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.
147. Modifies appropriations and provisions for new designated receiving facilities (DRF) beds and diagnosis-related group (DRG) rates.
148. 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.
149. Repeals the ICF quality assessment imposed on intermediate care facilities for the intellectually disabled.
150. Expands eligibility for Medicaid for employed adults with disabilities age 65 and over.
151. 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.
152. Requires dementia training for direct care staff in residential facilities and community-based settings and grants rulemaking authority to the commissioner.
153. Repeals a prohibition on the use of state funds for abortion services.
154. Clarifies proportionate share payments to county nursing homes.
155. 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.

**HB 2-FN-A-LOCAL - FINAL VERSION**

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

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

158. 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.

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

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

161. 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.

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

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

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

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

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

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

168. 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.

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

170. 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.

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

172. 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.

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

**HB 2-FN-A-LOCAL - FINAL VERSION**

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

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

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

177. 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. The bill also 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.

-----

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

HB 2-FN-A-LOCAL - FINAL VERSION

11Apr2019... 1403h  
11Apr2019... 1469h  
11Apr2019... 1470h  
06/06/2019 2403s  
27Jun2019... 2630-CofC  
27Jun2019... 2652-EBA

19-1119  
01/

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 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 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  
8 subsidiaries, affiliates, or principal officers:

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

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

23 4 Department of Administrative Services; Divisions. Amend the section heading of  
24 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 5 Department of Administrative Services; Director of Plant and Property. Amend

**HB 2-FN-A-LOCAL - FINAL VERSION**  
**- Page 2 -**

1 the introductory paragraph of RSA 21-I:11, I(c) to read as follows:

2 (c) The division of plant and property, which shall be under the supervision of  
3 ~~[a classified administrator who]~~ ***an unclassified director of plant and property who shall***  
4 ***be qualified to hold that position by reason of education and experience and shall***  
5 ***perform such duties as the commissioner from time to time may authorize. The director***  
6 ***of plant and property*** shall be responsible for the following functions, in accordance  
7 with applicable law:

8 6 Director of Plant and Property; Salary; Funding; Effective Date.

9 I. The salary of the director of plant and property shall be determined after  
10 assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-  
11 a, I(b) for the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.  
12 Upon completion of this action and appointment of the director of plant and property,  
13 position number 10082 shall be abolished to allow for the transition of this classified  
14 position with its available appropriations into the unclassified position of director of  
15 plant and property. Funding shall be transferred into a new expenditure class number  
16 11, within accounting unit 01-14-14-141510-1440. The incumbent in the abolished  
17 classified position shall be offered the opportunity to seek the commissioner's  
18 nomination for the unclassified position of director of plant and property.

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

23 7 Department of Administrative Services; Directors; Officers. Amend RSA 21-I:2, II  
24 to read as follows:

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

33 8 Department of Administrative Services; Office of the Commissioner. RSA 21-I:4 is  
34 repealed and reenacted to read as follows:

35 21-I:4 Office Established. There is hereby established an office of the commissioner  
36 consisting of the following units:

37 I. State budget.

38 II. Internal audit.

1           III. Operational analysis.

2           IV. Cost containment.

3           9 Division of Financial Data Management. Amend RSA 21-I:5 to read as follows:

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

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

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

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

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

19           V. Assisting department division directors by:

20           (a) Establishing and operating a financial information resource center for  
21 their use.

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

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

26           10 New Section; Deputy Director of Risk and Benefits. Amend RSA 21-I by inserting  
27 after section 7-c the following new section:

28           21-I:7-d Deputy Director of Risk and Benefits; Position Established.

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

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

1       11 Deputy Director of Risk and Benefits; Salary; Funding; Offer to Seek Nomination  
2 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  
9 unclassified position of deputy director of risk and benefits. Funding shall be  
10 transferred into a new expenditure class number 12 within accounting unit 01-14-14-  
11 143510-2901. The incumbent in the abolished classified position shall be offered the  
12 opportunity to seek the commissioner's appointment to the unclassified position of  
13 deputy director of risk and 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       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~~  
21 ~~the commissioner of administrative services a~~] **department a division of** risk  
22 [~~management unit~~] **and benefits**, under the supervision of an unclassified [~~manager of~~  
23 ~~risks~~] **director of risk** and benefits, who shall be qualified to hold that position by reason  
24 of education and experience, and who shall perform such duties as the commissioner  
25 from time to time may authorize. The functions of the **division of** risk [~~management~~  
26 ~~unit~~] **and benefits** shall 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  
36 deferred compensation commission established in RSA 101-B.

37           (c) Overseeing and administering all additional employee or retiree benefit  
38 programs offered by the state, other than those related to the New Hampshire

1 retirement system or the state's deferred compensation commission established in RSA  
2 101-B.

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

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

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

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

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

18 (3) Formalizing contract agreements.

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

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

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

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

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

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

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

33 (i) Advising the [~~manager of risks~~] **director of risk** and benefits and, upon  
34 request, the commissioner, the governor and executive council, the general court, the  
35 state retiree health plan commission established in RSA 100-A:56, the joint legislative  
36 fiscal committee established in RSA 14:30-a, and other entities regarding employee and  
37 retiree benefits program.

38 (j) Ensuring that the bureau's programs are compliant with applicable state



1 and federal law.

2 (k) Monitoring agencies' activities for compliance with benefit program  
3 requirements.

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

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

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

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

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

27 (e) Conducting ongoing studies of alternative financing methods and benefit  
28 offerings.

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

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

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

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

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

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

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

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

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

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

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

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

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

27           (b) Conducting ongoing studies of alternative financing methods and benefit  
28 offerings.

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

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

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

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

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

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

8           13 Department of Administrative Services; Reference Changed. Amend RSA 21-I:24, I  
9 to read as follows:

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

16           14 Department of Administrative Services; Reference Changed. Amend RSA 21-I:25-  
17 a, to read as follows:

18           21-I:25-a Procurement of Managed Care and Other Risk-Shifting Services. By  
19 following the procedures of RSA 21-I:28, the commissioner of administrative services,  
20 through the department's **division of risk** ~~[management unit]~~ **and benefits**, and after  
21 consultation with the governor and council, may contract for or purchase insurance or  
22 third party administrator services providing managed care program services and  
23 similar services directly related to the provision and monitoring of workers'  
24 compensation benefits payable to state employees.

25           15 Department of Administrative Services; References Changed. Amend RSA 21-I:30-  
26 f to read as follows:

27           21-I:30-f Administrative Cost of Certain Programs Administered by the **Division of**  
28 **Risk** ~~[Management Unit]~~ **and Benefits**; Obligation of Employee. The **division of risk**  
29 ~~[management unit]~~ **and benefits** may use moneys in the employee benefit adjustment  
30 account, established under RSA 9:17-c, for the purposes of paying the administrative fees  
31 for the dependent care assistance program established under RSA 21-I:44-a and the  
32 medical and related expenses program established under RSA 21-I:44-b. The **division of**  
33 **risk** ~~[management unit]~~ **and benefits** may also use such moneys in the event money must  
34 be paid to the contracting party in advance to cover the employee's medical expenses,  
35 when the employee has not contributed all of such costs from payroll deductions,  
36 provided that the employee benefit adjustment account shall be repaid when the  
37 employee fulfills his or her obligation.

38           16 Department of Administrative Services; Reference Changed. Amend RSA 21-I:44-

1 a, to read as follows:

2 21-I:44-a Dependent Care Assistance Program Established. There is established a  
3 dependent care assistance program to be administered by the *division of* risk  
4 ~~[management unit]~~ *and benefits* of the department of administrative services with the  
5 assistance of the division of accounting services of the department of administrative  
6 services and the treasury department. Under this program, an employee may have a  
7 certain amount of his or her salary withheld, before taxes, for the purpose of day care  
8 expenses.

9 17 Department of Administrative Services; Reference Changed. Amend RSA 21-I:44-  
10 b, to read as follows:

11 21-I:44-b Medical and Related Expenses Program Established. There is established a  
12 medical related expenses program to be administered by the *division of* risk  
13 ~~[management unit]~~ *and benefits* of the department of administrative services with the  
14 assistance of the division of accounting services of the department of administrative  
15 services and the treasury department. Under this program, an employee may have a  
16 certain amount of his or her salary withheld, before taxes, for the purpose of medical  
17 expenses.

18 18 State Agency Insurance; Reference Changed. Amend RSA 9:27 to read as follows:  
19 9:27 Insurance.

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

27 ~~[II. All casualty or liability insurance secured by an agency or department and in  
28 effect on July 1, 2017, shall be reported to the risk management unit by September 1,  
29 2017.]~~

30 19 Health and Human Services; Reference Changed. Amend RSA 161:4, III to read as  
31 follows:

32 III. Liability Insurance. The commissioner of the department of health and  
33 human services or designee shall have the authority, after consultation with the  
34 insurance department and the *division of* risk ~~[management unit]~~ *and benefits*, and in  
35 accordance with the procedures established by the commissioner of administrative  
36 services under RSA 21-I:7-c, V, to purchase personal liability coverage for individuals  
37 providing care to adults receiving assistance from the department of health and human  
38 services who reside in certified residential care facilities. The amount and nature of this

1 insurance coverage may vary in the discretion of the commissioner of administrative  
2 services.

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

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

12 21 Services for Youth and Families; References Changed. Amend RSA 170-G:3, VII(b)  
13 and (c) to read as follows:

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

21 (c) No payment shall be made under subparagraph (a)(3) unless the  
22 department investigates the claim and the commissioner, or the commissioner's designee  
23 determines the foster parent did not act intentionally, willfully or recklessly, and  
24 recommends to the ***division of risk*** [~~management unit~~] ***and benefits*** that the claim, or  
25 some portion of the claim, be paid. If the ***division of risk*** [~~management unit~~] ***and***  
26 ***benefits*** determines that the claim meets the requirements of this subparagraph, the  
27 attorney general shall be notified and shall select a qualified attorney to provide legal  
28 representation and defense to the claimant subject to the dollar limitations of  
29 subparagraph (a)(3), the recommendations of the ***division of risk*** [~~management unit~~] ***and***  
30 ***benefits***, and the attorney general's own experience and expertise. The commissioner of  
31 administrative services, or the commissioner's designee, shall authorize payment of such  
32 amounts as are approved by the attorney general.

33 22 University System; References Changed. Amend RSA 187-A:43, VI-VII, to read as  
34 follows:

35 VI. Cost analysis, including costs associated with the ***division of risk***  
36 [~~management unit~~] ***and benefits*** staff, shall be paid for by the university system. The  
37 university system shall pay all associated costs of transferring data into the state group  
38 health insurance plan and all costs associated with data collection, data manipulation

1 associated with transferring from one plan to another, and costs of university system  
2 changes, including staff costs.

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

6 23 Community College System; References Changed. Amend RSA 188-F:68, VI-VII, to  
7 read as follows:

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

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

17 24 Board of Claims; Reference Changed. Amend RSA 541-B:11-a to read as follows:

18 541-B:11-a Annual Report. The secretary of state shall provide annually to the  
19 *division of risk* [~~management unit~~] *and benefits* a copy of the annual report for the  
20 board.

21 25 Salaries; Unclassified State Officers. Amend the following positions in RSA 94:1-a,  
22 I(b), salary grade HH, to read as follows:

23 HH Department of administrative services [~~manager of risks~~] *director of risk* and  
24 benefits

25 HH Department of administrative services *director of* financial data [~~manager~~]  
26 *management*

27 26 Department of Administrative Services; Intent of Amendment of Risk  
28 Management Unit; Continuation of Operations. The amendment to the title of the risk  
29 management unit to the division of risk and benefits is not intended to alter the  
30 underlying functions, authorities, or personnel of the existing unit or its manager, or the  
31 compensation of any existing employee. The division of risk and benefits shall perform  
32 all duties previously performed by the risk management unit and the director of the  
33 division of risk and benefits shall perform all duties and functions previously performed  
34 by the manager of risks. Any and all documents entered into by the risk management  
35 unit or any of its subunits, including but not limited to contracts, agreements, requests  
36 for proposals, requests for bids, requests for quotes, purchase orders, and other items  
37 shall be construed to apply to, and shall be deemed to be the action of, the division of  
38 risk and benefits.

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

8       28 Department of Administrative Services; Continuation of Laws; Transfer of Duties  
9 Relating to Risk Management. All provisions of law that remain in effect and refer to  
10 the department of administrative services' risk management unit shall be construed so  
11 as to apply to the division of risk and benefits. All powers, duties, and obligations of the  
12 risk management unit, and all bureaus or other subunits within the unit, shall be  
13 transferred to the division of risk and benefits and its subunits without interruption or  
14 delay on the effective date of this section. The transfer shall include, but not be limited  
15 to, all personnel, equipment, and funding of the former risk management unit and its  
16 subunits. The department of administrative services may make such changes to the  
17 accounting structure and budgetary allocations for the biennium ending June 30, 2021  
18 as it concludes are necessary or appropriate to effectuate and accommodate the changes  
19 made to the department by this act.

20       29 Department of Administrative Services; Intent of Amendment of Financial Data  
21 Management Unit; Continuation of Operations. The alteration of the title of the  
22 financial data management unit to the division of financial data management is not  
23 intended to alter the underlying functions, authorities, or personnel of the existing unit  
24 or its manager, or the compensation of any existing employee. The division of financial  
25 data management shall perform all duties previously performed by the financial data  
26 management unit and the director of the division of financial data management shall  
27 perform all duties and function previously performed by the financial data manager.  
28 Any and all documents entered into by the financial data management unit or any of its  
29 subunits, including but not limited to contracts, agreements, requests for proposals,  
30 requests for bids, requests for quotes, purchase orders, and other items shall be  
31 construed to apply to, and be deemed to be the action of, the division of financial data  
32 management.

33       30 Department of Administrative Services; Intent of Amendment of Title of the  
34 Financial Data Manager; Continuation of Salary and Functions. The unclassified  
35 employee serving as the financial data manager as of the effective date of this section  
36 shall, barring resignation or removal from office, be deemed the director of the division  
37 of financial data management for the remainder of his or her existing term as the  
38 financial data manager. The salary of the director of the division of financial data

1 management shall be that allocated in RSA 94:1-a, I(b) to the financial data manager.

2       **31 Department of Administrative Services; Continuation of Laws; Transfer of Duties**  
3 **Relating to Financial Data Management.** All provisions of law that remain in effect and  
4 refer to the department of administrative services' financial data management unit shall  
5 be construed so as to apply to the division of financial data management. All powers,  
6 duties, and obligations of the financial data management unit, and all bureaus or other  
7 subunits within the unit, shall be transferred to the division of financial data  
8 management and its subunits without interruption or delay on the effective date of this  
9 section. The transfer shall include, but not be limited to, all personnel, equipment, and  
10 funding of the former financial data management unit and its subunits. The department  
11 of administrative services may make such changes to the accounting structure and  
12 budgetary allocations for the biennium ending June 30, 2021 as it concludes are  
13 necessary or appropriate to effectuate and accommodate the changes made to the  
14 department by this act.

15       **32 Department of Administrative Services; Consolidation of Human Resources and**  
16 **Payroll Functions.**

17       **I.** Notwithstanding any law or administrative rule to the contrary, the  
18 commissioner of administrative services, with the prior approval of the fiscal committee  
19 of the general court and the governor and council, may make such transfers of  
20 appropriation items and changes in allocations of funds available for operational  
21 purposes to the department of administrative services from any other agency necessary  
22 to effectuate the efficient consolidation or deconsolidation of human resources, payroll,  
23 and business processing functions within state government. Such business processing  
24 functions shall include:

25           (a) Accounts receivable;

26           (b) Accounts payable;

27           (c) Collection of fines, penalties, fees, restitution, remittances, and other  
28 moneys due to the state; and

29           (d) Such additional finance, accounting, and other functions and transactions  
30 that the commissioner of administrative services determines may potentially achieve  
31 substantial efficiencies from consolidation.

32       **II.** The commissioner of administrative services may establish the number of  
33 total personnel required for human resources, payroll, and business processing  
34 functions in the executive branch of state government and, with the prior approval of  
35 the governor and council, may eliminate unnecessary positions and may transfer  
36 positions to or from the department of administrative services to or from any other  
37 agency if the commissioner of administrative services concludes that such transfers or  
38 eliminations are necessary to effectuate the efficient consolidation or deconsolidation of



1 human resources, payroll, or business processing functions within state government.  
2 Such transfers may, if deemed appropriate by the commissioner of administrative  
3 services, include the transfer of all associated books, papers, records, personnel files,  
4 and equipment, including, but not limited to, work station and information technology  
5 equipment, and may, if deemed appropriate by the commissioner of administrative  
6 services, include the transfer of any unexpended appropriations for any of the  
7 foregoing, and any unexpended appropriations for salary, payroll, benefits, support  
8 costs, or any other costs associated with the transferred personnel. The department of  
9 administrative services may also establish new full-time temporary positions within the  
10 department, if the commissioner of administrative services deems it necessary to  
11 effectuate the efficient consolidation or deconsolidation of human resources, payroll, or  
12 business processing functions.

13 III. The commissioner of administrative services may locate personnel whose  
14 positions have been transferred in such work spaces as the commissioner determines  
15 will efficiently effectuate the consolidation or deconsolidation of functions. Such work  
16 spaces may include either space currently owned or rented by the state, or space which  
17 may be rented by the commissioner utilizing amounts which may be saved by the state  
18 as the result of the consolidation or deconsolidation of functions.

19 IV. If the commissioner of administrative services consolidates, deconsolidates  
20 or, pursuant to 2015, 276:2 or other law, has consolidated or deconsolidated, any human  
21 resources, payroll, or business processing function and subsequently determines that  
22 such consolidation or deconsolidation is not cost effective or beneficial to the interests  
23 of the state, the commissioner may, with the prior approval of the fiscal committee of the  
24 general court, deconsolidate or reconsolidate, fully or partially, any human resources,  
25 payroll, or business processing function within the executive branch of state  
26 government. As part of a deconsolidation, the commissioner, after consultation with the  
27 heads of such executive branch agencies as may be affected, shall determine positions to  
28 be transferred to another agency, shall determine positions to be transferred elsewhere  
29 within the department of administrative services, or shall determine positions to be  
30 eliminated.

31 V. Any unspent balance remaining of the \$250,000 appropriation made by 2011,  
32 224:86 to the department of administrative services for the biennium ending June 30,  
33 2013, for the purpose of selecting and retaining an independent business processing  
34 consultant to evaluate and make recommendations relative to the consolidation of  
35 business processing functions within state government, shall not lapse until June 30,  
36 2021. The department of administrative services may use this balance to fund such  
37 projects, functions, or activities as the commissioner of administrative services may  
38 direct relating to the efficiency of state government, including, but not limited to, the

1 selection and retention of an independent business processing consultant and/or other  
2 projects, functions, or activities relating to the consolidation or deconsolidation of  
3 human resource, payroll and business processing functions.

4       33 Department of Administrative Services; State Employee Health Plan; Application.  
5 The cost sharing and plan design for unrepresented active state employees who  
6 participate in the health plans offered by the state shall be the same as those for  
7 individuals covered by the collective bargaining agreement between the state of New  
8 Hampshire and the State Employees' Association of New Hampshire, Inc. The fiscal  
9 committee of the general court may approve changes to the above plan design cost  
10 sharing provisions consistent with RSA 21-I:30, I. The cost sharing and plan designs for  
11 represented active state employees who participate in the health plans offered by the  
12 state shall be in accordance with the provisions of the collective bargaining agreements  
13 between the state and the employee organizations representing those employees.

14       34 Department of Administrative Services; Health Coverage Shared Responsibility.  
15 Agencies may use funds in existing class 60 budgets to pay any penalties imposed under  
16 the employer shared responsibility for health coverage under section 4980H of the  
17 Internal Revenue Code.

18       35 All Agencies; Administrative Services; Electronic Mail. Unless restricted by law  
19 or administrative rule, upon request of an intended recipient, an agency may provide  
20 documents by electronic mailing in lieu of mail.

21       36 Department of Administrative Services; Heating Systems Savings. Amend RSA 21-  
22 I:19-ff to read as follows:

23       21-I:19-ff State Heating System Savings Account. There is hereby established the  
24 state heating system savings account for the transfer of unexpended state heating  
25 system appropriations due to reduced heating system costs resulting from the 26 state  
26 buildings served by the Concord Steam project authorized in 2017, 2. Notwithstanding  
27 RSA 21-I:19-e, at the end of each state fiscal year, the commissioner of administrative  
28 services shall identify the unexpended appropriations in the accounts and class lines for  
29 the 26 state buildings served by the replacement of the Concord Steam facility. The  
30 commissioner shall deposit such sums into the account established by this section.  
31 Funds in the state heating system savings account shall be nonlapsing and appropriated  
32 to the department of administrative services for the biennium ending June 30, 2019, *the*  
33 *biennium ending June 30, 2021*, and the fiscal year ending [2020] *June 30, 2022* and may  
34 be used to pay principal and interest on bonds and notes issued to fund the capital  
35 project for the heating of state facilities located at the Governor Hugh J. Gallen state  
36 office park and state-owned buildings in downtown Concord.

37       37 State Heating System Facilities. Any unspent balance remaining on the  
38 \$18,000,000 appropriation made by 2017, 2 to the department of administrative services

1 for the fiscal year ending June 30, 2017, for the purpose of the purchase and replacement  
2 of all systems providing heat to state facilities located at the Governor Hugh J. Gallen  
3 state office park and state-owned buildings in downtown Concord that were obtaining  
4 steam from Concord Steam corporation, as well as the decommissioning of the steam  
5 plant located at 105 Pleasant Street in Concord, including but not limited to system  
6 design, construction, hazardous material remediation, and project administration and  
7 management, as required, shall not lapse until June 30, 2020. As indicated in 2017, 2, this  
8 project shall be managed by the division of public works design and construction and  
9 funds may be expended to fund any temporary personnel for the purpose of project  
10 administration, management, or clerk of the works. The commissioner of the  
11 department of administrative services is also authorized to employ a classified, full-time,  
12 permanent project manager in the division of public works design and construction,  
13 whose initial salary and benefit cost shall be from funds appropriated pursuant to 2017,  
14 2. The governor is authorized to draw a warrant for said sum out of any money in the  
15 treasury not otherwise appropriated, and said funds shall not lapse until June 30, 2020.

16 38 Department of Administrative Services; Funding and Staffing Resource  
17 Limitations.

18 I. Due to inadequate funding and staffing resources at the department of  
19 administrative services, the commissioner of the department of administrative services  
20 may suspend the obligations or requirements under RSA 21-I:7-c as it applies to  
21 addressing performance and financial legislative budget assistant audit findings from  
22 2006, 2011, and 2014 regarding management of the employee and retiree health benefit  
23 program, including establishing rules and operational policies for the program, for each  
24 fiscal year of the biennium ending June 30, 2021.

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

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

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

35 39 Department of Administrative Services; Establishment of Additional Surplus  
36 Fund. Amend RSA 21-I:11, I, (a)(6)(B) to read as follows:

37 (B) Be maintained by the treasurer [~~as a~~] ***in one of 2*** separate,  
38 restricted [~~fund~~] ***funds***:

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

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

6           40 Surplus Distribution Accounts. Amend RSA 6:12, I(b)(92) to read as follows:

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

9                   (A) *The surplus distribution section administrative assessments fund;*  
10 *and*

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

12           41 Department of Administrative Services; Fund Restrictions. Amend the  
13 introductory paragraph of RSA 21-I:11-a, I to read as follows:

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

18           42 New Section; Department of Administrative Services; Building Maintenance  
19 Fund. Amend RSA 21-I by inserting after section 11-c the following new section:

20           21-I:11-d Building Maintenance Fund. Each agency for which the department of  
21 administrative services is charged with providing building maintenance services shall  
22 pay to the department an annual assessment of 75 cents per square foot of such space  
23 which the agency occupies. The department of administrative services may make  
24 transfers from appropriate agency accounts to address such assessments. Collected  
25 amounts shall be deposited in the building maintenance fund, which shall be nonlapsing  
26 and continually appropriated to the department of administrative services for the  
27 purposes of covering costs associated with continuing maintenance of buildings, space,  
28 and other property which it is charged with maintaining.

29           43 New Subparagraph; Application of Receipts; Building Maintenance Fund. Amend  
30 RSA 6:12, I(b) by inserting after subparagraph (343) the following new subparagraph:

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

33           44 Appropriation; Building Maintenance Fund.

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

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

38 All           General           Federal           Highway           Turnpike           Other

**HB 2-FN-A-LOCAL - FINAL VERSION**  
**- Page 18 -**

1	\$528,606.50	\$263,417.50	\$74,598.50	\$57,811.00	\$702.50	\$132,077.00
2	(b) For the fiscal year ending June 30, 2021:					
3	All	General	Federal	Highway	Turnpike	Other
4	\$528,606.50	\$262,808.00	\$74,598.50	\$57,873.50	\$702.00	\$132,624.50

5           II. The department of administrative services is authorized to allocate these  
6 appropriations among agencies as necessary to implement the requirements of sections  
7 42 and 43.

8           45 Study of Building Maintenance Funding Sources for Patient Occupied Buildings  
9 Managed by the Department of Health and Human Services. The department of  
10 administrative services and the department of health and human services shall study  
11 appropriate mechanisms for the creation of an additional building maintenance fund for  
12 the patient occupied buildings currently managed directly by the department of health  
13 and human services, including but not limited to the Glencliff home, New Hampshire  
14 hospital, and the Sununu youth services center. The departments shall report their  
15 findings to the fiscal committee of the general court on or before November 1, 2019.

16           46 Judicial Appointments; Number Limited; Conversion Suspended.

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

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

22           47 Judicial Branch; Transfer Among Accounts and Classes. Notwithstanding any  
23 provision of law to the contrary, and subject to approval of the fiscal committee of the  
24 general court, for the biennium ending June 30, 2021, the supreme court may transfer  
25 funds within and among all accounting units within the judicial branch as the supreme  
26 court deems necessary and appropriate to address budget reductions or to respond to  
27 changes in federal laws, regulations, or programs, and otherwise as necessary for the  
28 efficient management of the judicial branch. If the supreme court intends to transfer  
29 funds which would otherwise meet the transfer requirements as set forth in RSA 9:17-d,  
30 prior approval of the fiscal committee of the general court shall be required for transfers  
31 of \$100,000 or more.

32           48 Department of Corrections; Transfer Authority. The following classes within the  
33 department of corrections shall be exempt from the transfer restrictions in RSA 9:17-a,  
34 9:17-c, classes 10-personal services-perm classified, 11-personal services-unclassified, 12-  
35 personal services-unclassified, 18-overtime, 19-holiday pay, 50-personal service-  
36 temp/appointed and 60-benefits. The department may transfer funding in these classes  
37 within and among all accounting units provided that any transfer shall require prior  
38 approval of the fiscal committee of the general court and governor and council. The

**HB 2-FN-A-LOCAL - FINAL VERSION**  
**- Page 19 -**

1 provisions of this paragraph shall remain in effect for the biennium ending June 30,  
2 2021.

3 49 New Section; Cost of Care Reimbursement Account Established. Amend RSA 622  
4 by inserting after section 58 the following new section:

5 622:58-a Cost of Care Reimbursement Fund Established. There is established the  
6 cost of care reimbursement fund, which shall be administered by the commissioner of  
7 the department of corrections. This fund shall be nonlapsing and continually  
8 appropriated to the commissioner for the purpose of the general care of those persons  
9 under departmental control and upkeep of the prison facilities including equipment.  
10 The commissioner shall deposit all funds received from the department of justice as  
11 specified in RSA 622:58 into this fund.

12 50 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting  
13 after subparagraph (343) the following new subparagraph:

14 (344) Moneys deposited in the cost of care reimbursement fund under RSA  
15 622:58-a.

16 51 Department of Corrections; Cost of Care Reimbursement Moneys. Amend RSA  
17 622:58 to read as follows:

18 622:58 Deposit of Recovered Moneys. All moneys recovered under this subdivision  
19 shall be deposited in the ~~[general fund]~~ *cost of care reimbursement fund under RSA*  
20 *622:58-a*.

21 52 Repeal. RSA 622:7-b, relative to victim's fund, is repealed.

22 53 Application of Receipts; Victims' Fund. Amend RSA 6:12, I(b)(23) to read as  
23 follows:

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

29 54 Department of Corrections; Unclassified Position Established; Director of  
30 Nursing.

31 I. The unclassified position of director of nursing is hereby established in the  
32 department of corrections and shall be qualified for that position by reason of education  
33 and experience and shall be nominated by the commissioner of the department of  
34 corrections for the appointment by the governor and the executive council, who shall  
35 serve at the pleasure of the commissioner. The director of nursing shall oversee the  
36 uniform integration of nursing practice and care into the comprehensive medical and  
37 behavioral health system operated by the department of corrections as well as ensuring  
38 adherence of nurses to nursing practice laws, rules, standards, and policies. This

1 position shall also establish an organizational reporting structure to ensure that all  
2 nurses receive adequate and appropriate supervision. Direct reports shall include the  
3 assistant nursing director and all nurse coordinators.

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

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

14 **55 Department of Corrections; Unclassified Positions Established.**

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

- 21 (a) Department of corrections, chief pharmacist.
- 22 (b) Department of corrections, pharmacist I.
- 23 (c) Department of corrections, pharmacist II.
- 24 (d) Department of corrections, pharmacist III.
- 25 (e) Department of corrections, pharmacist IV.

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

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

- 36 (a) Chief pharmacist #19851.
- 37 (b) Pharmacist #12997.
- 38 (c) Pharmacist #19553.

1 (d) Pharmacist #19848.

2 (e) Pharmacist #16290.

3 56 State Commission for Human Rights. Amend RSA 354-A:3, I to read as follows:

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

10 57 Boxing and Wrestling Commission. Amend RSA 285:2 to read as follows:

11 285:2 Establishment of Commission. There is hereby established a boxing and  
12 wrestling commission which shall oversee amateur and professional fighting sports in  
13 the state. *The commission shall be administratively attached to the department of state*  
14 *pursuant to RSA 21-G:10.*

15 58 Annual Grant for Leased Space; Charter Schools. Amend the introductory  
16 paragraph of RSA 198:15-hh, I to read as follows:

17 I. The amount of the annual grant for a lease to any school district duly  
18 organized, any city maintaining a school department within its corporate organization,  
19 any cooperative school district as defined in RSA 195:1, or any receiving district  
20 operating an area school as defined in RSA 195-A:1, shall be a sum equal to 30 percent of  
21 the amount of the annual payment of the lease incurred, for the cost of leasing  
22 permanent space in a building or buildings not owned by the school district or school  
23 administrative unit which is used for the operation of a high school vocational technical  
24 education program, to the extent approved by the state board of education. For the  
25 purposes of this section, the amount of the annual grant for a lease to a vocational  
26 technical education center shall be calculated in the same manner as a cooperative  
27 school district. The amount of the annual grant for a chartered public school authorized  
28 under RSA 194-B:3-a shall be a sum equal to 30 percent of the annual lease payment  
29 incurred for the cost of leasing space; *provided that no annual grant for leased space*  
30 *provided to a chartered public school in accordance with this section shall exceed*  
31 *\$30,000 in any fiscal year.* The total amount of grants to schools pursuant to this section  
32 shall not exceed the state appropriation for leased space. If the amount appropriated is  
33 insufficient therefor, the appropriation shall be prorated proportionally among the  
34 schools eligible for a grant. Such lease agreements shall be eligible for grants under this  
35 section, provided all of the following conditions apply:

36 59 Meals and Rooms Tax; Distribution to Cities and Towns. For the fiscal years  
37 ending June 30, 2020 and June 30, 2021, the state treasurer shall fund the distribution of  
38 revenue to cities and towns pursuant to the formula for determining the amount of



1 revenue returnable to cities and towns under RSA 78-A:26, I and II at no more than the  
2 amount of the fiscal year 2019 distribution.

3       60 Department of Health and Human Services; Social Services Block Grant Cost of  
4 Living Adjustment to Income Levels. Notwithstanding any other provision of law, for  
5 the biennium ending June 30, 2021, the department of health and human services shall  
6 raise the income eligibility for elderly and adult clients under the social services block  
7 grant program each January, by the percentage amount of the cost of living increase in  
8 social security benefits on a yearly basis provided such amount is consistent with  
9 federal law and regulations relative to the social services block grant income eligibility.

10       61 County Reimbursement of Funds; Limitations on Payments. Amend RSA 167:18-a,  
11 II(a) to read as follows:

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

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

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

16       62 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent  
17 Children; Definitions. Amend RSA 167:6, VII to read as follows:

18           VII. For purposes hereof, a person shall be eligible for medical assistance as  
19 categorically needy or as medically needy. A person shall be eligible as categorically  
20 needy if [he] ***such person*** receives financial assistance under RSA 167:6, I, IV, V or VI, or  
21 is otherwise eligible to receive such assistance but does not, ***or is otherwise eligible, but***  
22 ***does not due to receiving a finding of clinical ineligibility for federal cash benefits under***  
23 ***paragraph VI***. A person shall be eligible as medically needy if [he] ***such person*** meets the  
24 categorical, age, and technical requirements under RSA 167:6, I, IV, V or VI, and if his ***or***  
25 ***her*** income and assets meet the standards as prescribed for the medically needy  
26 program. A person shall also be eligible as categorically needy or as medically needy  
27 who is eligible for medical assistance pursuant to the mandates of federal law or  
28 regulation or pursuant to optional state coverage groups which are allowed by federal  
29 regulation and defined by the commissioner of the department of health and human  
30 services in accordance with rules adopted under RSA 541-A, but who does not receive  
31 assistance or would not be otherwise eligible to receive assistance under paragraph I,  
32 IV, V, or VI.

33       63 Prospective Repeal Regarding Eligibility for Services Extended. Amend 2011,  
34 209:6, I, as amended by 2013, 140:1, I, as amended by 2015, 276:41, I, as amended by 2017,  
35 156:85, I to read as follows:

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

37       64 Department of Health and Human Services; Suspension of Direct and Indirect  
38 Graduate Medical Education Payments. The commissioner of the department of health

1 and human services shall submit a Title XIX Medicaid state plan amendment to the  
2 federal Centers for Medicare and Medicaid Services to suspend the provision of direct  
3 and indirect graduate medical education payments to hospitals as provided in 42 C.F.R.  
4 section 413.75 for the biennium ending June 30, 2021. Upon approval of the state plan  
5 amendment, and as of the effective date of the state plan amendment, any obligations for  
6 payment of direct and indirect graduate medical education shall be suspended for the  
7 biennium ending June 30, 2021.

8 **65 Health and Human Services; Suspension of Catastrophic Aid Payments to**  
9 **Hospitals.** The commissioner of the department of health and human services shall  
10 submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare  
11 and Medicaid Services to suspend catastrophic aid payments to hospitals. Upon  
12 approval of the state plan amendment, and as of the effective date of the state plan  
13 amendment, any obligations for catastrophic aid payments to hospitals shall be  
14 suspended for the biennium ending June 30, 2021.

15 **66 Department of Health and Human Services; Prospective Repeal Regarding the**  
16 **Exemption from Certain Transfer Procedures Extended.** Amend 2018, 163:11, IV to read  
17 as follows:

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

19 **67 Department of Health and Human Services; Program Eligibility; Additional**  
20 **Revenues.** For the biennium ending June 30, 2021, the department of health and human  
21 services shall not authorize, without prior consultation with the house health, human  
22 services and elderly affairs committee and the senate health and human services  
23 committee, and the approval of the fiscal committee of the general court and governor  
24 and council, any change to program eligibility standards or benefit levels that might be  
25 expected to increase or decrease enrollment in the program or increase expenditures  
26 from any source of funds; provided, however, that no such prior approval shall be  
27 required if a change to a federal program in which the state is participating as of the  
28 effective date of this section is required by federal law.

29 **68 Appropriation; Department of Safety, Division of Fire Standards and Training**  
30 **and Emergency Medical Services.** There is hereby appropriated to the department of  
31 safety, division of fire standards and training and emergency medical services, the sum  
32 of \$500,000, for the biennium ending June 30, 2021, for the purpose of providing grants to  
33 local firefighters for medical examinations conducted pursuant to RSA 281-A:17. The  
34 sum shall be a charge against the fire standards and training and emergency medical  
35 services fund established pursuant to RSA 21-P:12-d, and shall not lapse.

36 **69 Commissioner of Health and Human Services; Quarterly Reports.** During the  
37 biennium ending June 30, 2021, the commissioner of health and human services shall  
38 make quarterly reports to the governor, the speaker of the house of representatives, and

1 the senate president on the status of estimated Medicaid payments in relation to actual  
2 costs. Further contents of the such reports shall be as specified by the governor.

3 70 Department of Health and Human Services; Unfunded Positions; Authorization.  
4 Notwithstanding any other provision of law to the contrary, the department of health  
5 and human services may fill unfunded positions during the biennium ending June 30,  
6 2021, provided that the total expenditure for such positions shall not exceed the amount  
7 appropriated for personnel services.

8 71 Eligibility for Home and Community-Based Services; Suspension. RSA 151-E:18,  
9 regarding presumptive eligibility for home and community based services, shall be  
10 suspended for the biennium ending June 30, 2021.

11 72 New Section; Department of Health and Human Services; Developmental Services;  
12 Establishing Certain Funds and Transfers of Certain Appropriations. Amend RSA 171-A  
13 by inserting after section 8-a the following new section:

14 171-A:8-b Establishing Certain Dedicated Funds and Transfers of Certain  
15 Appropriations.

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

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

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

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

31 73 New Subparagraphs; Department of Health and Human Services; Developmental  
32 Services; Certain Accounts. Amend RSA 6:12, I(b) by inserting after subparagraph (343)  
33 the following new subparagraphs:

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

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

38 (344) Money deposited in the in-home support waiver fund established

1 under RSA 171-A:8-b, III.

2 74 Department of Health and Human Services; Transfer of Certain Trust Funds.

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

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

11 75 Study Committee on Outdated Non-regulatory Boards, Commissions, Councils,  
12 and Advisory Bodies.

13 I. There is hereby established a committee to review all non-regulatory boards,  
14 commissions, councils, and advisory bodies which exist in statute to determine which  
15 such non-regulatory boards, commissions, councils, and advisory bodies should be  
16 repealed.

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

18 (1) Three members of the house of representatives, appointed by the  
19 speaker of the house of representatives.

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

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

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

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

32 (a) Frequency of meetings.

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

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

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

37 V. The committee shall report its findings and any recommendations for  
38 legislation, including recommendations for repeal of non-regulatory boards,

1 commissions, councils, or other advisory bodies to the president of the senate, the  
2 speaker of the house of representatives, the senate clerk, the house clerk, the governor,  
3 and the state library on or before November 1, 2019.

4       76 Department of Health and Human Services; Plan to Close the Cliff Effect for  
5 Individuals and Families who Receive Public Benefits.

6           I. The purpose of this section is to coordinate poverty reduction strategies across  
7 agencies and employers to provide necessary support mechanisms to ensure the long-  
8 term success for New Hampshire's families and children for economic independence  
9 achieved through employment, and to demonstrate successful outcomes for families and  
10 children for identifying supportive transitions from public benefits to self-sufficiency  
11 while enhancing New Hampshire's workforce. Families include parents, grandparents,  
12 caretaker relatives, and other individuals caring for children acknowledging that the  
13 opioid crisis has impacted the care of New Hampshire's children.

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

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

28           IV. No later than 30 days after the effective date of this section, the commissioner  
29 of the department of health and human services shall convene a working group  
30 consisting, at a minimum of representatives of the following departments or agencies:  
31 the commissioner of the department of employment security or designee, the  
32 commissioner of the department of education or designee, the commissioner of the  
33 department of business and economic affairs or designee, the chancellor of the  
34 community college system of New Hampshire or designee, the executive director of the  
35 New Hampshire housing finance authority or designee, a representative of a  
36 philanthropic agency appointed by the governor, a representative from a community  
37 action program appointed by the governor, a private employer appointed by the  
38 governor, an individual who is receiving or who has received public benefits appointed

1 by the governor, a member of the house of representatives appointed by the speaker of  
2 the house of representatives, and a member of the senate appointed by the senate  
3 president.

4 V. The meetings of the working group shall be subject to RSA 91-A. The  
5 department, in consultation with the working group, shall prepare a plan to close the  
6 cliff effect for individuals and families receiving public benefits. The plan shall include,  
7 but not be limited to, policy change recommendations, the development of a benefits cliff  
8 calculator which may be used by public and private employers to navigate and close the  
9 cliff effect.

10 VI. The working group shall submit an initial report on the plan including policy  
11 recommendations to the speaker of the house of representatives, the senate president,  
12 and the governor on or before December 1, 2019, and quarterly thereafter for the  
13 remainder of the biennium ending June 30, 2021.

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

19 77 Revenue Sharing; Suspension. RSA 31-A, relative to revenue sharing with cities  
20 and towns shall be suspended for the biennium ending June 30, 2021.

21 78 Liquor Commission; Processing of Merchant Cards. For the biennium ending  
22 June 30, 2021, the liquor commission, for purposes of supporting merchant card activity,  
23 may:

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

32 II. Enter into contracts for technical and hosting services to support retail  
33 operations and merchant card processing. The commission shall comply with RSA  
34 176:18 for any contracts entered into to support retail operations and merchant card  
35 processing.

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

38 79 Electric Utility Restructuring; Policy Principles; System Benefits Charge. Amend

1 RSA 374-F:3, VI to read as follows:

2 VI. Benefits for All Consumers. Restructuring of the electric utility industry  
3 should be implemented in a manner that benefits all consumers equitably and does not  
4 benefit one customer class to the detriment of another. Costs should not be shifted  
5 unfairly among customers. A nonbypassable and competitively neutral system benefits  
6 charge applied to the use of the distribution system may be used to fund public benefits  
7 related to the provision of electricity. Such benefits, as approved by regulators, may  
8 include, but not necessarily be limited to, programs for low-income customers, energy  
9 efficiency programs, funding for the electric utility industry's share of commission  
10 expenses pursuant to RSA 363-A, support for research and development, and  
11 investments in commercialization strategies for new and beneficial technologies.  
12 Legislative approval of the New Hampshire general court shall be required to increase  
13 the system benefits charge. This requirement of prior approval of the New Hampshire  
14 general court shall not apply to the energy efficiency portion of the system benefits  
15 charge [~~consistent with or authorized only by Order No. 25,932 issued by the~~  
16 ~~commission, dated August 2, 2016.~~] ***if the increase is authorized by an order of the***  
17 ***commission to implement the 3-year planning periods of the Energy Efficiency Resource***  
18 ***Standard framework established by commission Order No. 25,932 dated August 2, 2016,***  
19 ***ending in 2020 and 2023, or, if for purposes other than implementing the Energy***  
20 ***Efficiency Resource Standard, is authorized by the fiscal committee of the general court;***  
21 ***provided, however, that no less than 20 percent of the portion of the funds collected for***  
22 ***energy efficiency shall be expended on low-income energy efficiency programs. Energy***  
23 ***efficiency programs should include the development of relationships with third-party***  
24 ***lending institutions to provide opportunities for low-cost financing of energy efficiency***  
25 ***measures to leverage available funds to the maximum extent, and shall also include***  
26 ***funding for workforce development to minimize waiting periods for low-income energy***  
27 ***audits and weatherization.***

28 80 Department of Education; Acceptance of Gifts. For the biennium ending June 30,  
29 2021, the department of education may, subject to the approval of the governor and  
30 council, accept gifts, contributions, and bequests of unrestricted funds from individuals,  
31 foundations, corporations, and other organizations or institutions for the purpose of  
32 funding appropriations for New Hampshire scholars made in accounting unit 06-56-56-  
33 562010-7534.

34 81 Repeal. RSA 78-A:26, I(b), relative to disposition of income from meals and rooms  
35 tax revenue, is repealed.

36 82 Application of Receipts. Amend RSA 6:12, I(b)(21) to read as follows:

37 (21) The money received under [~~RSA 78-A:26, I(b) and~~] RSA 230:52, II,  
38 which shall be credited to the division of travel and tourism development, department of

1 business and economic affairs.

2 83 Division of Travel and Tourism Budget; Meals and Rooms Tax Revenue. Amend  
3 RSA 12-O to insert after section 11-a the following new section:

4 12-O:11-b Division of Travel and Tourism Budget; Meals and Rooms Tax Revenue.  
5 The budget of the division of travel and tourism, including the travel and tourism  
6 development fund established by RSA 12-O:16, shall be funded at an amount no less than  
7 3.15 percent of the net income identified by RSA 78-A:26, I for the most recently  
8 completed fiscal year.

9 84 Suspensions of Law; Travel and Tourism; Integrated Land Development:

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

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

18 85 State Aid Grants; Department of Environmental Services. Notwithstanding RSA  
19 486, for the biennium ending June 30, 2021, no state aid grants shall be made for any new  
20 infrastructure projects that would have otherwise been eligible for state aid grants  
21 under RSA 486, RSA 486-A, or RSA 149-M, except that infrastructure projects that have  
22 achieved substantial completion by December 31, 2019, shall be eligible for state aid  
23 grants, subject to availability of funding and in accordance with other provisions of  
24 current law. Nothing in this section shall affect the provision of the future water supply  
25 land protection grants under RSA 486-A if funding is available for such purposes.

26 86 Judicial Branch; Reimbursement of Sheriff's Office for Court Security. For the  
27 biennium ending June 30, 2021, the state shall reimburse the sheriff's office for court  
28 security at the rates provided in the collective bargaining agreement applicable to per  
29 diem court security officers employed by the judicial branch to attend any official  
30 business, for any person employed as a bailiff by the sheriff's office.

31 87 Treasury Department; Revenue Information Management System Account.  
32 Amend RSA 21-J:1-b, II to read as follows:

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



1 senate ways and means committees.

2 88 Capital Appropriations. Amend the footnote to 2017, 228:1, XIX to read as follows:

3 \*To provide funds for the appropriations made in subparagraph A, the state  
4 treasurer is hereby authorized to borrow upon the credit of the state not exceeding the  
5 sum of \$24,160,000 and for said purpose may issue bonds and notes in the name of and on  
6 behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal  
7 and interest on the bonds and notes for the \$6,000,000 state appropriation shall be made  
8 from the general fund for fiscal years 2018, 2019, 2020, and 2021. Beginning with fiscal  
9 year 2022, payments of principal and interest on the bonds and notes for the  
10 appropriation of \$24,160,000 shall be made from revenue credited to a revenue  
11 information management system account established within RSA 21-J by legislation  
12 during the 2017 regular legislative session. [~~If no such dedicated fund for a revenue  
13 information management system account within RSA 21-J becomes law during the 2017  
14 regular legislative session, the appropriation for the project shall be reduced to the  
15 \$6,000,000 of state funds authorized in subparagraph A with payments of principal and  
16 interest on the bonds and notes to be made from the general fund~~] ***Notwithstanding the  
17 prescribed commencement of principal repayment from the revenue information  
18 management system replacement account, the repayment of principal from the general  
19 fund shall total \$6,000,000, plus interest.***

20 89 Department of Natural and Cultural Resources; Forest Lands. Amend RSA 227-  
21 G:5, I(b) to read as follows:

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

34 90 Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment, and  
35 Recovery; Faith-Based Member. Amend RSA 12-J:1, IV to read as follows:

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

38 (2) A representative of the New Hampshire Medical Society, appointed by

1 the society.

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

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

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

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

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

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

13 (c) The members under this paragraph shall serve 3-year terms.

14 91 Appropriation; Department of Employment Security. The sum of \$3,500,000 for  
15 the fiscal year ending June 30, 2019 is hereby appropriated to the department of  
16 employment security for the purpose of funding start-up costs of family medical leave  
17 insurance with a third party administrator, provided that if either SB 1, HB 712, or  
18 similar legislation of the 2019 legislative session do not become law then such  
19 appropriation shall not take effect. Said sums shall be non-lapsing and continually  
20 appropriated to the department for this purpose. The governor is authorized to draw a  
21 warrant for said sum out of any money in the treasury not otherwise appropriated.

22 92 Appropriation; Education Trust Fund. The sum of \$6,400,000 for the fiscal year  
23 ending June 30, 2019 is hereby appropriated to the education trust fund. Of this amount,  
24 \$3,000,000 shall not be expended until the biennium ending June 30, 2023. The governor  
25 is authorized to draw a warrant for said sum out of any money in the treasury not  
26 otherwise appropriated.

27 93 Repeal. RSA 6:12, I(b)(237), relative to the moneys deposited in the civil legal  
28 services fund, is repealed.

29 94 Civil Legal Assistance. Amend RSA 525-A:1 and 525-A:2 to read as follows:

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

36 525-A:2 Civil Legal Services [Fund]. [~~There is established in the office of the state~~  
37 ~~treasurer a separate fund to be known as the civil legal services fund. The money in this~~  
38 ~~fund shall be distributed to]~~ *Funds appropriated to* New Hampshire Legal Assistance [~~to~~

1 ~~*shall*~~ be used to ~~[establish and operate offices in the cities of Nashua and Concord to]~~  
2 provide civil legal services to low-income persons in ~~[the cities of Nashua and Concord~~  
3 ~~and the surrounding areas, and to provide additional attorneys, paralegals, or both, to~~  
4 ~~the staff of the New Hampshire Legal Assistance offices in Manchester, Claremont,~~  
5 ~~Portsmouth, and Littleton]~~ *the state*. These civil legal services shall include services  
6 related to such issues as housing, social security and other government benefits, health  
7 care, domestic violence, and consumer issues. New Hampshire Legal Assistance shall  
8 report semi-annually to the judicial council as to its use of these funds ~~[in accordance~~  
9 ~~with RSA 525-A:1]~~.

10 95 Operation of Keno Games; Fees for Research. Amend RSA 284:47, II to read as  
11 follows:

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

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

17 ~~(b)]~~ The remainder, less the administrative costs of the lottery commission  
18 and prize payouts, shall be deposited in the education trust fund established in RSA  
19 198:39.

20 96 Tobacco Tax; Definitions. Amend RSA 78:1, XIV to read as follows:

21 XIV. "Tobacco products" means *any product containing, made, or derived from*  
22 *tobacco or nicotine that is intended for human consumption, including but not limited*  
23 *to cigarettes, electronic cigarettes, loose tobacco, smokeless tobacco, and cigars*~~[, but]~~.  
24 *Tobacco products* shall not include premium cigars *or any product that has been*  
25 *approved by the United States Food and Drug Administration for sale as a tobacco*  
26 *cessation product and is being marketed and sold exclusively for such approved use.*

27 97 New Paragraph; Electronic Cigarette; Definition. Amend RSA 78:1 by inserting  
28 after paragraph XXIV the following new paragraph:

29 XXV. "Electronic cigarette" means a noncombustible device regardless of shape or  
30 size that can be used to deliver aerosolized or vaporized nicotine to a person inhaling  
31 from the device, including but not limited to a device manufactured, distributed,  
32 marketed, or sold as an electronic cigarette, electronic cigar, electronic cigarillo,  
33 electronic pipe, electronic hookah, vape pen, or any other similar product or device  
34 under any other product name or descriptor. The term includes any liquid or other  
35 substance containing nicotine that is intended to be used with or in such a device,  
36 including in a closed cartridge or container that is not intended to be opened.

37 98 Tobacco Tax; Tax Imposed on Tobacco Products Other Than Cigarettes. RSA 78:7-  
38 c is repealed and reenacted to read as follows:

**HB 2-FN-A-LOCAL - FINAL VERSION**  
**- Page 33 -**

1           **78:7-c Tax Imposed on Tobacco Products Other Than Cigarettes.**

2           **I. A tax upon the retail consumer is hereby imposed on tobacco products other**  
3 **than cigarettes, except electronic cigarettes, at a rate of 65.03 percent of the wholesale**  
4 **sales price.**

5           **II. A tax upon the retail consumer is hereby imposed on electronic cigarettes as**  
6 **follows:**

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

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

13           **III. The tax under this section may be rounded to the nearest cent if the**  
14 **commissioner determines that the amount of tax would not thereby be made materially**  
15 **disproportionate. No such tax is imposed on any transactions, the taxation of which by**  
16 **this state is prohibited by the Constitution of the United States. No such tax shall be**  
17 **imposed on premium cigars.**

18           **99 Contingent Version; Tobacco Tax; Definitions. RSA 78:1, XIII is repealed and**  
19 **reenacted to read as follows:**

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

26           **100 Contingent Version; New Paragraph; Electronic Cigarette; Definition. RSA 78:1**  
27 **by inserting after paragraph III the following new paragraph:**

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

36           **101 Contingent Version; Tobacco Tax; Tax Imposed on Tobacco Products Other Than**  
37 **Cigarettes. RSA 78:2, II is repealed and reenacted to read as follows:**

38           **II.(a) A tax on all other tobacco products sold at retail in this state is imposed on**

1 tobacco products other than cigarettes, except electronic cigarettes, at a rate of 65.03  
2 percent of the wholesale sales price.

3 (b) A tax upon electronic cigarettes sold at retail in this state is imposed as  
4 follows:

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

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

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

14 102 Contingency; HB 595. If HB 595-FN of the 2019 regular legislative session  
15 becomes law then sections 99-101 of this act shall take effect January 1, 2020 at 12:01 am  
16 and sections 96-98 of this act shall not take effect. If HB 595-FN of the 2019 regular  
17 legislative session does not become law then sections 96-98 of this act shall take effect  
18 January 1, 2020 and sections 99-101 of this act shall not take effect.

19 103 Youth Access to and Use of Tobacco Products; Definitions. Amend RSA 126-K:2,  
20 II-a to read as follows:

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

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

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

32 104 Youth Access to and Use of Tobacco Products; Contingent 2020 Version;  
33 Definition of E-Cigarette. RSA 126-K:2, II-b is repealed and reenacted to read as follows:

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

38 105 Contingency; Youth Access to and Use of Tobacco Products; HB 511; Definitions.

1 If HB 511-FN of the 2019 regular legislative session becomes law, then sections 103 and  
2 104 of this act shall not take effect. If HB 511-FN of the 2019 regular legislative session  
3 does not become law, section 103 of this act shall take effect July 1, 2019 and section 104  
4 of this act shall not take effect.

5 106 Access to and Use of Tobacco Products; Purpose. Amend RSA 126-K:1 to read as  
6 follows:

7 126-K:1 Purpose. The purpose of this chapter is to protect the [~~children~~] **citizens** of  
8 New Hampshire from the possibility of addiction, disability, and death resulting from  
9 the use of tobacco products by ensuring that tobacco products will not be supplied to  
10 [~~minors~~] **persons under the age of 21**.

11 107 Access to and Use of Tobacco Products; Proof of Age of Purchaser. Amend the  
12 introductory paragraph of RSA 126-K:3, I to read as follows:

13 I. For the purposes of this chapter, any person responsible for monitoring sales  
14 from a tobacco vending machine or any person making the sale of tobacco products, e-  
15 cigarettes, or liquid nicotine which vending machine or other sale is to be made to any  
16 person who does not appear to be at least [~~18~~] **21** years of age, shall require the  
17 purchaser to furnish any of the following documentation that such person is [~~18~~] **21**  
18 years of age or over:

19 108 Access to and Use of Tobacco Products; Proof of Age of Purchaser. Amend RSA  
20 126-K:3, III to read as follows:

21 III. The establishment of all of the following facts by a person responsible for  
22 monitoring sales from a vending machine or a person or sampler making a sale or  
23 distribution of tobacco products, e-cigarettes, or liquid nicotine to a person under [~~18~~] **21**  
24 years of age shall constitute prima facie evidence of innocence and a defense to any  
25 prosecution for such sale:

26 (a) That the person falsely represented in writing and supported by some  
27 official documents that the person was [~~18~~] **21** years of age or older;

28 (b) That the appearance of the person was such that an ordinary and prudent  
29 person would believe such person to be at least [~~18~~] **21** years of age or older; and

30 (c) That the sale was made in good faith relying on such written  
31 representation and appearance in the reasonable belief that the person was actually [~~18~~]  
32 **21** years of age or over.

33 109 Access to and Use of Tobacco Products; Sale and Distribution. Amend the  
34 section heading and paragraph I of RSA 126-K:4 to read as follows:

35 126-K:4 Sale and Distribution of Tobacco Products, E-cigarettes, or Liquid Nicotine  
36 to [~~Minors~~] **Persons Who Have Not Attained 21 Years of Age** Prohibited.

37 I. No person shall sell, give, or furnish or cause or allow or procure to be sold,  
38 given, or furnished tobacco products, e-cigarettes, or liquid nicotine to a [~~minor~~] **person**

1 *who has not attained 21 years of age.* The prohibition established by this paragraph  
2 shall not be deemed to prohibit [~~minors~~] *persons who have not attained 21 years of age*  
3 employed by any manufacturer, wholesaler, sub-jobber, vending machine operator,  
4 sampler, or retailer from performing the necessary handling of tobacco products, e-  
5 cigarettes, or liquid nicotine during the duration of their employment.

6 110 Access to and Use of Tobacco Products; Rolling Papers. Amend RSA 126-K:4-a to  
7 read as follows:

8 126-K:4-a Rolling Papers.

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

14 II. No person under [~~18~~] *21* years of age shall purchase, [~~attempt to purchase,~~]  
15 possess, or use any rolling paper. Any [~~minor~~] *person* who violates this section shall be  
16 guilty of a violation and shall be punished by a fine not to exceed \$100 for each offense.

17 111 Access and Use of Tobacco Products; Distribution of Free Samples. Amend RSA  
18 126-K:5, I and II to read as follows:

19 I. No person may distribute or offer to distribute samples of tobacco products, e-  
20 cigarettes, or liquid nicotine in a public place *or to a person who has not attained 21*  
21 *years of age.* This prohibition shall not apply to sampling:

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

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

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

26 II. The commission shall adopt rules, pursuant to RSA 541-A, concerning the  
27 distribution of free samples of tobacco products, e-cigarettes, or liquid nicotine to  
28 prevent their distribution to [~~minors~~] *persons who have not attained 21 years of age.*

29 112 Access to and Use of Tobacco Products; Possession and Use of Tobacco Products,  
30 E-Cigarettes, or Liquid Nicotine. Amend RSA 126-K:6 to read as follows:

31 126-K:6 Possession and Use of Tobacco Products, E-cigarettes, or Liquid Nicotine by  
32 [~~Minors~~] *Persons Who Have Not Attained 21 Years of Age.*

33 I. No person under [~~18~~] *21* years of age shall purchase, attempt to purchase,  
34 possess, or use any tobacco product, e-cigarette, or liquid nicotine.

35 II. The prohibition on possession of tobacco products, e-cigarettes, or liquid  
36 nicotine shall not be deemed to prohibit minors employed by any manufacturer,  
37 wholesaler, sub-jobber, vending machine operator, sampler, or retailer from performing  
38 the necessary handling of tobacco products, e-cigarettes, or liquid nicotine during the

1 duration of their employment.

2 III. A ~~minor~~ **person who has not attained 21 years of age** shall not misrepresent  
3 his or her age for the purpose of purchasing tobacco products.

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

7 V. Any ~~minor~~ **person who has not attained 21 years of age** who violates this  
8 section ~~shall~~ **may** be guilty of a violation and shall be punished by a fine not to exceed  
9 \$100 for each offense or shall be required to complete up to 20 hours of community  
10 service for each offense, or both. Where available, punishment may also include  
11 participation in an education program.

12 113 Access to and Use of Tobacco Products; Special Provisions. Amend RSA 126-K:8,  
13 I to read as follows:

14 I.(a) No person shall sell, give, or furnish tobacco products, e-cigarettes, or liquid  
15 nicotine to a ~~minor~~ **person who has not attained 21 years of age** who has a note from an  
16 adult requesting such sale, gift, or delivery. **Tobacco products, e-cigarettes, or liquid**  
17 **nicotine shall only be delivered to a person who provides an identification as**  
18 **enumerated in RSA 126-K:3 establishing that the person has attained 21 years of age.**

19 (b) **Each school shall establish a policy regarding violations of this paragraph.**  
20 **The policy may include, but not be limited to, mandatory education classes on the**  
21 **hazards of using tobacco products, e-cigarettes, or liquid nicotine, and suspensions and**  
22 **other penalties.**

23 114 Delinquent Children; Limitations of Authority Conferred. Amend RSA 169-B:32  
24 to read as follows:

25 169-B:32 Limitations of Authority Conferred. This chapter shall not be construed as  
26 applying to persons 16 years of age or over who are charged with the violation of a  
27 motor vehicle law, an aeronautics law, a law relating to navigation or boats, a fish and  
28 game law, a law relating to title XIII, a law relating to fireworks under RSA 160-B or RSA  
29 160-C, any town or municipal ordinance which provides for a penalty not exceeding \$100  
30 plus the penalty assessment, and shall not be construed as applying to any minor  
31 charged with the violation of any law relating to the possession, sale, or distribution of  
32 tobacco products to or by a person under [18] **21** years of age. However, if incarceration  
33 takes place at any stage in proceedings on such violations, incarceration shall be only in  
34 a juvenile facility certified by the commissioner of the department of health and human  
35 services.

36 115 Children in Need of Services; Limitations of Authority Conferred. Amend RSA  
37 169-D:22 to read as follows:

38 169-D:22 Limitations of Authority Conferred. This chapter shall not be construed as



1 applying to persons 16 years of age or over who are charged with the violation of a  
2 motor vehicle law, an aeronautics law, a law relating to navigation of boats, a fish and  
3 game law, a law relating to title XIII, or a law relating to fireworks under RSA 160-B or  
4 RSA 160-C, and shall not be construed as applying to any minor charged with the  
5 violation of any law relating to the possession, sale, or distribution of tobacco products  
6 to or by a person under [18] **21** years of age.

7 116 Retail Tobacco License. Amend RSA 178:19-a, III to read as follows:

8 III. The commission, when issuing or renewing a retail tobacco license, shall  
9 furnish a sign which shall read or be substantially similar to the following: "State Law  
10 prohibits the sale of tobacco products or e-cigarettes to persons under age [18] **21**.  
11 Warning: violators of these provisions may be subject to a fine."

12 117 Cigar Bars. Amend RSA 178:20-a, II(c) to read as follows:

13 (c) Does not allow any person under the age of [18] **21** on the premises unless  
14 accompanied by a parent, legal guardian, or adult spouse.

15 118 Adequate Public Education; Policy Regarding Tobacco Products. Amend RSA  
16 193-E:2-a, I(g) to read as follows:

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

18 119 Alcoholic Beverages; Definition of E-Cigarette and E-Liquid Added. Amend RSA  
19 175:1, XXXI-a to read as follows:

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

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

32 120 Definition of License. Amend RSA 175:1, XXXIX to read as follows:

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

36 121 Definition of Retailer. Amend RSA 175:1, LIX-a to read as follows:

37 LIX-a. "Retailer," when used with respect to tobacco products ***or e-cigarettes,***  
38 means any person who sells tobacco products ***or e-cigarettes*** to consumers, and any

1 vending machine in which tobacco products are sold.

2 122 Liquor Commission; Liquor Investigator. Amend RSA 176:9, III to read as  
3 follows:

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

9 123 Liquor Licenses and Fees; Licenses Required. Amend RSA 178:1, VI to read as  
10 follows:

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

17 124 Licenses Authorized; Sale of Tobacco Products. Amend RSA 178:2, I to read as  
18 follows:

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

27 125 Combination License; Sale of Tobacco Products or E-Cigarettes. Amend RSA  
28 178:18 to read as follows:

29 178:18 Combination License.

30 I. Off-premises licenses shall be issued only for grocery and drug stores not  
31 holding on-premises licenses. Such licenses shall authorize the licensees to sell fortified  
32 wine, table wine, and beverages for consumption only off the premises designated in the  
33 licenses and not to other licensees for resale. Such sale shall be made only in the  
34 immediate container in which the beverage, wine, or fortified wine was received by the  
35 off-premises combination licensee; except that in the case of the holder of a wholesale  
36 distributor license, beverages may be sold only in such barrels, bottles, or other  
37 containers as the commission may by rule prescribe. Off-premises licenses may also  
38 authorize the licensee to sell tobacco products *or e-cigarettes*. There shall be no

1 restriction on the number of combination licenses held by any person. The license shall  
2 authorize the licensee to transport and deliver beverages, tobacco products, *e-cigarettes*,  
3 and table or fortified wines ordered from and sold by the licensee in vehicles operated  
4 under the licensee's control or an employee's control.

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

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

12 126 Retail Wine License; Sale of Tobacco Products. Amend RSA 178:19 to read as  
13 follows:

14 178:19 Retail Wine License.

15 I. A retail wine license may be issued by the commission to any person operating  
16 a retail outlet in this state which shall allow the licensee to sell tobacco products, *e-*  
17 *cigarettes*, fortified wines, and table wines directly to individuals at retail on the  
18 premises for consumption off the premises; provided, however, that persons holding any  
19 license authorizing the sale of liquor or wine by the glass under this chapter shall sell  
20 the wines authorized pursuant to this section in a separate area of the premises from the  
21 areas licensed for on-premises consumption. A separate license shall be required with  
22 respect to each place of business of an applicant. The license shall authorize the  
23 licensee to transport and deliver fortified and table wines ordered from and sold by the  
24 commission and sold by the licensee in vehicles operated under the licensee's control or  
25 an employee's control.

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

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

38 IV. The commission may suspend the tobacco, *e-cigarette*, or alcohol sales portion

1 of the license separately under the provisions of RSA 179:57; any revocation shall revoke  
2 the entire license.

3 127 Retail Tobacco License; Sale of E-Cigarettes. Amend RSA 178:19-a to read as  
4 follows:

5 178:19-a Retail Tobacco License.

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

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

12 III. The commission, when issuing or renewing a retail tobacco license, shall  
13 furnish a sign which shall read or be substantially similar to the following: "State Law  
14 prohibits the sale of tobacco products *or e-cigarettes* to persons under age 18. Warning:  
15 violators of these provisions may be subject to a fine."

16 128 Beer Specialty License; Tobacco Products and E-Cigarette Sales. Amend RSA  
17 178:19-d, I to read as follows:

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

24 129 Beer Specialty License; Sale of Tobacco Products and E-Cigarettes. Amend RSA  
25 178:19-d, V-VI to read as follows:

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

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

32 130 Board of Veterinary Medicine; Transfer to Office of Professional Licensure and  
33 Certification. Amend RSA 332-B:3 to read as follows:

34 332-B:3 Board; Compensation.

35 I. There shall be a board of veterinary medicine consisting of 7 members: 5  
36 veterinarians, the state veterinarian, and one public member. The members, other than  
37 the state veterinarian, shall be appointed by the governor, with the approval of the  
38 council, to a term of 5 years, and until a successor is appointed. No appointed member of

1 the board shall be appointed to 2 consecutive 5-year terms. Vacancies shall be filled for  
2 the remainder of the term and in the same manner as the original appointment. Any  
3 appointed member of the board may be removed by the governor after a hearing by the  
4 board determines cause for removal. The state veterinarian [~~may~~] **shall** serve as an ex  
5 officio member, provided any duties of the state veterinarian relative to this chapter  
6 shall be agreed upon in writing by the board and the commissioner of agriculture,  
7 markets, and food and which agreement may include:

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

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

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

13 (d) Participation in complaint investigations.

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

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

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

28 131 Department of Environmental Services; Modification of Qualifications for  
29 Director of Division of Water. Amend RSA 21-O:2, III(a) to read as follows:

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

38 132 Department of Environmental Services; Certified Application Preparer Program.

1 Amend RSA 482-A:3, XX(a)-(b) to read as follows:

2 (a) The department shall develop a voluntary certified application preparer  
3 program for submission of applications for all qualifying minimum impact projects. The  
4 commissioner shall adopt rules to establish the qualifications to become a certified  
5 application preparer and to identify qualifying minimum impact projects. The  
6 qualifications established shall include that the individual is a permitted septic system  
7 designer or is licensed or certified by the office of professional licensure and  
8 certification as a certified wetland scientist, certified soil scientist, professional  
9 engineer, licensed land surveyor, or any other professional designated by the  
10 department, and shall include training and continuing education requirements.  
11 ~~[Qualifying minimum impact projects shall include, but not necessarily be limited to, all~~  
12 ~~projects which the department has designated as minimum impact projects in its~~  
13 ~~wetlands rules.]~~

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

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

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

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

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

34 133 Department of Environmental Services; Public Bathing Facilities. RSA 485-A:26  
35 is repealed and reenacted to read as follows:

36 485-A:26 Swimming Pools and Bathing Places Public Bathing Facilities.

37 I. In this section:

38 (a) "Pool" means a man-made structure and associated pump, filter, drain,

1 and electrical equipment that is used for recreational or therapeutic bathing, swimming,  
2 diving, or other contact with the water such as by wading, splashing, tubing, or sliding.  
3 "Pool" shall include, but is not limited to, swimming pools, therapy pools, spas, special  
4 recreation pools, slides, and tubing courses, at hotels, motels, health facilities, water  
5 parks, condominium complexes, apartment complexes, youth recreation camps, public  
6 parks, and recreational campgrounds or camping parks as defined in RSA 216-I:1, VII.  
7 "Pool" shall not include any pool, spa, or other pool that serves 3 or fewer living units  
8 and is used only by the residents of the living units and their guests, and does not  
9 include baptismal fonts or similar structures owned by a religious organization and  
10 used for religious rituals.

11 (b) "Public bathing facility" means a pool that is operated by or for any  
12 governmental subdivision, public or private corporation, partnership, association, or  
13 educational institution and that is open to the public, members, or students, whether for  
14 a fee or free.

15 II.(a) No person shall construct or install, operate or maintain an artificial  
16 swimming pool or bathing place open to and used by the public, or as a part of a  
17 business venture, or a public bathing facility unless the construction, design, and  
18 physical specifications of such pool or bathing place have received prior approval from  
19 the department. The department shall charge a non-refundable design review fee of  
20 \$100 for a pool 400 square feet in area and an additional \$25 for every additional 100  
21 square feet. The fee shall be paid to the department upon submission of such plans for  
22 review. Fees collected under this paragraph shall be deposited in the public bathing  
23 facility program fund.

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

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

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

38 III. The commissioner shall adopt rules under RSA 541-A relative to safety

1 standards to protect persons using said facilities. Nothing in this section shall be  
2 deemed to affect the powers of local health officers or the department of health and  
3 human services, with respect to nuisances.

4 IV. The department may take samples of the water of any such public bathing  
5 facility for analysis to determine compliance with water quality requirements. The costs  
6 of such sampling and analysis shall be paid by the owner or operator of such facility.  
7 The costs recovered for such sampling shall be deposited in the public bathing facility  
8 program fund. The costs recovered for analysis shall be consistent with the fee structure  
9 established in RSA 131:3-a and deposited as provided in RSA 131:3-a. Any municipality  
10 which establishes a program of sampling and analysis which is equivalent to the  
11 department's program shall not be subject to additional sampling and analysis by the  
12 department.

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

19 134 New Subparagraph; Public Bathing Facility Fund. Amend RSA 6:12, I(b) by  
20 inserting after subparagraph 343 the following new subparagraph:

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

23 135 New Section; Public Bathing Facility Compliance Self-Certification. Amend RSA  
24 485-A by inserting after section 26 the following new section:

25 485-A:26-a Public Bathing Facility Compliance Self-Certification.

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

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

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

37 IV.(a) The owner of a public bathing facility shall pay a non-refundable fee of \$250  
38 per pool up to a maximum of \$1,500 per public bathing facility with each self-



1 certification, to cover department expenses for conducting the self-certification program  
2 and hiring of program staff.

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

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

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

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

16 136 Public Bathing Facilities; Injunctions; Emergency Closures. RSA 485-A:27 is  
17 repealed and reenacted to read as follows:

18 485-A:27 Injunction; Emergency Closures.

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

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

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

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

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

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

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

5 (d) If an owner believes an emergency closure notice has been issued in error,  
6 the owner shall notify the department in writing, which may be sent by email, fax,  
7 United States Postal Service delivery, or private delivery. The written notice shall  
8 identify each reason why the owner or operator believes the emergency closure notice is  
9 not appropriate. The department shall provide the owner or operator with an  
10 opportunity for an adjudicative hearing within 10 days of receiving the written notice.

11 137 New Section; Public Bathing Facilities; Certified Operators Required. Amend  
12 RSA 485-A by inserting after section 27 the following new section:

13 485-A:27-a Certified Operator Training Required.

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

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

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

26 138 Repeal. The following are repealed:

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

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

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

33 139 Terrain Alteration; Modify Reporting Requirements. Amend RSA 485-A:17, II-c to  
34 read as follows:

35 II-c. [~~Beginning October 1, 2007 and each fiscal quarter thereafter, the~~] *The*  
36 department shall submit a [~~quarterly~~] *biennial* report to the house and senate finance  
37 committees, the house resources, recreation, and [~~economie~~] development committee,  
38 and the senate energy[~~, environment,~~] and [~~economic development committee~~] *natural*

1 **resources committee** relative to administration of the terrain alteration review program.  
2 140 State Treasurer and State Accounts; Application of Receipts. Amend RSA 6:12,  
3 I(b)(315) to read as follows:

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

6 141 Child Day Care Licensing; Definitions. Amend RSA 170-E:2, IV(g) to read as  
7 follows:

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

14 142 New Subdivision; Recreation Camp Licensing. Amend RSA 170-E by inserting  
15 after section 52 the following new subdivision:

**Recreation Camp Licensing**

17 170-E:53 Purpose. The purpose of this subdivision is to provide for the licensing of  
18 recreation camps and certification of criminal background checks for youth skill camps.

19 170-E:54 Rulemaking.

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

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

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

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

29 170-E:55 Definitions.

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

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

36 170-E:56 Recreation Camp License; Youth Skill Camp Certification of Criminal  
37 Background Check.

38 I. No person shall for profit or for charitable purposes operate any recreation

1 camp, as defined in RSA 170-E:55, I, designed or intended as a vacation or recreation  
2 resort, without a license issued by the department. Such license shall be conditioned  
3 upon the maintenance of clean, healthful sanitary conditions and methods, as  
4 determined and approved by said department, good only for the calendar year in which  
5 it is issued and subject to suspension or revocation at any time for cause. The fee for  
6 such license shall be \$200 which shall be paid into the recreation camp and youth skill  
7 camp fund established in RSA 170-E:57.

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

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

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

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

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

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

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

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

37 170-E:57 Recreation Camp and Youth Skill Camp Fund. There is established the  
38 recreation camp and youth skills camp fund. This fund shall be nonlapsing and

1 continually appropriated to the commissioner of the department of health and human  
2 services, for the purpose of paying costs associated with administering the provisions of  
3 this subdivision.

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

8 170-E:59 Possession and Use of Epinephrine Auto-Injectors at Recreation Camps. A  
9 recreation camp shall permit a child with severe, potentially life-threatening allergies to  
10 possess and use an epinephrine auto-injector, if the following conditions are satisfied:

11 I. The child has the written approval of the child's physician and the written  
12 approval of the parent or guardian. The camp shall obtain the following information  
13 from the child's physician:

14 (a) The child's name.

15 (b) The name and signature of the licensed prescriber and business and  
16 emergency numbers.

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

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

19 (e) The date of the order.

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

23 (g) Specific recommendations for administration.

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

26 (i) The name of each required medication.

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

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

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

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

38 V. In this section, "physician" means any physician or health practitioner with

1 the authority to write prescriptions.

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

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

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

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

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

24 (a) The child's name.

25 (b) The name and signature of the licensed prescriber and business and  
26 emergency numbers.

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

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

29 (e) The date of the order.

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

33 (g) Specific recommendations for administration.

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

36 (i) The name of each required medication.

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

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  
5 use 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  
17 youth skill camp without the same having been approved by the department may be  
18 enjoined by the superior court or any justice of the court upon petition brought by the  
19 attorney 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  
25 fine not to exceed \$2,000 for each offense upon any person who violates any provision of  
26 this subdivision, any rule adopted under this subdivision, or any license or approval  
27 issued under this subdivision. Re-hearings and appeals from a decision of the  
28 commissioner under this paragraph shall be in accordance with RSA 541. Any  
29 administrative fine imposed under this section shall not preclude the imposition of  
30 further penalties under this chapter. The proceeds of administrative fines levied  
31 pursuant to this paragraph shall be deposited in the general fund. The commissioner  
32 shall adopt rules, under RSA 541-A, 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.

37          143 Water Pollution and Waste Disposal; Safety Regulations for Pools and Bathing  
38 Places. Amend the subdivision heading preceding RSA 485-A:23 to read as follows:

1                   **Safety Regulations for [Camps,] Pools[,] and Bathing Places**

2           **144 Water Pollution and Waste Disposal; Injunction. Amend RSA 485-A:27 to read as**  
3 **follows:**

4           **485-A:27 Injunction. Any person operating or maintaining a [~~recreation camp, youth~~**  
5 **~~skill camp,~~] public swimming pool[,] or bathing place without the same having been**  
6 **approved by the department may be enjoined by the superior court or any justice of the**  
7 **court upon petition brought by the attorney general.**

8           **145 Repeal. The following are repealed:**

9           **I. RSA 485-A:6, IX, relative to rulemaking for camp licenses and camp safety**  
10 **standards.**

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

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

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

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

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

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

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

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

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

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

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

34           **146 Cross Reference Changed; Safety Regulations for Camps. Amend RSA 216-I:1, VII**  
35 **to read as follows:**

36           **VII. "Recreational campground or camping park" means a parcel of land on which**  
37 **2 or more campsites are occupied or are intended for temporary occupancy for**  
38 **recreational dwelling purposes only, and not for permanent year-round residency,**



1 excluding recreation camps as defined in ~~[RSA 485-A:23]~~ *RSA 170-E:55, I.*

2 147 Cross Reference Changed; Safety Regulations for Camps. Amend RSA 275:35, IX  
3 to read as follows:

4 IX. Employees of a recreation camp or a youth skill camp licensed pursuant to  
5 ~~[RSA 485-A:24]~~ *RSA 170-E:56.*

6 148 Department of Military Affairs and Veterans Services. Amend the chapter  
7 heading of RSA 110-B to read as follows:

8 ~~[THE MILITIA]~~ *DEPARTMENT OF MILITARY AFFAIRS AND VETERANS SERVICES*

9 149 Department of Military Affairs and Veterans Services; The Militia. Amend RSA  
10 110-B:1 to read as follows:

11 110-B:1 *Department of Military Affairs and Veterans Services.*

12 *I. The department shall consist of the militia which shall include the army*  
13 *national guard, air national guard, the inactive national guard, the state guard and the*  
14 *unorganized militia, and veterans services which shall include the division of veterans*  
15 *services, the state veterans cemetery, the division of community based military*  
16 *programs, the veterans council, and the military leadership team.*

17 *II. The department shall be led by an adjutant general who shall be the*  
18 *commissioner of the department of military affairs and veterans services.*

19 *III. The department may receive, on behalf of the state, all donations and*  
20 *bequests made to promote the welfare of military service members, veterans, and their*  
21 *families.*

22 *110-B:1-a* Composition of the Militia.

23 I. The militia shall be divided into 3 classes, namely the national guard, the state  
24 guard, and the unorganized militia.

25 II. The national guard shall consist of an army national guard, an air national  
26 guard, and an inactive national guard. As used in this chapter, the term "national  
27 guard" shall mean and refer to the army national guard and the air national guard  
28 unless otherwise indicated.

29 III. The state guard shall consist of those persons serving in accordance with the  
30 provisions of RSA 111.

31 IV. The unorganized militia shall consist of all able-bodied residents of the state  
32 who are 18 years of age or older, who are, or have declared their intention to become,  
33 citizens of the United States, and who are not serving in the national guard or the state  
34 guard.

35 V. When authorized by the laws and regulations of the United States, there shall  
36 be an additional section of the state guard to be known as the New Hampshire naval  
37 militia.

38 150 The Adjutant General. Amend RSA 110-B:8, II and III to read as follows:

1           II. The adjutant general shall be the chief of staff to the governor and shall be the  
2 executive head of the [~~adjutant general's~~] department *of military affairs and veterans*  
3 *services*. The adjutant general may perform any act authorized by this chapter or by the  
4 regulations issued pursuant thereto through or with the aid of such officers of the  
5 national guard or other personnel as the adjutant general may designate. The adjutant  
6 general shall exercise and perform all powers, functions and duties which are or may be  
7 imposed by the laws and regulations of the United States. It shall be the duty of the  
8 adjutant general to direct the planning and employment of the forces of the national  
9 guard in carrying out their state military mission; to establish unified command of state  
10 forces whenever they shall be jointly engaged; to submit such written reports to the  
11 governor as the governor may prescribe; and to perform such other duties as the  
12 governor may direct. Whenever the governor and those who would act in succession to  
13 the governor under the constitution and laws of the state shall be unable to perform the  
14 duties of commander-in-chief, the adjutant general shall command the militia.

15           III. The adjutant general is authorized and empowered, subject to the approval of  
16 the governor and council, to contract with any person or private or public agency to  
17 provide group life or disability insurance coverage for members of the national guard,  
18 while on active state duty, within the limits of appropriations made for the national  
19 guard.

20           IV. *The adjutant general shall advocate for and promote the welfare of military*  
21 *service members, veterans, and their families. The adjutant general shall enhance,*  
22 *coordinate, and oversee the benefits and services offered by organizations within the*  
23 *state of New Hampshire and direct veterans to appropriate benefits and services offered*  
24 *by such organizations. The department of military affairs and veterans services shall*  
25 *serve as a clearinghouse for research, data, and analysis, to initiate and support public*  
26 *education and awareness campaigns. The adjutant general shall serve as a liaison*  
27 *between the federal government and the governor on issues relevant to the department's*  
28 *mission, and represent the department at various state and national conventions,*  
29 *conferences, and public functions and provide supervision to the department public*  
30 *relations program.* 151 Deputy Adjutant General. Amend RSA 110-B:8-b, I-IV to read as  
31 follows:

32           I. Assume full responsibility for the [~~adjutant general's~~] department *of military*  
33 *affairs and veterans services* in the absence of the adjutant general.

34           II. Assist the adjutant general to implement the department's duties and  
35 responsibilities.

36           III. Serve as principal liaison to senior military officials, various state and  
37 federal officials, the legislature, local governments, and community groups.

38           IV. Provide overall guidance and direction for state operations including

1 business administration, facilities management, *division of veterans services, the*  
2 *division of community based military programs* and the state veterans cemetery.

3 152 New Subdivision; Department of Military Affairs and Veterans Services;  
4 Veterans Services. Amend RSA 110-B by inserting after section 82 the following new  
5 subdivision:

6 Division of Veterans Services

7 110-B:83 Division of Veterans Services.

8 I. The division of veterans services shall be divided into 3 classes, namely the  
9 division of veterans services, the state veterans cemetery and the division of community  
10 based military programs. Additionally there will be 2 advisory bodies, namely the  
11 veterans council and the military leadership team.

12 II. The division of veterans services shall assist veterans who are residents of this  
13 state or their dependents to secure all benefits or preferences to which they may be  
14 entitled under any state or federal laws or regulations.

15 III. The state veterans cemetery shall provide and maintain a dignified final-  
16 resting place to honor all veterans and eligible dependents which expresses the state's  
17 gratitude for their service to the country.

18 IV. The division of community based military programs shall collaborate,  
19 coordinate, and communicate with military and civilian provider groups in the delivery  
20 of services to New Hampshire veterans, service members, and their families.

21 V. The military leadership team and veterans council shall serve as advisory  
22 bodies and shall provide advice and guidance to the adjutant general regarding the  
23 delivery of services to veterans and military service members and their families.

24 110-B:84 Division of Veterans Services. The division of veterans services under the  
25 supervision of a director of veterans services shall:

26 I. Assist veterans who are residents of this state or their dependents to secure all  
27 benefits or preferences to which they may be entitled under any state or federal laws or  
28 regulations. The division shall employ such assistance as may be necessary, within the  
29 limits of the appropriation made therefor, subject to the rules of the state division of  
30 personnel.

31 II. Biennially, beginning July 1, 2019, publish and distribute a state veteran's  
32 handbook which shall include the following information:

33 (a) Points of contact for all federal, state, local, and nonprofit veterans  
34 agencies, departments, councils, hospitals, clinics, and other organizations offering  
35 services, benefits, and programs to New Hampshire veterans, including addresses,  
36 telephone numbers, and e-mail addresses.

37 (b) A description of the services, benefits, and programs offered by each entity  
38 listed under subparagraph (a).

1           **III. Accept and expend for purposes of publishing and distributing the state**  
2 **veterans handbook, any donations, grants, bequests, and contributions which become**  
3 **available for such purposes.**

4           **110-B:85 Director of the Division of Veterans Services.**

5           **I. The adjutant general shall, with the approval of the governor and council,**  
6 **appoint a director of the division of veterans services, who shall be a veteran as defined**  
7 **in RSA 21:50.**

8           **II. The director shall:**

9           **(a) Supervise the activities of a statewide service delivery structure which**  
10 **assists veterans and family members in identifying eligibility for veterans benefits, filing**  
11 **claims, coordinating benefits with other state and federal agencies, and reviewing**  
12 **claims decisions for appeals or waivers of unfavorable decisions.**

13           **(b) Identify and develop legislative proposals to improve delivery of services,**  
14 **review and monitor legislation introduced by others, testify at hearings, and prepare**  
15 **legislative fiscal note work sheets. The director shall coordinate, implement, and**  
16 **administer programs mandated by the legislature.**

17           **(c) Prepare the agency budget and administer and monitor expenditures for**  
18 **the division of veterans services.**

19           **(d) Develop and coordinate agency programs in conjunction with the United**  
20 **States Department of Veterans Affairs as well as other federal, state, local, and private**  
21 **organizations.**

22           **(e) Represent the adjutant general at various state and national conventions,**  
23 **conferences, and public functions and provide supervision to the division of veterans**  
24 **services' public relations program.**

25           **(f) Perform such other duties as the adjutant general shall determine.**

26           **110-B:86 Copies of Public Records. When a copy of any public record is required by**  
27 **the Department of Veterans Affairs to be used in determining the eligibility of any**  
28 **person to participate in benefits made available by the United States Department of**  
29 **Veterans Affairs, the official custodian of such public record shall without charge**  
30 **provide the applicant for such benefits or any person acting on his or her behalf or the**  
31 **authorized representative of the United States Department of Veterans Affairs with a**  
32 **certified copy of such record; provided, however, that in any case where the copy is**  
33 **made by a town clerk whose official income is derived in part or entirely from fees a**  
34 **charge for services hereunder shall be made and the town shall reimburse the clerk for**  
35 **the charges.**

36           **110-B:87 Donations and Bequests. The division of veterans services may receive, on**  
37 **behalf of the state, all donations and bequests that may be made to support the delivery**  
38 **of state**

1 veterans services programs.

2 110-B:88 Division of Community Based Military Programs. The division of  
3 community based military programs, under the supervision of an administrator of  
4 community based military programs shall facilitate military and civilian partnerships  
5 by collaborating, coordinating, and communicating with military and civilian provider  
6 groups in the delivery of services to New Hampshire veterans, service members, and  
7 their families. The administrator shall:

8 I. Develop and implement innovative, effective, and sustainable provider  
9 engagement projects to increase education, outreach, and engagement with military-  
10 access resources.

11 II. Integrate military and civilian community and coalition networks and  
12 strengthen military-civilian community supports by integrating those supports into  
13 civilian structures.

14 III. Advocate for federal and state funding to target system changes to improve  
15 services.

16 IV. Ensure cost efficiency through decreased overlap, service redundancy and  
17 increased service fidelity.

18 V. Develop and provide oversight for New Hampshire's care coordination,  
19 including services and supports addressing substance misuse, homelessness, suicide  
20 prevention, mental health, sexual military trauma, unemployment, domestic violence,  
21 education, and legal support.

22 VI. Authorize, evaluate, and monitor the administration of federal and state  
23 grants.

24 VII. Initiate and facilitate state planning processes to improve access,  
25 navigation, and coordination of military-civilian services and support.

26 VIII. Compile and analyze program statistics and metrics to evaluate the  
27 effectiveness of the system of care, initiatives, and special projects, including the efforts  
28 of legislative, statewide, and community coalitions across the state.

29 110-B:89 State Veterans Council Established.

30 I. There shall be a state veterans council of 4 members to be appointed by the  
31 governor and council, 3 of whom shall be veterans as defined by RSA 21:50. The fourth  
32 member shall be a family member of a veteran or family member of a currently serving  
33 member of the armed forces. All council members shall be citizens of New Hampshire.  
34 Of the first appointments of veterans under this section one shall be appointed for a  
35 term of 3 years, one for a term of 2 years, one for a term of one year and thereafter each  
36 shall be appointed for a term of 3 years. The family member shall be appointed for a  
37 term of 3 years. Each member of the council shall hold office until a successor is  
38 appointed and qualified. Any vacancy in the council shall be filled by the governor and

1 council for the unexpired term.

2 II. The members of the council shall meet not less than semi-annually to review  
3 activities of the division of veterans services and provide guidance to and make  
4 recommendations for improvement on the adequacy and delivery of veterans programs  
5 to the adjutant general. The adjutant general may designate one of the members to  
6 serve as liaison to the state veterans advisory committee.

7 110-B:90 Military Leadership Team. There is hereby established a military  
8 leadership team

9 which shall serve in an advisory capacity and shall provide advice and guidance to the  
10 adjutant general regarding the delivery of services to veterans and military service  
11 members in New Hampshire. The military leadership team shall choose a chairman,  
12 vice-chairman, and a secretary from their membership. The team may, by a majority  
13 vote of its members, adopt bylaws governing the management and operation of the team.  
14 The military leadership team shall consist of the following members:

15 I. The adjutant general, or designee.

16 II. The director of the division of veterans services, or designee.

17 III. The members of the veterans council.

18 IV. The administrator of the division of community based military programs.

19 V. Representatives of organizations which provide services to veterans and  
20 military service members in New Hampshire, appointed by the adjutant general.

21 VI. Members of the private sector who have an interest in serving service  
22 members, veterans and their families, appointed by the adjutant general.

23 VII. A family member of veteran or currently serving member of the armed  
24 forces, appointed by the adjutant general.

25 153 Aid for Veterans' Programs. Amend RSA 115-A:2, VII to read as follows:

26 VII. "[Office] *Division* of veterans services" means the [~~state office~~] *division* of  
27 veterans services established pursuant to [~~RSA 115~~] ***RSA 110-B:83***.

28 154 Replace Term. Replace "office of veterans services" or "state office of veterans  
29 services" with "division of veterans services" in the following RSA sections: RSA 21:50,  
30 I(b)(24); 72:29, VII; 94:1-a, I(b), Grade CC; 115-A:2, VII; 115-A:10; 115-A:14; 115-A:17; 115-  
31 A:21; 115-B:5; 115-D:2, I(e); 261-C:2, III; 261-C:3; 261-C:4, II; 261-C:7; 358-A:2, XVII; 465:3;  
32 465:5; 465:11; 651:4-b, II(a).

33 155 Repeal. RSA 115, relative to the state office of veterans services, is repealed.

34 156 Sale of Property; National Guard Armory in Berlin. The adjutant general and  
35 the department of military affairs and veterans services are authorized to offer for sale  
36 the national guard armory land and buildings in the city of Berlin. The adjutant general  
37 and the department shall submit quarterly reports on the progress of the sale to the  
38 fiscal committee of the general court. Any sale of such land and buildings shall be

1 subject to the requirements of RSA 4:40. All proceeds from the sale may be used for the  
2 purchase of a new armory in general proximity to the current armory in Berlin, and any  
3 proceeds from the sale that are not used for such a purchase shall lapse to the general  
4 fund.

5 157 Department of Business and Economic Affairs; Rest Areas and Welcome Centers.  
6 Amend RSA 12-O:18, I to read as follows:

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

15 158 New Paragraphs; Department of Business and Economic Affairs; Rest Areas and  
16 Welcome Centers. Amend RSA 12-O:18 by inserting after paragraph II the following new  
17 paragraphs:

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

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

26 159 Labor; Workers' Compensation; Safety Provisions; Administrative Penalty.  
27 Amend RSA 281-A:64, VIII to read as follows:

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

35 160 Labor; Workers' Compensation; Definitions. Amend RSA 281-A:2, VI(d) to read as  
36 follows:

37 (d) If the commissioner finds that an employer has misrepresented the  
38 relationship between the employer and the person providing services, the commissioner

1 may assess a civil penalty of up to \$2,500; in addition, such employer may be assessed a  
2 civil penalty of \$100 per employee for each day of noncompliance. The fines may be  
3 assessed from the first day of the infraction but not to exceed one year. Notwithstanding  
4 any provision of law to the contrary, any person with control or responsibility over  
5 decisions to disburse funds and salaries and who knowingly violates the provisions of  
6 this subparagraph shall be held personally liable for payments of fines. All funds  
7 collected under this subparagraph shall be ~~[continually appropriated and deposited into~~  
8 ~~a nonlapsing workers' compensation fraud fund dedicated to the investigation and~~  
9 ~~compliance activities required by this section and related sections pertaining to labor~~  
10 ~~and insurance law.] *deposited into the department of labor restricted fund established*~~  
11 *pursuant to RSA 273:1-b.* The commissioner of labor shall appoint as many individuals  
12 as necessary to carry out the department's responsibilities under this section.

13 161 Repeal. RSA 6:12, I(b)(267), relative to moneys deposited in the workers'  
14 compensation fraud fund, is repealed.

15 162 Administration of Transportation Laws; Certification of Current Workers'  
16 Compensation Coverage Required. Amend RSA 228:4-b, IV to read as follows:

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

19 163 New Subdivision; Community College System; Finish Line New Hampshire  
20 Program. Amend RSA 188-F by inserting after section 68 the following new subdivision:

21 Finish Line New Hampshire Program

22 188-F:69 Finish Line New Hampshire Program.

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

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

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

34 164 Governor's Scholarship Program and Fund. RSA 4-C:31 through 4-C:35 are  
35 repealed and reenacted to read as follows:

36 4-C:31 Definitions. In this subdivision:

37 I. "Commission" means the college tuition savings plan advisory commission  
38 established in RSA 195-H:2.



1           II. "Eligible institution" means a postsecondary educational institution or  
2 training program within the university system of New Hampshire as defined in RSA 187-  
3 A, a postsecondary educational institution within the community college system of New  
4 Hampshire as defined in RSA 188-F, or a private postsecondary institution approved to  
5 operate in this state that:

6                 (a) Is approved by the higher education commission pursuant to RSA 21-N:8-a  
7 and accredited by the New England Commission of Higher Education; and

8                 (b) Is a not-for-profit organization eligible to receive federal Title IV funds.

9           III. "Eligible student" means a first-year, full-time, Pell Grant-eligible student  
10 who meets the eligibility and residency requirements of RSA 4-C:33. "First-year" means a  
11 student who has never enrolled in an eligible institution.

12           IV. "Full-time" means an enrolled student who is carrying an academic course  
13 load that is determined to be full-time by the eligible institution based on a standard  
14 applicable to all students enrolled in a particular educational program. The student's  
15 course load may include any combination of courses, work, research, or special studies  
16 that the eligible institution considers sufficient to classify the student as full-time.

17           4-C:32 Governor's Scholarship Program and Fund Established.

18           I. There is hereby established the governor's scholarship program and the  
19 governor's scholarship fund. The program and fund shall be administered by the  
20 commission. The fund shall be kept distinct and separate from all other funds and shall  
21 be used to provide scholarships which a recipient shall apply to the costs of an  
22 education at an eligible institution. The funds shall be distributed to an eligible  
23 institution based on the number of eligible students awarded a scholarship and upon  
24 receipt of a request for reimbursement for such scholarship funds accompanied by  
25 appropriate documentation.

26           II. The state treasurer shall credit to the fund any appropriation relating to the  
27 governor's scholarship fund made in each fiscal year to the commission. The state  
28 treasurer shall invest the fund in accordance with RSA 6:8. Any earnings shall be added  
29 to the fund.

30           III. All moneys in the fund shall be nonlapsing and continually appropriated to  
31 the commission for the purposes of this subdivision.

32           IV. The commission may institute promotional programs and solicit and receive  
33 cash gifts or other donations for the purpose of supporting educational scholarships  
34 from the fund. The commission shall not solicit or accept real property.

35           V. All gifts, grants, and donations of any kind shall be credited to the fund.

36           4-C:33 Eligibility.

37           I. Any person who meets the following requirements shall be an eligible student:

38                 (a) A person shall meet the residency requirements of RSA 193:12; be a

1 graduate of a New Hampshire high school, public academy, chartered public school, New  
2 Hampshire private preparatory high school, a high school-level home education  
3 program as defined in RSA 193-A; have received a New Hampshire high school  
4 equivalency certificate; have completed at least 3 years of high school in this state; be  
5 pursuing a certificate, associate, or bachelor degree at an eligible institution in this  
6 state; and be eligible to receive a Pell grant; or

7 (b) A person shall be a graduate of a preparatory high school outside of this  
8 state while a dependent of a parent or legal guardian who is a legal resident of this state  
9 and who has custody of the dependent; or

10 (c) A person shall have a parent or guardian who has served in or has retired  
11 from the United States Army, Navy, Air Force, Marine Corps, or Coast Guard within the  
12 last 4 years and is a resident of this state; or

13 (d) A person shall be a graduate of a high school, public academy, chartered  
14 public high school, or a high school-level home education program outside of this state  
15 but have maintained his or her primary residence in this state for not less than 5 years  
16 preceding the date of application for a scholarship.

17 II. A person shall meet the qualifications for academic performance or work  
18 experience as established by the commission.

19 III. A person shall not have been adjudicated delinquent or convicted or pled  
20 guilty or nolo contendere to any felonies or any second or subsequent alcohol or drug-  
21 related offenses under the laws of this or any other state, or under the laws of the United  
22 States, except that an otherwise eligible person who has been adjudicated delinquent or  
23 has been convicted or pled guilty or nolo contendere to a second or subsequent alcohol  
24 or drug-related misdemeanor offense shall be eligible or continue to be eligible for a  
25 scholarship after the expiration of one academic year from the date of adjudication,  
26 conviction, or plea.

27 4-C:34 Procedures.

28 I. All scholarship funds shall be distributed to the eligible student by the eligible  
29 institution. The institution shall include the scholarship in the student's financial aid  
30 package and may seek subsequent reimbursement. The state shall provide the  
31 reimbursements twice per year to each eligible institution for the number of eligible  
32 students enrolled in the current semester or term who are receiving a scholarship. The  
33 institution shall submit the list of scholarship recipients to the commission or its  
34 designee no later than November 30 and April 30 of each academic year, and shall be  
35 reimbursed within 30 days of submission.

36 II. An eligible student may receive a scholarship in the amount of \$1,000 per year  
37 provided he or she maintains at least a 2.0 grade point average. An eligible student who  
38 earned the New Hampshire scholar designation at the time of high school graduation

1 may receive a scholarship in the amount of \$2,000 per year provided he or she maintains  
2 at least a 2.5 grade point average. The eligible institution shall not reduce any merit or  
3 need-based grant aid that would have otherwise been provided to the eligible student.  
4 An eligible student may receive an annual scholarship for a maximum of 4 years.

5 III. In the event the state does not reimburse the eligible institution for  
6 scholarship amounts paid to an eligible student receiving an award, the eligible  
7 institution shall agree not to seek additional payments from the eligible student and to  
8 absorb the loss of funds without any consequence to the eligible student.

9 IV. The commission shall adopt rules, pursuant to RSA 541-A, relative to  
10 awarding and disbursing scholarship funds to an eligible student enrolled in an eligible  
11 institution.

12 V. An eligible student, who initially attends a community college and transfers  
13 directly to an eligible institution, without a break in attendance, shall remain an eligible  
14 student for a maximum of 4 years of total eligibility.

15 VI. The commission may hire staff or enter into a contract for services or  
16 personnel necessary to administer the program.

17 165 Program Transferred. The administration, implementation, and management of  
18 the governor's scholarship program established in RSA 4-C:31-34 is hereby transferred to  
19 the college tuition savings plan advisory commission established in RSA 195-H:2. Any  
20 administrative rules for the governor's scholarship program shall continue in effect and  
21 shall be enforced by the commission until such rules expire or are repealed or amended  
22 in accordance with applicable law.

23 166 Application of Receipts; Governor's Scholarship Fund. Amend RSA 6:12, I(b)(336)  
24 to read as follows:

25 (336) Moneys deposited into the governor's scholarship fund established in  
26 ~~[RSA 4-C:34]~~ ***RSA 4-C:32.***

27 167 College Tuition Savings Plan Advisory Commission; Administration of  
28 Governor's Scholarship Program. Amend the introductory paragraph of RSA 195-H:2,  
29 I(a) to read as follows:

30 I.(a) There is established the New Hampshire college tuition savings plan  
31 advisory commission which shall ensure the proper administration and management of  
32 the savings plan. The advisory commission shall ensure that the savings plan complies  
33 with the requirements of section 529 of the Internal Revenue Code of 1986, as amended,  
34 and any related federal law applicable to the savings plan. The commission shall also be  
35 responsible for ensuring the proper administration, implementation, and management  
36 of the New Hampshire excellence in higher education endowment trust fund established  
37 in RSA 6:38, ***and the governor's scholarship program and fund established in RSA 4-C:31-***  
38 ***34.*** The commission shall consist of the following members:

1 168 Definitions; New Hampshire Excellence in Higher Education Endowment Fund.  
2 Amend RSA 6:37 to read as follows:

3 6:37 Definitions. In this subdivision:

4 I. "Commission" means the New Hampshire college tuition savings plan advisory  
5 commission established in RSA 195-H.

6 II. "Eligible educational institution" means that which is defined in section 529 of  
7 the Internal Revenue Code, as amended.

8 III. *"New Hampshire college tuition savings plan UNIQUE annual allocation  
9 program" means the scholarship program established by the commission in rules.*

10 IV. *"New Hampshire college tuition savings plan UNIQUE endowment allocation  
11 program" means the scholarship program established by the commission in rules.*

12 V. "Trust fund" means the New Hampshire excellence in higher education  
13 endowment trust fund as established in this chapter.

14 169 New Hampshire Excellence in Higher Education Endowment Fund; Allocation of  
15 Receipts. Amend RSA 6:38, I to read as follows:

16 I. There is hereby established in the office of the treasurer the New Hampshire  
17 excellence in higher education endowment trust fund which shall be kept distinct and  
18 separate from all other funds. Annual assessments less any annual administrative costs  
19 received from the New Hampshire college tuition savings plan established under RSA  
20 195-H shall be credited to the trust fund to provide scholarships for the benefit of  
21 residents of the state pursuing programs of study at eligible educational institutions  
22 within the state, *of which 20 percent shall be allocated to the New Hampshire college  
23 tuition savings plan UNIQUE endowment allocation program.*

24 170 New Hampshire Excellence in Higher Education Endowment Trust Fund;  
25 Transfers. On or before September 15, 2019, the state treasurer shall transfer the sum of  
26 \$5,000,000 from the New Hampshire excellence in higher education endowment trust  
27 fund established in RSA 6:38, I to the state regenerative manufacturing workforce  
28 development fund established in RSA 162-T:3 for the purpose of awarding forgivable  
29 loans to qualified individuals under the regenerative manufacturing workforce  
30 development program.

31 171 Rulemaking. Amend RSA 6:40, IV to read as follows:

32 IV. Procedures for determining the amount of funds available to provide annual  
33 scholarships through the trust fund *in accordance with RSA 6:38.*

34 172 New Section; Department of Transportation; Bulk Disposal of Highway or  
35 Turnpike Funded Real Estate. Amend RSA 4 by inserting after section 39-e the following  
36 new section:

37 4:39-f Bulk Disposal of Highway or Turnpike Funded Real Estate. Notwithstanding  
38 RSA 4:39-c, the bulk disposal of real estate purchased with state or federal highway

1 funds, or both, or with turnpike funds shall occur as follows:

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

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

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

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

22 V. As used in this section "bulk disposal" means multiple properties within the  
23 department of transportation's real estate inventory, which are valued and presented to  
24 the long range capital planning and utilization committee as a whole for review and  
25 approval to be sold to multiple buyers.

26 173 Number Plates; Official Cover Plates. Amend RSA 261:90 to read as follows:

27 261:90 Official Cover Plates. Upon payment of a fee, the director may issue and shall  
28 designate official cover plates with the reproduction of the state seal thereon to be  
29 affixed to a vehicle of United States senators from this state, representatives to congress  
30 from this state, the governor, members of the governor's council, the president of the  
31 senate, members of the senate, the speaker of the house of representatives, members of  
32 the house of representatives, the attorney general, the secretary of state, the state  
33 treasurer, the President of the United States and members of his or her executive staff,  
34 **and** any ambassador or member of the foreign diplomatic corps~~], and members of the~~  
35 ~~Maine-New Hampshire Interstate Bridge Authority].~~ The fee for official cover plates  
36 shall be \$1 in addition to any other number plate manufacturing fee otherwise required.  
37 The official cover plates, exclusive of the seal, shall be white with green lettering, which  
38 shall alternate with red lettering every other biennium. Official cover plates shall have

1 the title of the person requesting the plates, except for members of the governor's  
2 council whose plates shall have their council district numbers embossed on them, and  
3 members of the general court, whose plates shall have their house seat numbers or their  
4 senate district numbers embossed on them unless the president of the senate, for  
5 members of the senate, or the speaker of the house of representatives, for members of  
6 the house of representatives, shall designate a title for their plates. The president of the  
7 senate, or a designee, and the speaker of the house of representatives, or a designee,  
8 shall provide the director with input as needed on the cover plate design for members of  
9 the general court. The director shall not issue more than 2 sets of official cover plates to  
10 any person. Official cover plates may be attached only to vehicles registered in the  
11 name of the person issued the plates or the name of the spouse of a member of the  
12 general court, or any vehicle being operated by a member of the general court. Nothing  
13 herein shall be construed as affecting the issuance of regular motor vehicle plates and  
14 the payment of the registration fee therefor. Official cover plates shall be manufactured  
15 at the state prison and the prison shall provide the plates to the department at the  
16 prison's cost.

17 174 Repeal; Maine-New Hampshire Interstate Bridge Authority. The following are  
18 repealed:

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

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

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

25 175 Executive Branch Code of Ethics; Complaints. Amend RSA 21-G:31, VI to read as  
26 follows:

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

32 176 Insurance Holding Companies; Examination. Amend RSA 401-B:6, V to read as  
33 follows:

34 V. Compelling Production. In the event the insurer fails to comply with an order,  
35 the commissioner shall have the power to examine the affiliates to obtain the  
36 information. The commissioner shall also have the power to issue subpoenas, to  
37 administer oaths, and to examine under oath any person for purposes of determining  
38 compliance with this section. Upon the failure or refusal of any person to obey a

1 subpoena, the commissioner may petition a court of competent jurisdiction, and upon  
2 proper showing, the court may enter an order compelling the witness to appear and  
3 testify or produce documentary evidence. Failure to obey the court order shall be  
4 punishable as contempt of court. Every person shall be obliged to attend as a witness at  
5 the place specified in the subpoena, when subpoenaed, anywhere within the state. He or  
6 she shall be entitled to the same fees and mileage, if claimed, as a witness in RSA  
7 516:13[,] **and** RSA 516:14[, ~~and RSA 516:16~~], which fees, mileage, and actual expense, if  
8 any, necessarily incurred in securing the attendance of witnesses, and their testimony,  
9 shall be itemized and charged against, and be paid by, the company being examined.

10 177 Payment of Witnesses in Criminal Cases. Amend RSA 592-A:12 to read as follows:

11 592-A:12 [~~Payment of~~] Witnesses in Criminal Cases. Any person who attends any  
12 court for the state in criminal cases pursuant to subpoena [~~shall be paid the witness fees~~  
13 ~~provided by RSA 516:16. Any such person~~] shall sign a witness log, which shall be  
14 available in the office of the clerk of court, on which the individual shall provide the  
15 following information: name, mailing address, and the name of the case for which the  
16 person was subpoenaed. The prosecuting agency shall review the log each day and  
17 certify that each individual appeared as indicated on the log. [~~The attorney general~~  
18 ~~shall pay all witness fees to all such persons who are entitled to such fees.~~]

19 178 Parole Revocation. Amend RSA 651-A:17 to read as follows:

20 651-A:17 Parole Revocation. Any parolee arrested under RSA 651-A:15-a shall be  
21 entitled to a hearing before the board within 45 days, in addition to any preliminary  
22 hearing which is required under RSA 504-A:5. The parolee shall have the right to appear  
23 and be heard at the revocation hearing. The board shall have power to subpoena  
24 witnesses[, ~~pay said witnesses such fees and expenses as allowed under RSA 516:16,~~] and  
25 administer oaths in any proceeding or examination instituted before or conducted by it,  
26 and to compel, by subpoena duces tecum, the production of any accounts, books,  
27 contracts, records, documents, memoranda, papers or tangible objects of any kind. If the  
28 board, after a hearing, finds that the parolee has violated the conditions of parole,  
29 violated the law, or associated with criminal companions and in its judgment should be  
30 returned to the custody of the commissioner of corrections, the board shall revoke the  
31 parole. A prisoner whose parole is revoked shall be recommitted to the custody of the  
32 commissioner of corrections. This provision shall not apply to a parolee who has  
33 accepted an option, offered by a probation/parole officer, to participate in an  
34 intermediate sanction program and has waived his or her right to counsel and to a  
35 preliminary hearing under RSA 504-A:5.

36 179 Arbitration of Disputes; Witnesses. Amend RSA 542:5 to read as follows:

37 542:5 Witnesses; Summoning; Compelling Attendance. When more than one  
38 arbitrator is agreed to, all the arbitrators shall sit at the hearing of the case unless, by

1 consent in writing, all parties shall agree to proceed with the hearing with a less  
2 number. Any person may be summoned as provided in RSA 516[~~5~~] to attend before the  
3 arbitrators as a witness [~~and the fees for such attendance shall be the same as the fees of~~  
4 ~~witnesses in the superior court~~]. If any person or persons so summoned to testify shall  
5 refuse or neglect to attend, upon petition the court in and for the county in which such  
6 arbitrators are sitting may compel the attendance of such person or persons before said  
7 arbitrator or arbitrators, or punish said person or persons for contempt in the same  
8 manner now provided in RSA 516.

9 180 Midwifery; Powers and Duties of the Council. Amend RSA 326-D:4, II to read as  
10 follows:

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

16 181 Alcoholic Beverages; Hearings and Investigations. Amend RSA 179:56, I to read  
17 as follows:

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

29 182 Repeal. The following are repealed:

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

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

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

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

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



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

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

5           183 Granite Workforce. 2018, 342:3 through 342:9 are repealed and reenacted to read  
6 as follows:

7           342:3 Granite Workforce; Program Established.

8           I. The commissioner of the department of health and human services may use  
9 allowable funds from the Temporary Assistance to Needy Families (TANF) program  
10 along with other available funds, including but not limited to the job training fund  
11 established under RSA 282-A:138-a, to create a network of assistance to remove barriers  
12 to work for eligible low income families as well as low income individuals and to provide  
13 subsidies to employers in high need areas, as determined by the department of  
14 employment security based upon workforce shortages. The funds shall be used to fund  
15 the granite workforce program, which shall operate as part of the New Hampshire  
16 granite advantage health care program established in RSA 126-AA. The program shall  
17 be jointly administered by the department of health and human services and the  
18 department of employment security. No cash assistance shall be provided to eligible  
19 participants through granite workforce.

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

24           III. An eligible recipient, participating in the granite workforce program, whose  
25 wages subsequently cause the household to exceed 138 percent of the federal poverty  
26 level shall continue to receive granite workforce program services as needed, including  
27 the subsidy for employers, provided the recipient's wages do not cause the household to  
28 exceed 250 percent of the federal poverty level. After the second employer subsidy is  
29 paid on behalf of a granite workforce recipient, the recipient shall no longer be eligible  
30 for granite workforce services as long as household income exceeds 138 percent of the  
31 federal poverty level.

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

38           V. Except as otherwise provided in paragraphs II regarding program eligibility,

1 administrative rules governing the New Hampshire employment program, adopted  
2 under RSA 541-A, shall apply to the granite workforce program.

3 **342:4 Granite Workforce; Subsidies for Employers.**

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

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

12 III. Upon notice by the department of an overpayment, the employer shall  
13 reimburse the department the amount of the overpayment.

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

16 **342:5 Granite Workforce; Referral for Barriers to Employment.**

17 I. The department of health and human services, in consultation with the  
18 department of employment security, shall issue a request for applications for community  
19 providers interested in offering case management services to participants with barriers  
20 to employment.

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

25 III. The department of employment security shall refer to community providers  
26 individuals with identified barriers to employment. When child care is identified as a  
27 barrier to employment, the department of employment security or the community  
28 provider shall refer the individual to available child care service programs, including  
29 the child care scholarship program administered by the department of health and  
30 human services.

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

34 **342:6 Granite Workforce; Network of Education and Training.**

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

38 (a) Referring individuals to training and apprenticeship opportunities

1 offered by the community college system of New Hampshire;

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

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

6 (d) Referring individuals to training available through other colleges and  
7 training programs.

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

11 342:7 Granite Workforce; Job Placement. Upon determining the participant is job  
12 ready, the department of employment security shall place individuals into jobs with  
13 employers in high need areas, as determined by the department of employment security  
14 based upon workforce shortages. High need areas include but are not limited to jobs in  
15 the fields of healthcare, advanced manufacturing, construction/building trades,  
16 information technology, and hospitality. Training and job placement shall focus on:

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

22 II. Advanced manufacturing to meet employer needs: training and jobs that  
23 include computer aided drafting and design, electronic and mechanical engineering,  
24 precision welding, computer numerical controlled precision machining, robotics, and  
25 automation.

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

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

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

34 342:8 Reporting Requirement; Measurement of Outcomes.

35 I. The department of health and human services shall prepare a report on the  
36 outcomes of the granite workforce program using appropriate standard common  
37 performance measures. Program partners, as a condition of participation, shall be  
38 required to provide the department with the relevant data. Metrics to be measured shall

1 include, but are not limited to:

2 (a) Degree of participation.

3 (b) Progress with overcoming barriers.

4 (c) Entry into employment.

5 (d) Job retention.

6 (e) Earnings gain.

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

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

11 II. The report shall be issued to the speaker of the house of representatives, the  
12 president of the senate, the governor, the commission to evaluate the effectiveness and  
13 future of the New Hampshire granite advantage health care program established under  
14 RSA 126-AA:4, and the state library on or before December 1, 2019.

15 342:9 Termination of Granite Workforce Program.

16 I. The commissioner of the department of health and human services shall be  
17 responsible for determining, every 3 months commencing no later than December 31,  
18 2018, whether available TANF reserve funds total at least \$5,000,000. If at any time the  
19 commissioner determines that available TANF reserve funds have fallen below  
20 \$5,000,000, the commissioners of the departments of health and human services and  
21 employment security shall, within 20 business days of such determination, terminate the  
22 granite workforce program. The commissioners shall notify the governor, the speaker of  
23 the house of representatives, the president of the senate, the chairperson of the fiscal  
24 committee of the general court, and granite workforce participants of the program's  
25 pending termination.

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

31 184 Department of Natural and Cultural Resources; Exemption from Transfer  
32 Restrictions. Amend RSA 9:16-a, II-a(d) as follows:

33 (d) The following account units within the department of natural and cultural  
34 resources shall be exempt from the transfer restrictions in subparagraphs (a), (b), and  
35 (c): 03-35-35-351510-3701, 03-35-35-351510-3745, 03-35-35-351510-3720, 03-35-35-351510-7300,  
36 03-35-35-351510-3414, 03-35-35-351510-3556, 03-35-35-351510-3558, 03-35-35-351510-3484, 03-  
37 35-35-351510-3486, 03-35-35-351510-3488, 03-35-35-351510-3562, 03-35-35-351510-3415, 03-35-  
38 35-351510-3746, 03-35-35-351510-3777, 03-35-35-351510-3717, [and] 03-35-35-351510-3703, **and**

1 ~~03-35-35-351510-4016.~~

2 185 Motor Vehicles; Waiver in Lieu of Court Appearance. Amend RSA 262:44, I to  
3 read as follows:

4 I. Such defendant shall receive, in addition to the summons, a uniform fine  
5 schedule entitled "Notice of Fine, Division of Motor Vehicles" which shall contain the  
6 normal fines for violations of the provisions of title XXI on vehicles for which a plea may  
7 be entered by mail. The defendant shall be given a notice of fine indicating the amount  
8 of the fine plus penalty assessment at the time the summons is issued; except if, for  
9 cause, the summoning authority wishes the defendant to appear personally. Defendants  
10 summoned to appear personally shall do so on the arraignment date specified in the  
11 summons, unless otherwise ordered by the court. Defendants who are issued a summons  
12 and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea  
13 on the summons and return it with payment of the fine plus penalty assessment to the  
14 director of the division of motor vehicles within 30 days of the date of the summons. The  
15 director of the division of motor vehicles may accept payment of the fine by credit card  
16 in lieu of cash payment. Any transaction costs assessed by the issuer of the credit card  
17 shall be paid out of the portion of the fine amount which is credited ~~[as agency income]~~  
18 **to the highway fund** and not out of the penalty assessment charged by the district court.  
19 The director of the division of motor vehicles shall remit the penalty assessments  
20 collected to the state treasurer to be credited and continually appropriated to the state  
21 general fund and to the victims' assistance fund and the judicial branch information  
22 technology fund in the percentages and manner prescribed in RSA 106-L:10. Fines shall  
23 be paid over to the state treasurer, and shall be credited ~~[as agency income by the~~  
24 ~~department of safety]~~ **to the highway fund** within 14 days of their receipt ~~[and shall not~~  
25 ~~lapse to the general fund until the second year of each biennium].~~

26 186 Business Finance Authority Revenue Bonds; Additional State Guarantees.  
27 Amend RSA 162-I:9-b, I(a) to read as follows:

28 I.(a) The governor and council may award an unconditional state guarantee of  
29 the principal of and interest on bonds issued under this chapter. The full faith and  
30 credit of the state shall be pledged for any such guarantee, but the total amount of bonds  
31 guaranteed by the state under this section ~~[shall not exceed in the aggregate at any time~~  
32 ~~\$10,000,000, plus interest, provided that such amount shall be increased to \$20,000,000~~  
33 ~~plus interest on January 1, 1993, to \$30,000,000 plus interest on January 1, 1994, to~~  
34 ~~\$40,000,000 plus interest on January 1, 1995, and to \$50,000,000 plus interest on January~~  
35 ~~1, 1996. In addition, the amount of bonds guaranteed by the state under this section]~~  
36 shall not cause the contingent credit limit under RSA 162-A:22 to be exceeded. The  
37 governor, with the advice and consent of the council, is authorized to draw his warrant  
38 for such sum as may be necessary out of any money in the treasury not otherwise

1 appropriated, for the purpose of honoring any guarantee awarded under this section.  
2 The state's guarantee shall be evidenced on each guaranteed bond by an endorsement  
3 signed by the state treasurer in substantially the following form:

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

7 \_\_\_\_\_  
8 State Treasurer

9 187 Repeal. RSA 162-I:9-b, II, relative to the total amount of state guarantees issued  
10 by the business finance authority, is repealed.

11 188 Business Finance Authority; Unified Contingent Credit Limit. Amend RSA 162-  
12 A:22 to read as follows:

13 162-A:22 Unified Contingent Credit Limit. The total amount of state guarantees in  
14 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,  
15 RSA 162-A:17, ~~[RSA 162-I:9-a,]~~ and RSA 162-I:9-b shall not exceed in the aggregate at any  
16 time \$50,000,000 plus interest, provided that such amount shall be increased to  
17 \$80,000,000 plus interest on January 1, 1993, to \$95,000,000 plus interest on January 1,  
18 1994, and to \$115,000,000 plus interest on May 1, 2015. ~~[After May 1, 2015, an amount not~~  
19 ~~to exceed \$30,000,000 plus interest may be used solely for bonds guaranteed pursuant to~~  
20 ~~RSA 162-I:9-a, and an amount not to exceed the remaining \$85,000,000 plus interest may~~  
21 ~~be used solely for bonds issued pursuant to sections other than RSA 162-I:9-a.]~~

22 189 Repeal. The following are repealed:

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

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

27 190 Office of Professional Licensure and Certification; Fees. Amend RSA 310-A:1-e,  
28 I(b) to read as follows:

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

35 191 New Paragraphs; Department of Justice; Director of the Office of Victim/Witness  
36 Assistance. Amend RSA 21-M:3 by inserting after paragraph X the following new  
37 paragraphs:

38 XI. The attorney general, subject to the approval of the governor and council,

1 may appoint a director of the office of victim/witness assistance, within the limits of the  
2 appropriation made for the appointment, who shall hold office for a term of 5 years. Any  
3 vacancy in such office may be filled for the unexpired term. The director of the office of  
4 victim/witness assistance may be removed only as provided by RSA 4:1.

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

10 192 Department of Justice; Office of Victim/Witness Assistance. Amend the  
11 introductory paragraph in RSA 21-M:8-b, II to read as follows:

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

22 193 New Paragraph; Department of Justice; Officer-Involved Deadly Force  
23 Investigator Position Established. Amend RSA 21-M:8 by inserting after paragraph III  
24 the following new paragraph:

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

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

35 194 Department of Justice; Position Reclassified and Established.

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

1           II. There is established within the department of justice the unclassified position  
2 of director of communications. The salary of the director of communications shall be  
3 determined after assessment and review of the appropriate temporary letter grade  
4 allocation in RSA 94:1-a, I(b) for the positions which shall be conducted pursuant to RSA  
5 94:1-d and RSA 14:14-c. Upon completion of this action and appointment of the director  
6 of communications, position number 18030 shall be abolished to allow for the transition  
7 of its available appropriations into the unclassified position of director of  
8 communications. Funding shall be transferred into the proper unclassified expenditure  
9 class for the attorney general accounting unit. The incumbent in the abolished  
10 classified position shall be offered the opportunity to seek the attorney general's  
11 nomination for the unclassified position of director of communications.

12           195 Department of Justice; Position Reclassified and Established.

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

16           II. There is established within the department of justice the unclassified position  
17 of assistant attorney general. The salary of the assistant attorney general is established  
18 in RSA 94:1-a, I-c. Upon completion of this action and appointment of the assistant  
19 attorney general, position number 10321 shall be abolished to allow for the transition of  
20 its available appropriations into the unclassified position of assistant attorney general.  
21 Funding shall be transferred into the proper unclassified expenditure class for the  
22 charitable trust accounting unit. The incumbent in the abolished classified position  
23 shall be offered the opportunity to seek the attorney general's nomination for the  
24 unclassified position of assistant attorney general.

25           196 Department of Administrative Services; Rehiring of Laid Off Classified State  
26 Employees.

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

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

37           III. The head of each department or agency shall submit the name and  
38 classification of any individual laid off between July 1, 2019 and June 30, 2021, to the



1 director of the division of personnel within 10 days of the layoff.

2 197 Appropriation; State Treasurer; Municipal Aid.

3 I. The sum of \$40,000,000 for the fiscal year ending June 30, 2019 is hereby  
4 appropriated to the state treasurer for the purpose of providing municipal aid to each  
5 city, town, and unincorporated place in the state. The treasurer shall distribute  
6 \$20,000,000 of the municipal aid to each city, town, and unincorporated place in the state  
7 by October 1 of the fiscal year ending June 30, 2020 and \$20,000,000 of the municipal aid  
8 to each city, town, and unincorporated place in the state by October 1 of the fiscal year  
9 ending June 30, 2021. The proportion of municipal aid distributed to each municipality  
10 pursuant to this paragraph shall be calculated pursuant to paragraph II. The governor  
11 is authorized to draw a warrant for said sums out of any money in the treasury not  
12 otherwise appropriated. The appropriation in this section shall not lapse until June 30,  
13 2021. Municipal aid received by October 1, 2019 may be considered unanticipated  
14 revenue under RSA 31:95-b and may be accepted and expended pursuant to RSA 31:95-b,  
15 II through IV whether or not a town has adopted the provisions of RSA 31:95-b.

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

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

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

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

32 IV. For purposes of this section:

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

**HB 2-FN-A-LOCAL - FINAL VERSION**  
**- Page 79 -**

1 may include costs of attendance at public academies or out-of-district placements.

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

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

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

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

9 198 New Section; Community Development Fund for New Hampshire Established.  
10 Amend RSA 162-L by inserting after section 4 the following new section:

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

20 199 New Subparagraph; Dedicated Funds or Accounts; Community Development  
21 Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new  
22 subparagraph:

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

25 200 Appropriation; Community Development Finance Authority; Community  
26 Development Fund for New Hampshire. There is hereby appropriated to the community  
27 development finance authority the sum of \$1,000,000 for the biennium ending June, 30  
28 2021, for deposit in the community development fund for New Hampshire established in  
29 RSA 162-L:4-a. The governor is authorized to draw a warrant for such sum from any  
30 money in the treasury not otherwise appropriated.

31 201 State Aid Grant Program; Appropriation to Department of Environmental  
32 Services.

33 I. The sum of \$3,652,347 for the fiscal year ending June 30, 2020, is hereby  
34 appropriated to the department of environmental services for the purpose of funding  
35 state aid grant programs under RSA 486 for wastewater SAG 03-44-44-442010-1003-073-  
36 500580. The governor is authorized to draw a warrant for said sum out of any money in  
37 the treasury not otherwise appropriated.

38 II. The sum of \$3,781,024 for the fiscal year ending June 30, 2021, is hereby

1 appropriated to the department of environmental services for the purpose of funding  
2 state aid grant programs under RSA 486 for wastewater SAG 03-44-44-442010-1003-073-  
3 500580. The governor is authorized to draw a warrant for said sum out of any money in  
4 the treasury not otherwise appropriated.

5 202 Department of Justice; Victim/Witness Specialist Positions Reclassified and  
6 Established. The positions of victim/witness specialist position numbers 18674, 19419,  
7 9T2817, and 9T2811, within the department of justice shall be designated as unclassified  
8 positions. There are hereby established within the department of justice 4 unclassified  
9 victim/witness specialist positions. The salary of the victim/witness specialist positions  
10 shall be determined after assessment and review of the appropriate temporary letter  
11 grade allocation for the positions which shall be conducted pursuant to RSA 94:1-d and  
12 RSA 14:14-c. Upon completion of this action and appointments to the unclassified  
13 positions, position numbers 18674, 19419, 9T2817, and 9T2811 shall be abolished to allow  
14 for the transition of the available appropriations to the unclassified positions. Funding  
15 shall be transferred into the proper unclassified expenditure class in the victim witness  
16 general accounting unit. The incumbents in the abolished classified positions shall be  
17 offered the opportunity to seek the attorney general's nomination for the unclassified  
18 victim/witness specialist positions.

19 203 New Paragraphs; Department of Justice; Criminal Justice Bureau;  
20 Victim/Witness Specialist Positions Established. Amend RSA 21-M:8-b by inserting after  
21 paragraph IV the following new paragraphs:

22 V. The attorney general, subject to the approval of the governor and council, may  
23 appoint permanent victim/witness specialists within the limits of the appropriation  
24 made for the appointments, who shall hold office for a term of 5 years. Any vacancy in  
25 such position may be filled for the unexpired term. The victim/witness specialists may  
26 be removed only as provided by RSA 4:1.

27 VI. The attorney general, subject to the approval of the governor and council,  
28 may appoint unclassified, full-time temporary victim/witness specialists within the  
29 federal appropriations made for the appointment, who shall hold office subject to  
30 continuation of the federal grant funds supporting the victims/witness program. Any  
31 vacancy shall be filled in the same manner as the original appointment. The  
32 victim/witness specialists may be removed only as provided by RSA 4:1, or if the federal  
33 appropriation no longer supports the positions.

34 VII. There is established within the department of justice an unclassified full-  
35 time elections attorney. The salary of the elections attorney is established in RSA 94:1-a,  
36 I(c).

37 204 Department of Natural and Cultural Resources; Curatorial Responsibilities  
38 Suspended. Due to inadequate funding and staffing resources at the department of

1 natural and cultural resources, the commissioner of the department of natural and  
2 cultural resources may suspend the requirements of RSA 227-C and RSA 12-A relative to  
3 curatorial responsibilities, for each year of the biennium ending June 30, 2021.

4 205 Statewide Public Boat Access Fund; Appropriation to Department of Natural and  
5 Cultural Resources. Amend RSA 233-A:13 to read as follows:

6 233-A:13 Statewide Public Boat Access Fund Established. There is hereby  
7 established a nonlapsing statewide public boat access fund. The \$5 boat registration  
8 surcharge collected pursuant to RSA 270-E:5, II(d) and any other public access funds  
9 donated to the state shall be placed in this fund. [AH] Funds received under this section  
10 are continually appropriated to the fish and game department for the purposes of the  
11 statewide public boat access program established under this chapter, *except for*  
12 *sufficient funds which are hereby appropriated to the department of natural and*  
13 *cultural resources for payment of principal and interest on bonds and notes for the*  
14 *Mount Sunapee state park beach boat ramp project.*

15 206 Department of State; Archives and Records Management; Appointment of  
16 Director. Amend RSA 5:28 to read as follows:

17 5:28 Appointment of Director. The secretary of state, with the approval of governor  
18 and council, shall appoint the director of the division of archives and records  
19 management, who shall be known as the state archivist and who shall be an unclassified  
20 state employee. The director shall have a minimum of a master's degree in library  
21 science [ø], history, *or equivalent* or 10 years prior experience as an archivist or  
22 experience in a related field. The term of office for the state archivist shall be for 4  
23 years. Any vacancy shall be filled for the unexpired term. The salary of the state  
24 archivist shall be as specified in RSA 94:1-a.

25 207 Department and Secretary of State; Election Fund. Amend RSA 5:6-d, I-III to  
26 read as follows:

27 I. There is established in the office of the state treasurer a nonlapsing fund to be  
28 known as the election fund which shall be kept distinct and separate from all other  
29 funds. The election fund is established to meet the requirements of section 254(b) of the  
30 Help America Vote Act, Public Law 107-252 *and the 2018 Election Reform Program*  
31 *authorized by the Consolidated Appropriations Act of 2018, Public Law 115-141,*  
32 *hereafter referred to as the "2018 Election Reform Program".*

33 II. The treasurer shall deposit in the election fund all monies received by the  
34 state pursuant to the Help America Vote Act of 2002, Public Law 107-252 *and the 2018*  
35 *Election Reform Program.* The treasurer shall also deposit in the election fund such  
36 other funds received under state or federal law, or donated to the state by private  
37 parties, for the purposes of conducting elections, voter and election official education,  
38 election law enforcement, and related information technology projects and

1 improvements, and shall credit any interest or income earned on monies on deposit to  
2 the fund.

3 III. The secretary of state is authorized to accept, budget, and, subject to the  
4 limitations of this paragraph, expend monies in the election fund received from any  
5 party for the purposes of conducting elections, voter and election official education, the  
6 purchase or lease of equipment that complies with the Help America Vote Act of 2002,  
7 Public Law 107-252, or with RSA 659:13, V, reimbursing the department of safety for the  
8 actual cost of voter identification cards, election law enforcement, **enhancing election**  
9 **technology, making election security improvements**, and improvements to related  
10 information technology, including acquisition and operation of an automated election  
11 management system. **With the exception of federal and state portions of funds**  
12 **associated with the 2018 Election Reform Program**, the secretary of state shall not  
13 expend any monies in the election fund unless the balance in the fund following such  
14 expenditures shall be at least 12 times the estimated annual cost of maintaining the  
15 programs established to comply with the Help America Vote Act of 2002, Public Law 107-  
16 252.

17 208 Short Title. Sections 209-215 of this act shall be known as the Granite State Jobs  
18 Act of 2019.

19 209 Findings. The general court finds it is in the public interest to enhance public-  
20 private partnerships to recruit, train, and re-employ workers in order to meet New  
21 Hampshire's skills gap and worker shortage, efficiently and timely assisting Granite  
22 state businesses and Granite staters looking for work, including those in recovery.

23 210 Unemployment Compensation; Contribution Rates. Amend RSA 282-A:87, IV(a)  
24 to read as follows:

25 IV.(a)(1) Each employer subject to payment of contributions pursuant to RSA 282-  
26 A:69, I shall have its rate reduced by ~~[2/10]~~ **2/5** of one percent beginning in the ~~[second]~~  
27 **fourth** quarter of ~~[2007]~~ **2019**. An administrative contribution equal to the amount of this  
28 reduction shall be paid by all such employers.

29 (2) Commencing ~~[July 1, 2007]~~ **January 1, 2020**, after deduction of all costs  
30 incurred in the collection of the administrative contribution, 1/3 of the quarterly  
31 administrative contribution collected, not to exceed ~~[\$2,000,000]~~ **\$6,000,000** annually,  
32 shall be deposited each quarter in the fund established by ~~[RSA 282-A:138-a]~~ **RSA 282-**  
33 **A:182** and shall be expended only as provided by and for the purposes provided in that  
34 section **and shall lapse to the unemployment trust fund account established in RSA 282-**  
35 **A:104, I(b) if unspent or unencumbered at the end of the relevant program year**. The  
36 remaining quarterly administrative contribution collected shall be **divided so that the**  
37 **proportional share of the quarterly administrative contribution resulting from the**  
38 **increase over 2/10 of one percent shall be deposited in the unemployment compensation**

1 ***fund established in RSA 282-A:103 and the remaining amount*** deposited in the fund  
2 established by RSA 282-A:140 and shall be expended only as provided by and for the  
3 purposes provided in that section, and not for any other purpose.

4 211 Department of Employment Security; Job Training Program. Amend RSA 282-A  
5 by inserting after section 180 the following new subdivision:

6 **Job Training Program**

7 282-A:181 Job Training Program. The department of employment security shall  
8 administer the job training program in this subdivision. The commissioner of the  
9 department of employment security shall adopt rules under RSA 541-A, relative to the  
10 grant award process and general administration of this subdivision.

11 I. Training programs may include, but shall not be limited to:

- 12 (a) Structured, on-site laboratory or classroom training.
- 13 (b) Basic skills.
- 14 (c) Technical skills.
- 15 (d) Quality improvement.
- 16 (e) Safety.
- 17 (f) Management and supervision.
- 18 (g) English as a second language.

19 II. No more than \$500,000 annually, from sources other than the WorkReadyNH  
20 program, shall be provided to support programs offered as of January 1, 2019, and, in  
21 addition to programs offered as of January 1, 2019, funding shall be provided for:

22 (a) Training individuals not otherwise eligible for state or federal training  
23 funds available as of January 1, 2019, including the cost of certificate programs,  
24 apprenticeship programs as defined under 29 C.F.R. Part 29, and occupational skills  
25 training in order to fill current, in-demand employment in New Hampshire with  
26 employers having immediate employment needs, with a priority for jobs identified  
27 through the state's sector partnership initiative and for employers who pay individuals  
28 during training periods.

29 (b) Enhanced support services, including child care and transportation  
30 assistance, which would not otherwise be available through any other state, federal, or  
31 other programs, with such assistance limited to income eligible individuals with an  
32 identified career path and who are determined to be in need of such support services to  
33 successfully compete for employment opportunities;

34 (c) The WorkReadyNH program established by the community college system  
35 of New Hampshire in an amount not to exceed \$500,000 annually.

36 (d) Certificate programs, apprenticeship programs as defined under 29 C.F.R.  
37 Part 29, and occupational skills training opportunities for New Hampshire high school  
38 students upon graduation in order to fill current, in-demand employment in New

1 Hampshire.

2 (e) Marketing of New Hampshire's workforce development initiatives to  
3 employers and business community representatives in New Hampshire.

4 (f) Recruitment and coordination of services provided in this section to  
5 populations with higher than average unemployment in New Hampshire, including  
6 persons in need of training to change careers, persons with substance use disorders who  
7 are in recovery programs, persons with disabilities, inmates transitioning to the general  
8 population, persons who are homeless, senior citizens, legal immigrants and speakers of  
9 languages other than English, including documented outreach to and priority given to  
10 persons with substance use disorders who are in recovery programs.

11 282-A:182 Training Fund.

12 I. There is hereby created in the state treasury a special fund to be known as the  
13 training fund. Commencing January 1, 2020, the moneys in this fund shall be used solely  
14 as determined by the commissioner of the department of employment security in  
15 accordance with rules and guidelines adopted by the department for funding training  
16 under the job training program established in this subdivision. The commissioner of the  
17 department of employment security shall make rules relative to administration of the  
18 grant award process under this subdivision.

19 II. The commissioner shall act as the fiscal agent for moneys deposited in the  
20 training fund. All costs incurred by the commissioner acting as fiscal agent of the  
21 training fund shall be paid from such fund.

22 III. Any interest earned on the moneys in this fund shall remain in the fund and  
23 shall be expended as provided in paragraph I.

24 IV. Any moneys paid into the training fund during a calendar year, which are  
25 either not obligated by June 30 of the following year or spent by June 30 of the year  
26 thereafter, shall be continually appropriated and shall not lapse.

27 282-A:183 Expenditure for Job Training Program. The department of employment  
28 security shall use no more than 10 percent, or \$600,000, of any moneys received from the  
29 training fund established in RSA 282-A:182, whichever is less, to administer the job  
30 training program in this subdivision, including support for the sector partnership  
31 initiative.

32 282-A:184 Report. The commissioner shall annually submit a report to the governor's  
33 state workforce innovation board, the speaker of the house of representatives, the  
34 president of senate, the chairperson of the senate committee with jurisdiction over  
35 commerce issues, and the chairperson of the house committee with jurisdiction over  
36 labor issues concerning the effectiveness of the job training program established in this  
37 subdivision.

38 212 Commission to Review and Evaluate Workforce and Job Training Programs in

1 New Hampshire. Amend RSA 273:28, IV(g)(12) to read as follows:

2 (12) Department of [~~business and economic affairs~~] **employment security**,  
3 job training program [~~for economic growth~~] pursuant to RSA [~~12-O:30-37~~] **282-A:181-184**.

4 213 Application of Receipts. Amend RSA 6:12, I(b)(74) to read as follows:

5 (74) Moneys deposited in the training fund established by RSA [~~282-A:138-~~  
6 a] **282-A:182**.

7 214 New Hampshire Workforce Opportunity Fund. Amend RSA 12-O:45, V to read as  
8 follows:

9 V. In accordance with RSA [~~12-O:30~~] **282-A:181** through RSA [~~12-O:37~~] **282-A:184**,  
10 the commissioner of the department of employment security shall have the authority to  
11 make grants to New Hampshire employers for the purpose of training employees in  
12 accordance with this chapter, such grants not to exceed the amounts specified in RSA  
13 282-A:87, IV(a)(2), and not to exceed to any single employer in any grant year the sum of  
14 \$70,000, unless first approved by governor and council. The commissioner shall provide  
15 the governor and council an information item not less frequently than semi-annually  
16 describing all such grants expended pursuant thereto. Such grants shall be made  
17 pursuant to a form of agreement that shall be approved by governor and council after  
18 review by the attorney general and the commissioner of the department of  
19 administrative services.

20 215 Repeal. The following are repealed:

21 I. RSA 12-O:30 through RSA 12-O:37, relative to the job training program for  
22 economic growth.

23 II. RSA 282-A:138-a, relative to the training fund.

24 216 Contingent Nullification. If sections 209-215 of this act, relative to the granite  
25 state jobs act of 2019 become law, then SB 2-FN of the 2019 regular legislative session is  
26 nullified and shall not take effect.

27 217 Applicability. If SB 2-FN of the 2019 regular legislative session becomes law,  
28 section 216 of this act shall take effect one minute after the effective date of SB 2-FN.

29 218 Appropriation; Affordable Housing Fund. The sum of \$5,000,000 for the fiscal  
30 year ending June 30, 2020, is hereby appropriated to the housing finance authority for  
31 deposit in the affordable housing fund established in RSA 204-C:57, for the purpose of  
32 providing financing or state matching funds for affordable housing. The appropriation  
33 shall be in addition to any other funds appropriated to the housing finance authority.  
34 The governor is authorized to draw a warrant for said sum out of any money in the  
35 treasury not otherwise appropriated.

36 219 New Section; Special Account. Amend RSA 432 by inserting after section 30 the  
37 following new section:

38 432:30-a Special Account. There is established a separate account to which shall be



**HB 2-FN-A-LOCAL - FINAL VERSION**  
**- Page 86 -**

1 credited all funds appropriated or acquired to provide financial and technical assistance  
2 associated with this subdivision. This shall be a nonlapsing account, and funds in said  
3 account are hereby appropriated for the purpose of this subdivision.

4 220 Appropriation. Department of Agriculture, Markets, and Food. There is hereby  
5 appropriated to the department of agriculture, markets, and food the sum of \$250,000 for  
6 the fiscal year ending June 30, 2020 and \$500,000 for the fiscal year ending June 30, 2021  
7 for deposit in the special account established in RSA 432:30-a. The governor is  
8 authorized to draw a warrant for said sum out of any money in the treasury not  
9 otherwise appropriated.

10 221 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting  
11 after subparagraph (343) the following new subparagraph:

12 (344) Moneys deposited in the special account for agriculture development  
13 rights under RSA 432:30-a.

14 222 State Demographer. For the biennium ending June 30, 2021, the provisions of  
15 RSA 4-C:36 and RSA 14:46, VII are hereby suspended. For said biennium, the director of  
16 the office of strategic initiatives may provide assistance to the commission on  
17 demographic trends established pursuant to RSA 4-C:37, the department of health and  
18 human services pursuant to RSA 9:9-e, or the legislative budget assistant pursuant to  
19 RSA 9:9-f, in place of the state demographer.

20 223 Board of Tax and Land Appeals; Staff. Amend RSA 71-B:14 to read as follows:

21 71-B:14 Staff. The board shall have upon its staff [2] **at least one** review [appraisers]  
22 **appraiser** who shall be **a** classified state [employees] **employee** and who shall be  
23 competent to review the value of property for tax and eminent domain purposes. In  
24 addition, the board shall have such clerical and technical staff as may be necessary  
25 within the limits of appropriation made therefor.

26 224 Coos County Job Creation Tax Credit Extended. Amend RSA 77-E:3-c, II to read  
27 as follows:

28 II. ~~[The initial job creation tax credit allowed under this paragraph shall not~~  
29 ~~apply to any tax period ending prior to the effective date of this section, or to any tax~~  
30 ~~period ending after December 31, 2018.]~~ After being initially granted, the tax credit shall  
31 be renewable for 4 consecutive additional years, provided that no additional tax credit  
32 shall be granted under this chapter for any tax period after December 31, [2022] **2027**.

33 225 Business Profits Tax; Imposition of Tax; 2019. RSA 77-A:2 is repealed and  
34 reenacted to read as follows:

35 77-A:2 Imposition of Tax. A tax is imposed at the rate of 7.9 percent upon the taxable  
36 business profits of every business organization.

37 226 Business Enterprise Tax; Imposition of Tax; 2019. RSA 77-E:2 is repealed and  
38 reenacted to read as follows:

**HB 2-FN-A-LOCAL - FINAL VERSION**  
**- Page 87 -**

1       **77-E:2 Imposition of Tax.** A tax is imposed at the rate of .675 percent upon the  
2 taxable enterprise value tax base of every business enterprise.

3       **227 Repeal of Prospective Amendments.** The following are repealed:

4           **I. 2017, 156:215,** relative to the rate of the business profits tax in 2021.

5           **II. 2017, 156:216,** relative to the rate of the business enterprise tax in 2021.

6           **III. 2017, 156:217, II,** relative to the applicability of the 2021 rates changes.

7       **228 Applicability.** Sections 225 and 226 of this act shall apply to taxable periods  
8 ending on or after December 31, 2019.

9       **229 Education Trust Fund.** Notwithstanding RSA 198:39, I, for the biennium ending  
10 June 30, 2021, the education trust fund may be used for the purpose of distributing  
11 school building aid to school districts and approved chartered public schools pursuant  
12 to RSA 198:15-b, distributing tuition and transportation funds to school districts for  
13 students attending career and technical education programs pursuant to RSA 188-E:9,  
14 and distributing special education aid to school districts pursuant to RSA 186-C:18.

15       **230 New Section; The Budget; Transmission to the Legislature; Changes to Statutory**  
16 **Law.** Amend RSA 9 by inserting after section 2 the following new section:

17       **9:2-a Transmission to the Legislature; Changes to Statutory Law.** Not later than  
18 February 15 of the first year of each biennial legislative session, the governor shall  
19 transmit to the legislature a document to be known as the trailer bill containing any  
20 changes to statutory law deemed necessary for the ensuing biennium. This document  
21 shall be separate from the document known as the budget as provided in RSA 9:2 and  
22 shall not be considered a budget bill as provided in part II, article 18-a of the New  
23 Hampshire constitution. This document shall be available in printed format and at least  
24 one electronic computer file format in common use at the time.

25       **231 Department of Safety; Deputy Director of Administration; Position Established.**  
26 There is established within the department of safety the unclassified position of deputy  
27 director of administration. The deputy director of administration shall be qualified to  
28 hold that position by reason of education and experience, and shall be appointed by and  
29 serve at the pleasure of the commissioner of safety. The deputy director of  
30 administration shall assist the director of administration in carrying out the duties of  
31 the department of safety. The salary of the deputy director of administration shall be  
32 determined after assessment and review of the appropriate temporary letter grade  
33 allocation in RSA 94:1-a, I for the position which shall be conducted pursuant to RSA  
34 94:1-d and RSA 14:14-c. Funding shall be appropriated from expenditure class 012,  
35 within accounting unit 02-23-23-232015-2310.

36       **232 New Section; Department of Safety; Deputy Director of Administration.** Amend  
37 RSA 21-P by inserting after section 6 the following new section:

38       **21-P:6-a Deputy Director of Administration.**

1           I. The commissioner of safety shall nominate a deputy director of administration  
2 for appointment by the governor, with the consent of the council. The deputy director of  
3 administration shall serve a term of 4 years, and may be reappointed. The deputy  
4 director of administration shall be qualified to hold that position by reason of education  
5 and experience.

6           II. The deputy director of administration shall perform such duties as are  
7 assigned by the director of administration. The deputy director of administration shall  
8 assume the duties of the director of administration in the event that the director of  
9 administration is unable for any reason to perform such duties.

10          III. The salary of the deputy director of administration shall be as specified in  
11 RSA 94:1-a.

12          233 Assistant Director of Division of Fire Standards and Training and Emergency  
13 Medical Services; Membership in New Hampshire Retirement System. Notwithstanding  
14 any provision of RSA 100-A to the contrary, the current assistant director of the division  
15 of fire standards and training and emergency medical services, department of safety,  
16 shall be considered to have been properly enrolled as a member in group II of the New  
17 Hampshire retirement system as of his original date of hire with the division of fire  
18 standards and training and emergency medical services and he shall retain such  
19 membership for the duration of service in his present capacity.

20          234 Motor Vehicles; Copies of Certificates and Motor Vehicle Records. Amend RSA  
21 260:15, II to read as follows:

22           II. The department may issue a copy of any motor vehicle record upon the  
23 request of an insurance company or any other authorized agent, and notwithstanding  
24 RSA 91-A shall require payment by the insurance company or authorized agent of a fee  
25 of [~~\$12~~] ***\$13*** for email or other computer-generated requests where payment is debited  
26 against an account established with the department, or \$15 for all other requests, which  
27 shall be deposited in the fire standards and training and emergency medical services  
28 fund established in RSA 21-P:12-d.

29          235 Motor Vehicles; Drivers' Licenses; Real ID Compliant; Fee. Amend RSA 263:42, I  
30 to read as follows:

31           I. For each original driver's license and examination or driver's license renewal,  
32 other than for a commercial vehicle or motorcycle- ***\$60 for a Real ID Act compliant***  
33 ***license under RSA 263:14-b or \$50 for each other license***; for each license issued under  
34 RSA 263:5-f- \$10; for each youth operator's license and examination- \$10 per year, not to  
35 exceed \$50; for each license issued to a nonresident alien for less than 5 years- \$10 per  
36 year or portion thereof; for each original commercial driver license and examination or  
37 commercial driver license renewal- \$60; for each commercial driver license  
38 reexamination in a one-year period- \$20; for each commercial vehicle endorsement,

1 renewal of an endorsement, or removal of a restriction- \$10; for each special motorcycle  
2 original license and examination or special motorcycle license renewal- \$50; for each  
3 original motorcycle endorsement- \$25; for each 3-wheeled motorcycle endorsement- \$25;  
4 for each motorcycle endorsement and 3-wheeled motorcycle endorsement renewal- no  
5 charge. For each original driver's license issued, \$5 shall be credited to the driver  
6 training fund established by RSA 263:52. Except as provided in RSA 263:5-f, I, RSA  
7 263:14, and RSA 263:39-a, III, every license shall expire on the licensee's birthdate in the  
8 fifth year following the issuance of such license. No fee collected under this paragraph  
9 shall be refunded once an examination has been taken or a license issued, except as  
10 provided in RSA 263:43.

11 236 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.

18 237 Department of Transportation; Use of Toll Credits. Amend RSA 228:12-a to read  
19 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.

28 238 Department of Transportation; Appropriation. There is hereby appropriated to  
29 the department of transportation the sum of \$1,870,000 for the fiscal year ending June  
30 30, 2019, 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.

33 239 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  
37 the Medicaid rate of reimbursement methodology for nursing facilities shall be exempt  
38 from the provisions of RSA 541-A:5 through RSA 541-A:14 provided that the budget

1 adjustment factor applied to the reimbursement methodology is equal to or less than  
2 28.76 percent. If the budget adjustment factor to be applied to the reimbursement  
3 methodology is greater than 28.76 percent, the provisions of 541-A shall apply.

4 240 Alcohol Abuse Prevention and Treatment Fund; Disbursements. Amend RSA 176-  
5 A:1, III to read as follows:

6 III. Moneys received from all other sources other than the liquor commission  
7 pursuant to RSA 176:16, III, *including any community benefit contribution made by New*  
8 *Hampshire's hospitals*, shall be disbursed from the fund upon the authorization of the  
9 governor's commission on alcohol and drug abuse prevention, treatment, and recovery  
10 established pursuant to RSA 12-J:1 *and shall not be diverted for any other purposes*.  
11 Funds disbursed shall be used for alcohol and other drug abuse prevention, treatment,  
12 and recovery services, and other purposes related to the duties of the commission under  
13 RSA 12-J:3; provided, however, that funds received from any source other than the  
14 liquor commission, pursuant to RSA 176:16, III, shall not be used to support the New  
15 Hampshire granite advantage health care program and shall not be deposited into the  
16 fund established in RSA 126-AA:3.

17 241 Appropriation; Department of Health and Human Services; Inpatient Psychiatric  
18 Treatment Facility for Children.

19 I. There is hereby appropriated the sum of \$5,000,000 for the fiscal year ending  
20 June 30, 2020, which shall be nonlapsing, to the department of health and human  
21 services for the purpose of operating a psychiatric treatment facility for children who  
22 are in need of acute inpatient psychiatric treatment. The governor is authorized to  
23 draw a warrant for said sum out of any money in the treasury not otherwise  
24 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  
36 court no later than 30 days before the issuance of a request for proposals or the entrance  
37 into any contractual obligation for the development of the facility.

38 (c) In addition, the commissioner shall ensure that the facility is operated

1 consistently with the principles and requirements of RSA 135-F, regarding the system of  
2 care for children's mental health.

3       **242 Appropriation; Department of Health and Human Services; New Hampshire**  
4 **Hospital Repurposing.** There is hereby appropriated to the department of health and  
5 human services the sum of \$4,000,000 for the fiscal year ending June 30, 2019, which shall  
6 be nonlapsing, for the purpose of repurposing the children's unit at New Hampshire  
7 Hospital for up to 48 adult beds. Of this amount, \$3,000,000 shall be a charge against the  
8 state general fund, and \$1,000,000 shall be a charge against trust funds established for  
9 the benefit of New Hampshire Hospital. The unit shall be operational for adult patients  
10 by June 1, 2021. The governor is authorized to draw a warrant for the general fund  
11 share of said sum out of any money in the treasury not otherwise appropriated. The  
12 appropriation made in this section shall be contingent upon the department submitting  
13 and presenting a plan to the fiscal committee of the general court.

14       **243 Appropriation; Department of Health and Human Services; Transitional Housing**  
15 **Beds.** There is hereby appropriated to the department of health and human services the  
16 sum of \$5,000,000 for the fiscal year ending June 30, 2019, which shall be nonlapsing, for  
17 the purpose of funding 40 new transitional housing beds for forensic patients and/or  
18 patients with complex behavioral health conditions including those transitioning from  
19 the New Hampshire hospital. The plans for constructing such beds shall be completed  
20 by January 1, 2020, and the beds shall be operational by June 1, 2021. The appropriation  
21 made in this section shall be contingent upon the department submitting and presenting  
22 a plan to the fiscal committee of the general court. The governor is authorized to draw a  
23 warrant for said sum out of any money in the treasury not otherwise appropriated.

24       **244 Appropriation; Department of Health and Human Services; Patients Residing in**  
25 **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, 2019, 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  
34 said 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  
38 court and governor and council. The governor is hereby authorized to draw a warrant

1 for said sum out of any money in the treasury not otherwise appropriated.

2       245 Transfer of Funds for Operation of the Sununu Youth Services Center.  
3 Notwithstanding RSA 9:16-a and RSA 9:16-c, for the biennium ending June 30, 2021, prior  
4 approval of the fiscal committee of the general court shall be required for any transfer of  
5 funds required for the operation of the Sununu youth services center.

6       246 Medicaid Managed Care Program; Dental Benefits. RSA 126-A:5, XIX(a) is  
7 repealed and reenacted to read as follows:

8       XIX.(a) The commissioner shall employ a managed care model for administering  
9 the Medicaid program and its enrollees to provide for managed care services for all  
10 Medicaid populations throughout New Hampshire consistent with the provisions of 42  
11 U.S.C. section 1396u-2. Models for managed care may include, but not be limited to, a  
12 traditional capitated managed care organization contract, an administrative services  
13 organization, an accountable care organization, or a primary care case management  
14 model, or a combination thereof, offering the best value, quality assurance, and  
15 efficiency, maximizing the potential for savings, and presenting the most innovative  
16 approach compared to other externally administered models. Services to be managed  
17 within the model shall include all mandatory Medicaid covered services and may  
18 include, but shall not be limited to, care coordination, utilization management, disease  
19 management, pharmacy benefit management, provider network management, quality  
20 management, and customer services. The commissioner shall enter into contracts with  
21 the vendors that demonstrate the greatest ability to satisfy the state's need for value,  
22 quality, efficiency, innovation, and savings. The commissioner shall establish rates  
23 based on the appropriate model for the contract that is full risk to the vendors. The  
24 rates shall be established in rate cells or other appropriate units for each population or  
25 service provided including, but not limited to, persons eligible for temporary assistance  
26 to needy families (TANF), aid for the permanently and totally disabled (APTD), breast  
27 and cervical cancer program (BCCP), home care for children with severe disabilities  
28 (HC-CSD), and those residing in nursing facilities. The rates and/or payment models for  
29 the program shall be presented to the fiscal committee of the general court on an annual  
30 basis. The managed care model or models' selected vendors providing the Medicaid  
31 services shall emphasize patient-centered, value-based care and include enhanced care  
32 management of high-risk populations as identified by the department. In contracting  
33 for the managed care program, the department shall ensure no reduction in the quality  
34 of care of services provided to enrollees in the managed care model and shall exercise all  
35 due diligence to maintain or increase the current level of quality of care provided. The  
36 commissioner may, in consultation with the fiscal committee, adopt rules, if necessary,  
37 to implement the provisions of this paragraph. The department shall seek, with the  
38 approval of the fiscal committee, all necessary and appropriate waivers to implement

1 the provisions of this paragraph.

2 247 Department of Health and Human Services; Adult Dental Benefit; Development  
3 of Plan. The department of health and human services shall develop a plan for the  
4 incorporation of an adult dental benefit into a value-based care platform, as follows:

5 I. In this section, "value-based care" means an oral health care delivery model in  
6 which providers are paid based upon making positive health outcomes while reducing  
7 costs.

8 II. No later than 30 days after the effective date of this section, the department  
9 shall convene a working group consisting, at a minimum, of representatives of the  
10 following stakeholders: each managed care plan under contract with the state, the New  
11 Hampshire Oral Health Coalition, a public health dentist and a solo private practice  
12 dentist recommended by the New Hampshire Dental Society, the New Hampshire Dental  
13 Hygienist Association, and the Bi-State Primary Care Association, a representative of a  
14 New Hampshire dental insurance carrier designated by the governor, 2 members of the  
15 house of representatives, one of whom shall be from the majority party and one of whom  
16 shall be from the minority party, appointed by the speaker of the house of  
17 representatives, 2 members of the senate, one of whom shall be from the majority party  
18 and one of whom shall be from the minority party, appointed by the president of the  
19 senate, a member of the commission to evaluate the effectiveness and future of the New  
20 Hampshire granite advantage health care program designated by the commission, and 2  
21 members of the New Hampshire medical care advisory committee, one of whom shall be  
22 a consumer advocate, designated by the committee.

23 III. The working group shall be convened by the commissioner of health and  
24 human services and shall be subject to RSA 91-A. The department, in consultation with  
25 the working group, shall prepare a plan for the incorporation of an adult dental benefit  
26 into a value-based care platform. The adult dental benefit shall become effective on  
27 April 1, 2021. Each plan shall include, at a minimum, a detailed description of the  
28 following: eligibility and enrollment covered benefits and scope of services, cost benefit  
29 analysis including projected expenditures and anticipated cost savings, transition  
30 planning, prior authorization, transportation, pharmacy, case management, network  
31 adequacy, credentialing, quality metrics and outcome measurements, patient safety,  
32 utilization management, finance and reimbursement, rates and payment, grievance and  
33 appeals, and office of ombudsman. Each plan shall also address how the incorporation  
34 of the services into a value-based care platform shall achieve the legislative intent of  
35 providing value, quality, efficiency, innovation, and savings.

36 IV. Under no circumstances shall a fee for service model be included in the plan.  
37 The plan shall promote the development of an adult value-based dental benefit and/or an  
38 alternative payment model.



1       248 Reports.

2           I. The department of health and human services shall present an update on the  
3 status of the plan preparation each month to the fiscal committee of the general court  
4 and the oversight committee on health and human services, established in RSA 126-A:13,  
5 until the plan has been implemented. The department's updates shall also include  
6 managed care organization and department readiness for implementation.

7           II. No later than October 1, 2019, the commissioner shall submit to the speaker of  
8 the house of representatives, the president of the senate, and the governor, all proposed  
9 changes to state law the commissioner believes may be necessary for the incorporation  
10 of an adult dental benefit into a value-based care platform.

11       249 Repeal. RSA 126-A:5, XIX(b), relative to relative to enrollment in the managed  
12 care program, is repealed.

13       250 New Subdivision; Child Abuse Specialized Medical Evaluation Program. Amend  
14 RSA 169-C by inserting after section 39-k the following new subdivision:

**Child Abuse Specialized Medical Evaluation Program**

15       169-C:39-1 Child Abuse Specialized Medical Evaluation Program Established. A child  
16 abuse specialized medical evaluation program is hereby established in the department.  
17 The program shall include the following elements:  
18

19           I. Child protective service workers shall have on-call access, 24 hours a day and 7  
20 days a week, to an experienced health care professional who is trained in and can advise  
21 on the standardized diagnostic methods, treatment, and disposition of suspected child  
22 sexual abuse and physical abuse.

23           II. Department nurses and child protective service workers performing  
24 screenings and assessments of reported cases of child abuse shall receive pre-service  
25 training in the standardized medical diagnostic methods, treatment, and disposition as  
26 well as periodic in-service training by health care providers experienced in child abuse  
27 and neglect.

28           III. Annually, a limited number of designated health care providers  
29 geographically distributed shall be trained in nationally recognized curricula to  
30 respond to initial presentations of child sexual abuse, physical abuse, and neglect.

31           IV. Health care professionals who participate in the training or are members of a  
32 multidisciplinary team, working with the department of health and human services or  
33 law enforcement, shall participate in periodic peer or expert reviews of their  
34 evaluations and undertake continuing education in the medical evaluation of child  
35 abuse and neglect according to professional standards.

36           V. The department shall contract with a health care provider with experience in  
37 child abuse and neglect to administer the program in collaboration with participating  
38 private and public entities.

1           VI. Reimbursement rates for health care providers who participate in the  
2 program shall reflect the average cost to deliver such services, including the  
3 participation in multidisciplinary team activities and associated court proceedings. The  
4 rates shall be periodically reviewed and, if necessary, revised.

5           VII. The commissioner of the department shall adopt rules, under RSA 541-A,  
6 relative to the medical evaluation program, training and continuing education  
7 requirements, and reimbursement rates.

8           251 Federal Family Planning Funding. If the proposed federal rule on Compliance  
9 with Statutory Program Integrity Requirements, 83 Fed. Reg. 25,502 (to be codified at 42  
10 C.F.R. pt 59) does not go into effect and federal family planning funds are made available  
11 to the providers funded out of account 05-95-90-902010-5530, the unused portion of  
12 general funds appropriated to that account for the purpose of replacing lost federal  
13 funds shall lapse to the general fund.

14           252 New Section; Commission to Study School Funding. Amend RSA 193-E by  
15 inserting after section 2-d the following new section:

16           193-E:2-e Commission Established.

17           I. There is established a commission to study school funding.

18           II. The members of the commission shall be as follows:

19           (a) Four members of the house of representatives, appointed by the speaker of  
20 the house of representatives.

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

22           (c) Six members of the public, 3 of whom shall be appointed by the president  
23 of the senate and 3 of whom shall be appointed by the speaker of the house of  
24 representatives.

25           (d) One member appointed by the governor.

26           (e) Three members appointed by the chairperson of the commission pursuant  
27 to paragraph V.

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

30           IV. The commission shall:

31           (a) Review the education funding formula and make recommendations to  
32 ensure a uniform and equitable design for financing the cost of an adequate education  
33 for all public school students in pre-kindergarten through grade 12 in the state.

34           (b) Determine whether the New Hampshire school funding formula complies  
35 with court decisions mandating the opportunity for an adequate education for all  
36 students in pre-kindergarten through grade 12, with a revenue source that is uniform  
37 across the state.

38           (c) Identify trends and disparities across the state in student performance in

1 pre-kindergarten through grade 12 based on current school funding options.

2 (d) Re-establish the baseline for the costs, programs, staffing, and facilities  
3 needed to provide the opportunity for an adequate education.

4 (e) Act as an independent commission.

5 (f) Study and produce recommendations regarding all costs and existing  
6 funding for special education, including listing any currently unfunded special  
7 education mandates issued to date by the state department of education.

8 (g) Study integrating into the education funding adequacy formula a factor  
9 that accounts for the number of Class A, B, and C properties in a community, and the  
10 distribution of education funding costs across those numbers and classes of properties.

11 (h) Consider other policy issues as the commission deems necessary. The  
12 commission may consult with outside resources and state agencies, including but not  
13 limited to the department of education, the department of revenue administration, and  
14 the legislative budget office.

15 V. The members of the study commission shall elect a chairperson from among  
16 the members. The chairperson shall appoint 3 individuals to be members of the  
17 commission. The first meeting of the commission shall be called by the first-named  
18 house member. The first meeting of the commission shall be held within 60 days of the  
19 effective date of this section. Eight members of the commission shall constitute a  
20 quorum. The commission shall establish a calendar to meet on a regular basis.

21 VI. The commission shall establish a budget and hire staff with an understanding  
22 of school finance options. Such staff shall be independent of government agencies.

23 VII. The commission shall make an initial report to the speaker of the house of  
24 representatives, the president of the senate, the senate clerk, the house clerk, the  
25 governor, and the state library 9 months after its first meeting, with a subsequent report  
26 to the house clerk, the senate clerk, the governor, and the state library on or before  
27 September 1, 2020. The commission shall remain active until and when the general court  
28 addresses its recommendations.

29 253 Appropriation. The sum of \$500,000 for the biennium ending June 30, 2021 is  
30 hereby appropriated to the commission to study school funding established in RSA 193-  
31 E:2-e for the purpose of administration, staffing, and the utilization of independent  
32 school finance experts. Notwithstanding restrictions on the use of moneys in the  
33 education trust fund in RSA 198:39, said appropriation shall be a charge against the  
34 education trust fund and shall be nonlapsing.

35 254 School Money; Definitions. Amend RSA 198:38, I(a) to read as follows:

36 (a) "Average daily membership in attendance" or "ADMA" means the average  
37 daily membership in attendance, as defined in RSA 189:1-d, III, of pupils in kindergarten  
38 through grade 12, in the determination year [~~provided that no kindergarten pupil shall~~

1 ~~count as more than 1/2 day attendance per school year~~. ADMA shall only include pupils  
2 who are legal residents of New Hampshire pursuant to RSA 193:12 and educated at  
3 school district expense which may include public academies or out-of-district  
4 placements. For the purpose of calculating funding for municipalities, the ADMA shall  
5 not include pupils attending chartered public schools, but shall include pupils attending  
6 a charter conversion school approved by the school district in which the pupil resides.

7 255 Repeal. RSA 198:48-c, III, relative to distribution of a kindergarten grant based  
8 on Keno revenue, is repealed.

9 256 School Money; Additional Aid Based on Free or Reduced Price Meals; Fiscal  
10 Capacity Disparity Aid. RSA 198:40-b and RSA 198:40-c are repealed and reenacted to  
11 read as follows:

12 198:40-b Additional Aid Based on Free or Reduced-Price Meals.

13 I. In a school district in which 48 percent or more of the ADMA is eligible to  
14 receive a free or reduced-priced meal, an additional \$350 for each pupil in the ADMA  
15 who is eligible for a free or reduced-priced meal.

16 II. In a school district in which at least 12 percent but less than 48 percent of the  
17 ADMA is eligible to receive a free or reduced-priced meal, an amount equal to \$87.50 plus  
18 \$0.0729 for each 0.01 percent that its free or reduced-priced meal eligibility rate exceeds  
19 12 percent, for each pupil in the ADMA who is eligible for a free or reduced-priced meal.

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

22 198:40-c Fiscal Capacity Disparity Aid.

23 I. In addition to aid for the cost of the opportunity for an adequate education  
24 provided under RSA 198:40-a, each biennium the commissioner shall calculate fiscal  
25 capacity disparity aid and provide that amount of aid in each year of the biennium to a  
26 municipality's school districts as follows:

27 (a) A municipality with an equalized valuation per pupil of \$350,000 or less  
28 shall receive \$1,750 per pupil in the municipality's ADMA.

29 (b) A municipality with an equalized valuation per pupil between \$350,001  
30 and \$999,999 shall receive a grant equal to \$0.0027 for each dollar of difference between  
31 its equalized valuation per pupil and \$1,000,000, per pupil in the municipality's ADMA.

32 (c) A municipality with an equalized valuation per pupil of \$1,000,000 or more  
33 shall receive no fiscal capacity disparity aid.

34 II. Fiscal capacity disparity aid shall be distributed pursuant to RSA 198:42.

35 III. In this section, "equalized valuation per pupil" means a municipality's  
36 equalized valuation, including properties subject to taxation under RSA 82 and RSA 83-  
37 F, as determined by the department of revenue administration, that was the basis for the  
38 local tax assessment in the determination year, divided by the school district's

1 kindergarten through grade 12 ADMA in the determination year.

2 257 School Money; Consumer Price Index Adjustment. Amend RSA 198:40-d to read  
3 as follows:

4 198:40-d Consumer Price Index Adjustment.

5 *I. Beginning July 1, 2017 and every biennium thereafter, the department of*  
6 *education shall adjust the cost of an adequate education under RSA 198:40-a based on*  
7 *the average change in the Consumer Price Index for All Urban Consumers, Northeast*  
8 *Region, using the "services less medical care services" special aggregate index, as*  
9 *published by the Bureau of Labor Statistics, United States Department of Labor. The*  
10 *average change shall be calculated using the 3 calendar years ending 18 months before*  
11 *the beginning of the biennium for which the calculation is to be performed.*

12 *II. Beginning July 1, 2021 and every biennium thereafter, the department of*  
13 *education shall adjust the additional aid based on free or reduced-price meals as*  
14 *provided in RSA 198:40-b based on the average change in the Consumer Price Index for*  
15 *All Urban Consumers, Northeast Region, using the "services less medical care services"*  
16 *special aggregate index, as published by the Bureau of Labor Statistics, United States*  
17 *Department of Labor. The average change shall be calculated using the 3 calendar years*  
18 *ending 18 months before the beginning of the biennium for which the calculation is to be*  
19 *performed.*

20 258 Determination of Adequate Education Grants. Amend RSA 198:41, I(b) to read as  
21 follows:

22 (b) Subtract the amount of the education tax warrant to be issued by the  
23 commissioner of revenue administration for such municipality reported pursuant to  
24 RSA 76:8 for the next tax year[.]; **and**

25 *(c) Add the municipality's additional aid for free or reduced-price meals*  
26 *pursuant to RSA 198:40-b and fiscal capacity disparity aid pursuant to RSA 198:40-c.*

27 259 Determination of Education Grants. Amend RSA 198:41, IV(d) to read as follows:

28 (d) For fiscal year 2017 and each fiscal year thereafter, the department of  
29 education shall distribute a total education grant to each municipality in an amount  
30 equal to the total education grant for the fiscal year in which the grant is calculated plus  
31 a percentage of the municipality's fiscal year 2012 stabilization grant, if any, distributed  
32 to the municipality; the percentage shall be 96 percent for fiscal year 2017, ~~and shall be~~  
33 ~~reduced by 4 percent of the amount of the 2012 education grant for~~ **92 percent for fiscal**  
34 **year 2018, 88 percent for fiscal year 2019, and 100 percent for fiscal year 2020** and each  
35 fiscal year thereafter. No stabilization grant shall be distributed to any municipality for  
36 any fiscal year in which the municipality's education property tax revenue collected  
37 pursuant to RSA 76 exceeds the total cost of an adequate education or to any  
38 municipality for any fiscal year in which the municipality's ADMA is zero.

1       **260       General Fund Surplus; Revenue Stabilization Reserve Account.**  
2       Notwithstanding RSA 9:13-e, after transferring \$5,000,000 to the revenue stabilization  
3       reserve account at the close of the fiscal biennium ending June 30, 2019, the remainder  
4       of the general fund surplus for said biennium shall remain in the general fund.

5       **261 Appropriation; Internet Crimes Against Children Fund; Reductions.**

6           I. The sum of \$250,000 for the fiscal year ending June 30, 2020, and \$250,000 for  
7       the fiscal year ending June 30, 2021 are hereby appropriated to the New Hampshire  
8       Internet crimes against children fund established in RSA 21-M:17. The governor is  
9       authorized to draw a warrant for said sums out of any money in the treasury not  
10      otherwise appropriated.

11          II. In order to offset sums appropriated under paragraph I, the department of  
12      education shall reduce state general fund appropriations to account 06-56-56-567010-  
13      3058, expenditure class 631-building aid lease, by \$300,000 for the fiscal year ending June  
14      30, 2020.

15      **262 Governor's Commission on Disability; Analysis and Report.** The governor's  
16      commission on disability, established in RSA 275-C, shall analyze the state's system of  
17      support for individuals with developmental disabilities and recommend reforms and  
18      improvements to ensure that the state's service delivery model is structured to provide  
19      maximum benefit and tailored services to individuals with developmental disabilities.  
20      The governor's commission on disability shall consult with the university of New  
21      Hampshire institute on disability, the department of health and human services, the  
22      New Hampshire council on developmental disabilities, Granite State Independent  
23      Living, Community Support Network, Inc., Disability Rights Center-NH, the  
24      developmental services quality council of the department of health and human services,  
25      and any other relevant stakeholders including individuals with developmental  
26      disabilities and their families and/or guardians, and may accept and expend any  
27      applicable federal funds, and any gifts, grants, or donations that may be available for the  
28      purposes of this section. The commission shall also coordinate with the New Hampshire  
29      council on developmental disabilities to secure any funds that may be used for this  
30      purpose under the federal Developmental Disabilities Assistance and Bill of Rights Act  
31      of 2000 (PL 106-402) and in conjunction with the development and amendment of the  
32      state plan goals and objectives. The governor's commission on disability shall report its  
33      findings to the governor, the speaker of the house of representatives, the president of  
34      the senate, the house clerk, the senate clerk, and the state library on or before November  
35      1, 2019.

36      **263 Department of Administrative Services; Study of Personnel System.**

37          I. In order to ensure that the state is as effective an organization as possible in  
38      the 21st century to deliver quality public services to the people of New Hampshire while

**HB 2-FN-A-LOCAL - FINAL VERSION**  
**- Page 100 -**

1 also operating as model employer for its workforce, the department of administrative  
2 services shall conduct a comprehensive study of the state's personnel system. The study  
3 shall include a review of all laws, administrative rules, and collective bargaining  
4 agreements related thereto, and by November 1, 2019, the commissioner of the  
5 department of administrative services shall issue a report with recommendations to the  
6 governor, the speaker of the house of representatives, and the president of the senate.

7 II. The sum of \$150,000 for the fiscal year ending June 30, 2019 is hereby  
8 appropriated to the department of administrative services for the purpose of a study of  
9 the state's personnel system as specified in paragraph I of this section. Said sum shall  
10 not lapse until June 30, 2021. The governor is hereby authorized to draw a warrant for  
11 said sum out of any money in the treasury not otherwise appropriated.

12 264 Appropriation; Department of Administrative Services. The sum of \$1,300,000 for  
13 the fiscal year ending June 30, 2019 is hereby appropriated to the department of  
14 administrative services for the purpose of obtaining scheduling software. Said sum  
15 shall not lapse until June 30, 2021. The governor is hereby authorized to draw a warrant  
16 for said sum out of any money in the treasury not otherwise appropriated.

17 265 Joint Legislative Historical Committee; Annual Appropriation. Amend RSA 17-  
18 I:5 to read as follows:

19 17-I:5 Annual Appropriation. There is hereby appropriated annually the sum of  
20 ~~[\$10,000]~~ **\$25,000** to the joint legislative historical committee established in RSA 17-I for  
21 deposit in the nonlapsing historical fund established under RSA 177:8, II for the purpose  
22 of carrying out its statutory duties. The governor is authorized to draw ~~[his]~~ **a** warrant  
23 for said sum out of any money in the treasury not otherwise appropriated.

24 266 Legislative Branch; Special Account. Amend 2011, 224:217, II(c), as amended by  
25 2013, 144:102, 2015, 276:214, and 2017, 156:129 to read as follows:

26 (c) ~~[Beginning in]~~ **For** fiscal year 2017 and ~~[for each]~~ fiscal year ~~[thereafter]~~  
27 **2018**, unexpended and unencumbered appropriations shall be transferred to the  
28 appropriate subaccount.

29 (d) **Beginning in fiscal year 2019 and for each year thereafter, any**  
30 **unexpended and unencumbered appropriations of the house of representatives, senate,**  
31 **joint offices, and office of legislative budget assistant remaining at the close of the fiscal**  
32 **year shall not lapse.**

33 267 Office of Professional Licensure and Certification; Division Directors. Amend  
34 RSA 310-A:1-c to read as follows:

35 310-A:1-c Division Directors~~[-Positions Transferred]~~.

36 I. There is established in the office of professional licensure and certification 2  
37 ~~[classified positions, at salary grade 35, of]~~ **unclassified directors: the** director of the  
38 division of technical professions and director of the division of health professions. **Each**

1 *director shall be qualified to hold that position by reason of education and experience*  
2 *and shall perform such duties as the executive director from time to time may authorize.*

3 *II. The executive director shall nominate for appointment by the governor, with*  
4 *the consent of the council, each unclassified division director, each of whom shall serve*  
5 *for a term of 4 years.*

6 ~~III. Every classified or unclassified state employee position authorized in the~~  
7 ~~boards, councils, and commissions under RSA 310-A:1-a shall be transferred to the office~~  
8 ~~of professional licensure and certification and subject to the supervisory authority of~~  
9 ~~the executive director.~~

10 ~~III. The authority granted to the executive director of the real estate commission~~  
11 ~~under RSA 331-A:8, relative to the issuance and denial of licenses, hearing and~~  
12 ~~procedures on denial of licenses, the hiring of clerical, administrative, and investigative~~  
13 ~~staff, maintenance of the official record, and implementation of a program for consumer~~  
14 ~~education, is hereby transferred to the executive director of the office of professional~~  
15 ~~licensure and certification.~~

16 ~~IV. The unclassified position of executive director of the real estate commission~~  
17 ~~shall be converted from an unclassified position to a similar classified position when the~~  
18 ~~incumbent serving as the executive director of the real estate commission upon transfer~~  
19 ~~to the office of professional licensure and certification vacates the position. Any funds~~  
20 ~~appropriated for the compensation of the unclassified position of executive director of~~  
21 ~~the real estate commission shall be used for compensation of the classified position at~~  
22 ~~the office of professional licensure and certification.]~~

23 268 Division Directors; Salary; OPLC.

24 I. The salary of the unclassified director of the division of technical professions  
25 and director of the division of health professions shall be determined after assessment  
26 and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for  
27 the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

28 II. Upon completion of the action in paragraph I, and appointment of the director  
29 of the division of technical professions, position number 44018 shall be abolished to  
30 allow for the transition of this classified position with its available appropriations into  
31 the unclassified position of director of the division of technical professions. Funding  
32 shall be transferred into a new expenditure class number 11 within accounting unit 01-  
33 21-21-212010-2405. The incumbent in the abolished classified position shall be offered the  
34 opportunity to seek the executive director's appointment to the unclassified position of  
35 director of the division of technical professions.

36 III. Upon completion of the action in paragraph I, and appointment of the  
37 director of the division of health professions, position number 44019 shall be abolished  
38 to allow for the transition of this classified position with its available appropriations



**HB 2-FN-A-LOCAL - FINAL VERSION**  
**- Page 102 -**

1 into the unclassified position of director of the division of health professions. Funding  
2 shall be transferred into a new expenditure class number 11 within accounting unit 01-  
3 21-21-215010-2406. The incumbent in the abolished classified position shall be offered the  
4 opportunity to seek the executive director's appointment to the unclassified position of  
5 director of the division of health professions.

6 269 Board of Nursing. Amend RSA 326-B:3, VI to read as follows:

7 VI. No more than ~~one~~ **2** board ~~member~~ **members** shall be associated with a  
8 particular agency, corporation, or other enterprise or subsidiary at one time.

9 270 New Paragraph; Tax on Transfer of Real Property; Distribution of Funds.  
10 Amend RSA 78-B:13 by inserting after paragraph II the following new paragraph:

11 III. Annually, on or before October 1, the commissioner shall direct the state  
12 treasurer to transfer the sum of \$5,000,000 from revenue collected pursuant to the tax  
13 imposed by RSA 78-B:1 to the affordable housing fund established in RSA 204-C:57.

14 271 New Subparagraph; Business Profits Tax; Definition; Internal Revenue Code.  
15 Amend RSA 77-A:1, XX by inserting after subparagraph (n) the following new  
16 subparagraph:

17 (o) For all taxable periods beginning on or after January 1, 2020, the United  
18 States Internal Revenue Code of 1986 in effect on December 31, 2018, subject to RSA 77-  
19 A:3-b.

20 272 Business Profits Tax; Adjustments; Internal Revenue Code Provisions. Amend  
21 RSA 77-A:3-b, II to read as follows:

22 II. The United States Internal Revenue Code shall be applied without section  
23 ~~[199]~~ **951A** of such code.

24 273 Applicability; Business Profits Tax; Adjustment. Section 272 of this act shall  
25 apply to taxable periods beginning on or after January 1, 2020.

26 274 Communications Services Tax; Purpose; Basic Communications Services  
27 Deleted. Amend RSA 82-A:1 to read as follows:

28 82-A:1 Statement of Purpose. It is the intent of the general court to impose a tax  
29 on those who use 2-way communications services and to source mobile  
30 telecommunications services to the place of primary use. It is also the intent of the  
31 general court that Internet access service ~~[and basic communications services essential~~  
32 ~~to public health, safety, and welfare]~~ shall not be subject to the tax imposed by this  
33 chapter.

34 275 Definitions; Communications Services. Amend the introductory paragraph of  
35 RSA 82-A:2, III to read as follows:

36 III. "Communications services" means services for transmitting, emitting, or  
37 receiving signs, signals, writing, images, sounds or intelligence of any nature by any  
38 electromagnetic system capable of 2-way communication and includes, without

1 limitation, messages or information transmitted through use of local, toll and wide area  
2 telephone service; private line services and networks, whether leased, rented or owned;  
3 channel services; telegraph services; teletypewriter services; cable television; computer  
4 exchange services; mobile telecommunications services; *prepaid wireless*  
5 *telecommunications services; VoIP*; facsimile services; specialized mobile radio;  
6 stationary 2-way radio; paging services; or any other form, whether stationary, portable  
7 or mobile, of 2-way communications; or any other transmission of messages or  
8 information by electronic or similar means, between or among points by wire, cable,  
9 fiber-optics, laser, microwave, radio, satellite or similar facilities. "Communications  
10 services" shall not include:

11       276 Definitions; Retailer. Amend RSA 82-A:2, X to read as follows:

12       X. "Retailer" means and includes every person engaged in the business of making  
13 sales at retail as defined in this chapter. The department may, in its discretion, upon  
14 application, authorize the collection of the tax hereby imposed by any retailer not  
15 maintaining a place of business within this state, who, to the satisfaction of the  
16 department, furnishes adequate security to insure collection and payment of the tax.  
17 Such retailer shall be issued, without charge, a permit to collect such tax. When so  
18 authorized, it shall be the duty of such retailer to collect the tax upon all of the gross  
19 charges for communications services in this state in the same manner and subject to the  
20 same requirements as a retailer maintaining a place of business within this state. The  
21 permit may be revoked by the department at its discretion. *For purposes of the tax*  
22 *imposed by this chapter on prepaid wireless telecommunications service, "retailer" has*  
23 *the same meaning as "seller."*

24       277 New Paragraphs; Definitions; Prepaid Wireless Telecommunications Service;  
25 VoIP. Amend RSA 82-A:2 by inserting after paragraph XXVI the following new  
26 paragraphs:

27       XXVII. "Prepaid wireless telecommunications service" means "prepaid  
28 commercial mobile radio service," as that term is defined in RSA 106-H:2, VIII-b.

29       XXVIII. "Retail transaction" means the purchase of prepaid wireless  
30 telecommunications service from a seller for any purpose other than resale.

31       XXIX. "Seller" means a person who sells prepaid wireless telecommunications  
32 service to another person.

33       XXX. "Voice over Internet Protocol" or "VoIP" means any service that:

34           (a) Enables real-time, 2-way voice communications that originate from or  
35 terminate to the user's location in Internet Protocol or any successor protocol;

36           (b) Requires a broadband connection from the user's location; and

37           (c) Permits users generally to receive calls that originate on the public  
38 switched telephone network and to terminate calls to the public switched telephone

1 network.

2 278 Imposition of Tax; Reference Added. Amend RSA 82-A:4 to read as follows:

3 82-A:4 Imposition of Tax; Interstate Communications Services. Except as  
4 provided in RSA 82-A:4-b, ***RSA 82-A:4-d, and RSA 82-A:4-e***, a tax is imposed upon  
5 interstate communications services and private communications services furnished to a  
6 person in this state and purchased at retail from a retailer by such person, at the rate of  
7 7 percent of the gross charge when such service purchased on a call-by call basis  
8 originates in this state and terminates outside this state or originates outside this state  
9 and terminates in this state and the service address is in this state, or when such service  
10 purchased on a basis other than a call-by-call basis is provided to a person with a place  
11 of primary use in this state or when such private communications services are  
12 apportioned to this state in accordance with RSA 82-A:4-c. Provided however, a tax is  
13 imposed upon interstate paid calling service furnished to a person in this state and  
14 purchased at retail from a retailer by such person, at the rate of 7 percent of the gross  
15 charge when the origination point of the communications signal (as first identified by  
16 either (a) the seller's telecommunications system, or (b) information received by the  
17 seller from its service provider, where the system used to transport such signals is not  
18 that of the seller) is in this state. To prevent actual multi-state taxation of  
19 communications services that are subject to taxation under this section, any taxpayer,  
20 upon proof that the taxpayer has paid a tax in another state on such services, shall be  
21 allowed a credit against the tax imposed in this section to the extent of the amount of  
22 such tax properly due and paid in such other state. However, such tax is not imposed on  
23 communications services to the extent such services may not, under the Constitution  
24 and statutes of the United States, be made the subject of taxation by the state.

25 279 New Sections; Special Rules for VOIP Services and Prepaid Wireless  
26 Telecommunications Service. Amend RSA 82-A by inserting after section 4-c the  
27 following new sections:

28 82-A:4-d Special Rules for VoIP Services. A tax is imposed on intrastate and  
29 interstate communications services that are VoIP services provided by a retailer to a  
30 person with a place of primary use in this state, regardless of where the VoIP services  
31 originate, terminate, or pass through. The tax shall be imposed on the gross charge at  
32 the rate specified in RSA 82-A:3 and RSA 82-A:4. No tax shall be imposed on a person  
33 whose place of primary use is outside this state.

34 82-A:4-e Special Rules for Prepaid Wireless Telecommunications Service.

35 I. A tax is imposed on each retail transaction in this state of intrastate and  
36 interstate communications services that are prepaid wireless telecommunications  
37 services. The tax shall be imposed on the gross charge at the rate specified in RSA 82-A:3  
38 and 82-A:4.

1           II. For purposes of paragraph I, a retail transaction is sourced to New  
2 Hampshire:

3           (a) If the retail transaction occurs in person at a seller's location in New  
4 Hampshire; or

5           (b) If subparagraph (a) does not apply, the prepaid wireless  
6 telecommunications service is evidenced by a physical item, such as a card, and the  
7 purchaser provides a New Hampshire delivery address for such item; or

8           (c) If subparagraphs (a) and (b) do not apply, the consumer gives a New  
9 Hampshire address during the consummation of the sale, including the address  
10 associated with the consumer's payment instrument if no other address is available, and  
11 the address is not given in bad faith; or

12           (d) If subparagraphs (a)-(c) do not apply, the consumer's mobile telephone  
13 number is associated with a postal zip code, telephone area code, or location within New  
14 Hampshire.

15           III. The tax imposed by this section shall be collected by the seller from the  
16 consumer with respect to each retail transaction sourced to New Hampshire, in  
17 accordance with RSA 82-A:6; provided, however, the amount of the tax shall be either  
18 separately stated on an invoice, receipt, or other similar document that is provided by  
19 the seller to the consumer, or otherwise disclosed to the consumer.

20           IV. If prepaid wireless telecommunications service is sold with one or more other  
21 products or services for a single, non-itemized charge, then the tax shall apply to the  
22 entire non-itemized charge except as provided in RSA 82-A:2, V(e).

23           V. If a minimal amount of prepaid wireless telecommunications service is sold  
24 with a prepaid wireless device for a single, non-itemized charge, then the seller may  
25 elect not to apply the tax to such transaction. For purposes of this subparagraph, an  
26 amount of service denominated as 10 minutes or less, or \$5 or less, is minimal.

27           VI. The seller shall be liable to remit all taxes required by this section that are  
28 collected from consumers, including all such taxes that the seller is deemed to collect  
29 where the amount of the tax has not been separately stated on an invoice, receipt, or  
30 other similar document provided by the seller to the consumer, in accordance with RSA  
31 82-A:7.

32           VII. The prepaid commercial mobile radio service E911 surcharge imposed under  
33 RSA 106-H:9, I-a shall not be subject to the tax imposed by this section.

34           280 Applicability. Sections 274-279 of this act shall apply to taxable periods ending  
35 after December 31, 2019.

36           281 Findings. The general court declares that:

37           I. An adequate supply of housing that is affordable to a range of incomes is  
38 essential to New Hampshire's economic and community development goals.



1 their successors are appointed and qualified; provided, however, that any vacancy on  
2 the board shall be filled for the unexpired term. The initial members of the board shall  
3 serve staggered terms of 3, 4, and 5 years. The supreme court shall designate one  
4 member as chair to serve in that capacity for the duration of his or her term.

5 679:3 Removal. Any member may be removed by the same authority for inefficiency,  
6 neglect of duty, or malfeasance in office; but, before removal, the member shall be  
7 furnished with a copy of the charges and have an opportunity to be heard in defense.

8 679:4 Compensation. Each member of the board shall receive the annual salary  
9 prescribed by RSA 94:1-a and reasonable expenses, including transportation, subject to  
10 the approval of the governor and council.

11 679:5 Authority; Duties.

12 I. It shall be the duty of the board and it shall have power and authority to hear  
13 and affirm, reverse, or modify, in whole or in part, appeals of final decisions of  
14 municipal boards, committees, and commissions regarding questions of housing and  
15 housing development. This includes, but is not limited to:

16 (a) Planning board decisions on subdivisions or site plans.

17 (b) Board of adjustment decisions on variances, special exceptions,  
18 administrative appeals, and ordinance administration.

19 (c) The use of innovative land use controls.

20 (d) Growth management controls and interim growth management controls.

21 (e) Decisions of historic district commissions, heritage commissions, and  
22 conservation commissions.

23 (f) Other municipal permits and fees applicable to housing and housing  
24 developments.

25 (g) Matters subject to the board's authority may include mixed-use  
26 combinations of residential and nonresidential uses. Such different uses may occur on  
27 separate properties, provided such properties are all part of a common scheme of  
28 development.

29 II. In exercising its authority under this chapter, the board shall have the power  
30 to award all remedies available to the superior courts in similar cases, including  
31 permission to develop the proposed housing.

32 III. Relative to RSA 674:58 through RSA 674:61, the board shall have the power  
33 and authority to hear and determine appeals of decisions of local land use boards  
34 regarding proposals for workforce housing, including but not limited to whether the  
35 municipality's land use ordinances and regulations provide a reasonable and realistic  
36 opportunity for the development of workforce housing; whether the local land use board  
37 has imposed conditions of approval that render the proposal economically unviable; and  
38 whether a denial by a local land use board was unreasonable or unlawful.

1           IV. After local remedies have been exhausted, appeals may be brought before the  
2 board by an applicant to the municipal board, committee, or commission, or by any  
3 other aggrieved or injured party who can demonstrate legal standing to appeal pursuant  
4 to RSA 677:4 or RSA 677:15. The municipality shall be a party to the action. If the  
5 applicant is not the party initiating the action before the board, then the applicant shall  
6 automatically be an intervenor. The board shall grant intervenor status to abutters and  
7 to any other aggrieved or injured party who can demonstrate legal standing to appeal  
8 pursuant to RSA 677:4 or RSA 677:15.

9           **679:6 Timing of Appeals and Board Proceedings.**

10           I. Appeals shall be filed with the board within 30 days of the final decision of a  
11 municipal board, committee, or commission. At the same time an appeal is filed with the  
12 board, the applicant shall notify the municipal board, committee, or commission of such  
13 appeal.

14           II. The municipal board, committee, or commission shall within 30 days of receipt  
15 of such notice submit to the board a certified record of its proceedings on the matter  
16 subject to the appeal.

17           III. The board shall hold a hearing on the merits within 90 days of its receipt of a  
18 notice of appeal.

19           IV. The board shall make a decision on an appeal within 60 days after conducting  
20 a hearing on the merits.

21           **679:7 Jurisdiction; Court Appeals.**

22           I. In matters within its authority the board shall have concurrent, appellate  
23 jurisdiction with the superior court. An election by any party to bring an action before  
24 the board shall be deemed a waiver of any right to bring an action in the superior court,  
25 but shall not abrogate any party's right to appeal decisions of the board to the supreme  
26 court; as such, the board shall retain jurisdiction of any matter originally brought  
27 before it. At any time during an appeal to the board, if the board determines that it does  
28 not have jurisdiction to hear the appeal, the appellant shall have 30 days to file an  
29 appeal with the superior court.

30           II. In an appeal of a local decision on housing or housing development, any claim  
31 that is within the board's authority under RSA 679:5 and that has previously been or is  
32 subsequently included in an appeal in superior court by another party to the decision or  
33 by any other aggrieved or injured party who can demonstrate legal standing to appeal  
34 pursuant to RSA 677:4 or RSA 677:15 shall automatically be stayed by the court to  
35 provide the party with standing the opportunity to intervene in the matter before the  
36 board. If intervenor status is granted, the stay of the court action regarding those  
37 claims shall continue during the pendency of the appeal to the board. After the board  
38 has decided the appeal, the court shall dismiss the matter before it to the extent the

1 matter has been resolved by the board. Any claim included in an appeal to superior  
2 court that is not within the board's authority shall not be subject to automatic stay by  
3 the court.

4 **679:8 Quorum; Disqualification; Temporary Members.**

5 I. In all matters a majority of the board shall constitute a quorum to transact  
6 business.

7 II. No member of the board shall represent a party or testify as an expert witness  
8 or render any professional service for any party or interest before the board, and any  
9 member having an interest in the subject matter shall be disqualified to act therein.

10 III. If, in the event of a disqualification or temporary disability of a member or  
11 members of the board, it shall become necessary to do so, the board, subject to the  
12 approval of the supreme court, shall appoint such number of temporary board members  
13 as shall be necessary to meet the requirements herein imposed. Such temporary board  
14 members shall serve with respect to such matter until the same has been fully disposed  
15 of before the board.

16 IV. Temporary board members shall have the same qualifications as regular  
17 board members in whose place they are acting.

18 V. A temporary board member shall be compensated at the rate of \$75 for each  
19 day devoted to the work of the board and shall be reimbursed the necessary and  
20 reasonable expenses incurred by him or her in the performance of his or her duties.

21 VI. In the event of a vacancy on the board, the appellant may elect to continue  
22 the proceedings while awaiting the appointment of a successor board member.

23 **679:9 Hearing Procedure; Standard of Review.**

24 I. Appeals to the board shall be consistent with appeals to the superior court  
25 pursuant to RSA 677:4 through RSA 677:16. Appeals shall be on the certified record, and  
26 except in such cases as justice may warrant, in the sole discretion of the board, no  
27 additional evidence will be introduced. Consistent with the contested case provisions of  
28 RSA 541-A, the rules of evidence shall not strictly apply. In addition to the provisions of  
29 RSA 91-A, the board shall record the proceedings of any hearing before it and shall make  
30 such recording available to the public for inspection and recording from the date of the  
31 hearing to a date which is 15 working days after the board has made a final decision on  
32 the matter which is the subject of the hearing, or, if an appeal is made from such  
33 decision, the date upon which the matter has been finally adjudicated, whichever date is  
34 later.

35 II. The board shall not reverse or modify a decision except for errors of law or if  
36 the board is persuaded by the balance of probabilities, on the evidence before it, that  
37 said decision is unreasonable.

38 **679:10 Representation by Nonattorneys. Nonattorneys, including professional**



1 engineers, architects, and land surveyors, may represent any party before the board.  
2 Nothing in this section shall prevent the board from denying representation by any  
3 individual it deems to be improper, inappropriate, or unable to adequately represent the  
4 interests of the applicant to the municipal board, committee, or commission.

5 679:11 Board Meetings. The board's deliberative processes in adjudicatory  
6 proceedings held pursuant to RSA 541-A shall be exempt from the public meeting and  
7 notice provisions of RSA 91-A. Decisions and orders in adjudicatory proceedings shall  
8 be publicly available, but only after they have been reduced to writing, signed by a  
9 quorum of the board, and served upon the parties, and shall set forth the board's rulings  
10 of law and findings of fact in support of its decisions. Discussions and actions by the  
11 board concerning procedural, administrative, legal, and internal matters shall be  
12 exempt from the meeting and notice provisions of RSA 91-A:2.

13 679:12 Rules and Regulations. The board may adopt rules under RSA 541-A  
14 necessary for carrying out its functions including but not limited to rules of procedure  
15 to be followed in hearings conducted by it not inconsistent with the provisions of this  
16 chapter.

17 679:13 Administration of Oaths, Subpoenas, Etc.; Fees. The board shall have  
18 authority to administer oaths and to compel the attendance of witnesses to proceedings  
19 before it. The board shall have the power to subpoena and subpoena duces tecum.  
20 Witnesses compelled to appear shall be paid the same fee and mileage that are paid to  
21 witnesses in the superior court of the state. A subpoena or subpoena duces tecum of the  
22 board may be served by any person designated in the subpoena or subpoena duces  
23 tecum to serve it. Any testimony given by a person duly sworn shall be subject to the  
24 pains and penalties of perjury. All applications or petitions to the board for which no  
25 filing fee has been otherwise specified by statute shall be accompanied by a \$250 filing  
26 fee. Costs and attorney's fees may be taxed as in the superior court.

27 679:14 Notice. The board shall serve notice in writing of the time, place, and cause of  
28 any hearing upon all parties at least 20 days prior to the date of the hearing.

29 679:15 Appeal. Decisions of the board may be appealed to the supreme court by any  
30 party in accordance with the provisions of RSA 541 as from time to time amended.

31 679:16 Enforcement of Decisions. After a decision of the board becomes final, the  
32 board shall, at the request of any party, file a certified abstract thereof in the Merrimack  
33 county superior court. The clerk of said court shall forthwith enter judgment thereon  
34 and such judgment may be enforced as with any final judgment of the superior court.

35 679:17 Staff. The board shall have such clerical, administrative, and technical staff  
36 as may be necessary within the limits of the appropriation made therefor.

37 679:18 Office. The board shall be provided with an office in Concord in which its  
38 records, documents, and books shall be kept, and with a suitable room in which it may

1 hold hearings.

2 679:19 Neglect to Comply With Board's Orders. Neglect or failure on the part of any  
3 municipality to comply with such orders shall be deemed willful neglect of duty, and it  
4 shall be subject to the penalties and damages provided by law in such cases.

5 283 Salaries Established; Amend RSA 94:1-a, I(b) by inserting in salary grade DD the  
6 following new positions:

7 DD housing appeals board member

8 DD housing appeals board chair

9 284 Appropriation; Housing Appeals Board. The sum of \$415,000 for the fiscal year  
10 ending June 30, 2021 is hereby appropriated to the housing appeals board established  
11 pursuant to RSA 679 for the proper administration of said chapter. Said sum shall not  
12 lapse until June 30, 2021. The governor is authorized to draw a warrant for said sum out  
13 of any money in the treasury not otherwise appropriated.

14 285 Adequate Representation for Indigent Defendants in Criminal Cases;  
15 Repayment. RSA 604-A:9, I, I-a, I-b, and I-c are repealed and reenacted to read as follows:

16 I.(a) Any adult defendant or juvenile respondent who has been assigned counsel  
17 or a public defender shall be subject to an order by the court, pursuant to this section,  
18 regarding payment to the state for counsel fees and expenses paid by the state on behalf  
19 of the defendant or juvenile, and regarding payment of an administrative service  
20 assessment. Any payment obligation shall apply only to a defendant who has been  
21 convicted or a juvenile who has been found delinquent.

22 (b) Upon entering a judgment of conviction or a finding of delinquency, and  
23 the issuance of sentence or disposition, the court shall enter a separate written order  
24 setting forth the reasons for the court's conclusion regarding the financial ability of the  
25 defendant or the juvenile, including any person liable for the support of the juvenile  
26 pursuant to RSA 604-A:2-a, to make payment of counsel fees and expenses, and  
27 administrative service assessment. In its discretion, the court may conduct an ability-to-  
28 pay hearing to assist in its determination. If the court finds that there is an ability to  
29 pay some or all of the counsel fees and expenses and the assessment, either presently or  
30 in the future, it shall order payment in such amounts and upon such terms and  
31 conditions it finds equitable; any payment obligation shall not commence until the  
32 conviction and sentence or the finding of delinquency and disposition has become final.  
33 If the court finds that there is no such ability to pay, it shall so order, and any payment  
34 obligation shall terminate.

35 (c) In assessing ability to pay upon or after the entering of a judgment of  
36 conviction and the issuance of a sentence, neither the court nor the office of cost  
37 containment shall consider income that is exempt from execution, levy, attachment,  
38 garnishment, or other legal process under any state or federal law, and shall be reduced

1 only by the amount of expenses which are reasonably necessary for the maintenance of  
2 the defendant and his dependents.

3 (d) If the court determines that the defendant is financially unable to repay  
4 any fees and expenses to the state, the repayment obligation shall be waived. A copy of  
5 each order finding that the defendant has an ability to pay fees and assessments shall be  
6 forwarded to the commissioner of the department of administrative services and the  
7 office of cost containment. An order waiving the repayment obligation shall not be  
8 forwarded. Neither the commissioner of the department of administrative services nor  
9 the office of cost containment shall have the authority to alter the court's determination  
10 that a repayment obligation is waived.

11 (e) After the judgment of conviction is entered and a repayment order is  
12 issued, a defendant subject to a repayment order under this section may, if his or her  
13 circumstances have changed since the date of the court's order, petition the court for  
14 relief from the obligation imposed by this section, which may be granted upon a finding  
15 that the defendant is unable to comply with the terms of the court's order or any  
16 modification of the order by the court.

17 (f) The maximum payment amount for counsel fees and expenses shall be  
18 according to a schedule established by the administrator of the office of cost  
19 containment with the approval of the administrative justices of the courts. Any payment  
20 obligation for fees and expenses shall not exceed the amount of the state's flat rate  
21 payable to a contract attorney as established pursuant to RSA 604-B. The administrative  
22 service assessment shall not exceed 10 percent of the counsel fees and expenses.  
23 Payment shall be made to the office of cost containment unless the defendant or juvenile  
24 is placed on probation or sentenced to a period of conditional discharge, in which case  
25 repayment shall be made to the state through the department of corrections. Any  
26 payment obligation attributable to a juvenile shall terminate when the juvenile reaches  
27 the age of majority, except when the juvenile has been certified and tried as an adult.

28 (g) In a case where counsel has been appointed, and a repayment order  
29 issued, the defendant shall be required to notify the clerk of the court and the office of  
30 cost containment of each change of mail address and actual street address. Whenever  
31 notice to the defendant is required, notice to the last mail address on file shall be  
32 deemed notice to and binding on the defendant.

33 286 Adequate Representation for Indigent Defendants in Criminal Cases;  
34 Repayment. Amend RSA 604-A:9, II to read as follows:

35 II. All petitions for court appointed counsel shall bear the following words in  
36 capital letters:

37 I UNDERSTAND THAT I MAY BE REQUIRED TO REPAY THE SERVICES PROVIDED TO  
38 ME BY COURT APPOINTED COUNSEL ***IF I AM CONVICTED*** UNLESS THE COURT

1 FINDS THAT I AM OR WILL BE FINANCIALLY UNABLE TO PAY.

2 287 Reference Change; Appointment of Counsel; Payment Obligation. Amend RSA  
3 604-A:2-f, IV to read as follows:

4 IV. When the court appoints counsel to represent a defendant in a proceeding  
5 under this section, the court shall grant the defendant relief from the obligation to repay  
6 the state for appointed counsel fees under ~~[RSA 604-A:9, I-b]~~ **RSA 604-A:9, I(b)**, if the  
7 court determines that the defendant is financially unable to repay.

8 288 Committee to Study the Costs to the State for the Appointment of Counsel to  
9 Represent Indigent Defendants in Criminal Cases.

10 I. There is established a committee to study the costs to the state for the  
11 appointment of counsel to represent indigent defendants in criminal cases.

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

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

14 (b) Three members of the house of representatives, appointed by the speaker  
15 of the house of representatives.

16 III. The committee shall convene an advisory group consisting of the following  
17 individuals, who shall not be voting members of the committee, but shall provide the  
18 committee members with information and expertise on matters related to the  
19 committee's objective:

20 (a) The chief justice of the supreme court, or designee.

21 (b) The commissioner of the department of administrative services, or  
22 designee.

23 (c) An individual representing the judicial council, appointed by the judicial  
24 council.

25 (d) An individual representing the New Hampshire Public Defender,  
26 appointed by that office.

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

29 V. The committee shall study the cost to the state for the appointment of counsel  
30 pursuant to RSA 604-A to represent indigent defendants in criminal cases. The  
31 committee shall:

32 (a) Determine, from the most recent information and data available, the  
33 percentage of indigent defendants in criminal cases who have been appointed counsel  
34 pursuant to RSA 604-A who are found guilty, and the percentage of indigent defendants  
35 in criminal cases who have been appointed counsel pursuant to RSA 604-A who are  
36 found not guilty.

37 (b) Calculate the cost to the state for the appointment of counsel pursuant to  
38 RSA 604-A for such indigent defendants.

1           VI. The members of the study committee shall elect a chairperson from among the  
2 members. The first meeting of the committee shall be called by the first-named senate  
3 member. The first meeting of the committee shall be held within 45 days of the effective  
4 date of this section. Three members of the committee shall constitute a quorum.

5           VII. The committee shall report its findings and any recommendations for  
6 proposed legislation to the president of the senate, the speaker of the house of  
7 representatives, the senate clerk, the house clerk, the governor, the fiscal committee of  
8 the general court, and the state library on or before January 1, 2020.

9           289 New Paragraph; Department of Justice; Bureau of Civil Law; Authority to Hire  
10 Additional Staff for Campaign Finance, Election Law, Inaugural Committee Oversight,  
11 and Lobbying Matters. Amend RSA 21-M:11 by inserting after paragraph III the  
12 following new paragraph:

13           IV. To assist the attorney general in his or her duty to exercise supervision of  
14 campaign finance, election law, inaugural committee oversight, and lobbying matters,  
15 the department of justice may hire:

16           (a) An unclassified full-time investigator assigned to the bureau, who shall  
17 work exclusively on, campaign finance, election law, inaugural committee oversight, and  
18 lobbying matters. Notwithstanding RSA 14:14-c, the salary for the full-time investigator  
19 position shall be established as a salary grade BB.

20           (b) A classified full-time investigative paralegal assigned to the bureau, who  
21 shall work exclusively on campaign finance, election law, inaugural committee  
22 oversight, and lobbying matters. The classification shall be a paralegal II, labor grade  
23 19.

24           290 Off Highway Recreational Vehicles and Trails; Regulations of Political  
25 Subdivisions. Amend RSA 215-A:15, V to read as follows:

26           V. Enforcement of ~~[paragraph]~~ **paragraphs IV and VII** shall be the joint  
27 responsibility of the city of Concord and the state of New Hampshire.

28           291 New Paragraph; Off Highway Recreational Vehicles and Trails; Regulations of  
29 Political Subdivisions. Amend RSA 215-A:15 by inserting after paragraph VI the  
30 following new paragraph:

31           VII. OHRVs shall be prohibited from traveling on Hoit Road Marsh in the city of  
32 Concord.

33           292 Statement of Findings and Purpose. The general court hereby finds that outdoor  
34 recreation is vital to a diverse economy, is a delineating asset for the state in  
35 competition for workforce and employer recruitment, represents an opportunity for  
36 communities of the state to connect to a statewide asset, and contributes to a healthy  
37 community. In furtherance of these objectives, the general court hereby establishes an  
38 office of outdoor recreation industry development in the department of business and

1 economic affairs.

2 293 New Section; Department of Business and Economic Affairs; Outdoor Recreation  
3 Industry Development; Office and Position Established. Amend RSA 12-O by inserting  
4 after section 23 the following new section:

5 12-O:23-a Office of Outdoor Recreation Industry Development Established.

6 I. There is established in the department the office of outdoor recreation  
7 industry development. The office shall be under the supervision of a classified director  
8 of the office of outdoor recreation industry development, who shall serve under the  
9 supervision of the commissioner. The director shall provide administrative oversight  
10 and ensure that the responsibilities of the office described in this section are fulfilled.

11 II. The office of outdoor recreation industry development shall:

12 (a) Coordinate outdoor recreation policy, management, and promotion among  
13 state and federal agencies and local government entities.

14 (b) Promote economic development in the state by:

15 (1) Coordinating with outdoor recreation stakeholders.

16 (2) Using outdoor recreational infrastructure and industry to promote  
17 tourism and recruit members of the general workforce.

18 (3) Working with stakeholders and academic institutions to develop  
19 relevant training and curricula for members of the outdoor industry and manufacturing  
20 workforce.

21 (4) Improving motorized and nonmotorized recreational opportunities in  
22 cooperation with the department of natural and cultural resources.

23 (5) Recruiting outdoor recreation business and industry.

24 (c) Recommend policies and initiatives to enhance recreational amenities and  
25 experiences in the state and help implement those policies and initiatives.

26 (d) Develop outcome-driven data regarding the effect of outdoor recreation in  
27 the state.

28 (e) Promote the health and social benefits of outdoor recreation, especially to  
29 young people.

30 (f) Advance sustainable land stewardship initiatives recognizing the  
31 relationship between outdoor recreation and its economic benefit to the state.

32 III. Provided that any federally funded programs managed by the department of  
33 natural and cultural resources, division of parks on the effective date of this section  
34 shall continue to be managed by the division of parks, the office of outdoor recreation  
35 industry development may:

36 (a) Seek federal grants or loans.

37 (b) Seek private foundation partnerships.

38 (c) Seek to participate in federal programs.

1 (d) In accordance with applicable federal program guidelines, administer  
2 federally funded outdoor recreation programs.

3 294 New Paragraph; Community Recreation Service; Duties. Amend RSA 12-B:3 by  
4 inserting after paragraph X the following new paragraph:

5 XI. To serve as liaison to the office of outdoor recreation industry development  
6 established pursuant to RSA 12-O:23-a.

7 295 Appropriation; Department of Business and Economic Affairs. The sum of  
8 \$125,000 for the fiscal year ending June 30, 2020 and the sum of \$125,000 for the fiscal  
9 year ending June 30, 2021 are hereby appropriated to the department of business and  
10 economic affairs for the purpose of supporting the small business development center  
11 and its programs. The governor is authorized to draw a warrant for said sums out of  
12 any money in the treasury not otherwise appropriated.

13 296 Fill and Dredge in Wetlands; Excavating and Dredging Permits. Amend RSA 482-  
14 A:3, I(b) and (c) as follows:

15 (b) The application fee for shoreline structure projects shall be [~~\$200~~] **\$400**  
16 plus an amount based on the area of dredge, fill, or dock surface area proposed, or a  
17 combination thereof, which shall be [~~\$2~~] **\$4** per square foot for permanent dock surface  
18 area; [~~\$1~~] **\$2** per square foot for seasonal dock surface area; and [~~\$.20~~] **\$.40** per square  
19 foot for dredge or fill surface area or both. For projects involving only the repair,  
20 reconstruction, or reconfiguration of an existing docking structure, the application fee  
21 shall be [~~\$200~~] **\$400**.

22 (c) The application fee shall be [~~\$200~~] **\$400** for minimum impact dredge and fill  
23 projects [~~under this chapter~~] **and for non-enforcement related publicly funded and**  
24 **supervised restoration projects as defined by rules, regardless of impact classification, if**  
25 **undertaken by other than the person or persons responsible for causing the restoration**  
26 **to be needed.** The application fee for all projects under this chapter which are not  
27 covered by subparagraph (b) or (c) or paragraphs IV-a, V, X through XII, XV, XVI, or XVII  
28 through XIX shall be [~~\$.20~~] **\$.40** per square foot of proposed impact, with a minimum fee  
29 of [~~\$200~~] **\$400** for all such projects that impact fewer than [~~1,000~~] **600** square feet.

30 297 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Use of Fees.  
31 Amend RSA 482-A:3, III to read as follows:

32 III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), XII(c), and X  
33 are continually appropriated to and shall be expended by the department for paying per  
34 diem and expenses of the public members of the council, hiring additional staff,  
35 reviewing applications and activities relative to [~~the~~] wetlands [~~of the state~~] **under RSA**  
36 **482-A, [and] protected shorelands under RSA 483-B, alteration of terrain under RSA 485-**  
37 **A:17, conducting field investigations, and holding public hearings. Such fees and any**  
38 **monetary grants, gifts, donations, or interest generated by these funds** shall be

1 ***deposited with and*** held by the treasurer in a nonlapsing fund identified as the  
2 ~~[wetlands and shorelands review]~~ ***water resources fund.***

3 298 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certain Fees.  
4 Amend RSA 482-A:3, X(a) to read as follows:

5 (a) The maximum cash application fee for the New Hampshire department of  
6 transportation shall be ~~[\$10,000]~~ ***\$30,000*** per application plus provisions for technical or  
7 consulting services or a combination of such services as necessary to meet the needs of  
8 the department. The department may enter into a memorandum of agreement with the  
9 New Hampshire department of transportation to accept equivalent technical or  
10 consulting services or a combination of such services in lieu of a portion of their  
11 standard application fees.

12 299 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Review of  
13 Applications. Amend RSA 482-A:3, XIV(b)(1) to read as follows:

14 (1) The time limits prescribed by this paragraph shall supersede any time  
15 limits provided in any other provision of law. ***The time limits prescribed by this***  
16 ***paragraph shall not apply to applications submitted by the department of***  
17 ***transportation, for which time limits shall be set by a memorandum of agreement***  
18 ***between the commissioner of the department of environmental services and the***  
19 ***commissioner of the department of transportation.*** If the department fails to act within  
20 the applicable time frame established in subparagraphs (a)(3), (a)(4), and (a)(5), the  
21 applicant may ask the department to issue the permit by submitting a written request.  
22 If the applicant has previously agreed to accept communications from the department  
23 by electronic means, a request submitted electronically by the applicant shall constitute  
24 a written request.

25 300 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Review of  
26 Applications. Amend RSA 482-A:3, XIV(e) to read as follows:

27 (e) ***Any request for an amendment to an application or permit shall be***  
28 ***submitted to the department on the appropriate amendment form.*** Any request for a  
29 significant amendment to a pending application or an existing permit which changes the  
30 footprint of the permitted fill or dredge area shall be deemed a new application subject  
31 to the provisions of RSA 482-A:3, I and the time limits prescribed by this paragraph.  
32 "Significant amendment" means an amendment which changes the proposed or  
33 previously approved acreage of the permitted fill or dredge area by 20 percent or more,  
34 ~~[relocates the proposed footprint of the permitted fill or dredge area,]~~ includes a prime  
35 wetland, or ~~[surface waters of the state, includes a wetland of a different classification as~~  
36 ~~classified by the department, or includes non-wetland areas requiring permits for filling~~  
37 ~~and dredging]~~ ***elevates the project's impact classification.*** This meaning of "significant  
38 amendment" shall not apply to an application amendment that is in response to a



1 request from the department.

2 301 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Permit Duration  
3 and Extensions. Amend RSA 482-A:3, XIV-a to read as follows:

4 XIV-a.(a) With the exception of permits issued under subparagraph (b) *or*  
5 *paragraph XIV-b*, all permits issued pursuant to this chapter shall be valid for a period  
6 of 5 years. Requests for extensions of such permits may be made to the department *by*  
7 *submitting the information required in rules adopted by the department*. The  
8 department shall grant one extension of up to 5 additional years, provided the applicant  
9 demonstrates all of the following:

10 (1) The permit for which extension is sought has not been revoked or  
11 suspended without reinstatement.

12 (2) Extension would not violate a condition of law or rule *other than that*  
13 *established in this paragraph relative to permit duration*.

14 (3) The project is proceeding towards completion in accordance with plans  
15 and other documentation referenced by the permit.

16 (4) The applicant proposes reasonable mitigation measures to protect the  
17 public waters of the state from deterioration during the period of extension.

18 (b) Any permit issued to repair or replace shoreline structures to maintain  
19 the integrity and safety of such structures including, but not limited to docks, sea walls,  
20 breakwaters, riprap, access ramps and stairs, that are damaged by storms or ice, shall  
21 expire 10 years from the date the permit was issued as long as any work performed after  
22 the initial permitted work complies with the following:

23 (1) The work is not in violation of the original permit or subparagraphs  
24 (a)(1)-(4).

25 (2) All structures are repaired or replaced to the original permitted  
26 location and configuration.

27 (3) All significant work is reported to the department in accordance with  
28 the reporting requirements for the original permit.

29 (c) *After review, if the department determines that a request to extend a*  
30 *permit for a major project in public waters meets the stated criteria, the department*  
31 *shall submit the request to the governor and executive council with a recommendation*  
32 *that the request be approved. The department shall issue decisions on all other*  
33 *extension requests.*

34 302 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Utilities. Amend  
35 the introductory paragraph of RSA 482-A:3, XV(b):

36 (b) [Appropriate] *The utility provider shall provide an annual* notice to the  
37 department, *which* shall include the following information:

38 303 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Utilities. Amend

1 RSA 482-A:3, XV(d) to read as follows:

2 (d) A ~~[one-time annual]~~ **non-refundable** filing fee of ~~[\$200]~~ **\$400** per town ~~[, not~~  
3 ~~to exceed a maximum of \$10,000,]~~ per year shall accompany the notice to the department.  
4 Such fees shall be held in accordance with paragraph III.

5 304 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certified  
6 Culvert Maintainers. Amend RSA 482-A:3, XVIII and XIX to read as follows:

7 XVIII. The department shall develop ~~[an installer's]~~ **a certification program for**  
8 **culvert maintainers**, in accordance with paragraph XVII, and shall determine the  
9 educational requirements for certification, including continuing education  
10 requirements. Professional engineers who are duly licensed by the New Hampshire  
11 board of professional engineers are exempt from the program requirements of this  
12 section. All certified individuals who perform such work shall submit a quarterly report  
13 to the department fully identifying work that they performed during each quarter and  
14 documentation of continuing education requirements.

15 XIX. The department shall issue ~~[an installer's permit]~~ **a culvert maintainer**  
16 **certificate** to any individual who submits an application provided by the department,  
17 and has satisfactorily completed the program in accordance with paragraphs XVII and  
18 XVIII. ~~[Permits]~~ **Initial certificates** shall be ~~[issued]~~ **valid through December 31 of the**  
19 **year following the year of issue. Renewal certificates shall be valid** from January 1 ~~[and~~  
20 ~~shall expire]~~ **through** December 31 of every other year. Permits shall be renewable upon  
21 proper application, and documentation of compliance with the continuing education  
22 requirement of paragraph XVIII. The installer's permit may be suspended, revoked, or  
23 not renewed for just cause, including, but not limited to, the installation of culverts in  
24 violation of this chapter or the refusal by a permit holder to correct defective work. The  
25 department shall not suspend, revoke, or refuse to renew a permit except for just cause  
26 until the permit holder has had an opportunity to be heard by the department. An  
27 appeal from such decision to revoke, suspend, or not renew a permit may be taken  
28 pursuant to RSA 21-O:14.

29 305 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certified  
30 Application Preparer Program. Amend RSA 482-A:3, XX(d) to read as follows:

31 (d) The certification shall be valid for one year from the date of issuance and  
32 may be renewed every year. The initial fee for certification shall be \$200 and the fee for  
33 renewal shall be \$50. The department shall not issue a certification or a renewal  
34 certification if the required fee is not paid. All fees shall be deposited into the ~~[wetlands~~  
35 ~~and shoreland review]~~ **water resources fund** established in RSA 482-A:3, III.

36 306 Aquatic Resources Fund. Amend RSA 482-A:29, II to read as follows:

37 II. A separate, non-lapsing account shall be established within the fund into  
38 which all administrative assessments collected under RSA 482-A:30, III and RSA 482-

1 A:30-a, II shall be placed. Such account moneys shall ~~[only]~~ be used ~~[to support up to 2~~  
2 ~~full-time positions]~~ for administration of the fund, *including staff*, and *aquatic resource*  
3 *mitigation* related projects. ~~[No other fund moneys shall be used for state personnel~~  
4 ~~costs.]~~

5 307 Shoreland Water Quality Protection; Permit Application Fees. Amend the  
6 introductory paragraph of RSA 483-B:5-b, VI:

7 VI. All permits issued pursuant to this chapter shall be valid for a period of 5  
8 years. Requests for extensions of such permits may be made to the department *by*  
9 *providing such information as is required by rules adopted pursuant to RSA 541-A*. The  
10 department shall grant one extension of up to 5 additional years, provided the applicant  
11 demonstrates all of the following:

12 308 Shoreland Water Quality Protection; Permit Application Fees. Amend RSA 483-  
13 B:5-b, I(b) to read as follows:

14 (b) The permit application fee shall be ~~[\$100]~~ *the base fee specified in this*  
15 *subparagraph* plus *an impact fee of* ~~[\$.10]~~ *\$.20* per square foot of area affected by the  
16 proposed activities and shall be deposited in the ~~[wetlands and shorelands review]~~ *water*  
17 *resources* fund established under RSA 482-A:3, III. ~~[Such fees shall be capped as follows:~~

18 (1) For projects that qualify for permit by notification under this  
19 paragraph or RSA 483-B:17, X, ~~[\$100]~~ *the base fee shall be \$200* for restoration of water  
20 quality improvement projects, and ~~[\$250]~~ *the base fee shall be \$400* for all other permit  
21 by notification projects.

22 ~~[(2) For projects of 0-9,999 square feet, that do not qualify for a permit by~~  
23 ~~notification, \$750.~~

24 ~~(3) For projects of 10,000-24,999 square feet, \$1,875.~~

25 ~~(4) For projects of 25,000 square feet or more, \$3,750.]~~

26 309 Shoreland Water Quality Protection; Other Required Permits and Approvals.  
27 Amend RSA 483-B:6, II to read as follows:

28 II. In applying for approvals and permits, pursuant to paragraph I, applicants  
29 shall demonstrate that the proposal meets or exceeds the development standards of this  
30 chapter. The department shall develop minimum standards for information to be  
31 required on or with all applications under paragraph I. The department or municipality  
32 shall grant, deny, or attach reasonable conditions to approvals or permits listed in  
33 subparagraphs I(a)-(f) *and RSA 483-B:5-b*, to protect the public waters or the public  
34 health, safety, or welfare. Such conditions shall be related to the purposes of this  
35 chapter.

36 310 Terrain Alteration; Permit Application Fees. Amend RSA 485-A:17, II to read as  
37 follows:

38 II.(a) The department shall charge a fee for each review of plans, including

1 project inspections, required under this section. The *plan review* fee shall be based on  
2 the ~~[extent of contiguous]~~ *total* area to be disturbed. Except for *property subject to RSA*  
3 483-B:9, the fee for *review of* plans encompassing an area of at least 100,000 square feet  
4 but less than 200,000 square feet shall be ~~[\$1,250]~~ **\$3,125**. For the ~~[purposes of]~~ *property*  
5 *subject to* RSA 483-B:9, the fee for *review of* plans encompassing an area of at least 50,000  
6 square feet but less than 200,000 square feet shall be ~~[\$1,250]~~ **\$3,125**. An additional fee of  
7 ~~[\$500]~~ **\$1,250** shall be assessed for each additional area of up to 100,000 square feet to be  
8 disturbed. No ~~[permit]~~ *application* shall be ~~[issued]~~ *accepted* by the department until  
9 the fee required by this paragraph is paid. All fees required under this paragraph shall  
10 be paid when plans are submitted for review and shall be deposited in the ~~[terrain~~  
11 ~~alteration]~~ *water resources* fund established in ~~[paragraph II-a]~~ **RSA 482-A:3, III**.

12 **(b) The department shall charge a non-refundable fee of \$500 plus a \$.10 per**  
13 **square foot fee for each request to amend a permit that requires plans to be reviewed.**

14 311 Wetlands and Shorelands Review Fund Renamed. Amend RSA 6:12, I(b)(131) to  
15 read as follows:

16 (131) Moneys deposited in the ~~[wetlands and shorelands review]~~ *water*  
17 *resources* fund **established** under RSA 482-A:3, III.

18 312 Repeal. The following are repealed.

19 I. 2008, 5:27, I, relative to repealing permit application fees.

20 II. RSA 6:12, I(b)(256), relative to the terrain alteration fund.

21 III. RSA 482-A:3, XV(e), relative to the additional fee for amendments to the  
22 notification for maintenance to existing utility services.

23 IV. RSA 485-A:17, II-a, relative to the terrain alteration fund.

24 313 Appropriation; Department of Environmental Services; Ossipee Lake Dam  
25 Reconstruction. There is hereby appropriated the sum of \$1,500,000 for the fiscal year  
26 ending June 30, 2019 to the department of environmental services to supplement the  
27 capital appropriation in 2017, 228:1, VIII, H, for the purpose of reconstructing the  
28 Ossipee Lake Dam. This appropriation shall not lapse until June 30, 2021. The governor  
29 is authorized to draw a warrant for said sum out of any money in the treasury not  
30 otherwise appropriated.

31 314 New Paragraph; Pease Development Authority; Real Estate Transfer Tax  
32 Exemption for Leases. Amend RSA 78-B:2 by inserting after paragraph XXII the  
33 following new paragraph:

34 XXIII. To a lease of any term by and between the Pease development authority  
35 and any other person, including any sales, transfers, or assignments of any interest in  
36 the leased property.

37 315 Hazardous Waste Clean Up; Civil Actions; Cost Recovery. Amend RSA 147-B:10,  
38 III(a) to read as follows:

1 (a) The attorney general may institute an action before the superior court for  
2 the county in which the facility is located against any person liable pursuant to  
3 paragraph I of this section to recover all costs incurred by the state. Costs recovered  
4 under this section shall be deposited into the fund *except that costs recovered to offset*  
5 *expenditures made from the drinking water and groundwater trust fund established in*  
6 *RSA 6-D:1 shall be deposited into the drinking water and groundwater trust fund.*

7 316 New Section; Deposits to Drinking Water and Groundwater Trust Fund. Amend  
8 RSA 485-F by inserting after section 5 the following new section:

9 485-F:6 Deposits to Drinking Water and Groundwater Trust Fund. Any money  
10 received by the state related to the contamination of drinking water or groundwater,  
11 other than fees, fines, penalties, oil or hazardous waste cost recovery, or any other  
12 money already allocated to a specified fund, shall be deposited into the drinking water  
13 and groundwater trust fund. This paragraph shall not be construed to limit any  
14 damages otherwise awarded in a related private cause of action.

15 317 New Paragraph; Recovered Costs; Deposited in Drinking Water and  
16 Groundwater Trust Fund. Amend RSA 485-F:3 by inserting after paragraph II the  
17 following new paragraph:

18 III. Costs paid from the drinking water and groundwater trust fund for the  
19 action described in paragraph I(a) and recovered by the state under RSA 147-B:10, shall  
20 be deposited to the trust fund. In addition, upon payment from the trust fund for any  
21 costs for which a third party would otherwise be liable, the right to recover payment  
22 from such third party shall be assumed by the drinking water and groundwater advisory  
23 commission to the extent of payment made from the trust fund. Any money so recovered  
24 shall be repaid to the trust fund. No party shall receive multiple compensation for the  
25 same injury, and any such compensation shall be repaid to the trust fund.

26 318 Contingency; Drinking Water and Groundwater Trust Fund; SB 169. If SB 169 of  
27 the 2019 regular legislative session becomes law, then sections 315-317 of this act shall  
28 not take effect.

29 319 Repeal. RSA 176:16-a, relative to liquor commission revenue shortfalls, is  
30 repealed.

31 320 Definition of Pet Vendor. Amend RSA 437:1, IV to read as follows:

32 IV. "Pet vendor" means any person, firm, corporation, or other entity [~~engaged in~~  
33 ~~the business of transferring live animals or birds~~] *that transfers 25 or more dogs, 25 or*  
34 *more cats, 30 or more ferrets, or 50 or more birds*, customarily used as household pets to  
35 the public, with or without a fee or donation required, and whether or not a physical  
36 facility is owned by the licensee in New Hampshire, when transfer to the final owner  
37 occurs within New Hampshire, *between July 1 and June 30 of each year. Pet vendor also*  
38 *means any person, firm, corporation, or other entity that transfers amphibians, reptiles,*

1 *fish, or small mammals customarily used as household pets to the public in quantities set*  
2 *in rules adopted by the department, with or without a fee or donation required, and*  
3 *whether or not a physical facility is owned by the licensee in New Hampshire between*  
4 *July 1 and June 30 of each year. Nothing in this paragraph shall be construed to alter or*  
5 *affect the municipal zoning regulations that a pet vendor shall conform with under RSA*  
6 *437:3.*

7 321 Exemptions; Commercial Kennel Deleted. Amend RSA 437:7 to read as follows:

8 437:7 Exceptions. The license provisions of this subdivision shall not apply to  
9 breeders of dogs that do not meet the definition of [~~commercial kennel~~] *pet vendor* in  
10 RSA 437:1, veterinarians, or the transfer of livestock or poultry.

11 322 New Paragraph; Health Certificates for Dogs, Cats, and Ferrets. Amend RSA  
12 437:8 by inserting after paragraph V the following new paragraph:

13 VI. No dog, cat, or ferret shall be offered for transfer by a licensee or by any  
14 individual without first being protected against infectious diseases using a vaccine  
15 approved by the state veterinarian. No dog, cat, or ferret shall be offered for transfer by  
16 a licensee or by any individual unless accompanied by an official health certificate  
17 issued by a licensed veterinarian. No transfer shall occur unless the transferred animal  
18 is accompanied by a health certificate issued within the prior 14 days. The certificate  
19 shall be in triplicate, one copy of which shall be retained by the signing veterinarian,  
20 one copy of which shall be for the licensee's records, and one copy of which shall be  
21 given to the transferee upon transfer as provided in paragraph III. If an official health  
22 certificate is produced, it shall be prima facie evidence of transfer. The signing  
23 veterinarian shall provide a copy of the health certificate to the department of  
24 agriculture, markets, and food upon request.

25 323 New Chapter; Cost of Care Fund. Amend RSA by inserting after chapter 437-A  
26 the following new chapter:

27 CHAPTER 437-B

28 COST OF CARE FUND

29 437-B:1 Cost of Care Fund.

30 I. There is established in the department of agriculture, markets, and food a  
31 nonlapsing fund to be known as the cost of care fund which shall be kept distinct and  
32 separate from all funds. The cost of care fund is established to assist municipalities in  
33 covering the costs of care incurred from caring for animals pending the resolution of  
34 any action brought for animal cruelty under RSA 644:8 or RSA 644:8-a.

35 II. The treasurer shall deposit in the cost of care fund court-ordered restitution  
36 for care in animal cruelty cases under RSA 644:8 or RSA 644:8-a as specified in  
37 paragraph VI.

38 III. The arresting officer or his or her designee may apply to the commissioner of

1 the department of agriculture, markets, and food for a grant from the cost of care fund  
2 to reimburse costs incurred caring for animals in animal cruelty cases brought under  
3 RSA 644:8 or RSA 644:8-a during pretrial care, for the period between when the animals  
4 are seized and until the final disposition of the case. The commissioner of the  
5 department of agriculture, markets, and food and the state veterinarian shall review  
6 such applications, respond to such applications within 15 days, and distribute no more  
7 than \$500,000 per application.

8 IV. The commissioner shall establish rules under RSA 541-A relative to:

9 (a) The administration and disbursement of the cost of care fund, including  
10 guidelines to ensure that multiple applicants would have equitable access to grants.

11 (b) The application process by an arresting officer or his or her designee for  
12 financial assistance to cover the cost of emergency veterinary treatment.

13 V. The commissioner may accept private gifts and donations of any kind for the  
14 purpose of supporting the cost of animal care which shall be deposited into the cost of  
15 care fund.

16 VI. If a person is convicted of animal cruelty and is ordered by the court to make  
17 restitution, the municipality shall report such restitution to the department of  
18 agriculture, markets, and food. If the restitution exceeds the costs incurred by the  
19 municipality in caring for the seized animals, that excess shall be remitted to the  
20 department and shall be deposited into the cost of care fund.

21 324 Department of Agriculture, Markets, and Food; Cost of Care Fund. The sum of  
22 \$100,000 for the fiscal year ending June 30, 2020, and the sum of \$100,000 for the fiscal  
23 year ending June 30, 2021 are hereby appropriated to the department of agriculture,  
24 markets, and food to fund the cost of care fund established in RSA 437-B:1. The governor  
25 is authorized to draw a warrant for said sums out of any money in the treasury not  
26 otherwise appropriated.

27 325 Repeal. RSA 437:1, II, relative to the definition of commercial kennel, is  
28 repealed.

29 326 New Paragraph; Cemetery Operations. Amend RSA 110-B:77 by inserting after  
30 paragraph III the following new paragraph:

31 IV. All federal funds received and income earned from internment fees shall be  
32 nonlapsing and continually appropriated for the sole purpose of supporting the New  
33 Hampshire state veterans cemetery.

34 327 New Subparagraph; Application of Receipts; Sunny Day Fund. Amend RSA 6:12,  
35 I(b) by inserting after subparagraph (343) the following new subparagraph:

36 (344) Moneys credited to the sunny day fund established in RSA 12-O:21-a.

37 328 General Fund Surplus Account; Transfer to Sunny Day Fund. On June 30, 2019,  
38 the state treasurer shall transfer the sum of \$1,000,000 from the general fund surplus

**HB 2-FN-A-LOCAL - FINAL VERSION**  
**- Page 125 -**

1 account to the sunny day fund established in RSA 12-O:21-a.

2 329 New Section; Department of Business and Economic Affairs; Sunny Day Fund.  
3 Amend RSA 12-O by inserting after section 21 the following new section:

4 12-O:21-a Sunny Day Fund Established.

5 I. There is hereby established in the office of the state treasurer a fund to be  
6 known as the sunny day fund, which shall be kept distinct and separate from all other  
7 funds. The commissioner shall administer the fund. The fund shall be nonlapsing and  
8 continually appropriated to the commissioner for the purpose of obtaining and  
9 disbursing grants for research and development, including any preliminary funding  
10 necessary to obtain grant funding, supporting the infrastructure necessary to address  
11 critical gaps in the state's ability to attract research and development projects,  
12 increasing commercialization of new technologies, leveraging federal funds, and  
13 supporting business development and expansion. Grants may be from federal, private,  
14 or other sources.

15 II. The New Hampshire Research and Industry Council ("council"), with the  
16 support of the New Hampshire Established Program to Stimulate Competitive Research  
17 (NH EPSCoR), shall administer the grant program application and approval process in  
18 consultation with the commissioner, manage the annual investment portfolio, and  
19 evaluate investment performance. An organization may apply for funding under this  
20 section pursuant to the procedures established by the council. The council shall assign  
21 preference to grant applications that:

22 (a) Increase New Hampshire's competitiveness through innovation.

23 (b) Attract talent to New Hampshire.

24 (c) Target existing industrial-cluster strength, potential growth, and research  
25 capacity.

26 (d) Target areas of strategic priority as determined by NH EPSCoR and the  
27 department  
28 of business and economic affairs.

29 (e) Qualify for available matching funds from federal, private, or other  
30 sources.

31 III. Beginning July 1, 2021, and annually thereafter, the council shall conduct a  
32 survey of all organizations which receive grants under this section to evaluate the  
33 return on investment from the state's funding support and to permit the general court to  
34 consider legislation for continued funding. The council shall, no sooner than 18 months  
35 after the effective date of this section, develop and distribute a survey instrument to all  
36 organizations that have received grant funding under this section. The survey shall, at  
37 a minimum, collect the following information for each organization that receives grant  
38 funds under this section:



- 1           (a) Number of grants obtained.
- 2           (b) Total funding from grants and other investments.
- 3           (c) Amount of federal funds obtained.
- 4           (d) Number of employees.
- 5           (e) Number of jobs created as a result of funding received under this section.
- 6           (f) Number of licensing agreements secured.
- 7           (g) Number of patents filed.

8           IV. An organization shall submit the completed survey to the council within 6  
9 weeks of receipt. The council shall collect the completed surveys and submit them to the  
10 commissioner of the department of business and economic affairs. Any organization  
11 which fails to timely submit a completed survey shall not be eligible to obtain additional  
12 funding under this section.

13           V. Administrative costs shall not exceed 8 percent of annual fund expenditures.

14           **330 Appropriation; Department of Environmental Services; Report Required.**

15           I. The sum of \$6,000,000 for the fiscal year ending June 30, 2019 is hereby  
16 appropriated to the department of environmental services for the purpose of studying,  
17 investigating, and testing for contamination caused by perfluorinated chemicals, and  
18 the preliminary design for a treatment system for such contamination. This  
19 appropriation shall not lapse until June 30, 2021. Such appropriation shall be a charge  
20 against the drinking water and groundwater trust fund established in RSA 6-D:1.

21           II. The department of environmental services, in coordination with the attorney  
22 general, shall report to the fiscal committee of the general court upon any significant  
23 developments relative to the state's lawsuit against companies for the manufacturing  
24 and dissemination of perfluorinated chemicals in New Hampshire.

25           **331 New Paragraph; Organization of Executive Branch; Purpose.** Amend RSA 21-G:2  
26 by inserting after paragraph III the following new paragraph:

27           IV. The various scopes in the mission of the executive branch departments,  
28 agencies, and commissions require a delineation of their organization within the  
29 executive branch.

30           **332 Organization of Executive Branch; Definitions.** RSA 21-G:5 is repealed and  
31 reenacted to read as follows:

32           **21-G:5 Definitions.** In this chapter:

33           I. "Administratively attached agency" means an independent agency linked to a  
34 department for purposes of reporting and sharing support services.

35           II. "Administrative head of the agency" means the individual, by whatever title  
36 conferred upon them by the relevant statute, who is in charge of operations of an  
37 executive agency, executive commission, or administratively attached agency.

38           III. "Advisory committee" means a committee established pursuant to RSA 21-G:11

1 which shall furnish advice, gather information, make recommendations and perform  
2 such other activities as may be instructed or as may be necessary to fulfill advisory  
3 functions or to comply with federal funding requirements, but which shall not  
4 administer a program or function or set policy.

5 IV. "Agency" means any department, commission, board, institution, bureau,  
6 office, or other entity, by whatever name called, other than the legislative and judicial  
7 branches of state government, established in the state constitution, statute, session law,  
8 or executive order.

9 V. "Bureau" means the principal unit within a division, which is directly  
10 responsible to the division level and is concerned with individual program management.

11 VI. "Commissioner" means the individual in charge of the operations of an  
12 executive department, who is directly responsible to the governor.

13 VII. "Constitutional office" means an executive department that also comprises a  
14 constitutional office established by the state constitution and common law practice.

15 VIII. "Division" means the principal unit within a department, which is directly  
16 responsible to the department level and is concerned with related major functional  
17 programs and activities.

18 IX. "Executive agency" means an administrative unit within the executive branch  
19 of state government, which is concerned with a specific objective or administrative  
20 function.

21 X. "Executive commission" means an administrative unit within the executive  
22 branch of state government established to provide a specific enterprise or regulatory  
23 function.

24 XI. "Executive department" means the principal administrative unit within the  
25 executive branch of state government, which is concerned with broad functional  
26 responsibilities.

27 XII. "Field operations" means district or area offices which may combine division,  
28 bureau, and section functions.

29 XIII. "Section" means the principal unit of a bureau, which is directly responsible  
30 to the bureau level and is concerned with direct provision of services to the public or  
31 other state agencies.

32 333 Structure of Executive Branch. Amend the section heading in RSA 21-G:6 to read  
33 as follows:

34 21-G:6 Structure of Executive Branch *Departments*.

35 334 Repeal. RSA 21-G:6, II(d), relative to division into subsections, is repealed.

36 335 New Section; Organization of Executive Branch. Amend RSA 21-G by inserting  
37 after section 6-a the following new section:

38 21-G:6-b Organization of the Executive Branch.

**HB 2-FN-A-LOCAL - FINAL VERSION**  
**- Page 128 -**

- 1           **I. Constitutional offices are as follows:**  
2               **(a) The executive department, comprising the office of the governor.**  
3               **(b) The department of state, comprising the office of the secretary of state.**  
4               **(c) The state treasury, comprising the office of the state treasurer.**  
5               **(d) The department of justice, comprising the office of the attorney general.**

- 6           **II. The executive departments are as follows:**  
7               **(a) The department of administrative services.**  
8               **(b) The department of agriculture, markets, and food.**  
9               **(c) The department of banking.**  
10              **(d) The department of business and economic affairs.**  
11              **(e) The department of corrections.**  
12              **(f) The department of education.**  
13              **(g) The department of employment security.**  
14              **(h) The department of environmental services.**  
15              **(i) The department of health and human services.**  
16              **(j) The department of information technology.**  
17              **(k) The department of insurance.**  
18              **(l) The department of labor.**  
19              **(m) The department of military affairs and veteran services.**  
20              **(n) The department of natural and cultural resources.**  
21              **(o) The department of revenue administration.**  
22              **(p) The department of safety.**  
23              **(q) The department of transportation.**

- 24           **III. The executive agencies are as follows:**  
25               **(a) Council on developmental disabilities.**  
26               **(b) Veterans' home.**  
27               **(c) The office of professional licensure and certification.**  
28               **(d) The police standards and training council.**  
29               **(e) The public employee labor relations board.**  
30               **(f) The board of tax and land appeals.**  
31               **(g) The judicial council.**

- 32           **IV. The executive commissions are as follows:**  
33               **(a) The fish and game commission.**  
34               **(b) The public utilities commission.**  
35               **(c) The state liquor commission.**  
36               **(d) The state lottery commission.**

37           **336 New Subdivision; Component Units of State Government. Amend RSA 6 by**  
38 **inserting after section 43 the following new subdivision:**



1 following, credit 1/2 of said balance to the general fund and credit 1/2 of said balance to  
2 the fish and game department. The funds credited to the fish and game department shall  
3 be used by said department to carry out its program and be accounted for as  
4 ***unrestricted revenue to*** the fish and game fund [~~is accounted for~~]. Any funds credited to  
5 the fish and game department as above provided shall not lapse at the end of the fiscal  
6 year. The department shall pay monthly to the state treasurer all revenue from the  
7 aircraft landing area toll.

8 339 Administration of Motor Vehicle Laws; Road Tolls; Credit Provided. Amend RSA  
9 260:61, I to read as follows:

10 I. Annually, on or before June 30, the comptroller shall transfer, from road tolls  
11 collected, an amount equal to the number of licensed OHRVs and snowmobiles for the  
12 previous year times the average number of gallons consumed per year per OHRV and  
13 snowmobile times the gasoline road toll imposed under RSA 260:32, less any amount  
14 refunded for OHRV and snowmobile use for the previous year, to the fish and game  
15 department and the bureau of trails as follows. The road toll administrator shall report  
16 to the comptroller if there is a balance of unrefunded road tolls collected. The  
17 administrator shall certify the amount to the comptroller who shall credit 1/2 of such  
18 balance to the bureau of trails for use as provided in paragraph I-a, and 1/2 of such  
19 balance to the fish and game department ***as unrestricted revenue to the fish and game***  
20 ***fund***. For the purposes of this section, "the average number of gallons consumed per  
21 year per OHRV or snowmobile" is 100.

22 340 Department of Safety Appropriations; Revenue from Motor Vehicle Fines;  
23 Exemption. For the fiscal year ending June 30, 2019, department of safety  
24 appropriations funded with agency income from restricted revenue collected under RSA  
25 262:44, I, shall be exempt from 2017, 155:1.08(I).

26 341 Department of Safety; Fund Transfer; Authorization. Notwithstanding the  
27 provisions of RSA 9:16-a, for the biennium ending June 30, 2021, the department of safety  
28 may transfer funds between accounting units in classes 027-transfers to the department  
29 of information technology, 028-transfers to general services, 064-retiree pension benefit-  
30 health insurance compensation, and 211-property and casualty insurance, upon  
31 approval of the department of administrative services' budget office.

32 342 Substance Abuse Enforcement Program; Appropriations.

33 I. The sum of \$587,700 for the fiscal year ending June 30, 2019 is hereby  
34 appropriated to the department of safety. This sum shall be expended as follows:

35 (a) \$171,600 shall be expended for the purpose of funding overtime at the state  
36 forensic laboratory as a result of increased caseloads attributable to narcotics related  
37 enforcement and investigations with no more than 50 percent of the appropriation  
38 expended in each fiscal year of the biennium ending June 30, 2021.

1 (b) \$416,100 shall be expended for the purpose of funding overtime at the state  
2 police for narcotics related enforcement and investigations with no more than 50  
3 percent of the appropriation expended in each fiscal year of the biennium ending June  
4 30, 2021.

5 II. The sum of \$2,400,000 for the fiscal year ending June 30, 2019 is hereby  
6 appropriated to the department of safety to disburse grants to county and local law  
7 enforcement agencies for the purpose of funding overtime costs for county and local law  
8 enforcement officers performing law enforcement activities attributable to the  
9 substance abuse enforcement program established in RSA 21-P:66. No more than 50  
10 percent of the appropriation shall be expended in each fiscal year of the biennium  
11 ending June 30, 2021.

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

14 IV. No appropriation made in this section shall lapse until July 1, 2021.

15 343 Department of Safety; Appropriation. There is hereby appropriated to the  
16 department of safety the sum of \$195,000 for the fiscal year ending June 30, 2019, for the  
17 purpose of providing administrative support to the state building code review board.  
18 The governor is authorized to draw a warrant for said sums out of any money in the  
19 treasury not otherwise appropriated and said sums shall not lapse until June 30, 2021.

20 344 Public School Infrastructure Fund. Amend RSA 198:15-y, II to read as follows:

21 II. There is hereby established in the office of the state treasurer the public  
22 school infrastructure fund which shall be kept distinct and separate from all other funds  
23 and which shall be administered by the department of education. After transferring  
24 sufficient funds to the revenue stabilization reserve account to bring the balance of that  
25 account to \$100,000,000, the state treasurer shall transfer the remainder of the general  
26 fund surplus for fiscal year 2017, as determined by the official audit performed pursuant  
27 to RSA 21-I:8, II(a), to the fund. Any earnings on fund moneys shall be added to the fund.  
28 All moneys in the fund shall be nonlapsing and continually appropriated. *The*  
29 *department of education may retain up to 3 percent of the total annual appropriation of*  
30 *the public school infrastructure fund on or after July 1, 2019, to be used to administer*  
31 *the public school infrastructure program.* Any unexpended or unencumbered balance as  
32 of June 30, 2021 shall be transferred to the general fund.

33 345 Public School Infrastructure Fund. Amend RSA 198:15-y, III(e) to read as  
34 follows:

35 (e) *A school building or infrastructure proposal which is necessary to comply*  
36 *with Americans with Disabilities Act (ADA) regulations.*

37 (f) Other school building or infrastructure needs the governor, in  
38 consultation with the public school infrastructure commission, may identify, except for

1 school building aid projects that are otherwise prohibited by law.

2 346 Department of Education; Vocational Rehabilitation Programs or Services. For  
3 the biennium ending June 30, 2021, the department of education may request funds not  
4 otherwise appropriated for the purpose of funding unanticipated costs relative to  
5 vocational rehabilitation programs or services, with review and approval of the joint  
6 fiscal committee of the general court.

7 347 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, I to read as  
8 follows:

9 I. Each school board shall make [a] **at least one** meal available during school  
10 hours to every pupil under its jurisdiction. Such meals shall be served without cost or at  
11 a reduced cost to any [needy] child who [~~is unable to pay the full cost of said meals~~]  
12 **meets federal income eligibility guidelines**. The state board of education shall [~~insure~~]  
13 **ensure** compliance with this section and shall establish minimum nutritional standards  
14 for such meals [~~and shall further establish~~] **as well as** income guidelines [~~setting forth~~]  
15 **set for** the [~~minimum~~] family size [~~annual income levels to be~~] used in determining  
16 eligibility for free and reduced price meals. Nothing in this section shall prohibit the  
17 operation of both a breakfast and lunch program in the same school. [~~Further any~~  
18 ~~requirement of this section which conflicts with any federal statute or regulation may be~~  
19 ~~waived by the state board of education.~~]

20 348 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, VII(b) to  
21 read as follows:

22 (b) Such school which demonstrates to the department of education that an  
23 approved school wellness policy, as required under the [~~Child Nutrition and WIC~~  
24 ~~Reauthorization Act of 2004~~] **Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296,**  
25 **and the Richard B. Russell National School Lunch Act, 42 U.S.C. section 1758b** is in  
26 effect, and that such school is providing breakfast meals to pupils that meet or exceed  
27 the United States Department of Agriculture's child nutrition criteria may apply for and  
28 receive a 3 cent reimbursement for each breakfast meal served to a pupil **and an**  
29 **additional 27 cent reimbursement for each meal served to students eligible for a reduced**  
30 **price meal**. The department of education shall request biennial appropriations in an  
31 amount sufficient to meet projected school breakfast reimbursements **to ensure students**  
32 **eligible for reduced price meals are offered breakfast at no cost**. The department of  
33 education shall prescribe forms as necessary under this paragraph.

34 349 New Section; Department of Education; New Position; School Nurse Coordinator.  
35 Amend RSA 21-N by inserting after section 6 the following new section:

36 21-N:6-a School Nurse Coordinator. There is established within the division of  
37 learner support the position of school nurse coordinator who shall be a classified  
38 employee. The school nurse coordinator shall be a licensed RN eligible for New

1 Hampshire school nurse certification under RSA 200:29 and shall be qualified to hold  
2 such position by reason of education and experience. The position shall be subject to  
3 any other employment requirements as determined by the department. The school  
4 nurse coordinator shall coordinate and provide technical assistance to guide school  
5 nurses and other school personnel responsible for student health care in the areas of  
6 student health and wellness, safety, behavioral and mental health, and alcohol and  
7 substance use disorder. The school nurse coordinator shall also be a resource for  
8 administrators, educators, families, and policymakers across the state.

9 350 New Subdivision; Family and Medical Leave Coverage. Amend RSA 189 by  
10 inserting after section 72 the following new subdivision:

11 Family and Medical Leave Coverage

12 189:73 Family and Medical Leave Coverage. A school district employee who has been  
13 employed by the school district for at least 12 months and who has worked at least 900  
14 hours in the previous 12-month period shall be eligible for family and medical leave  
15 under the same terms and conditions as leave provided to eligible employees under the  
16 federal Family and Medical Leave Act of 1993 (Pub. L. 103-3), 29 U.S.C. section 2611, et  
17 seq., as amended.

18 351 Heat and Hot Water System Purchase and Replacement; Appropriation. The sum  
19 of \$1,000,000 for the fiscal year ending June 30, 2020 is hereby appropriated to the  
20 department of administrative services to be disbursed to the Concord school district no  
21 later than September 1, 2019, which shall be used for the purchase and replacement of all  
22 systems providing heat to those buildings in the Concord school district which  
23 previously obtained steam from the former Concord Steam corporation. The Concord  
24 school district is authorized to expend such appropriation for the purpose set forth in  
25 this section. The Concord school district shall advise the commissioner of the  
26 department of administrative services of cost and expenditure estimates relating to the  
27 project. The governor is authorized to draw a warrant for said sum out of any money in  
28 the treasury not otherwise appropriated.

29 352 Appropriation; Community College System of New Hampshire. In addition to  
30 funds otherwise appropriated, there is hereby appropriated to the community college  
31 system of New Hampshire the sum of \$3,200,000 in the fiscal year ending June 30, 2019,  
32 which shall not lapse. The governor is authorized to draw a warrant for said sum out of  
33 any money in the treasury not otherwise appropriated.

34 353 Appropriation; Department of Education. The sum of \$500,000 for the fiscal year  
35 ending June 30, 2019 is hereby appropriated to the department of education for the  
36 purpose of providing funding to Granite State Independent Living to support the  
37 IMPACCT (Inspiring the Mastery of Post-Secondary Achievement in College, Career, and  
38 Training) program. This appropriation shall be in addition to any other funds



1 appropriated to the department of education and shall not lapse. The governor is  
2 authorized to draw a warrant for said sum out of any money in the treasury not  
3 otherwise appropriated.

4 **354 Department of Safety Position Reallocation; Appropriation.**

5 I. The sum of \$1,450,000 is hereby appropriated, upon approval of the fiscal  
6 committee of the general court by June 30, 2020, to the department of safety for the  
7 biennium ending June 30, 2021 for the purpose of funding reallocation of all sworn  
8 police troopers from the rank of probationary trooper through the rank of executive  
9 major for the last 6 months of the biennium ending June 30, 2021. The department of  
10 administrative services shall conduct an assessment review of the reallocation request  
11 and shall report its findings to the fiscal committee prior to the fiscal committee vote.  
12 Reallocated pay shall take effect January 1, 2021.

13 II. The sum of \$50,000 for the biennium ending June 30, 2021 is hereby  
14 appropriated to the department of administrative services for the purpose of retaining a  
15 consultant to assist with the assessment review conducted pursuant to paragraph I.

16 III. The governor is authorized to draw a warrant for said sums in this section  
17 out of any money in the treasury not otherwise appropriated. Such funds shall not lapse  
18 until June 30, 2021.

19 **355 Statement of Findings.**

20 I. The general court hereby finds that:

21 (a) The ongoing mental health, substance misuse, and child protection crises  
22 have taken a significant toll on New Hampshire's children and families, impacting all  
23 child-serving systems and placing increased pressure on the children's behavioral  
24 health system;

25 (b) The New Hampshire department of health and human services recently  
26 released an Adequacy and Enhancement Assessment of New Hampshire's child welfare  
27 system, which called for sweeping reforms including further integration of services with  
28 the children's behavioral health system; immediate enhancements to the service array  
29 for children with significant emotional, behavioral and mental health needs; and  
30 transformation of New Hampshire's child-serving system to one that is based on early  
31 intervention, evidence-based services, and accountability for outcomes;

32 (c) Recent changes to child welfare funding at the federal level with the  
33 passage of the federal Family First Prevention Services Act also drive the need to  
34 transform New Hampshire's child-serving system;

35 (d) The state of New Hampshire faces a significant shortage in its capacity to  
36 provide children with early and effective home and community-based services and  
37 therefore must rely on expensive residential and inpatient treatment that drain the  
38 state resources;

1           (e) Adoption of interventions that are proven to be effective such as mobile  
2 crisis and stabilization services will provide support and treatment to families in crisis  
3 and will in many cases avoid costly, restrictive, and often unnecessary institutional care;

4           (f) Increasing access to mobile crisis response and stabilization services for  
5 children can also help the state meet its legal obligations under the Early and Periodic  
6 Screening, Diagnostic and Treatment (“EPSDT”) provisions of the federal Medicaid Act  
7 and the integration mandate of the federal Americans with Disabilities Act. EPSDT is a  
8 federally mandated robust benefit for Medicaid-eligible children under age 21, designed  
9 to address children’s health concerns before they become advanced and treatment is  
10 more difficult and costlier;

11           II. Therefore, the department of health and human services shall expand home  
12 and community-based behavioral health services for children to include mobile crisis  
13 response and stabilization services and make the following improvements to the child-  
14 serving system as recommended by the Adequacy and Enhancement Assessment and in  
15 alignment with the federal Family First Prevention Services Act and EPSDT.

16           356 System of Care for Children's Mental Health. Amend RSA 135-F:3, III(e) to read  
17 as follows:

18           (e) Services that are family-driven, youth-guided, community-based, *trauma-*  
19 *informed*, and culturally and linguistically competent.

20           357 New Paragraph; System of Care for Children's Mental Health; Duties of the  
21 Department of Health and Human Services; Care Management Entities. Amend RSA 135-  
22 F:4 by inserting after paragraph II the following new paragraph:

23           III. Establish and maintain at least one care management entity to oversee and  
24 coordinate the care for children with complex behavioral health needs who are at risk  
25 for residential, hospital, or corrections placement or involved in multiple service  
26 systems. In this section, "care management entity" means an organizational entity that  
27 serves as a centralized entity to coordinate all care for youth with complex behavioral  
28 health challenges who are involved in multiple systems and their families.

29           (a) The care management entity shall oversee and manage residential  
30 treatment, psychiatric hospitalization, and the development of a continuum of  
31 community-based services and supports for children and youth with more complex  
32 needs.

33           (b) Beginning January 1, 2020, the care management entity shall coordinate  
34 behavioral health services in no less than 25 percent of cases involving referrals for  
35 residential treatment. Beginning January 1, 2021, the care management entity shall  
36 coordinate services in no less than 50 percent of such cases, and, beginning January 1,  
37 2022 and thereafter, the care management entity shall coordinate services in no less  
38 than 75 percent of such cases.

1       358    New Sections; Family Support Clearinghouse; System of Care Advisory  
2   Committee. Amend RSA 135-F by inserting after section 7 the following new sections:

3       135-F:8 Family Support Clearinghouse.

4           I. The department of health and human services shall establish and maintain an  
5   information clearinghouse for families seeking information regarding children's  
6   behavioral health services. The clearinghouse functions required by this section may be  
7   assigned to an entity that has responsibilities in addition to those required by this  
8   section.

9           II. The information provided shall be available on the department of health and  
10   human services website and shall include:

11           (a) Access to mobile crisis and stabilization services.

12           (b) Insurance coverage and other reimbursement sources.

13           (c) The results of assessments of the quality of service providers and whether  
14   they utilize evidence-based practices.

15           (d) Referral information for legal service organizations.

16           (e) Referral information, including links to websites and contact telephone  
17   numbers, for behavioral health service providers, organized by region.

18           (f) Advice and guidance regarding family navigation of the behavioral health  
19   system.

20       135-F:9 System of Care Advisory Committee. The department of education and the  
21   department of health and human services shall create a system of care advisory  
22   committee to improve the well-being of children and families; promote coordination  
23   across state agencies; identify cost-savings, opportunities to increase efficiency, and  
24   improvements to the service array and service delivery system and effectiveness; and  
25   assist and advise the commissioners of the department of education and the department  
26   of health and human services on the system of care principles and values and  
27   implementation of RSA 135-F. The committee shall include youth and families with  
28   relevant experience and members of child-serving public and private agencies, including  
29   experts in education, community-based and facility-based behavioral health services,  
30   and effective administration of private and public educational and health services. The  
31   committee shall meet at least 6 times per year and at such other times as the chairperson  
32   deems necessary.

33       359    Home and Community-Based Behavioral Health Services for Children; Mobile  
34   Crisis Response and Stabilization Services Included. Amend RSA 167:3-1 to read as  
35   follows:

36       167:3-1 Home and Community-Based Behavioral Health Services for Children.

37           I. The department shall establish a Medicaid home and community-based  
38   behavioral health services program for children with severe emotional disturbances

1 whose service needs cannot be met through traditional behavioral health services. The  
2 department may establish such services through a state plan amendment as provided in  
3 Section 1915(i) of the Social Security Act or a waiver under other provisions of the Act,  
4 **as needed**. If the department proceeds with a waiver, it shall not limit the geographic  
5 availability of services.

6 **II.** Such services shall include the following services or their functional  
7 equivalent:

- 8 (a) Wraparound care coordination.
- 9 (b) Wraparound participation.
- 10 (c) In-home respite care.
- 11 (d) Out-of-home respite care.
- 12 (e) Customizable goods and services.
- 13 (f) Family peer support.
- 14 (g) Youth peer support.

15 **III. Mobile crisis response and stabilization services for children under 21 shall**  
16 **be provided and delivered using system of care values and principles in compliance with**  
17 **RSA 135-F.**

18 (a) **The department shall contract with one or more third-party entities to**  
19 **ensure that all children in the state under 21 years of age have access to mobile crisis**  
20 **response and stabilization services, that such services are available with a response time**  
21 **of no more than one hour, and that such services are available in every part of the state.**

22 (b) **The department shall ensure the development of a performance**  
23 **measurement system for monitoring quality and access to mobile crisis response and**  
24 **stabilization services.**

25 (c) **All providers of mobile crisis response and stabilization services shall**  
26 **coordinate with the child's wraparound care coordinator, primary care physician, and**  
27 **any other care management program or other behavioral health providers providing**  
28 **services to the youth throughout the delivery of the service.**

29 (d) **Development and procurement of the mobile crises and stabilization**  
30 **services required under this section shall begin on the effective date of this section;**  
31 **implementation shall occur upon completion of the procurement process and approval**  
32 **by the governor and council.**

33 360 Delinquent Children; Arraignment. Amend RSA 169-B:13, I(f)(1)(C) to read as  
34 follows:

35 (C) Identified as eligible for special education services[-]; **or**

36 (D) **Previously referred to a care management entity as defined in RSA**  
37 **135-F:4, III.**

38 361 New Paragraph; Delinquent Children; Court Referrals; Referral to Care

1 Management Entity. Amend RSA 169-B:13 by inserting after paragraph II the following  
2 new paragraph:

3 II-a. The court may, at the arraignment or at any time thereafter, with the  
4 consent of the minor and the minor's family, refer the minor and family to a care  
5 management entity, as defined in RSA 135-F:4, III, for evaluation and/or behavioral  
6 health services to be coordinated and supervised by that entity.

7 362 New Subparagraph; Delinquent Children; Disposition; Referral to Care  
8 Management Entity. Amend RSA 169-B:19, I by inserting after subparagraph (k) the  
9 following new subparagraph:

10 (l) With the consent of the minor and the minor's family, refer the minor and  
11 family to a care management entity, as defined in RSA 135-F:4, III, for behavioral health  
12 services to be coordinated and supervised by that entity. Such referral may be  
13 accompanied by one or more other dispositions in this section, if otherwise authorized  
14 and appropriate.

15 363 New Paragraph; Delinquent Children; Dispositional Hearing. Amend RSA 169-  
16 B:19 by inserting after paragraph I the following new paragraph:

17 I-a. In the case of a child for whom behavioral health services are being  
18 coordinated by a care management entity as defined in RSA 135-F:4, III, the court shall  
19 solicit and consider treatment and service recommendations from the entity. If the  
20 court orders a disposition which is not consistent with the care management entity's  
21 recommendations, it shall make written findings regarding the basis for the disposition  
22 and the reasons for its determination not to follow the recommendations.

23 364 Children in Need of Services; Initial Appearance. Amend RSA 169-D:11, II(e)(2)  
24 and (3) to read as follows:

25 (2) Determined to have a mental illness, emotional or behavioral disorder,  
26 or another disorder that may impede the child's decision-making abilities; ~~or~~

27 (3) Identified as eligible for special education services[-] ; *or*

28 (4) *Previously referred to a care management entity as defined in RSA 135-*  
29 *F:4, III.*

30 365 New Paragraph; Children in Need of Services; Initial Appearance; Referral to  
31 Case Management Entity. Amend RSA 169-D:11 by inserting after paragraph II-a the  
32 following new paragraph:

33 II-b. The court may, at the initial appearance or at any time thereafter, with the  
34 consent of the minor and the minor's family, refer the minor and family to a care  
35 management entity as defined in RSA 135-F:4 III, for evaluation and/or behavioral health  
36 services to be coordinated and supervised by that entity.

37 366 New Paragraph; Children in Need of Services; Dispositional Hearing;  
38 Recommendations of Care Management Entity. Amend RSA 169-D:17 by inserting after

1 paragraph I the following new paragraph:

2 I-a. In the case of a child for whom behavioral health services are being  
3 coordinated by a care management entity as defined in RSA 135-F:4, the court shall  
4 solicit and consider treatment and service recommendations from the entity. If the  
5 court orders a disposition which is not consistent with the entity's recommendations, it  
6 shall make written findings regarding the basis for the disposition and the reasons for  
7 its determination not to follow the recommendations.

8 367 New Paragraph; Children in Need of Services; Dispositional Hearing; Referral to  
9 Care Management Entity. Amend RSA 169-D:17 by inserting after paragraph III the  
10 following new paragraph:

11 III-a. In addition to any other disposition, the court may, with the consent of the  
12 minor and the minor's family, refer the minor and family to a care management entity as  
13 defined in RSA 135-F:4, III for behavioral health services to be coordinated and  
14 supervised by that entity. Such a referral may be accompanied by one or more other  
15 dispositions in this section, if otherwise authorized and appropriate.

16 368 New Paragraph; Services for Children Youth and Families; Definition of  
17 Evidence-Based Practice. Amend RSA 170-G:1 by inserting after paragraph V the  
18 following new paragraph:

19 V-a. "Evidence-based practice" means a practice that has been recognized as  
20 supported by research evidence by an evidence-based clearinghouse, such as the  
21 California Evidence-Based Clearinghouse for Child Welfare and the Title IV-E  
22 Prevention Services Clearinghouse. Other acceptable evidence-based practices shall  
23 include practices and programs evaluated using research which utilizes methods that  
24 meet high scientific standards. Acceptable methods shall include:

25 (a) Systematic, empirical techniques that draw on observation or experiment.

26 (b) Rigorous data analyses that are adequate to test stated hypotheses and  
27 justify general conclusions.

28 (c) Measurements or observational methods that provide reliable and valid  
29 data across evaluators and observers, across multiple measurements and observations,  
30 and across studies by the same or different investigators.

31 (d) Randomized controlled trials when possible and appropriate.

32 369 New Paragraph; Services for Children, Youth, and Families; Duties of the  
33 Department of Health and Human Services. Amend RSA 170-G:4 by inserting after  
34 paragraph XX the following new paragraph:

35 XXI. Utilize, to the fullest permissible extent, available public reimbursement for  
36 behavioral health and other services provided pursuant to this chapter and RSA 169-B,  
37 169-C, and 169-D, in settings including the home, schools, and treatment facilities. Such  
38 reimbursement includes, but is not limited to, the federal Early and Periodic Screening,

1 Diagnosis and Treatment Program under 42 U.S.C. section 1396d.

2 370 New Sections; Services for Children Youth and Families. Amend RSA 170-G by  
3 inserting after section 4-a the following new sections:

4 170-G:4-b Evidence-Based Practices.

5 I. On or before July 1, 2020, at least 10 percent of state funds received by the  
6 department for children's behavioral health services, whether or not they are subject to  
7 this chapter, shall be expended for evidence-based practices. Beginning July 1, 2022, the  
8 percentage of state funds expended for evidence-based practices shall be at least 25  
9 percent; and beginning July 1, 2025, the percentage expended for evidence-based  
10 practices shall be at least 50 percent.

11 II. The department shall submit a biennial report containing:

12 (a) An assessment of each service provider on which the department expends  
13 funds, including but not limited to whether each service provided is an evidence-based  
14 practice, and whether the service provider is in compliance with the contract  
15 accountability requirements of RSA 170-G:4-d.

16 (b) The percentage of state funds the department receives for behavioral  
17 health services that is being expended on evidence-based practices.

18 (c) The percentage of federal and other funds the department receives for  
19 behavioral health services that is being expended on evidence-based practices.

20 (d) A description of the efforts the department is making to increase the use of  
21 evidence-based practices for children's behavioral health and other services.

22 III. The department shall submit the report required under paragraph II no later  
23 than January 15 of each odd-numbered year to the governor, the administrative justice  
24 of the circuit court, and the house and senate finance committees. The report shall also  
25 be posted on the department's website.

26 170-G:4-c Establishment of Resource Center for Children's Behavioral Health. The  
27 department shall establish and maintain a resource center for children's behavioral  
28 health, which shall:

29 I. Provide technical assistance to the department and to service providers to  
30 support the implementation and operation of evidence-based practices, along with the  
31 provision of services according to the system of care characteristics described in RSA  
32 135-F:3.

33 II. Provide training on a statewide basis to persons employed in the children's  
34 behavioral health system, relating to:

35 (a) The use of evidence-based practices.

36 (b) The analysis of quality assurance protocols to determine whether service  
37 providers are utilizing evidence-based practices with fidelity.

38 III. Act as a clearinghouse for information and statewide resources on evidence-

1 based practices for children receiving services pursuant to RSA 169-B, 169-C, 169-D, and  
2 170-G.

3 IV. Facilitate collaboration among state and local agencies and service providers  
4 to increase access to such providers.

5 V. Provide support for the assessment of the implementation of evidence-based  
6 practices by such state and local agencies.

7 170-G:4-d Content of Provider Contracts.

8 I. All contracts between the department and providers of services under this  
9 chapter, or any behavior health service to children, shall include provisions addressing  
10 outcome measurement, incentives for the use of evidence-based practices, and  
11 accountability for high-quality services. Such provisions shall, at minimum, include the  
12 following:

13 (a) Required use of a uniform assessment instrument developed and/or  
14 approved by the department pursuant to RSA 170-G:4-e.

15 (b) In the case of providers of services to children pursuant to the  
16 dispositional authority of the circuit court under RSA 169-B and 169-D, outcome  
17 measurement which includes recidivism as measured by post-service arrests, violations  
18 of parole, conditional release, or other conditional liberty, and behavior meeting the  
19 definition of a child in need of service under RSA 169-D:2. Contracts with such  
20 providers shall also include incentives for recidivism reduction.

21 (c) Reporting to the department changes in assessment results following  
22 provision of the contracted service for each child served.

23 II. The department shall include substantially similar requirements in its  
24 standards for provider certification and other processes administered by the  
25 department to qualify providers to deliver services pursuant to this chapter.

26 170-G:4-e Assessment, Treatment, and Discharge Planning.

27 I. In every case in which a placement outside the home is being considered, the  
28 department shall require the completion of a written clinical assessment of the  
29 behavioral health and other treatment needs of the child.

30 II. A written treatment plan shall be required upon a child's placement in a  
31 residential or other treatment program. The plan shall have definable goals and  
32 strategies to achieve those goals and include concrete, outcome-oriented interventions  
33 with the objective of restoring, rehabilitating, or maintaining the child's capacity to  
34 successfully function in the community and diminish the need for a more intensive level  
35 of care.

36 III. The development of a written discharge plan for each child shall begin upon  
37 admission to any treatment program, and shall be available to the parents or guardians  
38 of the child no later than 10 days following admission to the program. Treatment and



1 discharge plans shall be updated on an ongoing basis as treatment proceeds and a  
2 child's condition changes.

3 IV. All assessments conducted pursuant to this section shall include the use of a  
4 universal, strengths-based assessment tool which is adopted by the department and used  
5 throughout the system of care for children's mental health as defined in RSA 135-F.

6 V. The assessment of the child's behavioral health and other treatment needs  
7 shall be repeated upon discharge from any residential treatment program or  
8 commitment pursuant to RSA 169-B:19, I(j).

9 VI. Assessments required by this section may not be conducted by employees of a  
10 residential treatment provider or commitment pursuant to RSA 169-B:19, I(j).

11 170-G:4-f Medical Assistance Screening. The department of health and human  
12 services shall establish a procedure to assess court-involved children for eligibility for  
13 private and public medical insurance, including the medical assistance program under  
14 RSA 167. This procedure shall apply to any child who is subject to proceedings under  
15 RSA 169-B or 169-D, or receives services pursuant to RSA 169-C. Children who may be  
16 eligible and their families shall be provided assistance by the department in making  
17 application for such assistance. The circuit court shall make any necessary adjustments  
18 to its arraignment and other procedures to facilitate such assessments.

19 371 Establishment of Resource Center for Children's Behavioral Health; RFP  
20 Required. On or before January 1, 2020, the department of health and human services  
21 shall issue a request for proposals to establish the resource center for children's  
22 behavioral health pursuant to RSA 170-G:4-c, as inserted by this act, and shall establish  
23 the resource center no later than July 1, 2020.

24 372 New Paragraph; Release and Discharge from the Youth Services Center. Amend  
25 RSA 621:19 by inserting after paragraph III the following new paragraph:

26 III-a. In every case in which there is a diagnosis or other evidence that a minor at  
27 the center may have a serious emotional disturbance or other behavioral health  
28 disorder, the center shall, with the consent of the minor and the minor's family, refer the  
29 minor to a care management entity, as defined in RSA 135-F:4, III, for evaluation and  
30 recommendations for behavioral health services to be coordinated and supervised by  
31 that entity before and after discharge from the facility. Discharge plans shall  
32 incorporate the recommendations of the care management entity whenever appropriate.  
33 In any case where the recommendations of the care management entity are not  
34 incorporated into the discharge planning process, the minor, the minor's family, and  
35 counsel for the minor shall be notified in writing of the decision and of the basis for the  
36 decision.

37 373 Appropriation; Department of Health and Human Services; Child Welfare  
38 Behavioral Health Services. The sum of \$6,084,000 for the fiscal year ending June 30,

1 2020, and the sum of \$13,164,000 for the fiscal year ending June 30, 2021, are hereby  
2 appropriated to the department of health and human services for the purposes of  
3 sections 356-372 of this act. Notwithstanding RSA 14:30-a, VI, the department may accept  
4 and expend any federal fund match to the appropriation in this section without prior  
5 approval of this fiscal committee of the general court. The governor is authorized to  
6 draw a warrant for said sums out of any money in the treasury not otherwise  
7 appropriated.

8 **374 Department of Health and Human Services; Medicaid Rate Increases.**

9 I. The commissioner of the department of health and human services shall  
10 increase all Medicaid provider rates, including all state plan services and waiver  
11 programs, excluding any provider rate increases for inpatient-only substance use  
12 disorder treatment services, by 3.1 percent in the fiscal year ending June 30, 2020 and an  
13 additional 3.1 percent in the fiscal year ending June 30, 2021. The commissioner shall  
14 apply the rate increases to the Medicaid fee-for-service fee schedule for the purpose of  
15 determining payments for all services not delivered through managed care, and shall  
16 require the department's actuary to incorporate the rate increases into the capitation  
17 payment for all services provided in the care management program. Nothing in this  
18 section shall be construed to alter the traditional method of establishing the county  
19 contribution for the Medicaid federal medical assistance percentage.

20 II. The department of health and human services shall, beginning on October 1,  
21 2019 and every 3 months thereafter, provide a report to the fiscal committee of the  
22 general court on the status of the rate increases described in paragraph I. Such reports  
23 shall include, but not be limited to, year-to-date expenditures compiled by funding  
24 source and provider type.

25 **375 Department of Health and Human Services; Appropriation.**

26 I. The sum of \$60,000,000 for the biennium ending June 30, 2021 is hereby  
27 appropriated to the department of health and human services for the purposes of section  
28 374 of this act. Said sum shall be charged as follows:

29 (a) The sum of \$51,238,000 shall be a charge against the state general fund,  
30 and the governor is authorized to draw a warrant for said sum out of any money in the  
31 treasury not otherwise appropriated;

32 (b) The sums of \$3,753,000 in the fiscal year ending June 30, 2020 and  
33 \$3,966,000 in the fiscal year ending June 30, 2021 shall be a charge against state general  
34 funds appropriated in account 05-95-93-930010-7100;

35 (c) The sums of \$74,000 in the fiscal year ending June 30, 2020 and \$79,000 in  
36 the fiscal year ending June 30, 2021 shall be a charge against state general funds  
37 appropriated in account 05-95-48-482010-2152;

38 (d) The sums of \$92,000 in the fiscal year ending June 30, 2020 and \$92,000 in

1 the fiscal year ending June 30, 2021 shall be a charge against state general funds  
2 appropriated in account 05-95-93-930010-7110; and

3 (e) The sums of \$353,000 in the fiscal year ending June 30, 2020 and \$353,000 in  
4 the fiscal year ending June 30, 2021 shall be a charge against state general funds  
5 appropriated in account 05-95-93-930010-7016.

6 II. Notwithstanding RSA 14:30-a, VI, in addition to the amounts appropriated in  
7 paragraph I, the department of health and human services may accept and expend any  
8 matching federal funds available for the purposes of this section without the prior  
9 approval of the fiscal committee of the general court.

10 III. Nothing in this section shall be construed to provide a rate increase of an  
11 amount other than 3.1 percent in each fiscal year to providers funded in accounts 05-95-  
12 93-930010-7100, 05-95-48-482010-2152, 05-95-93-930010-7110, and 05-95-93-930010-7016.

13 376 New Hampshire Granite Advantage Health Care Program. Amend RSA 126-AA:2,  
14 I(a) to read as follows:

15 I.(a) The commissioner shall apply for any necessary waivers and state plan  
16 amendments to implement a 5-year demonstration program beginning on January 1,  
17 2019 to create the New Hampshire granite advantage health care program [~~which shall~~  
18 ~~be funded exclusively from non-general fund sources, including federal funds~~]. The  
19 commissioner shall include in an application for the necessary waivers submitted to the  
20 Centers for Medicare and Medicaid Services (CMS) a waiver of the requirement to  
21 provide 90-day retroactive coverage and a state plan amendment allowing state and  
22 county correctional facilities to conduct presumptive eligibility determinations for  
23 incarcerated inmates to the extent provided under federal law. To receive coverage  
24 under the program, those individuals in the new adult group who are eligible for  
25 benefits shall choose coverage offered by one of the managed care organizations (MCOs)  
26 awarded contracts as vendors under Medicaid managed care, pursuant to RSA 126-A:5,  
27 XIX(a). The program shall make coverage available in a cost-effective manner and shall  
28 provide cost transparency measures, and ensure that patients are utilizing the most  
29 appropriate level of care. Cost effectiveness shall be achieved by offering cash  
30 incentives and other forms of incentives to the insured by choosing preferred lower cost  
31 medical providers. Loss of incentives shall also be employed. MCOs shall employ  
32 reference-based pricing, cost transparency, and the use of incentives and loss of  
33 incentives to the Medicaid and newly eligible population. For the purposes of this  
34 subparagraph, "reference-based pricing" means setting a maximum amount payable for  
35 certain medical procedures.

36 377 New Hampshire Granite Advantage Health Care Program; Trust Fund. Amend  
37 RSA 126-AA:3, I to read as follows:

38 I. There is hereby established the New Hampshire granite advantage health care

1 trust fund which shall be accounted for distinctly and separately from all other funds  
2 and shall be non-interest bearing. The fund shall be administered by the commissioner  
3 and shall be used solely to provide coverage for the newly eligible Medicaid population  
4 as provided for under RSA 126-AA:2, to pay for the administrative costs for the program,  
5 and reimburse the federal government for any over payments of federal funds. All  
6 moneys in the fund shall be nonlapsing and shall be continually appropriated to the  
7 commissioner for the purposes of the fund. The fund shall be authorized to pay and/or  
8 reimburse the cost of medical services and cost-effective related services, including  
9 without limitation, capitation payments to MCOs. No state general funds shall be  
10 deposited into the fund ***unless the commissioner has certified that a deficit is projected***  
11 ***in the fund and the federal match rate is at least 90 percent. If those conditions have***  
12 ***been met, the commissioner may seek approval from the fiscal committee of the general***  
13 ***court to transfer general funds from the department's budget into the trust fund to cover***  
14 ***the amount of the projected deficit.*** Deposits into the fund shall be limited exclusively to  
15 the following:

16 (a) Revenue transferred from the alcohol abuse prevention and treatment  
17 fund pursuant to RSA 176-A:1, IV;

18 (b) Federal Medicaid reimbursement for program costs and administrative  
19 costs attributable to the program;

20 (c) Surplus funds generated as a result of MCOs managing the cost of their  
21 services below the medical loss ratio established by the commissioner for the managed  
22 care program beginning on July 1, 2019;

23 (d) Taxes attributable to premiums written for medical and other medical  
24 related services for the newly eligible Medicaid population as provided for under this  
25 chapter, consistent with RSA 400-A:32, III(b);

26 (e) Funds received from the assessment under RSA 404-G;

27 (f) Funds recovered or returnable to the fund that were originally spent on  
28 the cost of coverage of the granite advantage health care program; ~~and~~

29 (g) Gifts, grants, and donations[-];

30 (h) ***Medicaid enhancement tax moneys necessary to pay for the portion of***  
31 ***provider rate increases pursuant to RSA 167:64, I(a)(2)(C) that is attributable to services***  
32 ***provided under this chapter; and***

33 (i) ***General funds.***

34 378 Appropriation; Department of Health and Human Services; Safe Stations. The  
35 sum of \$375,000 for the fiscal year ending June 30, 2020 and the sum of \$375,000 for the  
36 fiscal year ending June 30, 2021 is hereby appropriated to the department of health and  
37 human services for the purpose of funding existing Safe Stations located in Manchester  
38 and Nashua. The governor is authorized to draw a warrant for said sums out of any

1 money in the treasury not otherwise appropriated.

2 379 Supported Housing. Amend 2017, 156:186, I as amended by 2018, 343:14 to read as  
3 follows:

4 I. The commissioner of the department of health and human services shall  
5 contract with programs that enable individuals with serious mental illness to attain and  
6 maintain integrated, affordable, supported housing. The department shall use funding  
7 not to exceed \$500,000 from existing appropriations for the biennium ending June 30,  
8 2019. ***Such funds, not to exceed \$500,000 from accounting unit 05-95-92-922010-4117, shall***  
9 ***not lapse until June 30, 2021.*** Eligibility for such funding shall include persons who are  
10 not eligible for existing housing subsidy programs. The department shall submit a  
11 monthly report to the fiscal committee of the general court regarding implementation of  
12 this section.

13 380 Department of Health and Human Services; Appropriation. Notwithstanding  
14 RSA 126-AA:2, I(a) and RSA 126-AA:3, the sum of \$8,000,000 for the fiscal year ending  
15 June 30, 2019 is hereby appropriated to the department of health and human services,  
16 which shall be nonlapsing, for the purpose of enhancing provider rates for mental health  
17 and substance use disorder inpatient and outpatient services consistent with 2018, 342.  
18 The governor is authorized to draw a warrant for said sum out of any money in the  
19 treasury not otherwise appropriated. The commissioner of the department of health and  
20 human services shall, within 21 days of the effective date of this section, issue a report to  
21 the finance committees of the senate and the house of representatives stating how he  
22 intends to expend the appropriation. Notwithstanding RSA 14:30-a,VI, the department  
23 may accept and expend any federal fund match to the appropriation in this section  
24 without prior approval of the fiscal committee of the general court.

25 381 Repeal. 2019, 41:1, relative to an appropriation to the department of health and  
26 human services for increasing diagnosis-related group (DRG) rates for designated  
27 receiving facilities (DRF) beds, is repealed.

28 382 Department of Health and Human Services; Designated Receiving Facilities  
29 Beds. 2019, 41:3 is repealed and reenacted to read as follows:

30 41:3 Department of Health and Human Services; Designated Receiving Facilities;  
31 Community Residential Beds.

32 I.(a) The commissioner of the department of health and human services is  
33 authorized to enter into a contract with an acute care hospital to establish no fewer  
34 than 8 and no more than 10 new designated receiving facility (DRF) beds to be  
35 operational no later than October 1, 2019. If the contract is approved by the governor  
36 and executive council by September 15, 2019, the department shall be appropriated the  
37 amounts specified in paragraph II to increase the diagnosis related group (DRG) base  
38 rate reimbursement of all existing and newly established DRF beds. If a contract is not

1 approved by the governor and executive council by September 15, 2019, then no funds in  
2 paragraph II shall be appropriated to increase the DRG base rate for all existing and  
3 new DRF beds.

4 (b) A hospital that establishes between 8 and 10 new DRF beds shall allocate  
5 the beds based on the statewide need. The commissioner shall report monthly to the  
6 oversight committee on health and human services established in RSA 126-A:13  
7 commencing on November 1, 2019, relative to the county of residence of all community  
8 DRF admissions for all community DRF beds. The new beds shall be awarded based on a  
9 procurement process conducted by the department.

10 II. The sum of \$732,000 in the fiscal year ending June 30, 2020 and the sum of  
11 \$976,000 for the fiscal year ending June 30, 2021 are hereby appropriated for the purpose  
12 of increasing the DRG rates for all community based DRF beds in New Hampshire. Of  
13 the amounts appropriated, 50 percent shall be general funds and 50 percent shall be  
14 federal funds. Such funds shall be nonlapsing. The governor is authorized to draw a  
15 warrant for the general fund portion of said sums in the treasury not otherwise  
16 appropriated.

17 383 Appropriation; Secure Psychiatric Unit Facility. The sum of \$17,500,000 for the  
18 fiscal year ending June 30, 2019 is hereby appropriated to the department of health and  
19 human services and shall be expended for the purpose of constructing a new 25-bed  
20 secure psychiatric unit facility on the New Hampshire Hospital grounds. The sum  
21 appropriated shall be nonlapsing, provided that any unexpended amount following  
22 construction shall lapse to the general fund. The facility shall be built to house such  
23 persons that do not require continued joint commission accreditation. The department  
24 of administrative services shall prioritize this project in its workload. The department  
25 of administrative services and the department of health and human shall provide  
26 reports each quarter to the fiscal committee of the general court and the senate finance  
27 and house finance committees concerning the progress of the project. Appropriate  
28 persons housed in the secure psychiatric unit of the state prison shall be safely  
29 transferred to this facility no later than 2 weeks after it is operational. This facility  
30 shall be operated and managed by the department of health and human services. The  
31 state shall not enter into a contract with a private or for-profit prison company for the  
32 construction or operation of the secure psychiatric facility unit. The governor is  
33 authorized to draw a warrant for said sum out of any money in the treasury not  
34 otherwise appropriated.

35 384 Repeal. The following are repealed:

36 I. RSA 84-D, relative to the ICF quality assessment.

37 II. RSA 151-E:15-a, relative to expenditure of funds from ICF quality assessment.

38 385 Department of Health and Human Services; State Plan Amendment; Medicaid for

1 Older Employed Adults with Disabilities (MOAD) Work Incentive Program. On or before  
2 January 15, 2020, the commissioner of the department of health and human services  
3 shall apply to the Centers for Medicare and Medicaid Services for an amendment to the  
4 state Medicaid plan pursuant to 42 C.F.R. section 430.12 to allow working persons with  
5 disabilities who are age 65 and older to receive medical assistance pursuant to 42 U.S.C.  
6 section 1396a(a)(10)(A)(ii)(XIII) and as permitted under the Balanced Budget Act of 1997,  
7 to be known as Medicaid for Older Employed Adults with Disabilities (MOAD). The state  
8 plan amendment shall be used to create a program similar to the state's Medicaid for  
9 Employed Adults with Disabilities (MEAD) program, established pursuant to RSA 167:3-i,  
10 which is currently limited to individuals between 18 and 64 years of age. Program  
11 eligibility under the state plan amendment shall be structured to provide the broadest  
12 range of Medicaid coverage consistent with federal eligibility criteria, and to utilize  
13 available income and asset disregards so that, to the extent possible, persons eligible for  
14 the MEAD program shall also be eligible for the MOAD program when they reach age 65.

15 386 New Paragraph; Definitions; MOAD Program. Amend RSA 167:6 by inserting  
16 after paragraph IX the following new paragraph:

17 IX-a. A person with a disability age 65 and older who is eligible to participate in  
18 the work incentive program, known as Medicaid for employed older adults with  
19 disabilities (MOAD), shall be eligible for medical assistance as medically needy or  
20 categorically needy but not to exclude Medicare coverage. The department of health  
21 and human services shall establish a sliding fee scale for participants to contribute to  
22 the cost of such medical assistance. Participants in the MOAD program shall be  
23 employed at the time of enrollment, and may remain enrolled during temporary  
24 unemployment for medical reasons or other good cause.

25 387 New Section; MOAD Work Incentive Program. Amend RSA 167 by inserting after  
26 section 3-1 the following new section:

27 167:3-m MOAD Work Incentive Program.

28 I. Pursuant to section 1902(a)(10)(A)(ii)(XIII) of the Social Security Act, 42 U.S.C.  
29 section 1396a(a)(10)(A)(ii)(XIII), the department of health and human services shall  
30 establish and administer a work incentive program, known as Medicaid for employed  
31 older adults with disabilities (MOAD). The purpose of the program shall be to ensure the  
32 availability of long-term supports to workers age 65 and older with disabilities who are  
33 medically eligible for Medicaid, enabling them to maximize their employment potential  
34 and financial independence and prevent impoverishment and dependence upon cash  
35 assistance programs.

36 II. In addition to the requirements of RSA 167:6, IX-a, the MOAD program shall:

37 (a) Exclude from consideration resources accumulated from earnings,  
38 including interest earned by the resource, by a MOAD-eligible individual beginning on

1 or after the date of eligibility through the period of MOAD eligibility and kept in a  
2 separate account from other resources, when determining future eligibility for other  
3 medical assistance programs.

4 (b) Provide continued eligibility during periods of temporary unemployment  
5 provided that the individual is unable to work for medical reasons but is likely to return  
6 to work, or the individual becomes unemployed for other good cause and is actively  
7 seeking employment.

8 (c) Define employment for eligibility purposes in a manner that permits a self-  
9 employed individual to earn less than the federal minimum wage.

10 (d) Permit individuals who are eligible for home and community-based care  
11 waiver services and who qualify for a special income limit, to receive medical assistance  
12 through the MOAD program, if they so choose.

13 (e) Provide notice and an opportunity for a fair hearing in the event of any  
14 adverse action affecting eligibility for or enrollment in the MOAD program.

15 (f) Establish oversight and enforcement procedures to prevent fraud and to  
16 assure that participants are consistently engaging in gainful employment.

17 III. Pursuant to section 1902(a)(10)(A)(ii)(XIII) of the Social Security Act, 42 U.S.C.  
18 section 1396a(a)(10)(A)(ii)(XIII), individuals shall be eligible for MOAD if their income  
19 does not exceed 250 percent of the federal poverty level, and they meet all criteria for  
20 receiving benefits under the Supplemental Security Income (SSI) program.

21 388 New Paragraph; Rulemaking; MOAD Program. Amend RSA 167:3-c by inserting  
22 after paragraph XII the following new paragraph:

23 XII-a. Administration of the MOAD work incentive program established pursuant  
24 to RSA 167:6, IX-a and RSA 167:3-m.

25 389 Applicability; MOAD. Sections 386-388 of this act shall take effect on the date  
26 that the commissioner of the department of health and human services certifies to the  
27 secretary of state and the director of legislative services that the state plan amendment  
28 submitted under section 385 of this act has been approved by the Centers for Medicare  
29 and Medicaid Services.

30 390 Appropriation; Department of Health and Human Services; Child Protective  
31 Service Workers and Supervisors. Amend 2019, 43:1 and 43:2 to read as follows:

32 43:1 Appropriation; Department of Health and Human Services; Child Protective  
33 Service Workers. The sum of \$1,998,005 for the fiscal year ending June 30, 2020, and the  
34 sum of \$4,119,845 for the fiscal year ending June 30, 2021, are hereby appropriated to the  
35 department of health and human services for the purpose of hiring 27 child protective  
36 service workers in fiscal year 2020 and an additional 30 child protective service workers  
37 in fiscal year 2021. Of these amounts, \$1,398,604 for the fiscal year ending June 30, 2020  
38 and \$2,883,892 for the fiscal year ending June 30, 2021 shall be state general funds, and



1 the remainder shall be federal funds. *The funds appropriated in this section shall only*  
2 *be used for the purposes of this section, and shall not be transferred or used for any*  
3 *other purpose.* The governor is authorized to draw a warrant for the general fund share  
4 of said sums out of any money in the treasury not otherwise appropriated.

5 43:2 Appropriation; Department of Health and Human Services; Child Protective  
6 Service Supervisors. The sum of \$773,552 for the fiscal year ending June 30, 2020, and  
7 the sum of \$1,703,152 for the fiscal year ending June 30, 2021, are hereby appropriated to  
8 the department of health and human services for the purpose of hiring 9 child protective  
9 service supervisors in fiscal year 2020 and an additional 11 supervisors in fiscal year  
10 2021. Of these amounts, \$541,487 for the fiscal year ending June 30, 2020 and \$1,192,207  
11 for the fiscal year ending June 30, 2021 shall be state general funds, and the remainder  
12 shall be federal funds. *The funds appropriated in this section shall only be used for the*  
13 *purposes of this section, and shall not be transferred or used for any other purpose.* The  
14 governor is authorized to draw a warrant for the general fund share of said sums out of  
15 any money in the treasury not otherwise appropriated.

16 391 Statement of Purpose. The purpose of sections 392-393 of this act is to set  
17 minimum training requirements for staff members working in facilities or programs  
18 regulated by the health facilities administration, department of health and human  
19 services which include persons with Alzheimer's disease or other dementias in the  
20 populations they serve. The dementia-specific training curriculum shall incorporate  
21 principles of person-centered dementia care including: thorough knowledge of the  
22 person and the person's abilities and needs; advancement of optimal functioning and a  
23 high quality of life; and use of problem-solving approaches to care. Staff members shall  
24 be trained adequately and appropriately to best address the needs of the population of  
25 care recipients they serve. Training shall be culturally competent both for the staff  
26 member and the care recipient.

27 392 New Subdivision; Dementia Training for Direct Care Staff in Residential  
28 Facilities and Community-Based Services. Amend RSA 151 by inserting after section 46  
29 the following new subdivision:

30 Dementia Training for Direct Care Staff in Residential Facilities  
31 and Community-Based Services

32 151:47 Definitions. In this subdivision:

33 I. "Covered administrative staff member" means the senior manager of the  
34 facility or program, including administrators, as well as managerial staff members that  
35 directly supervise covered direct service staff members.

36 II. "Covered direct service staff member" means a staff member whose work  
37 involves extensive contact with residents or program participants. Such staff members  
38 include: certified nursing assistants, nurse aides, personal care assistants, home health

1 or personal care aides, licensed practical nurses, licensed vocational nurses, registered  
2 nurses, social workers, activity directors, and dietary staff.

3 III. "Department" means the department of health and human services.

4 IV. "Facilities or programs" means residential facilities or home and community-  
5 based programs, serving an adult population, licensed as appropriate under this  
6 chapter, that provide supportive services including, but not limited to, skilled care  
7 facilities, intermediate care facilities, assisted living facilities, residential care for the  
8 elderly, adult day programs, home health, in-home services, or adult family care homes  
9 or programs that advertise specialty memory care that have residents or program  
10 participants with Alzheimer's disease or other dementias.

11 V. "Other covered staff member" means a staff member who has incidental  
12 contact on a recurring basis with residents or program participants, including  
13 housekeeping staff, front desk staff, maintenance staff, other administrative staff, and  
14 other individuals who have such incidental contact.

15 VI. "Staff member" includes full and part-time employees, independent  
16 consultants, and staff of contractors and subcontractors.

17 151:48 Initial and Continuing Training in Dementia Required.

18 I. Facilities and programs shall provide initial training to:

19 (a) All covered staff members hired on or after July 1, 2019, who shall  
20 complete initial training within 6 months of the commencement of employment.

21 (b) All covered staff members who were employed prior to the date under  
22 subparagraph (a) and who have not received equivalent training; such training shall be  
23 completed within 6 months of that date.

24 II. Each facility or program shall establish a system for ongoing onsite support,  
25 supervision, and mentoring for its staff with regard to the treatment and care of persons  
26 with dementia.

27 III. For covered direct service staff members and covered administrative staff  
28 members, at a minimum, the curriculum used for the initial training shall adhere to the  
29 latest nationwide Alzheimer's Association Dementia Care Practice Recommendations  
30 and, at a minimum, cover the following topics:

31 (a) Alzheimer's disease and dementia;

32 (b) Person-centered care;

33 (c) Assessment and care planning;

34 (d) Activities of daily living; and

35 (e) Dementia-related behaviors and communication.

36 IV. For other covered staff members, training shall include, at a minimum,  
37 communication issues related to dementia.

38 V. Initial dementia training shall be considered complete only after the staff

1 member has taken and passed an evaluation.

2 151:49 Portability.

3 I. The facility or staff shall issue a certificate to covered staff members upon  
4 completion of initial training, which shall be portable between settings. Provided that  
5 the covered staff member does not have a lapse of dementia-related direct service or  
6 administration employment for 24 consecutive months or more, the covered staff  
7 member shall not be required to repeat the initial dementia training.

8 II. Covered staff members shall be responsible for maintaining records of  
9 certificates received.

10 151:50 Continuing Education. In addition to initial training, the commissioner shall  
11 adopt rules to determine when and how often continuing education on dementia shall be  
12 required. Such continuing education shall include new information on best practices in  
13 the treatment and care of persons with dementia. The department shall require at least  
14 a minimum of 6 hours of initial continuing education for covered administrative staff  
15 members and covered direct service staff members and shall require at least a minimum  
16 of 4 hours of ongoing training each calendar year. Such continuing education shall  
17 include new information on best practices in the treatment and care of persons with  
18 dementia.

19 151:51 Requirements for Trainers; Training Costs. Persons responsible for  
20 conducting in-person dementia trainings shall meet minimum criteria including: 2  
21 years of work experience related to Alzheimer's disease or other dementias or in health  
22 care, gerontology, or other related field; and have completed training equivalent to the  
23 requirements provided herein. Covered staff members shall not be required to bear any  
24 of the cost of training or to attend trainings and shall receive their normal  
25 compensation when attending required trainings.

26 151:52 Departmental Oversight.

27 I. The department shall exercise oversight of a facility's or program's dementia  
28 training program as part of its comprehensive regulatory responsibilities. Such  
29 oversight shall:

30 (a) Ensure that the facility or program provides continuing education  
31 opportunities.

32 (b) Ensure that the facility or program uses designated online training  
33 programs or facility-based training that meets the requirements for dementia training in  
34 the state.

35 (c) Ensure compliance with any other requirements specified in this  
36 subdivision.

37 II. The department may use all of its enforcement tools to ensure that facilities  
38 and programs comply with paragraph I.

1       393 Applicability; Dementia Training. Section 392 of this act is intended to address  
2 gaps in current dementia training requirements for covered staff and improve the  
3 quality of training. If prior-enacted laws or rules contain more rigorous training  
4 requirements for some covered staff members, those laws or rules shall apply. Where  
5 there is overlap between these provisions and other laws and rules, the department shall  
6 interpret this statute to avoid duplication of requirements while ensuring that the  
7 minimum requirements set forth in this act are met.

8       394 Repeal. 2017, 156:211, prohibiting reproductive health facilities from using state  
9 funds to provide abortion services, is repealed.

10       395 County Nursing Homes; Proportionate Share Payments. Amend RSA 167:18-h to  
11 read as follows:

12       167:18-h County Nursing Homes; Proportionate Share Payments.

13       I. Proportionate share payments to county nursing homes shall be made each  
14 state fiscal year in an amount equal to the maximum permissible by federal regulations.  
15 All payments shall be ~~[apportioned]~~ **specific** to each facility in ~~[a percentage equal to~~  
16 ~~that facility's proportion of total county nursing home medicaid utilization]~~ **accordance**  
17 **with the methodology in the approved Medicaid state plan amendment.** If the federal  
18 government makes adjustments to any proportionate share payments that have been  
19 made by the state, the amounts due under this section shall be amended accordingly and  
20 adjusted payments shall be made to or from the state as necessary.

21       II. ~~[Notwithstanding any provision of law to the contrary, each county~~  
22 ~~government shall reimburse the state for 50 percent of the total cost of proportionate~~  
23 ~~share payments made to the county pursuant to paragraph I.]~~

24       **(a) The certified public expenditure (CPE) nursing facilities group shall be**  
25 **financed on the basis of a CPE methodology and shall not require a transfer of funds**  
26 **from the respective county to the state to effectuate the federal match.**

27       **(b) Any intergovernmental transfers (IGT) specific to the IGT nursing**  
28 **facilities group that serve as the basis for generating the federal match shall be in**  
29 **accordance with the approved Medicaid state plan amendment.**

30       396 New Paragraph; Services for Children, Youth and Families; Department of  
31 Health and Human Services Funding for Juvenile Diversion Programs. Amend RSA 170-  
32 G:4 by inserting after paragraph XXI the following new paragraph:

33       XXII. Encourage cities, towns, counties, and non-governmental organizations to  
34 develop and maintain court-approved diversion programs for juveniles. The amount to  
35 be distributed to the diversion programs shall be not more than \$600,000 for the  
36 biennium ending June 30, 2021, from which the sum of \$30,000 in each year of the  
37 biennium shall be reserved for newly approved programs, with the remainder divided  
38 equally among existing, approved programs that make application for such funding.

1 The judicial branch family division shall establish requirements for court-approved  
2 diversion programs under this section and RSA 169-B:10.

3 397 Appropriation; Department of Health and Human Services; Juvenile Diversion  
4 Programs. The sum of \$300,000 annually, for the biennium ending June 30, 2021, is  
5 hereby appropriated to the department of health and human services for distribution to  
6 juvenile diversion programs developed and maintained by municipalities, counties, and  
7 non-governmental organizations pursuant to RSA 170-G:4, XXII, as inserted by this act.  
8 The governor is authorized to draw a warrant for said sum out of any money in the  
9 treasury not otherwise appropriated.

10 398 Department of Health and Human Services; Appropriation. The sum of \$450,000  
11 in the fiscal year ending June 30, 2020 and the sum of \$450,000 in the fiscal year ending  
12 June 30, 2021 are hereby appropriated to the department of health and human services  
13 for the purpose of funding existing supervised visitation centers in New Hampshire.  
14 The governor is authorized to draw a warrant for said sums out of any money in the  
15 treasury not otherwise appropriated.

16 399 Department of Health and Human Services; Rural Health and Primary Care  
17 Section; Positions Established. There is established within the department of health and  
18 human services, division of public health services, rural health and primary care  
19 section, 2 full-time, unclassified positions. The salary for such positions shall be as set  
20 forth in RSA 94:1-a, provided that the salary for such positions shall be determined after  
21 assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-  
22 a, I(b) for the positions which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-  
23 c.

24 400 Appropriations; Department of Health and Human Services; Rural Health and  
25 Primary Care Section.

26 I. State Loan Repayment Program. The sum of \$3,250,000 for the fiscal year  
27 ending June 30, 2020 and the sum of \$3,250,000 for the fiscal year ending June 30, 2021  
28 are hereby appropriated to the department of health and human services, division of  
29 public health services, rural health and primary care section to accounting unit 05-95-90-  
30 901010-7965, line 103, Contracts for Op Services, and to fund one of the positions  
31 established in section 399 of this act. This appropriation shall be nonlapsing. Of this  
32 appropriation, the sums of \$750,000 for the fiscal year ending June 30, 2020 and \$750,000  
33 for the fiscal year ending June 30, 2021 shall be expended by clinicians solely to deliver  
34 mental health and substance use disorder treatment services in Carroll, Cheshire, and  
35 Coos counties. The governor is authorized to draw a warrant for said sums out of any  
36 money in the treasury not otherwise appropriated.

37 II. Primary Care Workforce Program. The sum of \$120,000 for the fiscal year  
38 ending June 30, 2020 and the sum of \$120,000 for the fiscal year ending June 30, 2021 are

1 hereby appropriated to the department of health and human services, division of public  
2 health services, rural health and primary care section, for the purpose of funding one of  
3 the positions established in section 399 of this act. The commissioner of the department  
4 of health and human services may use up to \$20,000 of the appropriation in each fiscal  
5 year towards the upgrade of an existing position in the rural health and primary care  
6 section. The governor is authorized to draw a warrant for said sums out of any money in  
7 the treasury not otherwise appropriated.

8       **401 Appropriation; Department of Business and Economic Affairs.** The sum of  
9 \$100,000 for the fiscal year ending June 30, 2020 and the sum of \$100,000 for the fiscal  
10 year ending June 30, 2021 are hereby appropriated to the department of business and  
11 economic affairs for the purpose of supporting the education and acceleration programs  
12 within New Hampshire's non-profit business technology incubators. The governor is  
13 authorized to draw a warrant for said sum out of any money in the treasury not  
14 otherwise appropriated.

15       **402 New Subdivision; Lead Paint Hazard Remediation Fund.** Amend RSA 204-C by  
16 inserting after section 87 the following new subdivision:

**Lead Paint Hazard Remediation Fund**

18       **204-C:88 Definitions.** In this subdivision:

19           I. "Multi-unit" means more than one dwelling unit.

20           II. "Property" means a rental or owner-occupied residential property, or a child  
21 care facility licensed under RSA 170-E.

22           III. "Unit" means a single dwelling unit within a structure that contains more  
23 than one dwelling unit. "Unit" may also include any dwelling unit within a structure  
24 that is otherwise used for non-residential purposes.

25       **204-C:89 Lead Paint Hazard Remediation Fund Established.**

26           I. There is hereby established within the authority a fund to be used for the  
27 purposes of remediating lead paint hazards in housing, to be known as the lead paint  
28 hazard remediation fund. The lead paint hazard remediation fund shall be composed of  
29 appropriations, gifts, grants, donations, bequests, or other moneys from any public or  
30 private source, but such revenues shall not be deemed to be money received from the  
31 state, and nothing in this subdivision shall be construed as pledging the faith and credit  
32 of the state.

33           II. The authority may use the lead paint hazard remediation fund to make loans  
34 to owners of properties for the costs of remediation of lead paint hazards. The authority  
35 may also make loans to owners of licensed child care facilities for remediation of lead in  
36 water. Loans may be made provided that such remediation is conducted in accordance  
37 with lead-safe practices under applicable laws and regulations.

38           III. The authority may use up to 5 percent of any funds deposited in the lead

1 paint hazard remediation fund for program administration.

2 204-C:90 Eligibility. For a property to be eligible to use the funding under this  
3 subdivision, the property shall be:

4 I. An owner-occupied single family home occupied by a household with a child  
5 under 6 years or a pregnant woman and where household income is no more than 100  
6 percent of the median income adjusted for household size for the metropolitan area or  
7 county in which the housing is located as published annually by the United States  
8 Department of Housing and Urban Development;

9 II. A unit in a multi-unit residential property or a renter-occupied single family  
10 home where household income is no more than 90 percent of the median income  
11 adjusted for household size for the metropolitan area or county in which the housing is  
12 located as published annually by the United States Department of Housing and Urban  
13 Development; or

14 III. A child care facility licensed under RSA 170-E.

15 204-C:91 Use of Federal Funds. The lead paint hazard remediation fund shall only be  
16 used to supplement, but not supplant, existing federal resources. If a property or unit is  
17 eligible for federal funding from a program in operation by the authority, or by any state  
18 agency or political subdivision, the owner of the property shall first apply to that  
19 program before applying to the lead paint hazard remediation fund.

20 204-C:92 Rulemaking. Pursuant to RSA 204-C:53, the authority shall adopt rules  
21 governing the distribution the lead paint hazard remediation fund.

22 403 Repeal. Loans for Lead Hazard Remediation Projects. RSA 130-A:15-a, relative  
23 to loans for lead hazard remediation projects, is repealed.

24 404 Appropriation; Lead Paint Hazard Remediation Fund. The sum of \$3,000,000 for  
25 the fiscal year ending June 30, 2020 is hereby appropriated to the lead paint hazard  
26 remediation fund established in RSA 204-C:89. The governor is authorized to draw a  
27 warrant for said sum out of any money in the treasury not otherwise appropriated.

28 405 Appropriation; Division of Public Health Services. Notwithstanding the  
29 provisions of RSA 485-F, \$500,000 in fiscal year 2020 shall be appropriated from the  
30 drinking water and groundwater trust fund established in RSA 6-D:1 to the department  
31 of health and human services, division of public health services, to fund a study to  
32 determine the causes of high levels of pediatric cancer in New Hampshire. These funds  
33 shall not lapse until June 30, 2021.

34 406 New Hampshire Veterans' Home; Transfer Among Accounts and Classes.  
35 Notwithstanding any provision of law to the contrary, for the biennium ending June 30,  
36 2021, the commandant of the New Hampshire veterans' home is authorized to transfer  
37 funds within and among all accounting units within the home and to create accounting  
38 units and expenditure classes as required and as the commandant deems necessary and

1 appropriate to address present or projected budget deficits, or to respond to changes in  
2 federal law, regulations, or programs, and otherwise as necessary for the efficient  
3 management of the home, including funding of unfunded positions, provided that if a  
4 transfer does not include new accounting units or expenditure classes, only such  
5 transfers of \$100,000 or more shall require prior approval of the fiscal committee of the  
6 general court and the governor and council. The New Hampshire veterans' home shall  
7 be exempt from RSA 9:17-a, I and RSA 9:17-c, subject to approval by the fiscal committee  
8 of the general court of any transfer of appropriations from permanent personal services  
9 or employee benefits to any other use or purpose

10 407 Committee Established. There is established a committee to study the disparity  
11 in reimbursement among organizations that provide case management under Social  
12 Security Act Section 1915(c) waiver programs.

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

14 (a) Two members of the senate finance committee, one of whom shall be from  
15 the majority party and one of whom shall be from the minority party, appointed by the  
16 president of the senate.

17 (b) Two members of the house of representatives finance committee, one of  
18 whom shall be from the majority party and one of whom shall be from the minority party,  
19 appointed by the speaker of the house of representatives.

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

22 III.(a) The committee shall examine the extent of any disparity in reimbursement  
23 among organizations that provide case management under Section 1915(c) waiver  
24 programs and the potential causes of and solutions to such disparity.

25 (b) The study shall include a comparison between all Section 1915(c) waiver  
26 case management reimbursements, including reimbursement for providers in the  
27 following programmatic areas: developmental services, choices for independence, in-  
28 home support, and acquired brain disorder services.

29 IV. The committee shall meet in duly noticed public meetings, take testimony  
30 when the committee feels it is appropriate, and may accept and solicit information from  
31 any person or entity the committee deems relevant to its study.

32 V. The members of the study committee shall elect a chairperson from among the  
33 members. The first meeting of the committee shall be called by the first-named senate  
34 member. The first meeting of the committee shall be held within 45 days of the effective  
35 date of this section. Three members of the committee shall constitute a quorum.

36 VI. The committee shall report its findings and any recommendations for  
37 proposed legislation to the president of the senate, the speaker of the house of  
38 representatives, the senate clerk, the house clerk, the governor, and the state library on



1 or before November 15, 2019.

2 408 Statement of Purpose. The purpose of sections 409 and 410 this act is to assist  
3 lower income seniors with prescription drug costs when they reach the coverage limit  
4 for prescription drugs under the Medicare Part D program. Since most Medicare drug  
5 plans have a coverage gap, often called the “donut hole,” the general court finds that  
6 there is a need for a state assistance plan to supplement or wrap around the benefit  
7 available under the federal program to ensure that low income seniors retain access to  
8 necessary medication during this gap in coverage.

9 409 New Subdivision; Department of Health and Human Services; New Hampshire  
10 Pharmaceutical Assistance Pilot Program for Seniors. Amend RSA 126-A by inserting  
11 after section 79 the following new subdivision:

12 New Hampshire Pharmaceutical Assistance Pilot Program for Seniors

13 126-A:80 New Hampshire Pharmaceutical Assistance Pilot Program for Seniors.

14 I. The commissioner of the department of health and human services shall  
15 establish a prescription drug assistance pilot program for seniors. The purpose of the  
16 pilot program shall be to wraparound or supplement the federal prescription drug  
17 benefit under Medicare Part D by paying the out-of-pocket costs for prescription drugs  
18 for eligible individuals who have reached the coverage gap, known as the donut hole,  
19 under Medicare Part D. The pilot program shall be the payer of last resort and shall  
20 cover all out-of-pocket prescription drug costs for which assistance is not otherwise  
21 available in the coverage gap, known as the donut hole. The pilot program shall be  
22 available to the first 1,000 individuals age 65 or older who apply for such assistance, who  
23 have a gross annual household income of 250 percent or less of the federal poverty level,  
24 and who otherwise meet the eligibility criteria established by the department.  
25 Assistance shall be available under the pilot program from January 1, 2020 to January 1,  
26 2021. The commissioner shall make available an online application, a telephone number  
27 for applications and questions, and shall provide written applications upon request.  
28 Applications shall include information on income, household size, Medicare Part D  
29 enrollment and coverage information, the prescription drugs for which assistance is  
30 sought, the age of the applicant, and the location of the applicant. On or before  
31 November 1, 2019, the commissioner shall adopt rules, under RSA 541-A, relative to pilot  
32 program enrollment, administration, and evaluation.

33 II. On or before March 1, 2021, the commissioner of the department of health and  
34 human services shall submit an evaluation report of the pilot program to the senate  
35 president, the speaker of the house of representatives, the governor, the senate finance  
36 committee, the house finance committee, the senate health and human services  
37 committee, and the house health, human services and elderly affairs committee. The  
38 report shall include information regarding the number of applications, age and location

1 of applicants, prescription drugs for which assistance was provided, costs per eligible  
2 applicant, likely costs per non-eligible applicant, and descriptions regarding applicant  
3 ineligibility.

4 410 Appropriation; Department of Health and Human Services. For the purpose of  
5 funding the prescription drug assistance pilot program for seniors established in this  
6 act, the sum of \$2,000,000 for fiscal year ending June 30, 2019, is hereby appropriated to  
7 the department of health and human services. Such appropriation shall not lapse. The  
8 governor is authorized to draw a warrant for said sum out of any money in the treasury  
9 not otherwise appropriated.

10 411 Appropriation. The sum of \$1,000,000 for the fiscal year ending June 30, 2019 is  
11 hereby appropriated to the department of health and human services for the purposes of  
12 upgrading existing substance use disorder treatment and recovery housing facilities and  
13 creating new substance use disorder treatment and recovery housing facilities. Funds  
14 appropriated under this section shall be used for upgrading or renovating existing  
15 facilities to ensure compliance with fire code and safety standards; expanding existing  
16 facilities to increase service capacity; and developing new substance use disorder  
17 treatment and recovery housing facilities. Facilities receiving funds under this section  
18 shall be in compliance with any state rules associated with the operation of such  
19 programs. The governor is authorized to draw a warrant for said sum out of any money  
20 in the treasury not otherwise appropriated. Funds appropriated in this section shall be  
21 nonlapsing.

22 412 Appropriation; Education Trust Fund. The sum of \$43,300,000 for the fiscal year  
23 ending June 30, 2019 is hereby appropriated to the education trust fund. The governor  
24 is authorized to draw a warrant for said sum out of any money in the treasury not  
25 otherwise appropriated.

26 413 Board of Trustees, Community College System of New Hampshire. Amend RSA  
27 188-F:4, II(j) to read as follows:

28 (j) Two members who shall be New Hampshire residents and who are [~~full-~~  
29 ~~time~~] students enrolled in ***a credit program at*** one of the colleges within the community  
30 college system. The student trustees shall be voted from the colleges within the  
31 community college system of New Hampshire locations proceeding in alphabetical order  
32 and shall be elected by the student body of the campus responsible for providing the  
33 student trustee. The student trustees shall serve a one-year term commencing June 1 of  
34 the year for which the student was elected and ending May 31 of the next year. In the  
35 event that a student trustee ceases for any reason to attend the school from which the  
36 student was elected, the chancellor of the community college system of New Hampshire  
37 shall declare a vacancy in that student trustee position, and the next school in order  
38 shall elect the student trustee who shall serve for the remainder of the predecessor's

1 term and an additional one-year term immediately.

2 414 Energy Infrastructure Development and Corridors; RSA 162-R; Contingency  
3 Revised. Amend 2016, 218:3 and 4 to read as follows:

4 218:3 Updated and Revised Utility Accommodation Manual. The department of  
5 transportation shall update and revise its utility accommodation manual in order to  
6 provide for the optional use of the energy infrastructure corridors designated pursuant  
7 to RSA 162-R:2. The updated and revised manual shall be approved by the Federal  
8 Highway Administration no later than ~~[June 1, 2017]~~ **April 1, 2018**.

9 218:4 Contingency. If the updated and revised utility accommodation manual  
10 required by section 3 of this act is adopted and approved by ~~[June 1, 2017]~~ **April 1, 2018**,  
11 sections 1 and 2 of this act shall take effect ~~[July 1, 2017]~~ **April 15, 2018**. If the updated  
12 and revised utility accommodation manual is not adopted and approved by ~~[June 1,~~  
13 ~~2017]~~ **April 1, 2018**, sections 1 and 2 of this act shall not take effect. The commissioner of  
14 the department of transportation shall certify the date of approval of the manual to the  
15 secretary of state and the director of legislative services.

16 415 Attorney General; Criminal Justice Bureau. Amend 2018, 127:3, III(b) to read as  
17 follows:

18 (b) There is established within the department of justice an unclassified full-  
19 time attorney position for the purpose of implementing and establishing a training  
20 program for regional, county, and state prosecutors as required in this paragraph. The  
21 salary for the full-time attorney position shall be ~~[determined after assessment and~~  
22 ~~review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the~~  
23 ~~position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-e]~~ **established**  
24 **as provided for in RSA 94:1-a, I(c)**.

25 416 Department of Health and Human Services; Emergency Shelter and Stabilization  
26 Services.

27 I. The sum of \$450,000 in general funds is hereby appropriated to the department  
28 of health and human services for the fiscal year ending June 30, 2019, which shall be  
29 nonlapsing, for the purpose of emergency shelter and stabilization services for persons  
30 experiencing substance use disorder. The governor is authorized to draw a warrant for  
31 said sum out of any money in the treasury not otherwise appropriated. Notwithstanding  
32 RSA 14:30-a, VI, the department is hereby authorized to accept and expend any federal  
33 fund match to the appropriation in this section without prior approval of the fiscal  
34 committee of the general court.

35 II. The commissioner of the department of health and human services shall  
36 allocate and disburse such funds through a sole source contract or contracts and shall  
37 prioritize the use of the funds to high need areas within the state of New Hampshire that  
38 are in immediate need for those services. The contracted services shall be operational

1 on or before December 30, 2019.

2 417 Health and Human Services; Amendment, Waiver; Supportive Housing Services.  
3 The commissioner of the department of health and human services shall submit a state  
4 plan amendment as provided in Section 1915(i) of the Social Security Act or a waiver  
5 under other provisions of the Act to the Centers for Medicare and Medicaid Services to  
6 create a state Medicaid benefit for supportive housing services.

7 418 Parental Assistance Programs. Amend 2018, 337:14 to read as follows:

8 337:14 Department of Health and Human Services; Parental Assistance Programs;  
9 Funding Source. The department of health and human services may use up to [~~\$500,000~~  
10 ~~in the fiscal year~~] ***\$400,000 for the biennium*** ending June 30, [~~2019~~] ***2021***, for the purpose  
11 of funding parental assistance programs under RSA 170-G:4, XX. This amount shall be a  
12 charge against the department of health and human services excess appropriation  
13 allocation account established in RSA 126-A:75.

14 419 Notice of Leased Interests in Public Property; Applicability to the Department of  
15 Transportation Temporarily Suspended. RSA 72:23, I(b)(1)(B), requiring lessors of  
16 public property to provide notice to assessing officials of the municipality in which the  
17 property is located, shall not apply to the department of transportation until January 1,  
18 2021.

19 420 Seasonal Workers; Exempt from Work Search Requirements for Unemployment;  
20 SB 62. RSA 282-A:31, I(d)(4) is repealed and reenacted to read as follows:

21 (4) If availability is limited to part-time work, the claim for unemployment  
22 benefits is based on wages earned in part-time work; and

23 (5) If the individual furnishes evidence satisfactory to the commissioner  
24 that such individual has a definite date for returning to work which is within 11 weeks  
25 of the last day of work, such person shall be exempt from the work search requirements  
26 in subparagraph (d).

27 421 Contingency. If SB 62 of the 2019 regular legislative session becomes law, then  
28 section 420 of this act shall take effect one minute after the effective date of SB 62.

29 422 Adequate Representation for Indigent Defendants in Criminal Cases;  
30 Appointment of Counsel. Amend RSA 604-A:2, I to read as follows:

31 I. In every criminal case in which the defendant is charged with a felony or a  
32 class A misdemeanor and appears without counsel, the court before which he or she  
33 appears shall advise the defendant that he or she has a right to be represented by  
34 counsel and that counsel will be appointed to represent him or her if he or she is  
35 financially unable to obtain counsel. Unless the defendant waives the appointment of  
36 counsel, if the defendant indicates to the court that he or she is financially unable to  
37 obtain counsel, the court shall instruct the defendant to complete a financial [~~affidavit~~]  
38 ***statement under oath*** in such form as designated by the unit of cost containment. If

1 after review of the financial [affidavit] **statement under oath** and application of the rules  
2 established pursuant to RSA 604-A:10, IV the court is satisfied that the defendant is  
3 financially unable to obtain counsel, the court shall appoint counsel to represent him or  
4 her; provided, however, that in any case in which the defendant is charged with a  
5 capital offense, the court may appoint 2 counsel to represent him or her. Whenever  
6 defendants have such conflicting interests that they cannot be properly represented by  
7 the same counsel, or when other good cause is shown, the court shall appoint separate  
8 counsel for each of them. In a post-conviction proceeding in which a defendant seeks to  
9 attack the validity of an underlying conviction, the court shall appoint counsel or  
10 approve a request for services other than counsel when the interests of justice or  
11 judicial economy require.

12 423 Appointment of Counsel for nonpayment or Nonperformance; Statement Under  
13 Oath. Amend RSA 604-A:2-f, II(a) to read as follows:

14 (a) Provide the defendant with a financial [affidavit] **statement under oath**  
15 and direct the defendant to complete the [affidavit] **financial statement under oath**;

16 424 New Subdivision; Statewide Threat Notification System for Schools. Amend RSA  
17 21-P by inserting after section 52 the following new subdivision:

18 Statewide Threat Notification System for Schools

19 21-P:52-a Statewide Threat Notification System for Schools.

20 I. The department of safety, in conjunction with the United States Department of  
21 Homeland Security, shall commence a process of due diligence in anticipation of future  
22 deployment of a statewide, real-time threat notification system for schools, the purpose  
23 of which shall be to link school personnel directly to law enforcement in the event of a  
24 direct threat against the school community or a general emergency situation in which  
25 law enforcement would respond.

26 II. The department of safety shall solicit requests for information (RFI) for a  
27 statewide, real-time threat notification system based on the following criteria:

28 (a) The system would be activated by authorized school personnel using  
29 classroom desktop computers, laptop computers, mobile phones, fobs, and other suitable  
30 devices.

31 (b) Upon activation, the system would determine the location of the nearest  
32 law enforcement officers, regardless of jurisdiction, and directly notifies them of the  
33 activation.

34 (c) The system would notify the following state and local agencies of the  
35 activation:

- 36 (1) The bureau of emergency communications, or state 911 center.
- 37 (2) The New Hampshire state police.
- 38 (3) The New Hampshire information and analysis center.

1                   (4) The department of safety, division of homeland security and emergency  
2 management.

3                   (5) The appropriate local or regional dispatch center for the school.

4                   (d) The system would provide electronic school floor plans and related  
5 documents to responding officers.

6                   (e) The system would provide a communication method for responding  
7 officers to communicate with school personnel.

8                   III. The threat notification system for schools shall be a state-funded program,  
9 available to all school districts and law enforcement agencies in the state. However,  
10 participation in the program by local school districts and local law enforcement  
11 agencies shall be voluntary.

12                   IV. No state funds are appropriated for the due diligence process.

13                   V. Deployment of a statewide real-time threat alert system is contingent on an  
14 appropriation of funds from surplus revenues received by the state during the 2020-2021  
15 biennium.

16                   VI. The commissioner of the department of safety shall adopt rules, under RSA  
17 541-A, relative to implementation and operation of the real-time threat notification  
18 system for schools.

19                   425 Statement of Purpose. The purpose of sections 426-447 of this act is to provide  
20 legislative authorization for initiatives to improve the health coverage available  
21 through this state's individual and small employer markets, including authorizing new  
22 forms of multiple employer welfare arrangements contingent on the establishment of the  
23 legal validity of the United States Department of Labor's Association Health Plan Rule  
24 codified at 29 C.F.R. section 2510.3-5(b), authorizing the insurance commissioner to  
25 apply for a waiver on an expedited basis under section 1332 of the Affordable Care Act to  
26 create a market stabilization mechanism for the individual market, and creating a  
27 legislative commission on the status of health coverage markets for individuals and  
28 small employers. The general court hereby seeks to help individuals and small  
29 businesses obtain more affordable health care coverage and new coverage options while  
30 preserving protections for higher risk individuals and groups and while protecting  
31 against adverse impacts on New Hampshire's existing individual and small group health  
32 insurance markets.

33                   426 Title. Sections 426-447 of act shall be known as the Individual and Small  
34 Business Health Care Reform Act of 2019.

35                   427 Multiple-Employer Welfare Arrangements; Definitions. RSA 415-E:1 is repealed  
36 and reenacted to read as follows:

37                   415-E:1 Definitions. In this chapter:

38                   I. "Bona fide association" means a bona fide pathway I association or a bona fide

1 pathway II association.

2 II. "Bona fide pathway I association" means a group or association that satisfies  
3 the criteria established by the United States Department of Labor prior to the adoption  
4 in 2018 of 29 C.F.R. section 2510.3-5, including the guidance provided in the United  
5 States Department of Labor publication entitled "MEWAS, Multiple-Employer Welfare  
6 Arrangements under the Employee Retirement Income Security Act (ERISA): A Guide to  
7 Federal and State Regulation, Revised August 2013" and including published United  
8 States Department of Labor ERISA Advisory Opinion Letters.

9 III. "Bona fide pathway II association" means a group or association that meets  
10 the requirements of 29 C.F.R. section 2510.3-5(b).

11 IV. "Commissioner" means the insurance commissioner of the state of New  
12 Hampshire.

13 V. "Eligible employee" means a full-time or part-time employee who meets the  
14 requirements for eligibility for group coverage set forth in RSA 415:18, I(q).

15 VI. "Employee welfare benefit plan" has the same meaning as in 29 U.S.C. section  
16 1002(1).

17 VII. "Fully insured health benefit plan" means a policy, contract, certificate, or  
18 agreement to provide, deliver, arrange for, pay for, or reimburse any of the costs of  
19 health services, that is offered or issued to bona fide association by a health insurer  
20 licensed to do business in New Hampshire and that bears the risk under the plan.

21 VIII. "Fund balance" means the total assets in excess of total liabilities, except  
22 that assets pledged to secure debts not reflected on the books of the multiple-employer  
23 welfare arrangement shall not be included in the fund balance. Fund balance shall  
24 include other contributed capital, retained earnings, and surplus notes.

25 IX. "Insolvency termination" means the termination of an arrangement where the  
26 fund balance as of the termination date is inadequate.

27 X. "Insurer" means any insurer, nonprofit hospital or medical service  
28 corporation, health maintenance organization, or managed care organization, including  
29 but not limited to an insurer offering health coverage as defined in RSA 420-G:2, IX.

30 XI. "Multiple-employer welfare arrangement (MEWA)" or "association" means an  
31 employee welfare benefit plan or any other arrangement which is established or  
32 maintained for the purpose of offering or providing health benefits to the eligible  
33 employees of 2 or more employers, or to their beneficiaries, and shall include a MEWA as  
34 defined in the Employee Retirement Income Security Act of 1974, 29 U.S.C. section 1001  
35 et seq. (ERISA). This shall include plans established by any political subdivision of the  
36 state or religious organization, but shall not include any plan or arrangement  
37 established or maintained under or pursuant to one or more agreements deemed  
38 collective bargaining agreements under section 3(40)(A)(i) of (ERISA). For the purposes

1 of this chapter, 2 or more trades or businesses, whether or not incorporated, shall be  
2 deemed a single employer if such trades or businesses are under common ownership or  
3 within the same control group as defined under section 3(40)(B) of ERISA.

4 428 Multiple-Employer Welfare Arrangements; Applicability; General Eligibility.  
5 Amend RSA 415-E:2, I and II to read as follows:

6 I. No person shall~~[, after April 1, 1992,]~~ operate a multiple-employer welfare  
7 arrangement unless such arrangement is approved by the commissioner. ~~[No person~~  
8 ~~shall, after April 1, 1992, operate a multiple-employer welfare arrangement in existence~~  
9 ~~prior to April 1, 1992, unless such arrangement has submitted for approval in~~  
10 ~~compliance with RSA 415-E:4, or otherwise meets the special requirements of paragraph~~  
11 ~~III of this section.]~~ ***A foreign or domestic MEWA or association shall be subject to the***  
12 ***jurisdiction of this state if it provides a health benefit plan that covers the employees of***  
13 ***at least one employer that maintains a work location in New Hampshire, which is the***  
14 ***primary workplace of at least one New Hampshire resident, including any self-employed***  
15 ***New Hampshire resident who is qualified to enroll in the plan.***

16 II. This chapter shall not apply to a multiple-employer welfare arrangement ***that***  
17 ***is a bona fide pathway I association*** which offers or provides benefits which are fully  
18 insured by an authorized insurer or under the provisions of RSA 5-B.

19 429 Multiple-Employer Welfare Arrangements. RSA 415-E:3 is repealed and  
20 reenacted to read as follows:

21 415-E:3 General Eligibility; Pathway I and Pathway II. To meet the requirements for  
22 approval and to maintain a multiple employer welfare arrangement, an association not  
23 exempted under RSA 415-E:2, II shall be approved either as a self-insured bona fide  
24 pathway I association or as a bona fide pathway II association as follows:

25 I. An association seeking approval as a self-insured bona fide pathway I  
26 association shall:

27 (a) Meet the definition in RSA 415-E:1, II of a bona fide pathway I association.

28 (b) Sponsor health coverage that is self-insured.

29 (c) Be nonprofit.

30 (d) Be established by a trade association, industry association, political  
31 subdivision of the state, religious organization, or professional association of employers  
32 or professionals which has a constitution or bylaws and which has been organized and  
33 maintained in good faith for a continuous period of one year for purposes other than  
34 that of obtaining or providing insurance.

35 (e) Be operated pursuant to a trust agreement by a board of trustees which  
36 shall have complete fiscal control over the arrangement and which shall be responsible  
37 for all operations of the arrangement. The trustees selected shall be owners, partners,  
38 officers, directors, or employees of one or more employers in the arrangement. A trustee



1 may not be an owner, officer, or employee of the administrator or service company of the  
2 arrangement. The trustees shall have the authority to approve applications of  
3 association members for participation in the arrangement and to contract with an  
4 authorized administrator or service company to administer the day-to-day affairs of the  
5 arrangement.

6 (f) Be neither offered nor advertised to the public generally.

7 (g) Be operated in accordance with sound actuarial principles.

8 II. An association seeking approval as a bona fide pathway II association shall:

9 (a) Meet the definition in RSA 415-E:1, III of a bona fide pathway II  
10 association.

11 (b) Have a formal organizational structure with a governing body, bylaws,  
12 and other similar indications of formality, and complies with RSA 415-E:3, I-a(e) and  
13 with all other organizational requirements under this chapter and, if the association  
14 offers fully insured coverage, under RSA 420-M.

15 (c) Have its functions and activities controlled by its employer members, and  
16 the association's employer members that participate in the group health plan shall  
17 control the plan, both in form and in substance.

18 (d) Have a commonality of interest with its employer members, such that one  
19 or both of the following standards are met, in a manner that is not a subterfuge for  
20 discrimination as prohibited under RSA 415-E:1-e:

21 (1) The employers are in the same trade, industry, line of business, or  
22 profession; or

23 (2) Each employer has a principal place of business in the same region.

24 (e) Have at least one substantial business purpose unrelated to offering and  
25 providing health coverage or other employee benefits to its employer members and their  
26 employees.

27 (f) Have each employer member of the association participating in the group  
28 health plan who is a person acting directly as an employer of at least one employee who  
29 is a participant covered under the plan.

30 (g) Not make health coverage through the association's group health plan  
31 available other than to:

32 (1) An employee of a current employer member of the association; and

33 (2) A beneficiary of an individual eligible under subparagraph (1).

34 (h) Not be a health insurance issuer, or owned or controlled by a health  
35 insurance issuer, or by a subsidiary or affiliate of a health insurance issuer, other than  
36 to the extent such entities participate in the association in their capacity as employer  
37 members of the association.

38 430 New Sections; Multiple-Employer Welfare Arrangements. Amend RSA 415-E by

1 inserting after section 3 the following new sections:

2       **415-E:3-a Bona Fide Pathway I and II Association Coverage; General Authorization.**  
3       Bona fide pathway association coverage as set forth in the United States Department of  
4       Labor's June 21, 2018 amendment to 29 C.F.R. section 2510, 83 Fed. Reg. 28,961 (codified  
5       at 29 C.F.R. section 2510.3-5) shall be permissible in New Hampshire provided it  
6       conforms with this chapter and all of the provisions of Title XXXVII concerning this  
7       coverage.

8       **415-E:3-b Bona Fide Pathway I and II Association Coverage: Option to Offer Fully-**  
9       **Insured Coverage.**

10           I. A bona fide pathway I association may offer coverage on a fully insured basis if  
11       it is a qualified association trust as defined in RSA 420-G:2, XV.

12           II. A bona fide pathway II association may offer coverage on a fully insured basis  
13       if it is licensed as a qualified purchasing alliance under RSA 420-M and meets all of the  
14       pathway II requirements under this chapter.

15           III. No insurer shall issue a fully-insured health benefit plan to an association or  
16       MEWA with covered lives in New Hampshire unless the association or MEWA meets the  
17       requirements of either paragraphs I or II.

18           IV. A fully-insured association or MEWA that is a qualified association trust or  
19       that has been licensed by the department as a qualified purchasing alliance shall not be  
20       subject to the financial reporting and solvency requirements of this chapter that are  
21       applicable only to self-funded associations.

22           V. An insurer issuing a fully insured health benefit plan to an association or  
23       MEWA shall ensure that the terms of the plan conform with all applicable requirements  
24       of this chapter with respect to bona fide association coverage and that the coverage has  
25       received all required approvals from the department.

26       **415-E:3-c Bona Fide Pathway II Association Coverage; Benefit Requirements.**

27           I. Each health benefit plan offered to or by a bona fide pathway II association,  
28       whether on a fully insured or self-funded basis, shall, at a minimum, provide the  
29       following benefits:

30           (a) Coverage for each of the 10 essential health benefits as defined in 42 U.S.C.  
31       section 18022(b)(1), subject to approval of the commissioner based on the New  
32       Hampshire benchmark plan;

33           (b) Cost sharing requirements of 42 U.S.C. section 18022(c)(1)-(c)(3);

34           (c) Lifetime and annual limits as prescribed in 29 C.F.R. section 2590.715-2711;

35           (d) A level of coverage equal to or greater than that designed to provide  
36       benefits that are actuarially equivalent to 60 percent of the full actuarial value of the  
37       benefits provided under the plan; and

38           (e) All other benefits required to comply with applicable federal laws and

1 regulations and with any provision of title XXXVII that applies to large group health  
2 insurance coverage.

3       **II. Every health benefit plan offered by any bona fide pathway II association,**  
4 **whether offering coverage on a self-funded basis or fully insured basis, and any insurer**  
5 **contracting with an offering association, shall comply with the following:**

6               **(a) Except as otherwise specifically provided herein, all requirements of RSA**  
7 **420-G, including claims data and other reporting requirements;**

8               **(b) Requirements contained in RSA 420-J, and any rules adopted thereunder**  
9 **by the commissioner including, but not limited to, network adequacy, balance billing**  
10 **protections, and appeal and grievance processes;**

11               **(c) Payment of premium tax as provided in RSA 400-A:31-35 and**  
12 **administrative assessment under RSA 400-A:39;**

13               **(d) Requirements pertaining to examinations under RSA 400-A:37;**

14               **(e) Requirements pertaining to unfair insurance trade practices under RSA**  
15 **417;**

16               **(f) Vaccine association assessment under RSA 126-Q; and**

17               **(g) Individual market assessment under RSA 404-G.**

18       **III. No health benefit plan or related policy, contract, certificate, or agreement**  
19 **offered or issued in this state to a bona fide pathway II association, whether offering**  
20 **coverage on a self-funded basis or fully insured basis, shall reserve discretion to the**  
21 **insurer or sponsoring association to interpret the terms of the contract or to provide**  
22 **standards of interpretation or review that are inconsistent with the laws of this state.**  
23 **Any such policy, contract, certificate, or agreement shall be void and unenforceable to**  
24 **the extent it conflicts with this section.**

25       **IV. A bona fide pathway II association, whether offering coverage on a self-**  
26 **funded basis or fully insured basis, shall not offer, and an insurer shall not deliver or**  
27 **issue for delivery to such association, a health benefit plan covering lives located in this**  
28 **state that contains an exclusion or limitation for pre-existing conditions or a waiting**  
29 **period on the coverage of pre-existing conditions.**

30       **V. For any bona fide pathway II association, whether offering coverage on a self-**  
31 **funded basis or fully insured basis, if coverage is issued to a sole proprietor, the**  
32 **association sponsoring the coverage shall be responsible for monitoring and ensuring**  
33 **that the sole proprietor meets the requirements to qualify as an employer under 29**  
34 **C.F.R. section 2510.3-5(b) and meets the per month hourly work requirement contained**  
35 **in RSA 126-AA:2, III. Failure to ensure compliance with this provision shall be a**  
36 **violation of this chapter.**

37       **415-E:3-d Rating Requirements for Bona Fide Pathway I Fully Insured Coverage and**  
38 **all Pathway II Coverage; Rating Requirements.**

1           I. Any fully insured bona fide pathway I association and any pathway II  
2 association, whether self-funded or fully insured, or any insurer contracting with such  
3 bona fide pathway I or II association to provide a health benefit plan, shall comply with  
4 all requirements of RSA 420-G, except that, for any such association with 250 or more  
5 New Hampshire covered lives, the association as a whole may be rated as a single risk  
6 pool separately from the small employer market.

7           II. Coverage for a fully insured bona fide pathway I association with 250 or more  
8 New Hampshire covered lives and any bona fide pathway II association with 250 or more  
9 New Hampshire covered lives may be rated as a single large group based on the  
10 association's group experience and in accordance with all standards applicable to large  
11 employer groups under RSA 420-G. The following additional requirements shall apply to  
12 such coverage:

13           (a) All premium rates charged shall be guaranteed for a rating period of at  
14 least 12 months, and shall not be changed for any reason, including, but not limited to, a  
15 change in the group's case characteristics.

16           (b) For fully insured bona fide pathway I associations, the association may  
17 vary rates among member small employers only in accordance with the provisions in  
18 RSA 420-G:10 applying to qualified association trusts.

19           (c) For any pathway II association, whether self funded or fully insured, the  
20 association may vary rates among member small employers, including participating self-  
21 employed New Hampshire members, as follows:

22                   (1) Variation associated with age shall not exceed 5:1.

23                   (2) Variation associated with tobacco use shall not exceed 1.5 to 1.

24                   (3) No other variation shall be permitted.

25           (d) The same rating methodology shall apply to newly covered member  
26 employer groups and employee members renewing at each annual renewal date or  
27 anniversary date. The rating methodology shall not be construed to include health  
28 carrier incentives to individual subscribers or members to participate in wellness and  
29 fitness programs provided such incentives are approved by the insurance department.

30           (e) Nothing in this chapter shall be construed to allow a member small  
31 employer group within any association to be rated separately under large group rating  
32 standards.

33           415-E:3-e    Bona Fide Pathway II Association Coverage; Nondiscrimination  
34 Requirements. In accordance with 29 C.F.R. section 2590.702, bona fide pathway II  
35 association coverage shall comply with the following:

36           I. The group or association shall not condition employer membership in the  
37 group or association on any health factor of any individual who is or may become  
38 eligible to participate in the group health plan sponsored by the group or association.

1           II. The group health plan sponsored by the group or association shall comply  
2 with 29 C.F.R. section 2590.702(b) with respect to nondiscrimination in rules for  
3 eligibility of benefits.

4           III. The group health plan sponsored by the group or association shall comply  
5 with 29 C.F.R. section 2590.702(c) with respect to nondiscrimination in premiums or  
6 contributions required by any participant or beneficiary for coverage under the plan.

7           IV. In applying the nondiscrimination provisions of paragraphs II and III, the  
8 group or association shall not treat the employees of different employer members of the  
9 group or association as distinct groups of similarly-situated individuals based on a  
10 health factor of one or more individuals.

11           415-E:3-f Free Movement Between Bona Fide Association Coverage and Small Group  
12 Coverage. A small employer that leaves the small group market for bona fide pathway I  
13 or II association coverage or that leaves pathway I or II association coverage for the  
14 small group market shall not be subjected to a waiting period before being permitted to  
15 return to the original market, nor shall an insurer or administrator be permitted to  
16 impose such a waiting period.

17           415-E:3-g Bona Fide Pathway II Association Coverage; Mitigation of Small Group  
18 Market Impacts of Pathway II Association Coverage.

19           I. In order to mitigate potential adverse effects of pathway II association  
20 coverage on the existing small group markets, the commissioner shall retain an  
21 independent actuarial firm to model and quantify the impacts of pathway II coverage on  
22 the existing small group markets and to perform the actuarial review necessary to  
23 support the small group risk adjustment program required under RSA 420-K. The plan  
24 of operation for the small group risk adjustment program required under RSA 420-K  
25 shall be approved and in place before any pathway II association coverage may be  
26 issued.

27           II. Upon the recommendation of the commission on the status of health coverage  
28 markets for individuals and small employers established under RSA 404-J, or upon the  
29 commissioner's own initiative, the commissioner may limit pathway II associations to  
30 the writing of existing business only and may adjust the risk score differential amount  
31 in RSA 420-K:4, I(d) as necessary to prevent the pathway II association market from  
32 having an adverse impact on the availability and choice of coverage in the small group  
33 market and as necessary to prevent average premiums for small groups from increasing  
34 at a rate that is significantly higher than the trend in claims costs.

35           431 Multiple-Employer Welfare Arrangements; Filing of Application. Amend the  
36 section heading and the introductory paragraph of RSA 415-E:4 to read as follows:

37           415-E:4 *Self-Funded Arrangements*; Filing of Application. *For self-funded*  
38 *arrangements*, the sponsoring association shall file with the commissioner an

1 application for approval of the arrangement upon a form to be furnished by the  
2 commissioner, which shall include or have attached the following:

3 432 Multiple-Employer Welfare Arrangements; Termination Liability Fund. RSA 415-  
4 E:5 is repealed and reenacted to read as follows:

5 415-E:5 Self-Funded Arrangements: Termination Liability Fund.

6 I. Each self-funded multiple-employer welfare arrangement shall maintain a  
7 termination liability fund wherein the fund balance of the multiple-employer welfare  
8 arrangement shall at no time, for a consecutive 90-day period, be less than \$750,000 or 33  
9 percent of the aggregate premiums billed during the 12 prior months, whichever is  
10 greater. For purposes of this paragraph, that surety amount, if any, deposited with the  
11 commissioner pursuant to RSA 415-E:7, I, may be credited as a fund balance asset toward  
12 the termination liability fund amount.

13 II. Each self-funded multiple-employer welfare arrangement shall file with the  
14 commissioner, not later than 4 months following the end of each fiscal year, a report on  
15 the financial status of the termination liability fund, which report is filed under oath by  
16 a member of its board of trustees, or by an administrative executive duly appointed by  
17 the board, and further certified to by an independent certified public accountant.

18 433 Multiple-Employer Arrangements, Financial Condition, Loss Reserves. Amend  
19 RSA 415-E:6 to read as follows:

20 415-E:6 *Self-Funded Arrangements*; Financial Condition, Loss Reserves,  
21 Reinsurance, or Working Capital; Determination of Inadequacy.

22 *I. Each self-funded arrangement shall maintain specific excess insurance with a*  
23 *retention level determined in accordance with sound actuarial principles and approved*  
24 *by the commissioner.*

25 *II. Each self-funded arrangement shall establish and maintain appropriate loss*  
26 *reserves determined in accordance with sound actuarial principles and approved by the*  
27 *commissioner.*

28 [~~I.~~] *III.* The commissioner may, upon reasonable notice, conduct an examination  
29 of the loss reserves, financial condition, specific excess insurance, and working capital  
30 of a multiple-employer welfare arrangement *the costs of which shall be borne by the*  
31 *arrangement.* If the commissioner preliminarily finds that the reserves, specific excess  
32 insurance, or financial condition may be inadequate, or that the arrangement does not  
33 have a combined working capital in an amount establishing the financial strength and  
34 liquidity of the arrangement to pay claims promptly and showing evidence of the  
35 financial ability of the arrangement to meet its obligations to covered employees, the  
36 commissioner shall notify the arrangement of such inadequacy. Upon being so notified,  
37 the arrangement shall within 30 days file with the commissioner all information which,  
38 in the belief of the arrangement, proves the reasonableness and adequacy of the

1 condition noted as being inadequate.

2 [H.] IV. If the commissioner determines, after reviewing the information filed,  
3 that an inadequate condition exists, the arrangement shall implement, within 30 days, a  
4 plan to correct the inadequacy and shall file proof of reasonable improvement or  
5 adequate condition with the commissioner within 6 months of the implementation of the  
6 plan. If the commissioner is satisfied that the plan submitted to improve the inadequate  
7 condition of the arrangement is sufficient, he shall so notify the arrangement. The  
8 arrangement shall report quarterly to the commissioner until the causes of the  
9 inadequate condition have been corrected.

10 [H.] V. The commissioner may suspend or revoke the approval of an  
11 arrangement if he finds that the arrangement has failed to correct or reasonably  
12 improve an inadequate condition within the time authorized by paragraph [H] IV.

13 434 Multiple-Employer Arrangements; Insolvency Protection. Amend RSA 415-E:7, I  
14 to read as follows:

15 I. To assure the faithful performance of its obligations to its member employers  
16 and covered employees *who are New Hampshire residents* and their dependents, every  
17 arrangement shall, within 30 days after the close of the arrangement's fiscal year,  
18 deposit with the commissioner cash, securities, or any combination of these or other  
19 measures acceptable to the commissioner, in an amount equal to ~~[25 percent of the~~  
20 ~~preceding 12 months' health care claims expenditures or 5 percent of gross annual~~  
21 ~~premiums for the succeeding year], \$100,000 or 25 percent of the aggregate premiums~~  
22 *billed during the 12 prior months attributable to New Hampshire residents*, whichever is  
23 greater~~;~~ ~~however, in no case shall the amount of the deposit exceed \$100,000]. All~~  
24 income from deposits shall belong to the depositing arrangement and shall be paid to it  
25 as it becomes available. An arrangement that has made a securities deposit may  
26 withdraw that deposit, or any part of such deposit, after making a substitute deposit of  
27 cash, securities, or any combination of these or other measures of equal amount and  
28 value, upon approval by the commissioner. No judgment creditor or other claimant of a  
29 multiple-employer welfare association shall have the right to levy upon any of the assets  
30 or securities held in this state as a deposit under this section.

31 435 Multiple-Employer Arrangements. Amend RSA 415-E:8 through RSA 415-E:13 to  
32 read as follows:

33 415-E:8 Policy Forms.

34 I. *Whether an arrangement is self-funded or fully insured*, no policy or contract  
35 form, application form, certificate, rider, endorsement, summary plan description, or  
36 other evidence of coverage shall be *sponsored or* issued by an arrangement unless the  
37 form and all changes to it have been filed with the commissioner by or on behalf of the  
38 arrangement which proposed to use such form and have been approved by the

1 commissioner.

2 II. The commissioner shall disapprove any form filed under this section, or  
3 withdraw any previous approval, only if the form:

4 (a) Is in any respect in violation of, or does not comply with, this chapter.

5 (b) Contains or incorporates by reference, where such incorporation is  
6 otherwise permissible, any inconsistent, ambiguous, or misleading clauses, or exceptions  
7 and conditions which deceptively affect the risk purported to be assumed in the general  
8 coverage of the contract.

9 (c) Has any title, heading, or other indication of its provisions which is  
10 misleading.

11 (d) Is printed or otherwise reproduced in such manner as to render any  
12 material provision of the form substantially illegible.

13 (e) Contains provisions which are unfair or inequitable, or contrary to the  
14 public policy of this state or which encourage misrepresentation.

15 **III. Each self-funded arrangement shall issue to each covered employee a policy**  
16 **contract, certificate, summary plan description, or other evidence of the benefits and**  
17 **coverages provided. The evidence of the benefits and coverages provided shall contain**  
18 **in boldfaced print in a conspicuous location, the following statement: "The benefits and**  
19 **coverages described herein are provided through a trust fund established and funded by**  
20 **a group of employers."**

21 **IV. Each self-funded arrangement shall provide to each covered employee, on**  
22 **request, a written statement of the dollar amount of allowable benefit for any procedure**  
23 **which is requested by the appropriate procedure code.**

24 415-E:9 **Self-Funded Arrangements; Employer Participants' Liability. For self-funded**  
25 **arrangements:**

26 I. The liability of each employer participant for the obligations of the multiple-  
27 employer welfare arrangement shall be individual, several, and proportionate, but not  
28 joint.

29 II. Each employer participant shall have a contingent assessment liability  
30 pursuant to 415-E:10 for payment of actual losses and expenses incurred while the policy  
31 was in force.

32 III. Each policy issued by the arrangement shall contain a statement of the  
33 contingent liability. Both the application for insurance and policy shall contain, in  
34 contrasting color and not less than 10-point type, the following statement: "This is a  
35 fully assessable policy. In the event the arrangement is unable to pay its obligations,  
36 policyholders (employers) shall be required to contribute on a pro rata earned premium  
37 basis the money necessary to meet any unfulfilled obligations."

38 415-E:10 **Self-Funded Arrangements; Termination of Arrangement. For self-funded**



1 **arrangements**, if an arrangement is terminated for any reason, it shall pay all  
2 outstanding claims, debts, and obligations. The arrangement may retain sufficient funds  
3 to provide coverage for such additional period as the trustees of the arrangement  
4 consider prudent. In addition, the trustees may purchase such additional insurance as  
5 they consider necessary for protection against potential future claims. Any funds  
6 remaining in the arrangement after satisfaction of all obligations upon termination shall  
7 be paid to participating employers and/or covered employees as of the termination date  
8 in some equitable manner meeting with the approval of the commissioner, including,  
9 without ruling out other alternatives, equally on a per capita basis to each participating  
10 employer and/or employee who is covered under the arrangement as of the effective date  
11 of termination.

12 415-E:11 **Self-Funded Arrangements; Annual Reports and Triennial Actuarial**  
13 **Reports. For self-funded arrangements:**

14 I. Every **such** arrangement shall, annually within 4 months of the end of the fiscal  
15 year or within such extension of time as the commissioner for good cause may grant, file  
16 a report with the commissioner, verified by the oath of a member of the board of trustees  
17 or by an administrative executive appointed by the board, showing its condition on the  
18 last day of the preceding fiscal year. The report shall contain a financial statement of  
19 the arrangement, including its balance sheet and a statement of operations for the  
20 preceding year certified by an independent certified public accountant. The report shall  
21 also include an analysis of the adequacy of reserves and contributions or premiums  
22 charged, based on a review of past and projected claims and expenses.

23 II. In addition to information called for and furnished in connection with the  
24 annual report, if reasonable grounds exist, the commissioner may request information  
25 which summarizes paid and incurred expenses, and contributions or premiums received,  
26 and may request evidence satisfactory to the commissioner that the arrangement is  
27 actuarially sound. Such information and evidence shall be furnished to the  
28 commissioner by the arrangement as soon as reasonably possible after requested by the  
29 commissioner, but no later than 30 days after such request, unless the commissioner, for  
30 good cause, grants an extension.

31 III. At least once every 3 years, each **such** arrangement shall have a report  
32 prepared by an actuary who is a member of the Society of Actuaries of the American  
33 Academy of Actuaries as to the actuarial soundness of the arrangement. The report  
34 shall be made available to the commissioner upon request. The report shall consist of,  
35 but shall not be limited to, the following:

36 (a) Adequacy of contribution rate in meeting the level of benefits provided  
37 and changes, if any, needed in the contribution rates to achieve or preserve a level of  
38 funding deemed adequate to enable payment of the benefit amounts provided under the

1 arrangement, which shall include a valuation of present assets, based on statement  
2 value, and prospective assets and liabilities of the plan and the extent of any unfunded  
3 accrued liabilities.

4 (b) A plan to amortize any unfunded liabilities and a description of actions  
5 taken to reduce unfunded liabilities.

6 (c) A description and explanation of actuarial assumptions.

7 (d) A schedule illustrating the amortization of any unfunded liabilities.

8 (e) A comparative review illustrating the level of funds available to the  
9 arrangement from rates, investment income, and other sources realized over the period  
10 covered by the report, indicating the assumptions used.

11 (f) A statement by the actuary that the report is complete and accurate and  
12 that in his opinion the techniques and assumptions used are reasonable and meet the  
13 requirements and intent of this chapter.

14 (g) Other factors or statements as may be reasonably required by the  
15 commissioner in order to determine the actuarial soundness of the plan.

16 415-E:12 [~~Place of Business;~~] Maintenance of Records. Each arrangement shall [~~have~~  
17 ~~and maintain its principal place of business in this state and shall~~] make available to the  
18 commissioner complete records of its assets, transactions, and affairs in accordance with  
19 such methods and systems as are customary for, or suitable to, the kind or kinds of  
20 business transacted.

21 415-E:13 ***Qualification for Approval and*** Suspension[~~;~~] ***or*** Revocation of Approval.

22 I. Subject to other provisions in this chapter, the commissioner shall deny,  
23 suspend, or revoke an arrangement's approval if it finds that the arrangement:

24 (a) Has failed to meet the financial requirements of this chapter, RSA 420-G,  
25 or has violated any lawful order or rules.

26 (b) Has refused to be examined or to produce its accounts, records and files  
27 for examination, or if any of its officers has refused to give information with respect to  
28 its affairs or to perform any other legal obligation as to such examination, when  
29 required by the commissioner.

30 (c) Has failed to pay any final judgment rendered against it in this state  
31 within 60 days after the judgment became final.

32 (d) No longer meets the requirements for the authority originally granted.

33 II. The commissioner may, in his discretion, deny, suspend, or revoke the  
34 approval of any arrangement if it finds that the arrangement:

35 (a) Has violated any lawful order or rule of the commissioner, provision of  
36 this chapter, RSA 420-J, or relevant provision of RSA 161-H.

37 (b) Has refused to be examined or to produce its accounts, records, and files  
38 for examination, or if any of its officers have refused to give information with respect to

1 its affairs or to perform any other legal obligation as to such examination, when  
2 required by the commissioner.

3 ***III. The commissioner shall not grant or continue approval until such time as the***  
4 ***arrangement replaces any trustee found by the commissioner, upon the presentation of***  
5 ***sufficient evidence:***

6 ***(a) To be incompetent;***

7 ***(b) To be guilty of, or to have pled guilty or no contest to a felony, or a crime***  
8 ***involving moral turpitude;***

9 ***(c) To have had any type of insurance license revoked in this or any other***  
10 ***state; or***

11 ***(d) To have improperly manipulated assets, accounts, or specific excess***  
12 ***insurance or to have otherwise acted in bad faith.***

13 ***IV. To qualify for and retain approval to transact business, an arrangement shall***  
14 ***make all contracts with administrators or service companies available for inspection by***  
15 ***the department initially, and thereafter upon reasonable notice.***

16 ***V. Failure to maintain compliance with applicable eligibility or filing***  
17 ***requirements established by this section shall be grounds for suspension or revocation***  
18 ***of approval of an arrangement, provided, however, that such arrangement shall have 60***  
19 ***days after notification by the commissioner to take such action necessary to correct the***  
20 ***deficiency.***

21 436 Multiple Employer Arrangements; Rehabilitation; Rulemaking. Amend RSA 415-  
22 E:15 and RSA 415-E:16 to read as follows:

23 415-E:15 Rehabilitation, Dissolution. Any rehabilitation, liquidation, conservation,  
24 ***supervision***, or dissolution of a multiple-employer welfare arrangement shall be  
25 conducted under the supervision of the commissioner, who shall have all power with  
26 respect thereto granted to it under the laws governing the rehabilitation, liquidation,  
27 conservation, ***supervision***, or dissolution of insurers.

28 415-E:16 Rulemaking. The commissioner may adopt such rules, pursuant to RSA 541-  
29 A, as ~~[he deems]~~ ***are*** reasonable and necessary in order to carry out properly the  
30 functions and responsibilities assigned the insurance department under ~~[the laws of the~~  
31 ~~state]~~ ***this chapter***. ~~[This rulemaking authority shall expire on January 1, 1993, at which~~  
32 ~~time this section, unless replaced by a later legislative enactment, shall be deemed~~  
33 ~~repealed. Any rules adopted under this section shall be drafted in as narrow a manner~~  
34 ~~as possible, consistent with the authority granted the department under the laws of this~~  
35 ~~state.]~~

36 437 Health Coverage; Definitions. Amend RSA 420-G:2, XVI(a) to read as follows:

37 XVI.(a) "Small employer" means a business or organization which employed on  
38 average, one and up to 50 employees, including owners and self-employed persons, on

1 business days during the previous calendar year. A small employer is subject to this  
2 chapter whether or not it becomes part of an association, multi-employer plan, trust, or  
3 any other entity cited in RSA 420-G:3 provided it meets this definition. *However, with*  
4 *respect to coverage written under RSA 415-E to a bona fide pathway II association,*  
5 *whether self-funded or fully insured, if such association has at least 250 New Hampshire*  
6 *covered lives and meets all applicable standards under RSA 415-E and all large group*  
7 *standards under this chapter, coverage offered by such association may be offered to*  
8 *sole proprietors or self-employed persons.*

9 438 Purchasing Alliances; Definitions. Amend RSA 420-M:2, X to read as follows:

10 X. "Qualified purchasing alliance" means a purchasing alliance that has obtained  
11 certification from the commissioner under RSA 420-M:13 as a qualified purchasing  
12 alliance with authority to ~~operate in the same manner as a qualified association trust~~  
13 ~~pursuant to RSA 420-G:10~~ *sponsor fully-insured bona fide pathway II association*  
14 *coverage under RSA 415-E.*

15 439 Purchasing Alliances. RSA 420-M:13 is repealed and reenacted to read as follows:

16 420-M:13 Qualified Purchasing Alliance. A purchasing alliance that has a minimum  
17 of 500 enrollees may elect to obtain certification from the commissioner as a qualified  
18 purchasing alliance. To obtain certification, a purchasing alliance shall demonstrate:

19 I. That the purchasing alliance meets all requirements under RSA 415-E to  
20 operate as a bona fide pathway II association; and

21 II. That certification of the applicant as a qualified purchasing alliance will  
22 promote the purposes set out in RSA 420-M:1; and

23 III. That the purchasing alliance has the capacity to monitor and screen sole  
24 proprietor members purchasing pathway II association coverage to ensure that they  
25 meet all requirements to qualify as an "employee" under 29 C.F.R. section 2510.3-5(b) and  
26 meets the per month hourly work requirement contained in RSA 126-AA:2, III.

27 440 Definition of Qualified Association Trust. Amend the introductory paragraph of  
28 RSA 420-G:2, XV to read as follows:

29 XV. "Qualified association trust or other entity" means an association established  
30 trust or other entity in existence on January 1, 1995, and providing health coverage  
31 within the state of New Hampshire to at least ~~[1,000]~~ **250** employees and/or the  
32 dependents of association members, which association:

33 441 Health Coverage; Qualified Association Trust. Amend RSA 420-G:10 to read as  
34 follows:

35 420-G:10 Qualified Association Trust ~~[and Qualified Purchasing Alliance]~~.

36 I. A qualified association trust or other entity, as defined in RSA 420-G:2, XV~~[-and~~  
37 ~~a qualified purchasing alliance, as defined in RSA 420-M:2, X,~~] shall:

38 (a) Comply with the rating restrictions outlined in RSA 420-G:4 for all small

1 employer members with 50 or fewer employees based upon the association's or alliance's  
2 group experience, except that ~~[for a qualified association trust,]~~ no rating factor shall be  
3 utilized without the express written consent of the association.

4 (b) Offer all eligible members, as defined under the applicable trust or other  
5 documents, coverage and rates on a guaranteed issue and renewable basis.

6 (c) Comply with the regulations concerning medical underwriting in RSA 420-  
7 G:5.

8 (d) Comply with the preexisting conditions provision of RSA 420-G:7.

9 ~~[(e) Prohibit any employer that voluntarily discontinues participation in  
10 either a qualified association trust or a qualified purchasing alliance from rejoining for  
11 a period of at least 24 months.]~~

12 II. Nothing in this chapter shall be interpreted to limit the size of employers who  
13 may participate in coverage with a qualified association trust ~~[or a qualified purchasing  
14 alliance].~~

15 442 Small Employer Health Reinsurance Pool. Amend the chapter heading of RSA  
16 420-K to read as follows:

SMALL EMPLOYER HEALTH ~~[REINSURANCE POOL]~~  
***RISK ADJUSTMENT PROGRAM***

19 443 Small Employer Health Reinsurance Pool; Definitions. RSA 420-K:1 is repealed  
20 and reenacted to read as follows:

21 420-K:1 Definitions. In this chapter:

22 I. "Assessment" means the liability of the member insurer to the reinsurance pool.

23 II. "Board" means the board of directors of the small employer health reinsurance  
24 pool.

25 III. "Bona fide pathway II association coverage" means coverage, whether self-  
26 funded or fully insured, that constitutes an employee welfare benefit plan sponsored by  
27 a bona fide pathway II association as defined in RSA 415-E:1.

28 IV. "Commissioner" means the insurance commissioner.

29 V. "Covered lives" shall include all persons who have health insurance via a  
30 health carrier and who are employees or dependents of employees of a small employer,  
31 including sole proprietors covered under bona fide pathway II association coverage.

32 VI. "Health insurance" means "health insurance" as defined in RSA 404-G:2, VII.

33 VII. "Plan of operation" means the plan of operation of the small employer health  
34 risk adjustment program, including articles, bylaws and operating rules, procedures and  
35 policies approved by the commissioner and adopted by the pool.

36 VIII. "Small employer" means "small employer" as defined in RSA 420-G:2, XVI.

37 IX. "Small employer health carrier" means any entity licensed pursuant to RSA  
38 402, RSA 420-A, or RSA 420-B that delivers, issues for delivery or maintains in force

1 policies of health insurance in New Hampshire to any small employer. For purposes of  
2 this chapter, health carrier shall include any association, organization or arrangement  
3 offering or sponsoring bona fide pathway II association coverage.

4 444 Establishment of the Risk Adjustment Program. Amend RSA 420-K:2 to read as  
5 follows:

6 420-K:2 Establishment of the ~~[Pool]~~ ***Risk Adjustment Program***.

7 I. There is established a nonprofit entity to be known as the "New Hampshire  
8 small employer health ~~[reinsurance pool]~~ ***risk adjustment program***." All ***small employer***  
9 health carriers~~[, writers of health insurance, and other insurers]~~ issuing or maintaining  
10 health insurance in this state shall be members of the ~~[pool]~~ ***program***.

11 II. ~~[On or before July 1, 2005,]~~ The commissioner shall give notice to all members  
12 of the ~~[pool]~~ ***program*** of the time and place for the initial organizational meeting~~[, which~~  
13 ~~shall take place by July 15, 2005]~~. The members shall select the initial board at the  
14 organizational meeting and such initial board shall be subject to approval by the  
15 commissioner. The members shall elect each subsequent board at the annual meeting of  
16 members and each such subsequent board shall be subject to approval by the  
17 commissioner. The initial board and each subsequent board shall consist of at least 5  
18 and not more than 9 representatives of members. There shall be no more than one board  
19 member on the initial board and each subsequent board representing any one member  
20 company. In determining voting rights at the organizational meeting and all  
21 subsequent meetings of members, each member shall be entitled to vote in person or by  
22 proxy. All such votes shall be proportional to the member's covered lives. To the extent  
23 possible, at least 2/3 of members of each board shall be small employer health carriers.  
24 ~~[At least one member of each board shall be a small employer health carrier with less~~  
25 ~~than \$100,000,000 in net small employer health insurance premium in this state.]~~ The  
26 commissioner, or designee, shall be an ex-officio voting member of the board. In  
27 approving selection of each board, the commissioner shall assure that all members are  
28 fairly represented.

29 III. If the initial board is not elected at the organizational meeting, the  
30 commissioner shall appoint the initial board within 15 days of the organizational  
31 meeting.

32 IV. Within 60 days after the appointment of such initial board, the board shall  
33 submit to the commissioner a plan of operation and thereafter any amendments to the  
34 plan necessary or suitable to assure the fair, reasonable, and equitable administration of  
35 the ~~[pool]~~ ***program***. The commissioner shall, after notice and hearing, approve the plan  
36 of operation provided he or she determines it to be suitable to assure the fair,  
37 reasonable, and equitable administration of the ~~[pool, and provides for the sharing of~~  
38 ~~pool gains or losses on an equitable proportionate basis in accordance with the~~

1 ~~provisions of paragraph VI of this section]~~ **program**. The plan of operation shall become  
2 effective upon approval in writing by the commissioner consistent with the date on  
3 which the coverage under this section shall be made available. If the board fails to  
4 submit a suitable plan of operation within 60 days after its appointment, or at any time  
5 thereafter fails to submit suitable amendments to the plan of operation, the  
6 commissioner shall, after notice and hearing, adopt and promulgate a plan of operation  
7 or amendments [~~no later than October 1, 2005~~]. The commissioner shall amend any plan  
8 adopted by him or her, as necessary at the time a plan of operation is submitted by the  
9 board and approved by the commissioner.

10 V. The board shall select [~~reinsurance pool~~] **risk adjustment program**  
11 administrators through a competitive bidding process to administer the [~~pool~~] **program**.  
12 The board shall evaluate bids submitted based on criteria established by the board.  
13 [~~Each month, total payments to administrators shall not exceed the larger of \$2,500 or an~~  
14 ~~amount equal to \$10 per life for which the reinsurance pool has any potential claims~~  
15 ~~liability.~~]

16 VI. The plan of operation shall establish procedures for:

17 (a) Handling and accounting of assets and moneys of the [~~pool~~] **program**, and  
18 for annual fiscal reporting to the commissioner.

19 (b) Filling vacancies on the board, subject to the approval of the  
20 commissioner.

21 (c) Selecting an administrator and setting forth the powers and duties of the  
22 administrator.

23 (d) [~~Reinsuring risks in accordance with the provisions of this chapter~~]  
24 **Establishing risk adjustment parameters.**

25 (e) Collecting assessments from all members to provide for [~~claims reinsured~~]  
26 **risk adjustment payments** by the [~~pool~~] **program** and for administrative expenses  
27 incurred or estimated to be incurred during the period for which the assessment is  
28 made.

29 (f) Any additional matters at the discretion of the board.

30 445 Powers of the Program. RSA 420-K:3 and RSA 420-K:4 are repealed and  
31 reenacted to read as follows:

32 420-K:3 Powers of the Program. The program may:

33 I. Enter into contracts as are necessary or proper to carry out the provisions and  
34 purposes of this chapter, including the authority, with the approval of the  
35 commissioner, to enter into contracts with programs of other states for the joint  
36 performance of common functions, or with persons or other organizations for the  
37 performance of administrative functions.

38 II. Sue or be sued, including taking any legal actions necessary or proper for

1 recovery of any assessments for, on behalf of, or against members.

2           **III. Take such legal action as necessary to avoid the payment of improper claims**  
3 **against the program.**

4           **IV. Define the array of health coverage products for which risk adjustment will**  
5 **be applied in accordance with the requirements of this chapter.**

6           **V. Establish rules, conditions, and procedures pertaining to the risk adjustment**  
7 **mechanism, including implementation and measurement time frames and the permitted**  
8 **risk corridor where no transfer of risk adjustment funds shall take place.**

9           **VI. Establish appropriate rates, rate schedules, rate adjustments, rate**  
10 **classifications, and any other actuarial functions appropriate to the operation of the**  
11 **program.**

12           **VII. Assess members in accordance with the provisions of this chapter, and to**  
13 **make advance interim assessments as may be reasonable and necessary for**  
14 **organizational and interim operating expenses and to pay claims by the program. Any**  
15 **such interim assessments shall be credited as offsets against any regular assessments**  
16 **due following the close of the fiscal year.**

17           **VIII. Appoint from among the members appropriate legal, actuarial, and other**  
18 **committees as necessary to provide technical assistance in the operation of the program,**  
19 **policy, and other contract design, and any other function within the authority of the**  
20 **program.**

21           **IX. Borrow money to effectuate the purposes of the program. Any notes or other**  
22 **evidence of indebtedness of the program not in default shall be legal investments for**  
23 **insurers and may be carried as admitted assets.**

24           **420-K:4 Risk Adjustment Program.**

25           **I. The board shall:**

26           **(a) Develop and monitor a measure of risk to be used in comparing**  
27 **populations covered by small employer health insurance coverage and bona fide**  
28 **pathway II association coverage. The population covered by qualified association trust**  
29 **coverage or by bona fide pathway I association coverage, whether self-funded or fully**  
30 **insured, shall not be a part of the risk adjustment program and, for the purposes of this**  
31 **chapter, shall not be considered to be small group coverage.**

32           **(b) Access from the New Hampshire comprehensive health care information**  
33 **system (CHIS), as described under RSA 420-G:11-a, member level information, including**  
34 **length of coverage, gender, age, and diagnosis, sufficient to measure and monitor risk**  
35 **for carriers issuing or administering small employer health insurance.**

36           **(c) Perform risk adjustment analysis which may include the use of data from**  
37 **the CHIS, including calculating New Hampshire specific relative weights as necessary,**  
38 **to analyze the difference in the medical care resources expected to be necessary to treat**



1 the 2 different populations, one covered in the small group insurance risk pool and the  
2 other covered by bona fide pathway II association coverage.

3 (d) Subject to the limitation in paragraph II, establish risk adjustment  
4 payments between carriers that are triggered whenever the average risk over any  
5 calendar year between bona fide pathway II association coverage and all other small  
6 group coverage differs by more than the maximum allowed amount, and that serve to  
7 create a net effect of reducing future expected risk score differences after payments to  
8 approximately the target amount. The commissioner shall establish the maximum  
9 allowed amount and the target amount by retaining actuarial experts. The standard  
10 that the actuarial experts shall use in recommending values for the maximum allowed  
11 amount and the target amount is that such amounts should be so determined as to  
12 prevent the pathway II association market from having an adverse impact on the  
13 availability and choice of coverage in the small group market and to prevent adverse  
14 selection against the small group market that is sufficient to cause the average  
15 premiums for small groups to increase at a rate that is significantly higher than the  
16 trend in claims costs.

17 (e) Provide a report to the insurance commissioner in a form and format  
18 acceptable to the commissioner.

19 II. The board shall not implement any adjustments until the number of lives  
20 covered by bona fide pathway II association coverage exceeds 2,000 member months for  
21 3 consecutive months.

22 446 Immunity and Indemnification. Amend RSA 420-K:7 to read as follows:

23 420-K:7 Immunity and Indemnification.

24 I. Neither the participation in the [pøø] **program** as members, the establishment  
25 of rates, forms, or procedures, nor any other joint or collective action required by this  
26 chapter shall be the basis of any legal action against the [pøø] **program** or any of its  
27 members.

28 II. Any person or member made a party to any action, suit, or proceeding because  
29 the person or member served on the board or on a committee or was an officer or  
30 employee of the [pøø] **program** shall be held harmless and be indemnified by the [pøø]  
31 **program** against all liability and costs, including the amounts of judgments, settlements,  
32 fines or penalties, and expenses and reasonable attorney's fees incurred in connection  
33 with the action, suit, or proceeding. The indemnification shall not be provided on any  
34 matter in which the person or member is finally adjudged in the action, suit, or  
35 proceeding to have committed a breach of duty involving gross negligence, dishonesty,  
36 willful misfeasance, or reckless disregard of the responsibilities of office. Costs and  
37 expenses of the indemnification shall be prorated and paid for by all members. The  
38 right of indemnification shall not be exclusive of other rights or defenses to which such

1 person or the legal representative or successors of such person, may be entitled to as a  
2 matter of law. The commissioner may retain actuarial consultants necessary to carry  
3 out his or her responsibilities pursuant to this chapter and such expenses shall be paid  
4 by the ~~[pool]~~ **program** established in this chapter.

5 447 New Chapter; Commission on the Status of Health Coverage Markets for  
6 Individuals and Small Employers. Amend RSA by inserting after chapter 404-I the  
7 following new chapter:

8 CHAPTER 404-J

9 COMMISSION ON THE STATUS OF HEALTH COVERAGE MARKETS  
10 FOR INDIVIDUALS AND SMALL EMPLOYERS

11 404-J:1 Commission Established.

12 I. There is hereby established a commission on the status of health coverage  
13 markets for individuals and small employers.

14 (a) The members of the commission shall be as follows:

15 (1) Three members of the senate, one of whom shall be a member of the  
16 minority party, appointed by the president of the senate.

17 (2) Three members of the house of representatives, one of whom shall be a  
18 member of the minority party, appointed by the speaker of the house of representatives.

19 (3) The insurance commissioner, or designee.

20 (4) Three persons representing health carriers, appointed by the  
21 insurance commissioner, as follows:

22 (A) One person representing a health carrier with a significant  
23 presence in the individual market;

24 (B) One person representing a health carrier with a significant  
25 presence in the small employer market; and

26 (C) One person representing a health carrier with an interest in  
27 providing or administering health coverage in the pathway II association market.

28 (5) Two producers, appointed by the insurance commissioner, one of  
29 whom shall be a producer with a significant clientele in the individual market and the  
30 other a producer with a significant clientele in the small employer market.

31 (6) A public member from an academic institution or charitable  
32 foundation who has health care and health insurance expertise, appointed by the senate  
33 president.

34 (7) A public member who shall represent the interests of persons who  
35 obtain their coverage through that market, appointed by the speaker of the house of  
36 representatives.

37 (8) A public member who shall represent the interests of persons who  
38 obtain their coverage through the individual market, appointed by the president of the

1 senate.

2 (9) Two public members from organizations that represent the interests of  
3 the medically underserved, persons with pre-existing conditions, or persons with  
4 chronic health conditions, including mental health or substance use disorders,  
5 appointed by the governor.

6 (10) A public member who shall represent the interests of small employers  
7 sponsoring health coverage for their employees, appointed by the governor.

8 (11) A public member from the Business and Industry Association of New  
9 Hampshire or a New Hampshire chamber of commerce, appointed by the governor.

10 (12) A public member from a national organization with a New Hampshire  
11 chapter that is interested in qualifying as a bone fide pathway II association, as defined  
12 in RSA 415-E:1, III, appointed by the governor.

13 (b) Of the commission members listed under subparagraph (a), only the 6  
14 legislative members shall be voting members. All other members shall serve in an  
15 advisory capacity only.

16 (c) Legislative members of the commission shall receive mileage at the  
17 legislative rate when attending to the duties of the commission.

18 (d) The commission shall be a public body subject to RSA 91-A, and its  
19 meetings shall be considered public proceedings.

20 II.(a) The commission shall evaluate the status of health coverage markets for  
21 individuals and small employers. This shall include the individual market, the small  
22 employer market, and alternative sources of coverage that may be available to  
23 individuals and small employers, including pathway II association coverage,  
24 transitional coverage, and short-term limited duration coverage. These markets shall be  
25 evaluated in terms of their performance in making available to individuals and small  
26 employers affordable coverage that provides access to medically necessary care on  
27 affordable terms. Consideration shall be given to market competitiveness, price, choice  
28 of plans, market size, market segmentation, the risk profile of the covered population in  
29 each market, adverse selection against specific markets, migration between markets, the  
30 rate of growth or diminution in the overall number of covered lives, and other similar  
31 factors that may affect the coverage available to individuals and small employers.  
32 Specifically, the commission shall evaluate markets and make recommendations on the  
33 following:

34 (1) The performance and effectiveness of the small group market in itself  
35 and in conjunction with other markets that may be available to small employers and  
36 their employees, including, if applicable, pathway II association coverage. This shall  
37 include consideration of coverage for pre-existing conditions and essential health  
38 benefits, premium rates and product offerings, impact on premiums, the availability and

1 choice of plans, the number of covered lives, and the overall impact on the availability  
2 and affordability of coverage for higher risk individuals and small employer groups.  
3 Based on this evaluation, the commission shall make recommendations in its annual  
4 report for future program or legislative modifications, including, if applicable,  
5 modifications to the risk adjustment program authorized under RSA 420-K, as well as a  
6 final recommendation as to whether the general court should allow the continuation or  
7 should phase out the market for pathway II association coverage.

8           (2) The performance and effectiveness of the individual market in itself  
9 and in conjunction with other markets that may be available to individuals and sole  
10 proprietors, including, if applicable, pathway II association coverage. This shall include  
11 consideration of the migration of sole proprietors to the pathway II market and the  
12 effectiveness of screening procedures in validating sole proprietorship status, the price  
13 and availability of coverage for individuals who do not qualify for an advanced premium  
14 tax credit or cost sharing reduction assistance through the marketplace exchange, and  
15 the design and effectiveness of the risk sharing mechanism and 1332 waiver for the  
16 individual market authorized under RSA 420-N:6-a. Based on this evaluation, the  
17 commission shall make recommendations concerning the individual market risk sharing  
18 mechanism under the 1332 waiver, any changes that are needed to screening and  
19 monitoring procedures for compliance with the hourly work standard to qualify as a  
20 sole proprietor under pathway II association coverage, and any other legislative or  
21 regulatory measures that would promote market stability and growth in the individual  
22 market.

23           (b) The commission shall not make any recommendation that includes the use  
24 of new general funds.

25           (c) The commission shall solicit information from any person or entity the  
26 commission deems relevant to its study.

27           III. The insurance commissioner shall provide information and reports to the  
28 commission on a biannual basis concerning the status of the individual, small employer  
29 and, if applicable, pathway II association markets as necessary to allow the commission  
30 to carry out its duties. The commission shall have the authority, at any time, upon a  
31 finding that pathway II association coverage is having an adverse impact on the  
32 availability and choice of coverage in the individual or small employer markets or is  
33 causing average premiums for individuals or small groups to increase at a rate that is  
34 significantly higher than the trend in claims costs, to recommend that the commissioner  
35 limit pathway II associations to the writing of existing business only or adjust the risk  
36 score differential amount in RSA 420-K:4, I(d), and the commissioner shall have  
37 authority to implement this recommendation by order pursuant to RSA 400-A:14 and this  
38 paragraph.

1           IV. The members of the commission shall elect a chairperson from among the  
2 members. The first meeting of the commission shall be called by the first-named senate  
3 member. The first meeting of the commission shall be held within 45 days of the  
4 effective date of this section. Four of the 6 voting members of the commission shall  
5 constitute a quorum.

6           V. The commission shall submit an annual report on or before November 1 of  
7 each year with its findings and any recommendations for proposed legislation, and a  
8 final report on December 1, 2024 to the president of the senate, the speaker of the house  
9 of representatives, the senate clerk, the house clerk, the governor, and the state library.  
10 If applicable, the commission's reports shall contain the commission's recommendation  
11 regarding whether the market for pathway II association coverage should continue or  
12 be phased out.

13           448 Individual Health Insurance; Market; Contingency. RSA 404-G:12, I and II are  
14 repealed and reenacted to read as follows:

15           I. Notwithstanding RSA 404-G:11, and if supported by the recommendations of  
16 actuarial experts retained by the department, the commissioner may request that the  
17 board of directors of the association develop a plan of operation to support the  
18 affordability and accessibility of health insurance in the state's individual health  
19 insurance market. The proposal may include resumption of a risk sharing program  
20 similar to that referenced in RSA 404-G:5, creation and operation of a reinsurance  
21 program, or such other program as the board finds will best support the availability and  
22 affordability of health insurance in the state and may also include the development of a  
23 waiver application under the Act. The commissioner shall approve the revised plan of  
24 operations if the commissioner finds that the plan will further the purpose of this  
25 chapter as stated in RSA 404-G:1, I, and is otherwise consistent with New Hampshire and  
26 federal law.

27           II. The board's proposal may include a recommendation that the state apply for a  
28 waiver under the Act, or any successor to the Act. If the approved plan includes an  
29 application for a waiver, the commissioner and the board shall proceed in accordance  
30 with RSA 420-N:6-a. If the waiver is approved by the federal government, the board shall  
31 prepare a revised plan of operations consistent with the terms of the waiver, and shall  
32 implement it upon approval by the commissioner.

33           449 Federal Health Care Reform 2010; Waiver. RSA 420-N:6-a is repealed and  
34 reenacted to read as follows:

35           420-N:6-a Waiver. If such action is supported by the recommendations of actuarial  
36 experts retained by the department as being consistent with the purposes of RSA 404-  
37 G:1, I, the commissioner shall, at the earliest practicable date, submit an application on  
38 behalf of the state to the United States Secretary of the Treasury, and if required, to the

1 United States Secretary of Health and Human Services, to waive certain provisions of  
2 the Act, as provided in section 1332 of the Act, or any other applicable waiver provision  
3 in order to create a risk sharing or reinsurance mechanism for the individual market  
4 under RSA 404-G which is eligible to draw down federal pass-through funding to support  
5 such mechanism. The commissioner shall publish and accept public comment on the  
6 1332 waiver application and the plan of operation for the individual market mechanism  
7 prior to approving such plans. Upon approval of the joint health care reform oversight  
8 committee, the commissioner shall implement any federally approved waiver, including  
9 but not limited to overseeing the implementation of a revised plan of operations under  
10 RSA 404-G:12.

11 450 Repeal. The following are repealed:

12 I. RSA 404-J, relative to the commission on the status of health insurance  
13 markets for individuals and small employers.

14 II. 2017, 221:8, relative to the 2020 amendment of RSA 404-G:12.

15 III. 2017, 221:11, relative to the 2020 repeal of RSA 420-N:6-a.

16 451 Applicability. Sections 426-447 of this act shall take effect 60 days after the  
17 insurance commissioner, with the advice of the department of justice, certifies to the  
18 secretary of state and the director of legislative services that the federal rule codified at  
19 29 C.F.R. section 2510.3-5(b) is legally valid and the issues raised by the opinion issued  
20 on March 28, 2019 in *State of New York v. United States Department of Labor*, United  
21 States District Court of the District of Columbia, Civil Action No. 18-1747 have been  
22 resolved. However, in no event shall sections 426-447 of this act take effect at a date  
23 later than December 1, 2021.

24 452 Business Profits Tax; Apportionment; 2021. Amend RSA 77-A:3, I(c) to read as  
25 follows:

26 (c) The percentage of the total sales, including charges for services, made by  
27 the business organization everywhere as is made by it within this state[.] :

28 (1) 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  
30 government, within this state regardless of f.o.b. 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 [(1)] (A) the purchaser is the United States government, or [(2)] (B) the  
33 business organization is not taxable in the state of the purchaser.

34 (2) Sales other than sales of tangible personal property are in this state if  
35 the [~~income-producing activity is performed in this state, or the income-producing~~  
36 ~~activity is performed both in and outside this state and a greater proportion of the~~  
37 ~~income-producing activity is performed in this state than in any other state, based on~~  
38 ~~costs of performance]~~ *business organization's market for the sales is in this state, as*

1 *follows:*

2 (A) *In the case of sale, rental, lease, or license of real property, if and to*  
3 *the extent the property is located in this state;*

4 (B) *In the case of rental, lease, or license of tangible personal property,*  
5 *if and to the extent the property is located in this state;*

6 (C) *In the case of sale of a service, if and to the extent the service is*  
7 *delivered to a location in this state;*

8 (D) *In the case of sale, rental, lease, or license of intangible property, if*  
9 *and to the extent the property is used in this state;*

10 (E) *In the case of interest income, if and to the extent the debtor or*  
11 *encumbered property is located in this state;*

12 (F) *In the case of dividend income, if and to the extent the business*  
13 *organization's commercial domicile is in this state; and*

14 (G) *In the case of other income, if and to the extent the income is*  
15 *derived from sources in this state.*

16 (3) *In the case of sales other than sales of tangible personal property, if the*  
17 *state or states of assignment cannot be determined, the state or states of assignment*  
18 *shall be reasonably approximated.*

19 (4) *In the case of sales other than sales of tangible personal property, if the*  
20 *taxpayer is not taxable in a state to which a sale is assigned, or if the state of assignment*  
21 *cannot be determined or reasonably approximated, such sale shall be excluded from the*  
22 *denominator of the sales factor.*

23 453 Business Enterprise Tax; Apportionment of Dividends; 2021. Amend RSA 77-E:4,  
24 I(c)(3) to read as follows:

25 (3) The percentage of the total sales, including charges for services, made  
26 by the business enterprise everywhere as is made by it within this state[-]:

27 (A) Sales of tangible personal property are made in this state if the  
28 property is delivered or shipped to a purchaser, other than the United States  
29 government, within this state regardless of free on board point or other conditions of  
30 sale, or the property is shipped from an office, store, warehouse, factory or other place of  
31 storage in this state and [(A)] (i) the purchaser is the United States government, or [(B)]  
32 (ii) the business enterprise is not taxable in the state of the purchaser.

33 (B) Sales other than sales of tangible personal property are in this  
34 state if the [~~revenue-producing activity is performed in this state, or the revenue-~~  
35 ~~producing activity is performed both in and outside this state and a greater proportion~~  
36 ~~of the revenue-producing activity is performed in this state than in any other state,~~  
37 ~~based on costs of performance]~~ *business enterprise's market for the sales is in this state,*  
38 *as follows:*

1                   (i) *In the case of sale, rental, lease, or license of real property, if and*  
2 *to the extent the property is located in this state;*

3                   (ii) *In the case of rental, lease, or license of tangible personal*  
4 *property, if and to the extent the property is located in this state;*

5                   (iii) *In the case of sale of a service, if and to the extent the service is*  
6 *delivered to a location in this state;*

7                   (iv) *In the case of sale, rental, lease, or license of intangible*  
8 *property, if and to the extent the property is used in this state;*

9                   (v) *In the case of interest income, if and to the extent the debtor or*  
10 *encumbered property is located in this state;*

11                   (vi) *In the case of dividend income, if and to the extent the business*  
12 *enterprise's commercial domicile is in this state; and*

13                   (vii) *In the case of other income, if and to the extent the income is*  
14 *derived from sources in this state.*

15                   (C) *In the case of sales other than sales of tangible personal property, if*  
16 *the state or states of assignment cannot be determined, the state or states of assignment*  
17 *shall be reasonably approximated.*

18                   (D) *In the case of sales other than sales of tangible personal property,*  
19 *if the taxpayer is not taxable in a state to which a sale is assigned, or if the state of*  
20 *assignment cannot be determined or reasonably approximated, such sale shall be*  
21 *excluded from the denominator of the sales factor.*

22           454 Business Profits Tax; Apportionment; 2022. Amend RSA 77-A:3, I-III to read as  
23 follows:

24           I. A business organization which derives gross business profits from business  
25 activity both within and without this state, and which is subject to a net income tax, a  
26 franchise tax measured by net income, or a capital stock tax in another state or is  
27 subject to the jurisdiction of another state to impose a net income tax or capital stock  
28 tax upon it, whether or not such tax is actually imposed, shall apportion its gross  
29 business profits so as to allocate to this state a fair and equitable proportion of such  
30 business profits. Except as provided in this section, such apportionment shall be made  
31 [~~on the basis of the following 3 factors~~] *in the following manner:*

32                   (a) *For taxable periods ending before December 31, 2022:*

33                   (1) *The business organization's gross business profits shall be apportioned*  
34 *on the basis of the following 3 factors:*

35                   [~~(a)~~] (A) The percentage of value of the total real and tangible personal  
36 property owned, rented and employed by the business organization everywhere as is  
37 owned, rented and employed by it in the operation of its business in this state. Property  
38 owned by the business organization shall be valued at its original cost. Property rented



1 by the business organization shall be valued at 8 times the net annual rental rate. Net  
2 annual rental rate is the annual rental rate paid by the business organization less any  
3 annual rental rate received by the business organization from subrentals.

4           ~~[(b)]~~ **(B)** The percentage of total compensation paid by the business  
5 organization to employees everywhere as is paid by the business organization to  
6 employees for services rendered within this state. Such compensation is deemed to be  
7 disbursed for services in this state if the service is performed entirely within this state,  
8 or if the service is performed both within and without this state and the service  
9 performed without this state is incidental to the service within this state, or some of the  
10 service is performed in this state and ~~[(1)]~~ **(i)** the base of operations or, if there is no base  
11 of operations, the place from which the service is directed or controlled is in this state,  
12 or ~~[(2)]~~ **(ii)** the base of operations or the place from which the service is directed or  
13 controlled is not in any state in which some part of the service is performed, but the  
14 individual performing such service resides within this state.

15           ~~[(e)]~~ **(C)** The percentage of the total sales, including charges for services, made  
16 by the business organization everywhere as is made by it within this state:

17                   ~~[(1)]~~ **(i)** Sales of tangible personal property are made in this state if the  
18 property is delivered or shipped to a purchaser, other than the United States  
19 government, within this state regardless of f.o.b. point or other conditions of sale, or the  
20 property is shipped from an office, store, warehouse, factory or other place of storage in  
21 this state and ~~[(A)]~~ the purchaser is the United States government, or ~~[(B)]~~ the business  
22 organization is not taxable in the state of the purchaser.

23                   ~~[(2)]~~ **(ii)** Sales other than sales of tangible personal property are in this  
24 state if the business organization's market for the sales is in this state, as follows:

25                           ~~[(A)]~~ **1.** In the case of sale, rental, lease, or license of real property, if  
26 and to the extent the property is located in this state;

27                           ~~[(B)]~~ **2.** In the case of rental, lease, or license of tangible personal  
28 property, if and to the extent the property is located in this state;

29                           ~~[(C)]~~ **3.** In the case of sale of a service, if and to the extent the service is  
30 delivered to a location in this state;

31                           ~~[(D)]~~ **4.** In the case of sale, rental, lease, or license of intangible  
32 property, if and to the extent the property is used in this state;

33                           ~~[(E)]~~ **5.** In the case of interest income, if and to the extent the debtor or  
34 encumbered property is located in this state;

35                           ~~[(F)]~~ **6.** In the case of dividend income, if and to the extent the business  
36 organization's commercial domicile is in this state; and

37                           ~~[(G)]~~ **7.** In the case of other income, if and to the extent the income is  
38 derived from sources in this state.

1           ~~[(3)]~~ *(iii)* In the case of sales other than sales of tangible personal property,  
2 if the state or states of assignment cannot be determined, the state or states of  
3 assignment shall be reasonably approximated.

4           ~~[(4)]~~ *(iv)* In the case of sales other than sales of tangible personal property,  
5 if the taxpayer is not taxable in a state to which a sale is assigned, or if the state of  
6 assignment cannot be determined or reasonably approximated, such sale shall be  
7 excluded from the denominator of the sales factor.

8           ~~[H.(a)]~~ *(2)* A fraction, the numerator of which shall be the property factor in  
9 subparagraph ~~[H(a)]~~ *I(a)(1)(A)* plus the compensation factor in subparagraph ~~[H(b)]~~  
10 *I(a)(1)(B)* plus 2 multiplied by the sales factor in subparagraph ~~[H(e)]~~ *I(a)(1)(C)* and the  
11 denominator of which is 4, shall be applied to the total gross business profits (less  
12 foreign dividends) of the business organization to ascertain its gross business profits in  
13 this state.

14           *(b) For taxable periods ending on or after December 31, 2022, the business*  
15 *organization's gross business profits shall be apportioned by multiplying the total gross*  
16 *business profits (less foreign dividends) of the business organization by the sales factor*  
17 *in subparagraph I(a)(1)(C).*

18           ~~II.(a)~~ If ~~[this]~~ *the applicable* method of apportionment *in paragraph I* does not  
19 fairly represent the business organization's business activity in this state, the business  
20 organization may petition for, or the commissioner may require, in respect to all or any  
21 part of the business organization's business activity, if reasonable[;],

22           ~~[(1) The exclusion of any one or more of the apportionment factors;~~

23           ~~[(2) The inclusion of one or more additional apportionment factors which~~  
24 ~~will fairly represent the business organization's business activity in the state; or~~

25           ~~[(3)]~~ the employment of any other method to effect an equitable  
26 apportionment of the business organization's gross business profits.

27           *(b) For foreign dividends from unitary sources, the following formula shall be*  
28 *used to modify factors relating to included dividends:*

29           (1) Determine a percentage for each dividend payor consisting of  
30 dividends paid divided by taxable income which has been computed using United States  
31 standards.

32           (2) Apply this percentage to the dividend payor's foreign property, payroll,  
33 and sales *for taxable periods ending before December 31, 2022, or to the dividend payor's*  
34 *foreign sales for taxable periods ending on or after December 31, 2022.*

35           (3) Sum the results in subparagraph (2) for all dividend payors.

36           (4) Add the result in subparagraph (3) to the denominators of the  
37 combined water's edge group. The numerator will remain the New Hampshire  
38 numerator.

1 (5) Apply the resulting percentage to the foreign dividends.

2 (6) Add this amount to the amount of New Hampshire taxable business  
3 profits computed pursuant to RSA 77-A:3, I [~~and II(a)~~].

4 III. When 2 or more related business organizations are engaged in a unitary  
5 business, as defined in RSA 77-A:1, XIV, a part of which is conducted in this state by one  
6 or more members of the group, the income attributable to this state shall be determined  
7 by means of the *applicable* combined apportionment factors of the unitary business  
8 group in accordance with paragraphs I and II.

9 455 Business Profits Tax; Qualified Manufacturing Research and Development  
10 Expenditures. Amend the introductory paragraph of RSA 77-A:5, XIII(b)(1) to read as  
11 follows:

12 (1) The term “qualified manufacturing research and development  
13 expenditures” shall mean solely any wages paid or incurred to an employee of the  
14 business organization for services rendered by such employee within this state within  
15 the meaning of RSA [~~77-A:3;I(b)~~] *77-A:3, I(a)(1)(B)*, provided that:

16 456 Business Enterprise Tax; Application of Credit for Business Enterprise Tax  
17 Against Business Profits Tax. Amend RSA 77-E:13, I and II to read as follows:

18 I. Determine a combined nexus group denominator for the [~~property, payroll and~~  
19 ~~sales~~] *applicable apportionment* factors by adding the [~~property, payroll and sales~~]  
20 *apportionment* factor numerators of the individual members of the combined group  
21 subject to tax under RSA 77-A.

22 II. Determine an individual apportionment percentage for each member of the  
23 combined group subject to tax under RSA 77-A by dividing such member's *applicable*  
24 individual New Hampshire [~~property, payroll and sales~~] *apportionment* factor  
25 numerators by the combined nexus group denominators determined in paragraph I.

26 457 New Paragraph; Business Profits Tax; Definition. Amend RSA 77-A:1 by  
27 inserting after paragraph XVIII the following new paragraph:

28 XVIII-a. "Foreign sales" as used in RSA 77-A:3, II means the sales data of overseas  
29 business organizations which have paid dividends to a member of the water's edge  
30 combined group.

31 458 Applicability. Sections 452 and 453 of this act shall apply to taxable periods  
32 ending on or after December 31, 2021.

33 459 Legislative Committee on Apportionment; Enactment of Single Sales Factor.  
34 Amend RSA 77-A by inserting after section 23 the following new section:

35 77-A:23-a Legislative Committee on Apportionment. There is established a  
36 committee to study the apportionment of gross business profits under the business  
37 profits tax, and to authorize the enactment of the single sales factor for the business  
38 profits tax and business enterprise tax.

**HB 2-FN-A-LOCAL - FINAL VERSION**  
**- Page 193 -**

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

2               (a) Three members of the senate, appointed by the president of the senate.

3               (b) Four members of the house of representatives, appointed by the speaker of  
4 the house of representatives.

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

7           III.(a) The committee shall study apportionment among states pursuant to RSA  
8 77-A:3 of gross business profits under the business profits tax. The committee shall also  
9 monitor the laws and legislation of other states concerning market-based sourcing and  
10 may study any other related issues. The committee may solicit input or testimony from  
11 any person or organization the committee deems relevant to the study.

12               (b) The committee shall conduct meetings and on or before November 1, 2020,  
13 shall hold at least 2 public hearings on the enactment of the single sales tax provisions  
14 contained in sections 454-457 of HB 2-FN-A of the 2019 regular legislative session. In  
15 November 2020, the committee shall, by majority vote of the committee, vote on whether  
16 to rescind the enactment of the amendments contained in sections 454-457 of HB 2-FN-A  
17 of the 2019 regular legislative session. If the majority of the committee rescinds the  
18 enactment of sections 454-457 of HB 2-FN-A of the 2019 regular legislative session, such  
19 sections shall not take effect. The committee shall report on its actions to the  
20 chairpersons of the senate and house finance committees, the chairpersons of the senate  
21 and house ways and means committees, the secretary of state, and the director of the  
22 office of legislative services.

23           IV. The members of the committee shall elect a chairperson from among the  
24 members. The first meeting shall be called by the first-named senate member. The first  
25 meeting of the committee shall be held within 45 days of the effective date of this section.  
26 Four members of the committee shall constitute a quorum.

27           V. The committee shall report its findings and any recommendations for  
28 proposed legislation to the president of the senate, the speaker of the house of  
29 representatives, the senate clerk, the house clerk, the governor, and the state library on  
30 or before December 1, 2020.

31           460 Enactment of Single Sales Factor. Sections 454-457 of this act shall take effect  
32 January 1, 2022 unless upon the report of the committee established in RSA 77-A:23-a as  
33 inserted in this act, that by majority vote of the committee, sections 454-457 are  
34 rescinded.

35           461 Repeal. RSA 77-A:23-a, relative to the legislative committee on apportionment, is  
36 repealed.

37           462 Contingencies.

38           I. Department of Environmental Services; Ossipee Lake Dam Reconstruction. If

**HB 2-FN-A-LOCAL - FINAL VERSION**  
**- Page 194 -**

1 HB 600 of the 2019 regular legislative session becomes law, then RSA 78-B:2, XXIII as  
2 inserted by section 314 of this act shall be renumbered as RSA 78-B:2, XXIV.

3 II. Deposits to Drinking Water and Groundwater Trust Fund. If HB 495 of the  
4 2019 regular legislative session becomes law, then RSA 485-F:6 as inserted by section 316  
5 of this act shall be renumbered as RSA 485-F:7.

6 III. Department of Military Affairs and Veterans Services. If SB 208 of the 2019  
7 regular legislative session becomes law, then sections 148-155 of this act shall not take  
8 effect. If SB 208 of the 2019 regular legislative session does not become law, sections 148-  
9 155 of this act shall take effect July 1, 2019.

10 **463 Effective Date.**

11 I. Sections 1, 36, 37, 63, 66, 72, 73, 91, 92, 197, 203, 238, 242-244, 260, 263-264, 266,  
12 paragraph I of section 312, 313, 327-330, 337, 340, 342-343, 350, 352-353, 379-383, 408-412,  
13 416, and 418 of this act shall take effect June 30, 2019.

14 II. Sections 292-294 of this act shall take effect 60 days after its passage.

15 III. Sections 246-248 and 415 of this act shall take effect July 1, 2019 at 12:01 a.m.

16 IV. Sections 106-118, 140-147, 235, 272, 273, 274-279, and 391-393, RSA 170-G:4-d, as  
17 inserted by section 370 shall take effect January 1, 2020.

18 V. Sections 256-258, 270, 281-287, and RSA 170-G:4-b, as inserted by section 370 of  
19 this act shall take effect July 1, 2020.

20 VI. Sections 315-317 of this act shall take effect as provided in section 318 of this  
21 act.

22 VII. Section 5 of this act shall take effect as provided in section 6 of this act.

23 VIII. Sections 96-101 of this act shall take effect as provided in section 102 of this  
24 act.

25 IX. Sections 103 and 104 of this act shall take effect as provided in section 105 of  
26 this act.

27 X. Section 420 of this act shall take effect as provided in section 421 of this act.

28 XI. Sections 426-447 of this act shall take effect as provided in section 451 of this  
29 act.

30 XII. Paragraph I of section 450 of this act shall take effect December 1, 2024.

31 XIII. Sections 209-215 of this act shall take effect as provided in section 216 of this  
32 act.

33 XIV. Section 216 of this act shall take effect as provided in section 217 of this act.

34 XV. Sections 386-388 of this act shall take effect as provided in section 389 of this  
35 act.

36 XVI. Section 461 of this shall take effect December 1, 2020.

37 XVII. Sections 452 and 453 of this act shall take effect January 1, 2021.

38 XVIII. Sections 454-457 of this act shall take effect as provided in section 460 of

**HB 2-FN-A-LOCAL - FINAL VERSION**  
**- Page 195 -**

1 this act.

2 XIX. Sections 148-155 of this act shall take effect as provided in paragraph III of  
3 section 462 of this act.

4 XX. The remainder of this act shall take effect July 1, 2019.

5

6 VETOED June 28, 2019

LBAO  
19-1119  
3/1/19

**HB 2-FN-A- FISCAL NOTE  
AS INTRODUCED**

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

**FISCAL IMPACT:**

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, as introduced, at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.