

HB 2-FN-A - AS INTRODUCED

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

ANALYSIS

This bill:

1. Directs the department of administrative services to conduct a comprehensive review of the state's personnel system.
2. 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.
3. Establishes the unclassified position of director of plant and property within the department of administrative services.
4. Converts managers in the department of administrative services to directors, and renames divisions and units accordingly.
5. Authorizes the department of administrative services to consolidate state agency human resources, payroll, and business processing functions.
6. 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.
7. Authorizes the commissioner of administrative services to deduct 10 percent from the retirement allowance of a state employee or applicable spouse who is eligible for Medicare enrollment.
8. Extends the state heating systems savings account.
9. Establishes an additional surplus fund within the department of administrative services.
10. Establishes the building maintenance fund within the department of administrative services and assesses charge to state agencies.
11. Limits the number of judges on the superior court and the number of full time judges on the circuit court for the biennium ending June 30, 2021.
12. Permits the Supreme Court to transfer funds among judicial branch accounts.
13. Increases the amount of entry fees that may be deposited in the judicial branch information technology fund.

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14. Defines terms for executive branch departments, agencies, commissions, and units, and provides for delegation of a departmental commissioner's authority.
15. Eliminates the board of hearing care providers and transfers that board's responsibilities to the governing board of speech language pathologists.
16. Authorizes the department of corrections to fill unfunded positions during the biennium ending June 30, 2021.
17. Establishes the targeted school building aid reserve fund and the targeted school building aid commission.
18. Extends the public school infrastructure fund.
19. Provides that chartered school lease aid shall be used solely for leased space and shall not exceed more than \$30,000 per school in any fiscal year.
20. Repeals the senior volunteer grant program.
21. Directs the department of health and human services to raise the income eligibility for elderly and adult clients under the social services block grant program each January.
22. Increases the limit for county reimbursements under RSA 167:18-a.
23. Extends the prospective repeal for eligibility of services under 2011, 209:6, I.
24. Eliminates direct and indirect graduate medical education payments to hospitals.
25. Eliminates catastrophic aid to hospitals.
26. Establishes a salary range for a state cancer epidemiologist.
27. 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.
28. Permits the department of health and human services to fill unfunded positions during the biennium ending June 30, 2021.
29. Establishes certain revolving funds within the department of health and human services.
30. Directs that the Laconia state school trust funds shall be dissolved consistent with current law and any relevant court order.
31. Directs the commissioner of the department of health and human services to develop plans for the construction of a new 60 bed forensic psychiatric hospital; construction of 40 new transitional beds for forensic patients; development of new treatment facilities for children who are currently patients at New Hampshire hospital; and the conversion of children beds at New Hampshire hospital to adult beds, and makes an appropriation therefor.
32. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2019.
33. Modifies funding source of travel and tourism in the department of business and economic affairs.
34. Suspends the integrated land development permit procedure for the biennium ending June 30, 2021.

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35. Suspends certain state aid grants.
36. Provides for reimbursement for the sheriff's office for court security.
37. Suspends reimbursements to the foster grandparent program through the senior volunteer grant program for the biennium ending June 30, 2021.
38. Adds a representative from the New Hampshire Hospital Association and a representative from a church or faith based organization to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery.
39. Establishes the Twin State Voluntary Leave Plan.
40. Requires moneys recovered for the cost of inmate care to be deposited into the cost of care reimbursement fund instead of the general fund.
41. Makes changes to the law governing multiple-employer welfare arrangements.
42. Eliminates the civil services legal fund.
43. Dedicates funds repaid for indigent defense to the judicial council.
44. Adds the chancellor of the university system of New Hampshire to the council of partner agencies in the department of business and economic affairs.
45. Establishes a system within the lottery commission for sports betting.
46. Establishes the council for responsible gaming.
47. Removes the direction of Keno revenue to the department of health and human services for researching, prevention, intervention, and treatment services for problem gamers.
48. Modifies duties and powers of the community finance authority.
49. Defines and regulates the sale of electronic cigarettes and e-cigarettes.
50. Modifies the duties of the board of veterinary medicine.
51. Establishes an office of early childhood education in the department of education.
52. Modifies the procedure for certified application prepayers for minimum environmental impact projects.
53. Regulates public bathing facilities.
54. Moves recreational camp licensing to the department of health and human services.
55. Establishing the lead paint remediation fund.
56. Allows money from the ABLE program to be spent on promotion.
57. 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.
58. Establishes a legislative advisory commission to assist with oversight of the Mount Sunapee ski area.

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59. Makes changes to the judicial retirement plan.
60. Combines the education trust fund and general fund.
61. 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.
62. Establishes the governor's finish line New Hampshire scholarship program in the community college system of New Hampshire and transfers administration of the existing governor's scholarship program to the department of education.
63. 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.
64. Repeals the Maine-New Hampshire interstate bridge authority.
65. Repeals witness fees for witnesses summoned before certain boards and commissions.
66. Amends the granite workforce program.
67. Requires payment of any transaction costs assessed for credit card payments on motor vehicle fines to be paid out of the portion of the fine amount which is credited to the general fund.
68. Deletes obsolete limits on total bonds issued by the business finance authority.
69. Repeals the requirement for the Pease development authority to submit a comprehensive development plan.
70. Amends the authority of the commissioner of the department of health and human services to dispense funds for developmentally disabled programs and services.
71. Establishes a committee to review all non-regulatory boards, commissions, councils, and advisory bodies which exist in statute to determine which such non-regulatory boards, commissions, councils, and advisory bodies should be repealed.
72. Requires that any balance in the office of professional licensure and certification fund to lapse at the end of the fiscal year.
73. Authorizes the executive director of the office of professional licensing and certification to approve an application if a board, council, or commission fails to act on the application within 60 days or within such other required timeframe as may be specified by law.
74. Establishes the targeted workforce development program and workforce development fund.
75. Provides that the New Hampshire excellence in higher education endowment trust fund annual assessments shall be used to provide support for the targeted workforce development program.
76. Repeals the college tuition savings plan advisory commission's rulemaking authority over the New Hampshire excellence in higher education endowment trust fund.
77. Suspends RSA 9:9-b, relative to allocation of highway fund appropriations, during the biennium ending June 30, 2021.
78. Repeals RSA 130-A:15-a, relative to loans for lead hazard remediation projects.
79. 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.

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80. 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.

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

82. Establishes the capital infrastructure revitalization fund and uses general fund surplus to make one-time appropriations for capital improvements and investments statewide in fiscal year 2019, and to make additional, contingent appropriations for capital improvement projects in fiscal years 2019-2021.

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.

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 Department of Administrative Services; Study of Personnel System. In order to ensure that
2 the state is as effective an organization as possible in the 21st century to deliver quality public
3 services to the people of New Hampshire while also operating as model employer for its workforce,
4 the department of administrative services shall conduct a comprehensive study of the state's
5 personnel system. The study shall include a review of all laws, administrative rules, and collective
6 bargaining agreements related thereto, and by November 1, 2019, the commissioner of the
7 department of administrative services shall issue a report with recommendations to the governor,
8 the speaker of the house of representatives, and the president of the senate.

9 2 Repeal. 2017, 155:7 relative to budget adjustments and class 027 transfers to the department
10 of information technology for fiscal year 2019, is repealed.

11 3 Department of Administrative Services; Debarment of Vendors. Amend the introductory
12 paragraph of RSA 21-I:11-c, I to read as follows:

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

17 4 Department of Administrative Services; Debarment of Vendors; Statement. Amend RSA 21-
18 I:11-c, I(b) to read as follows:

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

30 5 Department of Administrative Services; Divisions. Amend the section heading of RSA 21-I:11
31 to read as follows:

1 21-I:11 [~~Division~~] ***Divisions of Procurement and Support Services, Public Works Design***
2 ***and Construction, and*** Plant and Property [~~Management~~].

3 6 Department of Administrative Services; Director of Plant and Property. Amend the
4 introductory paragraph of RSA 21-I:11, I(c) to read as follows:

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

10 7 Director of Plant and Property; Salary; Funding; Effective Date.

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

20 II. The amendment to RSA 21-I:11, I(c) by section 6 of this act shall take effect upon the
21 abolition of position number 10082 under paragraph I, as certified by the commissioner of
22 administrative services to the secretary of state and the director of legislative services.

23 8 Department of Administrative Services; Directors; Officers. Amend RSA 21-I:2, II to read as
24 follows:

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

32 9 Department of Administrative Services; Office of the Commissioner RSA 21-I:4 is repealed
33 and reenacted to read as follows:

34 21-I:4 Office Established. There is hereby established an office of the commissioner consisting
35 of the following units:

36 I. State budget.

37 II. Internal audit.

38 III. Operational analysis.

1 IV. Cost containment.

2 10 Division of Financial Data Management. Amend RSA 21-I:5 to read as follows:

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

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

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

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

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

16 V. Assisting department division directors by:

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

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

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

22 11 Department of Administrative Services; Division of Risk and Benefits. Amend RSA 21-I:7-c
23 to read as follows:

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

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

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

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

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

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

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

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

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

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

18 (3) Formalizing contract agreements.

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

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

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

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

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

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

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

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

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

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

38 II. The bureau of property, casualty, and workers' compensation, under the supervision of a

1 classified administrator, who shall be responsible for the following functions, in accordance with
2 applicable law:

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

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

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

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

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

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

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

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

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

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

38 (5) Monitoring agencies' workers' compensation and commercial insurance activities

1 for compliance with requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 12 Department of Administrative Services; Reference Changed. Amend RSA 21-I:24, I to read
2 as follows:

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

9 13 Department of Administrative Services; Reference Changed. Amend RSA 21-I:25-a, to read
10 as follows:

11 21-I:25-a Procurement of Managed Care and Other Risk-Shifting Services. By following the
12 procedures of RSA 21-I:28, the commissioner of administrative services, through the department's
13 **division of** risk ~~[management unit]~~ **and benefits**, and after consultation with the governor and
14 council, may contract for or purchase insurance or third party administrator services providing
15 managed care program services and similar services directly related to the provision and
16 monitoring of workers' compensation benefits payable to state employees.

17 14 Department of Administrative Services; References Changed. Amend RSA 21-I:30-f to read
18 as follows:

19 21-I:30-f Administrative Cost of Certain Programs Administered by the **Division of** Risk
20 ~~[Management Unit]~~ **and Benefits**; Obligation of Employee. The **division of** risk ~~[management~~
21 ~~unit]~~ **and benefits** may use moneys in the employee benefit adjustment account, established under
22 RSA 9:17-c, for the purposes of paying the administrative fees for the dependent care assistance
23 program established under RSA 21-I:44-a and the medical and related expenses program
24 established under RSA 21-I:44-b. The **division of** risk ~~[management unit]~~ **and benefits** may also
25 use such moneys in the event money must be paid to the contracting party in advance to cover the
26 employee's medical expenses, when the employee has not contributed all of such costs from payroll
27 deductions, provided that the employee benefit adjustment account shall be repaid when the
28 employee fulfills his or her obligation.

29 15 Department of Administrative Services; Reference Changed. Amend RSA 21-I:44-a, to read
30 as follows:

31 21-I:44-a Dependent Care Assistance Program Established. There is established a dependent
32 care assistance program to be administered by the **division of** risk ~~[management unit]~~ **and**
33 **benefits** of the department of administrative services with the assistance of the division of
34 accounting services of the department of administrative services and the treasury department.
35 Under this program, an employee may have a certain amount of his or her salary withheld, before
36 taxes, for the purpose of day care expenses.

37 16 Department of Administrative Services; Reference Changed. Amend RSA 21-I:44-b, to read
38 as follows:

1 21-I:44-b Medical and Related Expenses Program Established. There is established a medical
2 related expenses program to be administered by the **division of risk** [~~management unit~~] **and**
3 **benefits** of the department of administrative services with the assistance of the division of
4 accounting services of the department of administrative services and the treasury department.
5 Under this program, an employee may have a certain amount of his or her salary withheld, before
6 taxes, for the purpose of medical expenses.

7 17 State Agency Insurance; Reference Changed. Amend RSA 9:27 to read as follows:
8 9:27 Insurance.

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

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

17 18 Health and Hyman Services; Reference Changed. Amend RSA 161:4, III to read as follows:

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

26 19 Services for Youth and Families; Reference Changed. Amend RSA 170-G:3, VI to read as
27 follows:

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

34 20 Services for Youth and Families; References Changed. Amend RSA 170-G:3, VII(b) and (c)
35 to read as follows:

36 (b) No payment shall be made under subparagraph (a)(1) or (2) unless the department
37 investigates the claim and the commissioner, or the commissioner's designee, recommends to the
38 **division of risk** [~~management unit~~] **and benefits** that the claim, or some portion of the claim, be

1 paid. If the **division of risk** [~~management unit~~] **and benefits** determines that the claim meets the
2 requirements of this paragraph and is reasonable in amount, the commissioner of administrative
3 services, or the commissioner's designee, shall authorize such payment.

4 (c) No payment shall be made under subparagraph (a)(3) unless the department
5 investigates the claim and the commissioner, or the commissioner's designee determines the foster
6 parent did not act intentionally, willfully or recklessly, and recommends to the **division of risk**
7 [~~management unit~~] **and benefits** that the claim, or some portion of the claim, be paid. If the
8 **division of risk** [~~management unit~~] **and benefits** determines that the claim meets the
9 requirements of this subparagraph, the attorney general shall be notified and shall select a
10 qualified attorney to provide legal representation and defense to the claimant subject to the dollar
11 limitations of subparagraph (a)(3), the recommendations of the **division of risk** [~~management unit~~]
12 **and benefits**, and the attorney general's own experience and expertise. The commissioner of
13 administrative services, or the commissioner's designee, shall authorize payment of such amounts
14 as are approved by the attorney general.

15 21 University System; References Changed. Amend RSA 187-A:43, VI-VII, to read as follows:

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

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

24 22 Community College System; References Changed. Amend RSA 188-F:68, VI-VII, to read as
25 follows:

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

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

34 23 Board of Claims; Reference Changed. Amend RSA 541-B:11-A to read as follows:

35 541-B:11-a Annual Report. The secretary of state shall provide annually to the **division of risk**
36 [~~management unit~~] **and benefits** a copy of the annual report for the board.

37 24 Salaries; Unclassified State Officers. Amend the following positions in RSA 94:1-a, I(b),
38 salary grade HH, to read as follows:

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

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

3 25 Department of Administrative Services; Intent of Amendment of Risk Management Unit;
4 Continuation of Operations. The amendment to the title of the risk management unit to the
5 division of risk and benefits is not intended to alter the underlying functions, authorities, or
6 personnel of the existing unit or its manager, or the compensation of any existing employee. The
7 division of risk and benefits shall perform all duties previously performed by the risk management
8 unit and the director of the division of risk and benefits shall perform all duties and functions
9 previously performed by the manager of risks. Any and all documents entered into by the risk
10 management unit or any of its subunits, including but not limited to contracts, agreements,
11 requests for proposals, requests for bids, requests for quotes, purchase orders, and other items shall
12 be construed to apply to, and shall be deemed to be the action of, the division of risk and benefits.

13 26 Department of Administrative Services; Intent of Amendment of Title of the Manager of
14 Risks; Continuation of Salary and Functions. The unclassified employee serving as the manager of
15 risks prior to the effective date of this section shall, barring resignation or removal from office, be
16 deemed the director of the division of risk and benefits for the remainder of his or her existing term
17 as the manager of risks and benefits. The salary of the director of the division of risk and benefits
18 shall be that allocated in RSA 94:1-a, I (b) to the manager of risks and benefits.

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

30 28 Department of Administrative Services; Intent of Amendment of Financial Data
31 Management Unit; Continuation of Operations. The alteration of the title of the financial data
32 management unit to the division of financial data management is not intended to alter the
33 underlying functions, authorities, or personnel of the existing unit or its manager, or the
34 compensation of any existing employee. The division of financial data management shall perform
35 all duties previously performed by the financial data management unit and the director of the
36 division of financial data management shall perform all duties and function previously performed
37 by the financial data manager. Any and all documents entered into by the financial data
38 management unit or any of its subunits, including but not limited to contracts, agreements,

1 requests for proposals, requests for bids, requests for quotes, purchase orders, and other items shall
2 be construed to apply to, and be deemed to be the action of, the division of financial data
3 management.

4 29 Department of Administrative Services; Intent of Amendment of Title of the Financial Data
5 Manager; Continuation of Salary and Functions. The unclassified employee serving as the financial
6 data manager as of the effective date of this section shall, barring resignation or removal from
7 office, be deemed the director of the division of financial data management for the remainder of his
8 or her existing term as the financial data manager. The salary of the director of the division of
9 financial data management shall be that allocated in RSA 94:1-a, I(b) to the financial data manager.

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

21 31 Department of Administrative Services; Consolidation of Human Resources and Payroll
22 Functions.

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

30 (a) Accounts receivable;

31 (b) Accounts payable;

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

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

37 II. The commissioner of administrative services may establish the number of total
38 personnel required for human resources, payroll, and business processing functions in the executive

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

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

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

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

1 functions, or activities relating to the consolidation or deconsolidation of human resource, payroll
2 and business processing functions.

3 32 Department of Administrative Services; State Employee Health Plan; Application. The cost
4 sharing and plan design for unrepresented active state employees who participate in the health
5 plans offered by the state shall be the same as those for individuals covered by the collective
6 bargaining agreement between the state of New Hampshire and the State Employees' Association of
7 New Hampshire, Inc. The fiscal committee of the general court may approve changes to the above
8 plan design cost sharing provisions consistent with RSA 21-I:30, I. The cost sharing and plan
9 designs for represented active state employees who participate in the health plans offered by the
10 state shall be in accordance with the provisions of the collective bargaining agreements between the
11 state and the employee organizations representing those employees.

12 33 Department of Administrative Services; Health Coverage Shared Responsibility. Agencies
13 may use funds in existing class 60 budgets to pay any penalties imposed under the employer shared
14 responsibility for health coverage under section 4980H of the Internal Revenue Code.

15 34 Department of Administrative Services; State Employees Group Insurance; Retiree Medical
16 Benefits.

17 I. Notwithstanding the requirements of RSA 21-I:30, XIII(b), RSA 100-A:54, III(b), and 100-
18 C:11-a, II, the percentage of premium attributable to each retiree and/or spouse shall be 10 percent
19 and shall continue until such time that the commissioner of administrative services determines it is
20 necessary to seek approval from the fiscal committee of the general court to revise that percentage.
21 Such premium contribution shall only be collected from eligible state retirees and spouses with a
22 date of birth on or after January 1, 1949.

23 II. Notwithstanding the requirements of RSA 21-I:30, XIII(a), RSA 100-A:54, III(a), and
24 RSA 100-C:11-a, I, the percentage of premium attributable to each non-Medicare eligible retiree
25 and/or spouse shall be 20 percent and shall continue until such time as the commissioner of
26 administrative services determines it is necessary to seek approval of the fiscal committee of the
27 general court to revise that percentage.

28 35 All Agencies; Administrative Services; Electronic Mail. Unless restricted by law or
29 administrative rule, upon request of an intended recipient, an agency may provide documents by
30 electronic mailing in lieu of mail.

31 36 Department of Administrative Services; Heating Systems Savings. Amend RSA 21-I:19-ff to
32 read as follows:

33 21-I:19-ff State Heating System Savings Account. There is hereby established the state heating
34 system savings account for the transfer of unexpended state heating system appropriations due to
35 reduced heating system costs resulting from the 26 state buildings served by the Concord Steam
36 project authorized in 2017, 2. Notwithstanding RSA 21-I:19-e, at the end of each state fiscal year,
37 the commissioner of administrative services shall identify the unexpended appropriations in the
38 accounts and class lines for the 26 state buildings served by the replacement of the Concord Steam

1 facility. The commissioner shall deposit such sums into the account established by this section.
2 Funds in the state heating system savings account shall be nonlapsing and appropriated to the
3 department of administrative services for the biennium ending June 30, 2019, *the biennium*
4 *ending June 30, 2021*, and the fiscal year ending [2020] *June 30, 2022* and may be used to pay
5 principal and interest on bonds and notes issued to fund the capital project for the heating of state
6 facilities located at the Governor Hugh J. Gallen state office park and state-owned buildings in
7 downtown Concord.

8 37 State Heating System Facilities. Any unspent balance remaining on the \$18,000,000
9 appropriation made by 2017, 2 to the department of administrative services for the fiscal year
10 ending June 30, 2017, for the purpose of the purchase and replacement of all systems providing
11 heat to state facilities located at the Governor Hugh J. Gallen state office park and state-owned
12 buildings in downtown Concord that were obtaining steam from Concord Steam corporation, as well
13 as the decommissioning of the steam plant located at 105 Pleasant Street in Concord, including but
14 not limited to system design, construction, hazardous material remediation, and project
15 administration and management, as required, shall not lapse until June 30, 2020. As indicated in
16 2017, 2, this project shall be managed by the division of public works design and construction and
17 funds may be expended to fund any temporary personnel for the purpose of project administration,
18 management, or clerk of the works. The commissioner of the department of administrative services
19 is also authorized to employ a classified, full-time, permanent project manager in the division of
20 public works design and construction, whose initial salary and benefit cost shall be from funds
21 appropriated pursuant to 2017, 2. The governor is authorized to draw a warrant for said sum out of
22 any money in the treasury not otherwise appropriated, and said funds shall not lapse until June 30,
23 2020.

24 38 Department of Administrative Services; Funding and Staffing Resource Limitations.

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

29 (a) RSA 21-I:7-c as it applies to addressing performance and financial legislative budget
30 assistant audit findings from 2006, 2011, and 2014 regarding management of the employee and
31 retiree health benefit program, including establishing rules and operational policies for the
32 program.

33 (b) RSA 21-I:11, I(c)(1).

34 II. Due to inadequate funding and staffing resources at the department of administrative
35 services, the commissioner of the department of administrative services may suspend the following
36 requirements or obligations of the department for each fiscal year of the biennium ending June 30,
37 2021:

38 (a) The provisions relating to identification and implementation of energy efficiency

1 projects in compliance with the governor's executive order 2016-03.

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

5 39 Department of Administrative Services; Establishment of Additional Surplus Fund. Amend
6 RSA 21-I:11, I, (a)(6)(B) to read as follows:

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

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

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

14 40 Surplus Distribution Accounts. Amend RSA 6:12, I(b)(92) to read as follows:

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

17 (A) ***The surplus distribution section administrative assessments fund;***
18 ***and***

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

20 41 Department of Administrative Services; Fund Restrictions. Amend the introductory
21 paragraph of RSA 21-I:11-a, I to read as follows:

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

26 42 New Section; Department of Administrative Services; Building Maintenance Fund. Amend
27 RSA 21-I by inserting after section 11-c the following new section:

28 21-I:11-d Building Maintenance Fund. Each agency or branch for which the department of
29 administrative services is charged with providing building maintenance services pursuant to RSA
30 21-I:11, I(c), RSA 21-I:12, II(c), or other law, shall pay to the department an annual assessment of
31 50 cents per square foot of such space which the agency or branch occupies. The department of
32 administrative services may make transfers from appropriate agency accounts to address such
33 assessments. Collected amounts shall be deposited in the building maintenance fund, which shall
34 be nonlapsing and appropriated to the department of administrative services for the purposes of
35 covering costs associated with continuing maintenance of buildings, space, and other property
36 which it is charged with maintaining.

37 43 New Subparagraph; Application of Receipts; Building Maintenance Fund. Amend RSA 6:12,
38 I(b) by inserting after subparagraph (343) the following new subparagraph:

1 (344) Moneys deposited in the building maintenance fund established under RSA
2 21-I:11-d.

3 44 Judicial Appointments; Number Limited; Conversion Suspended.

4 I. For the biennium ending June 30, 2021, the number of judges serving on the superior
5 court shall not exceed 22 and the number of full-time judges serving on the circuit court shall not
6 exceed 33.

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

9 45 Judicial Branch; Transfer Among Accounts and Classes. Notwithstanding any provision of
10 law to the contrary, and subject to approval of the fiscal committee of the general court, for the
11 biennium ending June 30, 2021, the supreme court may transfer funds within and among all
12 accounting units within the judicial branch as the supreme court deems necessary and appropriate
13 to address budget reductions or to respond to changes in federal laws, regulations, or programs, and
14 otherwise as necessary for the efficient management of the judicial branch. If the supreme court
15 intends to transfer funds which would otherwise meet the transfer requirements as set forth in RSA
16 9:17-d, prior approval of the fiscal committee of the general court shall be required for transfers of
17 \$75,000 or more.

18 46 Judicial Branch; Information Technology Fund. Amend RSA 490:26-h, I(a) to read as
19 follows:

20 (a) [~~Thirty~~] **Fifty** percent of each entry fee collected in the supreme, superior, and
21 circuit courts and 16.67 percent of the penalty assessment collected pursuant to RSA 106-L:10 shall
22 be deposited in the judicial branch information technology fund.

23 47 Supreme Court; Entry Fees; Information Technology Fund. Amend RSA 490:24, I to read as
24 follows:

25 I. For the benefit of the state, there shall be paid to the clerk for the entry of every reserved
26 case, bill of exceptions, petition, appeal, or other action, for the filing of every motion or other
27 document supplementary to the entered case, and for any service rendered by the clerk, such fees as
28 shall from time to time be established by the court. The clerk shall set aside 6 percent of each entry
29 fee paid into the court for deposit into a special escrow account established under RSA 490:26-c and
30 [~~30~~] **50** percent of each entry fee paid into the court for deposit into the judicial branch information
31 technology fund established under RSA 490:26-h. The proceeds of fees for motions to appear in
32 court pro hac vice shall be paid into the law library revolving fund established in RSA 490:25, III.

33 48 Judicial Branch Family Division; Entry Fees; Information Technology Fund. Amend RSA
34 490-D:12, II to read as follows:

35 II. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk
36 of the applicable circuit court established in RSA 490-F for the benefit of the state. The clerk shall
37 set aside 6 percent of each entry fee paid into the court for deposit into a special escrow account
38 established under RSA 490:26-c and [~~30~~] **50** percent of each entry fee paid into the court for deposit

1 into the judicial branch information technology fund established under RSA 490:26-h. The proceeds
2 of fees for motions to appear in court pro hac vice shall be paid into the law library revolving fund
3 established in RSA 490:25, III.

4 49 Superior Court; Entry Fees; Information Technology Fund. Amend RSA 499:18, II to read
5 as follows:

6 II. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk
7 of the applicable circuit court established in RSA 490-F for the benefit of the state. The clerk shall
8 set aside 6 percent of each entry fee paid into the court for deposit into a special escrow account
9 established under RSA 490:26-c and ~~[30]~~ **50** percent of each entry fee paid into the court for deposit
10 into the judicial branch information technology fund established under RSA 490:26-h. The proceeds
11 of fees for motions to appear in court pro hac vice shall be paid into the law library revolving fund
12 established in RSA 490:25, III.

13 50 District Court; Entry Fees; Information Technology Fund. Amend RSA 502-A:28, II to read
14 as follows:

15 II. The clerk shall set aside 6 percent of each entry fee paid into the court for deposit into a
16 special escrow account established under RSA 490:26-c and ~~[30]~~ **50** percent of each entry fee paid
17 into the court for deposit into the judicial branch information technology fund established under
18 RSA 490:26-h. The proceeds of fees for motions to appear in court pro hac vice shall be paid into the
19 law library revolving fund established in RSA 490:25, III.

20 51 Probate Court, Entry Fees; Information Technology Fund. Amend RSA 547:27-c, II to read
21 as follows:

22 II. The clerk shall set aside 6 percent of each entry fee paid into the court for deposit into a
23 special escrow account established under RSA 490:26-c and ~~[30]~~ **50** percent of each entry fee paid
24 into the court for deposit into the judicial branch information technology fund established under
25 RSA 490:26-h. The proceeds of fees for motions to appear in court pro hac vice shall be paid into the
26 law library revolving fund established in RSA 490:25, III.

27 52 New Paragraph; Organization of Executive Branch; Declaration of Findings. Amend RSA
28 21-G:2 by inserting after paragraph III the following new paragraph:

29 IV. The various scopes in the mission of the executive branch departments, agencies, and
30 commissions require a delineation of their organization with the executive branch.

31 53 Organization of Executive Branch; Definitions. Amend RSA 21-G:5 to read as follows:

32 21-G:5 Definitions. In this chapter, the following words shall have the following meanings:

33 I. "Administratively attached agency" means an independent agency linked to a department
34 for purposes of reporting and sharing support services.

35 II. "Advisory committee" means a committee established pursuant to RSA 21-G:11 which
36 shall furnish advice, gather information, make recommendations and perform such other activities
37 as may be instructed or as may be necessary to fulfill advisory functions or to comply with federal
38 funding requirements, but which shall not administer a program or function or set policy.

1 III. "Agency" means any department, commission, board, institution, bureau, office, or
2 other entity, by whatever name called, other than the legislative and judicial branches of state
3 government, established in the state constitution, statutes, session laws or executive orders.

4 IV. "Bureau" means the principal unit within a division, which is directly responsible to the
5 division level and is concerned with individual program management.

6 V. "Commissioner" means the individual in charge of the operations of an *executive*
7 department, who is directly responsible to the governor.

8 *V-a. "Constitutional office" means an executive department which also comprises a*
9 *constitutional office established by the state constitution or common law practice.*

10 VI. "Department" or *"executive department"* means the principal administrative unit
11 within the executive branch of state government, which is concerned with broad functional
12 responsibilities.

13 VII. "Division" means the principal unit within a department, which is directly responsible
14 to the department level and is concerned with related major functional programs and activities.

15 *VII-a. "Executive agency" means an administrative unit within the executive*
16 *branch of state government, which is concerned with a specific objective or administrative*
17 *function.*

18 *VII-b. "Executive commission" means an administrative unit within the executive*
19 *branch of state government established to provide a specific enterprise or regulatory*
20 *function.*

21 *VII-c. "Executive director" means the individual in charge of operations of an*
22 *executive agency or executive commission, who is responsible to the governor, and if*
23 *applicable also jointly responsible to the board of the executive agency or executive*
24 *commission.*

25 VIII. "Field operations" means district or area offices which may combine division, bureau
26 and section functions.

27 IX. "Section" means the principal unit of a bureau, which is directly responsible to the
28 bureau level and is concerned with direct provision of services to the public or other state agencies.

29 [~~X. "Subsection" means the principal unit of a section which is directly responsible to the~~
30 ~~section level and is concerned with direct provision of services to the public or other state agencies.]~~

31 54 Organization of Executive Branch; Structure of Executive Branch Departments. Amend the
32 section heading of RSA 21-G:6 to read as follows:

33 21-G:6 Structure of Executive Branch *Departments*.

34 55 New Section; Organization of Executive Branch. Amend RSA 21-G by inserting after section
35 6-a the following new section:

36 21-G:6-b Organization of the Executive Branch.

37 I. Constitutional offices are as follows:

38 (a) The executive department, comprising the office of the governor.

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- 1 (b) The department of state, comprising the office of the secretary of state.
- 2 (c) The state treasury, comprising the office of the state treasurer.
- 3 (d) The department of justice, comprising the office of the attorney general.

4 II. The executive departments are as follows:

- 5 (a) The department of administrative services.
- 6 (b) The department of agriculture, markets, and food.
- 7 (c) The department of banking.
- 8 (d) The department of business and economic affairs.
- 9 (e) The department of corrections.
- 10 (f) The department of education.
- 11 (g) The department of employment security.
- 12 (h) The department of environmental services.
- 13 (i) The department of health and human services.
- 14 (j) The department of information technology.
- 15 (k) The department of insurance.
- 16 (l) The department of labor.
- 17 (m) The department of military affairs and veteran services.
- 18 (n) The department of natural and cultural resources.
- 19 (o) The department of revenue administration.
- 20 (p) The department of safety.
- 21 (q) The department of transportation.

22 III. The executive agencies are as follows:

- 23 (a) Council on developmental disabilities.
- 24 (b) Veterans' home.
- 25 (c) The office of professional licensure and certification.
- 26 (d) The police standards and training council.
- 27 (e) The public employee labor relations board.
- 28 (f) The board of tax and land appeals.
- 29 (g) The judicial council.

30 IV. The executive commissions are as follows:

- 31 (a) The fish and game commission.
- 32 (b) The public utilities commission.
- 33 (c) The state liquor commission.
- 34 (d) The state lottery commission.

35 56 Powers and Duties of Commissioners; Delegation of Authority. Amend RSA 21-G:9, II(d) to
36 read as follows:

- 37 (d) Delegate authority to subordinates as the commissioner deems necessary and
38 appropriate, except that rulemaking authority shall not be delegated. The commissioner shall

1 provide by delegation for a division director to exercise all authority of the commissioner in the
2 commissioner's absence. All such delegations shall be made in writing, shall be disseminated to all
3 division directors, shall clearly delineate the authority delegated and the limitations thereto, and
4 shall be kept on file in the commissioner's office. *If a commissioner fails to provide such*
5 *delegation and if there is no assistant commissioner or deputy commissioner who is*
6 *available and has authority to act in the commissioner's absence, the longest serving*
7 *division director in the agency may act in the commissioner's absence. If such a division*
8 *director is not available, then the governor may designate an employee of the department*
9 *to act in the commissioner's absence.*

10 57 New Subdivision; Component Units of State Government. Amend RSA 6 by inserting after
11 section 43 the following new subdivision:

12 Component Units of State Government

13 6:44 Component Units of State Government.

14 I. All systems, authorities, and organizations established by the state but which are not
15 part of the executive, legislative, or judicial branches shall be considered component units of the
16 state government. For this purpose, the following shall be considered component units:

- 17 (a) Community college system of New Hampshire.
18 (b) Community development finance authority.
19 (c) Judicial retirement plan.
20 (d) Land and community heritage authority.
21 (e) Business finance authority.
22 (f) Health and educational facilities authority.
23 (g) Housing finance authority.
24 (h) Municipal bond bank.
25 (i) Pease development authority.
26 (j) Retirement system of New Hampshire.
27 (k) University system of New Hampshire.

28 II. All component units shall report to the state treasurer, in a manner determined by the
29 treasurer, on a quarterly basis. These quarterly reports shall include interim financial information,
30 performance metrics, and all relevant information on the component unit's activities. The state
31 treasurer shall provide the governor, president of the senate, and speaker of the house of
32 representatives the compiled quarterly reports on an ongoing basis.

33 58 Allied Health Professionals; Re-ordering of Definitions. RSA 328-F:2 is repealed and
34 reenacted to read as follows:

35 328-F:2 Definitions. In this chapter:

- 36 I. "Athletic training" means "athletic training" as defined in RSA 326-G:1, III.
37 II. "Board of directors" means the chairpersons or their appointees of all the governing
38 boards which shall be responsible for the administrative operation of the office of licensed allied

1 health professionals.

2 III. "Genetic counseling" means genetic counseling as defined in RSA 326-K:1.

3 IV. "Governing boards" means individual licensing boards of athletic trainers, occupational
4 therapy assistants, occupational therapists, recreational therapists, physical therapists, physical
5 therapist assistants, respiratory care practitioners, speech-language pathologists and hearing care
6 providers, and genetic counselors.

7 V. "Occupational therapy" means "occupational therapy" as defined in RSA 326-C:1, III.

8 VI. "Office of licensed allied health professionals" means an agency of multiple governing
9 boards in professions of the allied health field.

10 VII. "Physical therapy" or "physiotherapy" means "physical therapy" or "physiotherapy" as
11 defined in RSA 328-A:2, IX.

12 VIII. "Recreational therapy" means "recreational therapy" as defined in RSA 326-J:1, III.

13 IX. "Respiratory care" means "respiratory care" as defined in RSA 326-E:1, X.

14 X. "Speech-language pathology" means "speech-language pathology" as defined in RSA 326-
15 F:1, IV.

16 59 Allied Health Professionals; Governing Boards; Hearing Care Providers. Amend RSA 328-
17 F:3, I to read as follows:

18 I. There shall be established governing boards of athletic trainers, occupational therapists,
19 recreational therapists, respiratory care practitioners, physical therapists, speech-language
20 pathologists, **hearing care providers**, and genetic counselors.

21 60 Allied Health Professionals; Governing Boards; Membership. Amend RSA 328-F:4, I to read
22 as follows:

23 I. Each governing board shall be composed of 5 persons, each to be appointed by the
24 governor with the approval of the council, to a term of 3 years, **except the speech-language**
25 **pathology and hearing care provider governing board which shall be composed of 6**
26 **members, each to be appointed by the governor with the approval of the council, to a term**
27 **of 3 years.** Members shall serve until the expiration of the term for which they have been
28 appointed or until their successors have been appointed and qualified. No board member shall be
29 appointed to more than 2 consecutive terms, provided that for this purpose only a period actually
30 served which exceeds 1/2 of the 3-year term shall be deemed a full term. Any professional members
31 of all governing boards shall maintain current and unrestricted New Hampshire licenses.

32 61 Speech Language Pathology and Hearing Care Provider Governing Board; Membership.
33 Amend RSA 328-F:4, VIII to read as follows:

34 VIII. The speech-language pathology **and hearing care provider** governing board shall
35 consist of 4 licensed speech-language pathologists who have actively engaged in the practice of
36 speech-language pathology in this state for at least 3 years, **one licensed individual in the field**
37 **of hearing care who has actively engaged in the practice**, and one public member. At least
38 one speech-language pathologist shall be employed in an educational setting and at least one

1 employed in a clinical setting.

2 62 New Paragraph; Allied Health Professionals; Governing Boards; Duties; Registration.
3 Amend RSA 328-F:5 by inserting after paragraph I-a the following new paragraph:

4 I-b. Issue initial registrations, conditional initial registrations, renewed registrations,
5 conditionally renewed registrations, reinstated registrations, and conditionally reinstated
6 registrations to businesses who are eligible if authorized to do so by the board's practice act.

7 63 New Paragraph; Allied Health Professionals; Governing Boards; Duties; Businesses. Amend
8 RSA 328-F:5 by inserting after paragraph II the following new paragraph:

9 II-a. Investigate registered businesses and take necessary disciplinary action against them.

10 64 New Paragraph; Allied Health Professionals; Governing Boards; Rulemaking; Hearing Aid
11 Dealers. Amend RSA 328-F:11 by inserting after paragraph II the following new paragraph:

12 III. The speech-language pathology and hearing care provider governing board shall adopt
13 rules on eligibility requirements and procedures for the issuance of registrations to hearing aid
14 dealers.

15 65 Allied Health Professionals; Governing Board; Fees. Amend RSA 328-F:15, I to read as
16 follows:

17 I. The board of directors shall establish fees for:

18 (a) The processing of applications for initial and reinstatement of licensure, ~~[or]~~
19 certification, **or registration**.

20 (b) Initial licenses, ~~[and]~~ certifications, **and registrations**.

21 (c) Renewal of licenses, ~~[and]~~ certifications, **and registrations**.

22 (d) Late filing of applications for license renewal and renewal of certification.

23 (e) Reinstatement of licenses, ~~[and]~~ certifications, **and registrations**.

24 (f) Transcribing and transferring records.

25 (g) The costs of a hearing by any governing board at which the issue is denial of, or
26 imposition of conditions on, an initial license or certification, including the per diem and mileage of
27 board members attending the hearing and the cost of a shorthand court reporter if one is used to
28 record the hearing.

29 **(h) The registration of hearing aid dealers.**

30 66 Allied Health Professionals; Governing Boards; Initial Licenses, Certifications, and
31 Registrations. Amend RSA 328-F:18, IV to read as follows:

32 IV. Initial licenses, **certifications, and registrations**, including conditional licenses,
33 **certifications, and registrations** that are the first license, **certificate, or registration** issued to
34 the individual **or hearing aid dealer**, and provisional licenses, **certifications, and registrations**
35 shall be:

36 (a) Signed and dated by the chairperson of the governing board issuing them **or his or**
37 **her designee**.

38 (b) Numbered consecutively and recorded.

1 67 Allied Health Professionals; License Provisions; Renewal. Amend RSA 328-F:19 to read as
2 follows:

3 328-F:19 Renewal.

4 I. Initial licenses and renewals shall be valid for 2 years, except that timely and complete
5 application for license renewal by eligible applicants shall continue the validity of the licenses being
6 renewed until the governing board has acted on the renewal application. Licenses issued pursuant
7 to RSA 328-A, RSA 326-G, and RSA 326-J shall expire in even-numbered years and licenses issued
8 pursuant to RSA 326-C, RSA 326-E, RSA 326-F, and RSA 326-K shall expire in odd-numbered
9 years.

10 ***I-a. A license issued to a hearing care provider shall expire at 12:01 a.m. on July 1***
11 ***of the odd year next succeeding its date of issuance. The governing board shall notify the***
12 ***licensee, on or before May 1 of the renewal year, but failure of any licensee to receive this***
13 ***notification shall not relieve him or her of the obligation to comply with the rules of the***
14 ***governing board and this section. Timely submission of renewal applications shall be***
15 ***evidenced by postmark or, for applications delivered by hand, by date stamp or other***
16 ***record made at the time of delivery.***

17 II. Each governing board shall renew the licenses of applicants who meet the eligibility
18 requirements and complete the application procedure.

19 III. Applicants ***whose licenses expire on December 31 of the renewal year*** shall submit
20 completed applications for renewal on or before December 1 of the renewal year. Completed
21 renewal applications submitted between December 2 and December 31 of the renewal year shall be
22 accompanied by a late filing fee. Licenses shall lapse when completed renewal applications have not
23 been filed by December 31 of the renewal year, and their holders are not authorized to practice until
24 the licenses have been reinstated.

25 IV. The governing boards shall provide licensees ***whose licenses expire on December 31***
26 ***of the renewal year***, on or before November 1 of their renewal years, with materials needed to
27 complete their renewal applications, but failure of any licensees to receive these materials shall not
28 relieve them of the obligation to comply with the rules of the governing boards and this section.
29 Timeliness of submission of renewal applications shall be evidenced by postmark or, for applications
30 delivered by hand, by date stamp or other record made at the time of delivery.

31 V. Upon the request of a licensee who is a member of any reserve component of the armed
32 forces of the United States or the national guard and is called to active duty, the governing board
33 shall place the person's license on inactive status. The license may be reactivated within one year
34 of the licensee's release from active status by payment of the renewal fee and with proof of
35 completion of the most current continuing education requirement unless still within the renewal
36 period.

37 68 Allied Health Professionals; License Provisions; Obligation to Report. Amend RSA 328-F:25,
38 I and II to read as follows:

1 I. Persons and entities regulated by the state, including but not limited to, licensees,
2 certified individuals, **registrants**, insurance companies, health care organizations, and health care
3 facilities shall report to the board of directors and the appropriate governing board any criminal
4 conviction of a licensee, ~~[or]~~ certified individual, **registered hearing aid dealer**, or any
5 determination by a regulatory agency indicating that a licensee, ~~[or]~~ certified individual, **or**
6 **registered hearing aid dealer** has violated this chapter or the practice act of his or her governing
7 board. Persons and entities so reporting shall be immune from civil liability if the report is made in
8 good faith.

9 II. Every individual, agency, facility, institution or organization regulated by the state and
10 employing licensed allied health professionals **or using the services of a registered hearing aid**
11 **dealer** within the state shall report to the appropriate governing board within 30 days any act by
12 an individual licensed or certified by the board that appears to constitute misconduct. Persons and
13 entities so reporting shall be immune from civil liability if the report is made in good faith.

14 69 Allied Health Professionals; Unauthorized Practice. Amend RSA 328-F:27, II to read as
15 follows:

16 II. Practice of an allied health profession by any person who is not licensed ~~[or]~~, certified, **or**
17 **registered** to practice such profession shall constitute unauthorized practice. A business which
18 holds itself out, through advertising or in any other way, as providing an allied health service but
19 does not have available to supervise its services an allied health professional licensed ~~[or]~~, certified,
20 **or registered** to provide the services which the business purports to offer, is engaged in
21 unauthorized practice.

22 70 Speech Language Pathology Practice. Amend the chapter heading of RSA 326-F to read as
23 follows:

24 **SPEECH-LANGUAGE PATHOLOGY AND HEARING CARE PROVIDERS PRACTICE**

25 71 Speech-Language Pathology and Hearing Care Providers Practice; Definitions. RSA 326-F:1
26 is repealed and reenacted to read as follows:

27 326-F:1 Definitions. In this chapter and RSA 328-F:

28 I. "Audiologist" means any person who renders or offers to render to the public any service
29 involving the application of principles, methods, and procedures for the measurement of testing,
30 identification, appraisal, consultation, counseling, instruction, and research related to the
31 development and disorders of hearing and vestibular function for the purpose of diagnosing,
32 designing, and implementing programs for the amelioration of such disorders and conditions.

33 II. "Audiology" means the application of principles, methods, and procedures related to the
34 development and disorders of human communication, which disorders shall include any and all
35 conditions whether of organic or nonorganic origin, that impede the normal processes of human
36 communication and balance including, but not limited to, disorders of hearing, vestibular function,
37 and central auditory processing.

38 III. "Board" means the governing board of speech-language pathologists and hearing care

1 providers established in RSA 328-F.

2 IV. "Hearing aid" means any wearable instrument or device designed for or offered for the
3 purpose of or represented as aiding or compensating for impaired human hearing and any parts or
4 attachments, including ear molds, but excluding batteries and cords or accessories thereto, or
5 equipment, devices, and attachments used in conjunction with services provided by a public utility
6 company.

7 V. "Hearing aid dealer" means any person engaged in the testing of human hearing for the
8 purpose of selecting, fitting, or otherwise dealing in hearing aids.

9 VI. "Otolaryngologist" means a physician licensed in the state of New Hampshire who
10 specializes in medical problems of the ear, nose, and throat, and is eligible for qualification by the
11 American Board of Otolaryngology as an otolaryngologist.

12 VII. "Practice of audiology" means, but shall not be limited to:

13 (a) Screening, identifying, assessing, interpreting, diagnosing, rehabilitating, and
14 preventing hearing disorders.

15 (b) Rendering to individuals or groups of individuals, who are suspected of having
16 hearing disorders, basic and comprehensive audiological and vestibular site-of-lesion tests,
17 including otoscopic examinations, electrophysiologic test procedures, and auditory evoked
18 assessment.

19 (c) Rendering basic and comprehensive auditory and vestibular habilitative and
20 rehabilitative services, including aural rehabilitative assessment and therapy, vestibular
21 rehabilitative assessment and therapy, and speech and language screening.

22 (d) Providing basic and comprehensive audiological and psychoacoustic evaluations for
23 the purpose of determining candidacy for amplification or assistive alerting/listening devices;
24 providing tinnitus evaluations and therapy; providing hearing aid fitting and orientation; taking
25 ear impressions; and providing hearing aid product dispensing, repair, and modification.

26 (e) Providing preoperative evaluation and selection of cochlear implant candidacy and
27 post-implant rehabilitation.

28 (f) Providing occupational hearing conservation.

29 VIII. "Practice of speech-language pathology" means, but shall not be limited to:

30 (a) Screening, identifying, assessing, interpreting, diagnosing, rehabilitating, and
31 preventing disorders of speech and language.

32 (b) Screening, identifying, assessing, interpreting, diagnosing, and rehabilitating
33 disorders of oral-pharyngeal function and related disorders.

34 (c) Screening, identifying, assessing, interpreting, diagnosing, and rehabilitating
35 cognitive communication disorders.

36 (d) Assessing, selecting, and developing augmentative and alternative communication
37 systems and providing training in their use.

38 (e) Providing aural rehabilitation and related counseling services to deaf or hard of

1 hearing individuals and their families.

2 (f) Enhancing speech-language proficiency and communication effectiveness.

3 (g) Screening of hearing and other factors for the purpose of speech-language
4 evaluation or the initial identification of individuals with other communication disorders.

5 IX. "Speech-language assistant" means any person certified by the board who meets
6 minimum qualifications established by the board which are less than those established by this
7 chapter as necessary for licensing as a speech-language pathologist, and who does not act
8 independently but works under the direction and supervision of a speech-language pathologist
9 licensed under this chapter.

10 X. "Rental or selling of hearing aids" means the selection, adaptation, and sale or rental of
11 hearing aids. Also included is the making of impressions for ear molds and instruction pertaining to
12 the use of hearing aids.

13 XI. "Sell" or "sale" means any transfer of title or of the right of use by sale, conditional sales
14 contract, lease bailments, hire-purchase or any other means, excluding wholesale transactions of
15 dealers and distributors.

16 XII. "Speech-language pathologist" means any person who renders or offers to render to the
17 public any service involving the application of principles, methods, and procedures for the
18 measurement of testing, identification, appraisal, consultation, counseling, instruction and research
19 related to the development and disorders of speech, voice, or language for the purpose of diagnosing,
20 designing, and implementing programs for the amelioration of such disorders and conditions.

21 XIII. "Speech-language pathology" means the application of principles, methods, and
22 procedures related to the development and disorders of human communication, which disorders
23 shall include any and all conditions whether of organic or nonorganic origin, that impede the
24 normal process of human communication including, but not limited to, disorders and related
25 disorders of speech, articulation, fluency, voice, verbal and written language, auditory
26 comprehension, cognition, communication, swallowing, and oral, pharyngeal or laryngeal
27 sensorimotor competencies.

28 72 New Paragraph; Speech Language Pathology and Hearing Care Providers Practice;
29 Eligibility for Initial Licensure. Amend RSA 326-F:3 by inserting after paragraph II the following
30 new paragraph:

31 III. To be eligible for initial licensure as an audiologist an applicant shall:

32 (a) Demonstrate sufficient evidence of good professional character and reliability to
33 satisfy the board that the applicant shall faithfully and conscientiously avoid professional
34 misconduct and otherwise adhere to the requirements of this chapter.

35 (b) Possess at least a master's degree in audiology from an educational institution
36 approved by the board which consists of course work approved pursuant to rules adopted by the
37 board pursuant to RSA 541-A.

38 (c) Complete a supervised postgraduate professional experience at an educational

1 institution or its cooperation programs, approved pursuant to rules adopted by the board pursuant
2 to RSA 541-A.

3 (d) Pass an examination specified by the board in rules adopted under RSA 541-A.

4 (e) Complete a supervised postgraduate professional experience.

5 (f) If applicable, submit proof of licensure in another state in which the licensure
6 requirements are equivalent to or greater than those in this chapter.

7 73 New Paragraph; Speech Language Pathology and Hearing Care Providers Practice;
8 Rulemaking. Amend RSA 326-F:5 by inserting after paragraph VII the following new paragraph:

9 VIII. The sale and fitting of hearing aids.

10 74 Speech Language Pathology and Hearing Care Providers Practice; Eligibility for Renewal of
11 Licenses. Amend RSA 326-F:6, I to read as follows:

12 I. ***For speech-language pathologists***, have completed 30 hours of continuing education
13 which meet the requirements established by the board through rulemaking pursuant to RSA 541-A
14 and at least 50 percent of which are directly related to the practice of speech-language pathology.
15 ***For audiologists, have completed 20 hours of continuing education which meet the***
16 ***requirements established by the board through rulemaking pursuant to RSA 541-A.***

17 75 New Paragraphs; Speech Language Pathology and Hearing Care Providers Practice;
18 Professional Identification. Amend RSA 326-F:8 by inserting after paragraph IV the following new
19 paragraphs:

20 V. No person shall practice audiology or represent oneself as an audiologist in this state,
21 unless such person is licensed in accordance with the provisions of this chapter.

22 VI. No person shall represent oneself or use the following words to represent oneself:
23 audiologist, audiology, audiometry, audiometrist, audiological, audiometrics, hearing therapy,
24 hearing therapist, hearing clinic, hearing aid audiologist, or any other variation or synonym which
25 expresses, employs, or implies these terms or functions unless the person has been duly licensed as
26 an audiologist.

27 76 New Sections; Speech Language Pathology and Hearing Care Providers Practice;
28 Registration of Hearing Aid Dealers; Temporary Licensure for Audiologists; Audiologists From Other
29 Jurisdictions; Disclosure to Customers; Unsolicited Home Sales Prohibited; Return of Hearing Aid;
30 Deceptive Advertising Prohibited. Amend RSA 326-F by inserting after section 8 the following new
31 sections:

32 326-F:9 Registration of Hearing Aid Dealers Required. No person shall engage in the business
33 of selling or offering for rent hearing aids unless such person is registered in accordance with this
34 chapter and unless the registration of such person is current and valid. The fee for an initial
35 registration under this section shall not exceed \$300. This section includes the selling or renting of
36 hearing aids by mail in this state by a person outside the state. Registration certificates shall be
37 renewed biennially on or before June 30 upon payment of a renewal fee.

38 326-F:10 Temporary Licensure for Audiologists.

1 I. A temporary license may be granted for up to 120 days to a person who has moved to this
2 state from another jurisdiction, if the person holds an audiologist's license in the other jurisdiction
3 and the other jurisdiction's requirements for licensure are greater than or equal to the
4 requirements in this state, and the person has applied for a license under this chapter.

5 II. A temporary license issued under this section shall expire no later than 120 days after
6 issuance. The date shall be stated on the license.

7 326-F:11 Audiologists From Other Jurisdictions; Licensure. The board may waive licensure
8 requirements for an applicant who:

9 I. Is licensed by another jurisdiction where the requirements for licensure are greater than
10 or equal to those required in this state; and

11 II. Is practicing audiology 20 days or less in New Hampshire in any calendar year.

12 326-F:12 Hearing Aid Dealer and/or Audiologist Disclosure to Customers.

13 I. No hearing aid dealer or audiologist shall sell a hearing aid without presenting the
14 purchaser an itemized receipt, which shall include the following:

15 (a) The name and address and signature of the purchaser.

16 (b) The date of the sale.

17 (c) The name and the regular place of business of the hearing aid dealer or dealer's
18 registration number or of the audiologist or audiologist's license number, and signature of the
19 registrant or licensee.

20 (d) The make, model, serial number, and purchase price of the hearing aid and the
21 terms of the warranty.

22 (e) An itemization of the total purchase price, including but not limited to the cost of the
23 aid, ear mold, and batteries and other accessories and any other services.

24 (f) A statement as to whether the hearing aid is "new," "used" or "reconditioned."

25 (g) The complete terms of the sale, including a clear and precise statement of the 30-day
26 money back guarantee required under RSA 326-F:14.

27 (h) The name, address and telephone number of the consumer protection and antitrust
28 bureau, division of public protection, department of justice, with a statement that complaints which
29 arise with respect to the transaction may be submitted in writing to the consumer protection and
30 antitrust bureau.

31 (i) The following statements in 10 point type or larger: 1) "This hearing aid will not
32 restore normal hearing nor will it prevent further hearing loss;" 2) "You have the right to cancel
33 this purchase or rental for any reason within 30 days after receiving the hearing aid."

34 II. Each registrant or licensee shall keep records of every customer to whom such person
35 renders services or sells hearing aids, including a copy of the receipt as specified under paragraph I,
36 a record of services provided, any correspondence to or from a customer and any records required
37 under the rules for the hearing aid industry as promulgated by the United States Federal Trade
38 Commission on July 20, 1965, or as amended, or any rules for the hearing aid industry promulgated

1 by the United States Food and Drug Administration. These records shall be preserved for at least 3
2 years after the date of transaction.

3 326-F:13 Unsolicited Home Sales Prohibited. No hearing aid dealer or audiologist, employee or
4 agent thereof, shall canvass either in person or by telephone from house to house for the purpose of
5 selling or renting a hearing aid without prior request from the prospective customer, a relative or
6 friend of the prospective customer.

7 326-F:14 Return of Hearing Aid; Cancellation Fee. No hearing aid shall be sold to any person
8 unless accompanied by a 30-day written money back guarantee that if the person returns the
9 hearing aid in the same condition, ordinary wear and tear excluded, as when purchased, within 30
10 days from the date of delivery, the hearing aid dealer or audiologist may be entitled to a
11 cancellation fee of 5 percent of the purchase price. In computing the actual purchase price, all
12 rebates, discounts, and other similar allowances provided to the seller shall be considered. For the
13 purpose of this section, any consumer who initiates the return of a hearing aid within said 30-day
14 period shall be in compliance with this section. The addressing of any claimed deficiency or return
15 shall be resolved within 90 days from date of delivery.

16 326-F:15 Deceptive Advertising Prohibited.

17 I. No hearing aid dealer or audiologist, or employee or agent thereof, shall use or cause to
18 be used or promote the use of any advertising matter, promotional literature, testimonial,
19 guarantee, warranty, label, brand, insignia, or other representation, however disseminated or
20 published, which is misleading, deceptive, or untruthful. All advertising by mail which offers free
21 hearing testing or other services by a hearing aid dealer or audiologist shall clearly state in such
22 advertising that the offers are made by a hearing aid dealer or audiologist.

23 II. No hearing aid dealer, or employee or agent thereof, shall represent that the services or
24 advice of an individual licensed to practice medicine or of an individual certified as an audiologist
25 will be used or made available in the selection, fitting, adjustment, maintenance, or repair of
26 hearing aids where that is not true; or use or incorporate in any title or designation the words,
27 "doctor," "otologist," "clinic," "clinical audiologist," "audiologist," "state licensed clinic," "state
28 certified," "state approved," "state registered," "certified hearing aid audiologist," or any term,
29 abbreviation, or symbol which would give the false impression that one is being treated medically or
30 audiologically or that the registrant's services have been recommended by the state.

31 III. No hearing aid dealer or audiologist, or employee or agent thereof, shall use any
32 advertisement or any other representation which has the effect of misleading or deceiving
33 purchasers or prospective purchasers in the belief that any hearing aid or device, or part or
34 accessory thereof, is a new invention or involves a new mechanical or scientific principle when such
35 is not a fact.

36 IV. No hearing aid dealer or audiologist, or employee or agent thereof, shall state or imply
37 that the use of any hearing aid will restore hearing to normal, or preserve hearing, or prevent or
38 retard the progression of a hearing impairment or make any false or misleading or medically or

1 audiologically unsupportable claims regarding the efficacy or benefits of hearing aids.

2 V. No hearing aid dealer or audiologist, or employee or agent thereof, shall advertise a
3 particular model, type, or kind of hearing aid when the offer is not a bona fide effort to sell the
4 product so offered as advertised.

5 VI. No hearing aid dealer or audiologist, or employee or agent thereof, shall advertise that a
6 hearing aid will be beneficial to persons with hearing loss, regardless of the type of loss. No such
7 dealer, employee, or agent shall advertise that a hearing aid will enable persons with hearing loss
8 to consistently distinguish and understand speech sounds in noisy situations.

9 VII. No hearing aid shall be sold to any person unless the packaging containing the hearing
10 aid carries the following disclaimer in 10 point type or larger: "This hearing aid will not restore
11 normal hearing nor will it prevent further hearing loss."

12 326-F:16 Out-of-State Sales Regulated.

13 I. No person shall conduct or operate a business outside of the state for the sale at retail of
14 hearing aids to individuals within the state unless such business is registered with a permit issued
15 by the board.

16 II. The board shall issue a permit to such out-of-state business if the business discloses and
17 provides proof:

18 (a) That the business is in compliance with all applicable laws and rules in the state in
19 which the business is located;

20 (b) Of the operating locations and the names and titles of all principal corporate officers;

21 (c) That the business complies with all lawful directions and requests for information
22 from the board of all states in which it conducts business; and

23 (d) That the business agrees in writing to comply with all New Hampshire laws and
24 rules relating to the sale or dispensing of hearing aids.

25 III. The board shall assess fees as established by rules adopted by the board, pursuant to
26 RSA 541-A, for out-of-state hearing aid sales companies.

27 77 General Administration of Regulatory Boards and Commissions; Reciprocity Information.
28 Amend the introductory paragraph of RSA 332-G:12, I to read as follows:

29 I. All boards or commissions~~[- including the board of hearing care providers established in~~
30 ~~RSA 137-F:3,]~~ shall post information on their website relative to reciprocal licensure or certification
31 for persons holding a current and valid license or certification for the practice of the regulated
32 profession in another state. Such information shall include a list of the states which the board or
33 commission has determined to have license or certification requirements equal to, or greater than,
34 the requirements of this state. The posting shall also list states with which the board or commission
35 has:

36 78 Repeal. The following are repealed:

37 I. RSA 137-F, relative to hearing care providers.

38 II. RSA 310-A:1-a, II(a), relative to hearing care providers.

1 79 Transition; Rules; Hearing Care Providers.

2 I. The rules adopted for hearing care providers under the former RSA 137-F in effect on the
3 effective date of this act shall, to the extent practicable, continue and be effective and apply to
4 hearing care providers until they expire or are amended or repealed.

5 II. Registrations or licenses of hearing care providers under the former RSA 137-F shall be
6 valid until they expire or are revoked or suspended as provided in RSA 326-F as amended by this
7 act.

8 80 Department of Corrections; Filling Unfunded Positions. Notwithstanding other provision of
9 law to the contrary, the department of corrections may fill unfunded positions during the biennium
10 ending June 30, 2021; provided that the total expenditure for such positions shall not exceed the
11 amount appropriated for personal services.

12 81 Department of Corrections; Transfer Authority. The following classes within the
13 department of corrections shall be exempt from the transfer restrictions in RSA 9:17-a, 9:17-c,
14 classes 10-personal services-perm classified, 11-personal services-unclassified, 12-personal services-
15 unclassified, 18-overtime, 19-holiday pay, 50-personal service-temp/appointed and 60-benefits. The
16 department may transfer funding in these classes within and among all accounting units provided
17 that any transfer of \$100,000 or more shall require prior approval of the fiscal committee of the
18 general court and governor and council. The provisions of this paragraph shall remain in effect for
19 the biennium ending June 30, 2021.

20 82 New Section; Cost of Care Reimbursement Account Established. Amend RSA 622 by
21 inserting after section 58 the following new section:

22 622:58-a Cost of Care Reimbursement Fund Established. There is established the cost of care
23 reimbursement fund, which shall be administered by the commissioner of the department of
24 corrections. This fund shall be nonlapsing and continually appropriated to the commissioner for the
25 purpose of the general care of those persons under departmental control and upkeep of the prison
26 facilities including equipment. The commissioner shall deposit all funds received from the
27 department of justice as specified in RSA 622:58 into this fund.

28 83 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after
29 subparagraph (343) the following new subparagraph:

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

31 84 Department of Corrections; Cost of Care Reimbursement Moneys. Amend RSA 622:58 to
32 read as follows:

33 622:58 Deposit of Recovered Moneys. All moneys recovered under this subdivision shall be
34 deposited in the ~~[general fund]~~ **cost of care reimbursement fund under RSA 622:58-a.**

35 85 Repeal. RSA 622:7-b, relative to victim's fund, is repealed.

36 86 Application of Receipts; Victims' Fund. Amend RSA 6:12, I(b)(23) to read as follows:

37 (23) The assessments collected under RSA 106-L:10 and 651:63, V ~~[and the~~
38 ~~surecharges on state commissary purchases under RSA 622:7-b designated for the victims' assistance~~

1 ~~fund which~~] shall be credited to the victims' assistance fund until that fund exceeds \$900,000, at
2 which time moneys in excess of \$900,000 shall be credited to the general fund.

3 87 Department of Corrections; Unclassified Position Established; Chief Nursing Officer.

4 I. The position of chief nursing officer is hereby established in the department of corrections
5 and shall be qualified for that position by reason of education and experience and shall be
6 nominated by the commissioner of the department of corrections for the appointment by the
7 governor and the executive council, who shall serve at the pleasure of the commissioner. The
8 director of nursing shall have the title of chief nursing officer and shall oversee the uniform
9 integration of nursing practice and care into the comprehensive medical and behavioral health
10 system operated by the department of corrections as well as ensuring adherence of nurses to
11 nursing practice laws, rules, standards, and policies. This position shall also establish an
12 organizational reporting structure to ensure that all nurses receive adequate and appropriate
13 supervision. Direct reports shall include the assistant nursing director and all nurse coordinators.

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

17 III. Upon completion of this action and appointment of the position identified in paragraph
18 I, the following position shall be abolished to allow for the transition of this classified position with
19 its available appropriations into the unclassified positions. Funding shall be transferred into
20 expenditure class 011, within accounting unit 02-46-46-465010-8234. The incumbent in the
21 abolished classified positions shall be offered the opportunity to seek the commissioner's nomination
22 for the unclassified position: Director of Nursing #16287

23 88 Department of Corrections; Unclassified Positions Established.

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

- 30 (a) Department of corrections, chief pharmacist.
- 31 (b) Department of corrections, pharmacist I.
- 32 (c) Department of corrections, pharmacist II.
- 33 (d) Department of corrections, pharmacist III.
- 34 (e) Department of corrections, pharmacist IV.

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

38 III. Upon completion of this action and appointment of the positions identified in paragraph

1 I, the following positions shall be abolished to allow for the transition of these classified positions
2 with their available appropriations into the unclassified positions. Funding shall be transferred
3 into expenditure class 011, within accounting unit 02-46-46-465010-8236. The incumbents in the
4 abolished classified positions shall be offered the opportunity to seek the commissioner's nomination
5 for the unclassified positions:

6 (a) Chief pharmacist #19851.

7 (b) Pharmacist #12997.

8 (c) Pharmacist #19553.

9 (d) Pharmacist #19848.

10 (e) Pharmacist #16290.

11 89 State Commission for Human Rights. Amend RSA 354-A:3, I to read as follows:

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

17 90 Boxing and Wrestling Commission. Amend RSA 285:2 to read as follows:

18 285:2 Establishment of Commission. There is hereby established a boxing and wrestling
19 commission which shall oversee amateur and professional fighting sports in the state. ***The***
20 ***commission shall be administratively attached to the department of state pursuant to RSA***
21 ***21-G:10***.

22 91 School Building Aid; Alternative School Building Aid.

23 I. Notwithstanding RSA 198:15-a through RSA 198:15-h and RSA 198:15-u through RSA
24 198:15-w, the commissioner of the department of education shall issue no school building aid or
25 alternative school building aid for any project approved on or after July 1, 2019 through June 30,
26 2021.

27 II.(a) The commissioner of the department of education, upon recommendation of the state
28 fire marshal, may grant a waiver to the suspension of school building aid under paragraph I if the
29 state fire marshal or designee determines, based on reasonable information and belief, that:

30 (1) The condition of such school building or portion thereof constitutes a clear and
31 imminent danger to the life or safety of occupants or other persons, and requires remediation prior
32 to July 1, 2021; or

33 (2) A structural deficiency in the function or operation of a school building or
34 portion thereof presents a substantial risk to the life or safety of the occupants or other persons, and
35 is more than a technical violation of the fire code, and requires remediation prior to July 1, 2021.

36 (b) Any school building aid provided under a waiver granted pursuant to this paragraph
37 shall be limited to the costs associated with the remediation of the conditions or structural
38 deficiencies set forth in this paragraph.

1 schools with significant poverty, consolidation and cost efficiency, life safety, student demographic
2 outlook, history of building aid to community, maintenance plans and other factors deemed
3 significant by the commission. Determination of poverty shall take into consideration 5-year
4 averages of equalized valuation and median household income.

5 IV. The department of education shall retain no more than 3 percent of the school
6 construction fund per year, to be used to fund the costs of administering this program.

7 198:20-g Targeted School Building Aid Commission Established.

8 I. There is hereby established the targeted school building aid commission, which shall
9 consist of the following members:

10 (a) Three members appointed by the governor.

11 (b) Two members of the house of representatives, appointed by the speaker of the house
12 of representatives.

13 (c) Two members of the senate, appointed by the president of the senate.

14 (d) The commissioner of the department of education, or designee.

15 II. Members of the commission appointed pursuant to subparagraph (a) shall serve for
16 terms of 3 years and may be reappointed by the governor. The members of the commission
17 appointed pursuant to subparagraphs (b)-(d) shall serve terms coterminous with their term in office.

18 III. The commission shall review all grant applications and award grants for planning and
19 design projects, construction projects, and emergency projects pursuant to the criteria in RSA
20 198:20-f, III and rules of the state board of education.

21 198:20-h Payment of Grant Funds.

22 I. The state board of education shall adopt rules pursuant to RSA 541-A, specifying
23 procedures for disbursement of grant funds awarded to grantees. No more than 25 percent of the
24 total moneys in the fund may be disbursed in any calendar year.

25 II. For planning and design and emergency projects approved by the commission, the
26 department of education shall reimburse schools 100 percent of the eligible grant amount upon
27 completion of the work identified in the application and upon validation of the final costs by the
28 department of education. Submission for reimbursement of fraudulent costs to the department of
29 education may result in disallowance and reduction of the grant award.

30 III. For construction projects approved by the commission, the department of education
31 shall disburse 50 percent of the eligible grant amount upon approval of the application by the
32 commission and shall disperse the balance of the eligible grant amount upon completion of
33 construction and validation of the final costs by the department of education. Submission for
34 reimbursement of fraudulent costs to the department of education may result in disallowance and
35 reduction of the grant award.

36 IV. A grantee that discontinues the use of the facilities for its intended initial purpose
37 within 20 years shall repay the state a declining balance of the state grant received. The state
38 board of education shall establish rules pursuant to RSA 541-A specifying how the declining balance

1 calculation shall be made. Upon a showing of good cause by the school, the commissioner of the
2 department of education may waive this penalty in whole or part on a case by case basis.

3 V. Funds received from federal or state grants and other programs shall be subtracted from
4 total project costs when computing grants under this paragraph.

5 198:20-i Reporting.

6 I. The department of education shall publish the school construction grant rates for each
7 municipality by January 1 of each year.

8 II. The commission shall publish the decisions on the applications received that year by
9 November 15 of each year.

10 198:20-j Application and Approval Process.

11 I. School districts shall submit grant applications for a planning and designing project to
12 the department of education by June 1 of each year.

13 II. School districts shall submit grant applications for construction projects to the
14 department of education by April 1 of each year.

15 III. The department of education shall review applications for completeness and submit
16 such applications to the commission by July 1 of each year.

17 IV. The commission shall make grant awards for planning and design projects and
18 construction projects, pending availability of funds by November 1 of each year.

19 V. The commission shall publish a list of applications received and awards made by
20 November 15 of each year.

21 VI. The department of education, upon recommendation of the state fire marshal, shall
22 accept an application at any time during the year for an emergency project if one or more of the
23 following conditions are met:

24 (a) The condition of the school building or portion thereof constitutes a clear and
25 imminent danger or substantial risk to the life or safety of occupants or other persons.

26 (b) There is actual or imminent risk of loss or damage to property.

27 93 New Subparagraph; Application of Receipts; Targeted School Building Aid Reserve Fund.
28 Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new subparagraph:

29 (344) Moneys deposited in the targeted school building aid reserve fund established
30 in RSA 198:20-f, I.

31 94 Public School Infrastructure Fund; Appropriations Extended. Amend RSA 198:15-y, II to
32 read as follows:

33 II. There is hereby established in the office of the state treasurer the public school
34 infrastructure fund which shall be kept distinct and separate from all other funds and which shall
35 be administered by the department of education. After transferring sufficient funds to the revenue
36 stabilization reserve account to bring the balance of that account to \$100,000,000, the state
37 treasurer shall transfer the remainder of the general fund surplus for fiscal year 2017, as
38 determined by the official audit performed pursuant to RSA 21-I:8, II(a), to the fund. Any earnings

1 on fund moneys shall be added to the fund. All moneys in the fund shall be continually
2 appropriated~~[- for the biennium ending June 30, 2019 and any unexpended or unencumbered~~
3 ~~balance as of June 30, 2019 shall be transferred to the general fund].~~

4 95 Chartered School Lease Aid. Any moneys appropriated in account 3058, class 631 shall be
5 appropriated for the purpose of providing an annual grant for leased space in accordance to RSA
6 198:15-hh to chartered public schools authorized under RSA 194-B and shall not exceed more than
7 \$30,000 per school in any given fiscal year.

8 96 Meals and Rooms Tax; Distribution to Cities and Towns. For the fiscal years ending June
9 30, 2020 and June 30, 2021, the state treasurer shall fund the distribution of revenue to cities and
10 towns pursuant to the formula for determining the amount of revenue returnable to cities and
11 towns under RSA 78-A:26, I and II at no more than the amount of the fiscal year 2019 distribution.

12 97 Repeal. The following are repealed:

13 I. RSA 161-F:40, relative to establishment of the senior volunteer grant program.

14 II. RSA 161-F:41, relative to rulemaking for the senior volunteer grant program.

15 98 Repeal. RSA 161-F:37, relative to the administration of congregate services, is repealed.

16 99 Department of Health and Human Services; Social Services Block Grant Cost of Living
17 Adjustment to Income Levels. Notwithstanding any other provision of law, for the biennium ending
18 June 30, 2021, the department of health and human services shall raise the income eligibility for
19 elderly and adult clients under the social services block grant program each January, by the
20 percentage amount of the cost of living increase in social security benefits on a yearly basis provided
21 such amount is consistent with federal law and regulations relative to the social services block
22 grant income eligibility.

23 100 County Reimbursement of Funds; Limitations on Payments. Amend RSA 167:18-a, II(a) to
24 read as follows:

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

27 (1) State fiscal year ~~[2018]~~ **2020**, ~~[\$117,573,000]~~ **\$122,468,145**.

28 (2) State fiscal year ~~[2019]~~ **2021**, ~~[\$119,925,000]~~ **\$124,500,448**.

29 101 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children;
30 Definitions. Amend RSA 167:6, VII to read as follows:

31 VII. For purposes hereof, a person shall be eligible for medical assistance as categorically
32 needy or as medically needy. A person shall be eligible as categorically needy if ~~[he]~~ **such person**
33 receives financial assistance under RSA 167:6, I, IV, V or VI, or is otherwise eligible to receive such
34 assistance but does not, **or is otherwise eligible, but does not due to receiving a finding of**
35 **clinical ineligibility for federal cash benefits under paragraph VI**. A person shall be eligible
36 as medically needy if ~~[he]~~ **such person** meets the categorical, age, and technical requirements
37 under RSA 167:6, I, IV, V or VI, and if his **or her** income and assets meet the standards as
38 prescribed for the medically needy program. A person shall also be eligible as categorically needy or

1 as medically needy who is eligible for medical assistance pursuant to the mandates of federal law or
2 regulation or pursuant to optional state coverage groups which are allowed by federal regulation
3 and defined by the commissioner of the department of health and human services in accordance
4 with rules adopted under RSA 541-A, but who does not receive assistance or would not be otherwise
5 eligible to receive assistance under paragraph I, IV, V, or VI.

6 102 Prospective Repeal Regarding Eligibility for Services Extended. Amend 2011, 209:6, I, as
7 amended by 2013, 140:1, I, as amended by 2015, 276:41, I, as amended by 2017, 156:85, I to read as
8 follows:

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

10 103 Department of Health and Human Services; Repeal of Direct Graduate Medical Education.
11 The commissioner of the department of health and human services shall submit a Title XIX
12 Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to repeal
13 the provision of direct graduate medical education payments to hospitals as provided in 42 C.F.R.
14 section 413.75. Upon approval of the state plan amendment, and as of the effective date of the state
15 plan amendment, any obligations for payment of direct graduate medical education shall be
16 terminated.

17 104 Department of Health and Human Services; Public Safety and Welfare; Medicaid
18 Enhancement for Children and Pregnant Women. If the New Hampshire granite advantage health
19 care program established under RSA 126-AA is repealed effective December 31, 2023 or earlier, the
20 commissioner of the department of health and human services shall reinstate Medicaid coverage
21 and open enrollment for children and pregnant women under RSA 167:68. The commissioner of the
22 department of health and human services shall adopt rules, pursuant to RSA 541-A, to establish the
23 eligibility levels for Medicaid coverage under RSA 167:68 identical to the eligibility levels which
24 were in effect prior to the effective date of the New Hampshire granite advantage health care
25 program.

26 105 Health and Human Services; Repeal of Catastrophic Aid Payment to Hospitals. The
27 commissioner of the department of health and human services shall submit a Title XIX Medicaid
28 state plan amendment to the federal Centers for Medicare and Medicaid Services to terminate and
29 repeal all catastrophic aid payments to hospitals.

30 106 Compensation of Certain State Officers; Salaries Established. Amend RSA 94:1-a, I(b),
31 salary grade PP by inserting the following:

32 PP Department of health and human services state cancer epidemiologist

33 107 Department of Health and Human Services; Prospective Repeal Regarding the Exemption
34 from Certain Transfer Procedures Extended. Amend 2018, 163:11, IV to read as follows:

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

36 108 Department of Health and Human Services; Program Eligibility; Additional Revenues. For
37 the biennium ending June 30, 2021, the department of health and human services shall not
38 authorize, without prior consultation with the house health, human services and elderly affairs

1 committee and the senate health and human services committee and the approval of the fiscal
2 committee of the general court and governor and council, any change to program eligibility
3 standards or benefit levels that might be expected to increase or decrease enrollment in the
4 program or increase expenditures from any source of funds; provided, however, that no such prior
5 approval shall be required if a change to a federal program in which the state is participating as of
6 the effective date of this section is required by federal law.

7 109 Department of Health and Human Services; Suspension of Home Health Services; Rate
8 Setting. Notwithstanding any provision of law to the contrary, RSA 126-A:18-a, relative to rate
9 settings for home health services, shall be suspended for the biennium ending June 30, 2021.
10 Payments for home health services shall be limited to appropriations for home health services as
11 may be restricted or reduced by action of the fiscal committee of the general court or by legislative
12 action.

13 110 Commissioner of Health and Human Services; Quarterly Reports. During the biennium
14 ending June 30, 2021, the commissioner of health and human services shall make quarterly reports
15 to the governor, the speaker of the house of representatives, and the senate president on the status
16 of estimated Medicaid payments in relation to actual costs. Further contents of the such reports
17 shall be as specified by the governor.

18 111 Department of Health and Human Services; Excess Revenue from Federal Match
19 Programs. During the biennium ending June 30, 2021, any general funds appropriated to the
20 department of health and human services which are supplanted by an increased draw on federal
21 funds, as a result of a miscalculation of or change in the state's share of a federal match program,
22 shall lapse to the general fund.

23 112 Department of Health and Human Services; Unfunded Positions; Authorization.

24 I. Notwithstanding any other provision of law to the contrary, the department of health and
25 human services may fill unfunded positions during the biennium ending June 30, 2021, provided
26 that the total expenditure for such positions shall not exceed the amount appropriated for personnel
27 services.

28 II. During the biennium ending June 30, 2021, the department may request funds not
29 otherwise appropriated for unfunded positions in the division for children, youth, and families with
30 review and approval of the joint fiscal committee of the general court.

31 III. When considering the request to fund positions under paragraph II, the fiscal
32 committee of the general court shall consider the number of child protection assessments and open
33 cases, staff workload, vacant positions, and staffing turnover.

34 113 Repeal. RSA 151-E:18, regarding presumptive eligibility for nursing facility services, is
35 repealed.

36 114 New Section; Department of Health and Human Services; Developmental Services;
37 Establishing Certain Funds and Transfers of Certain Appropriations. Amend RSA 171-A by
38 inserting after section 8-a the following new section:

1 171-A:8-b Establishing Certain Dedicated Funds and Transfers of Certain Appropriations.

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

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

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

14 IV. There is hereby established the Medicaid information services fund. The fund, from
15 appropriations provided in an accounting unit to be established by the department of administrative
16 services, shall be used to carry out the provisions of Medicaid information services. The fund shall
17 be nonlapsing and shall be continually appropriated to the commissioner for the purposes of
18 Medicaid information services.

19 V. There is hereby established the child support information services fund. The fund, from
20 appropriations provided in an accounting unit to be established by the department of administrative
21 services, shall be used to carry out the provisions of child support information services. The fund
22 shall be nonlapsing and shall be continually appropriated to the commissioner for the purposes of
23 child support information services.

24 VI. There is hereby established the child welfare information services fund. The fund, from
25 appropriations provided in an accounting unit to be established by the department of administrative
26 services, shall be used to carry out the provisions of child welfare information services. The fund
27 shall be nonlapsing and shall be continually appropriated to the commissioner for the purposes of
28 child welfare information services.

29 VII. There is hereby established the data analytics information services fund. The fund,
30 from appropriations provided in an accounting unit to be established by the department of
31 administrative services, shall be used to carry out the provisions of data analytics information
32 services. The fund shall be nonlapsing and shall be continually appropriated to the commissioner
33 for the purposes of data analytics information services.

34 VIII. There is hereby established the integrated eligibility information services fund. The
35 fund, from appropriations provided in an accounting unit to be established by the department of
36 administrative services, shall be used to carry out the provisions of integrated eligibility information
37 services. The fund shall be nonlapsing and shall be continually appropriated to the commissioner
38 for the purposes of integrated eligibility information services.

1 IX. There is hereby established the long term support services information services fund.
2 The fund, from appropriations provided in an accounting unit to be established by the department
3 of administrative services, shall be used to carry out the provisions of long term support services
4 information services. The fund shall be nonlapsing and shall be continually appropriated to the
5 commissioner for the purposes of long term support services information services.

6 X. The funds in paragraphs I through III shall only be transferred between these funds and
7 or accounting units for those particular services for the purposes of this chapter.

8 115 New Subparagraphs; Department of Health and Human Services; Developmental Services;
9 Certain Accounts. Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new
10 subparagraphs:

11 (344) Moneys deposited in the developmental services fund established under RSA
12 171-A:8-b, I.

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

15 (344) Money deposited in the in-home support waiver fund established under RSA
16 171-A:8-b, III.

17 (344) Moneys deposited in the Medicaid information services fund established under
18 RSA 171-A:8-b, IV.

19 (344) Moneys deposited in the child support information services fund established
20 under RSA 171-A:8-b, V.

21 (344) Moneys deposited in the child welfare information services fund established
22 under RSA 171-A:8-b, VI.

23 (344) Moneys deposited in the data analytics information services fund established
24 under RSA 171-A:8-b, VII.

25 (344) Moneys deposited in the integrated eligibility information services fund
26 established under RSA 171-A:8-b, VIII.

27 (344) Moneys deposited in the long term support services information services fund
28 established under RSA 171-A:8-b, IX.

29 116 Department of Health and Human Services; Transfer of Certain Trust Funds. The trust
30 established in *In Re: Laconia State School Trust Funds*, Docket Number 317-2017-EQ-599 (6th
31 Circuit – Probate Division – Concord) shall be dissolved consistent with current law and any
32 relevant court order with remaining assets transferred to the developmental services fund account
33 established in RSA 171-A:8-b, I.

34 117 Study Committee on Outdated Non-regulatory Boards, Commissions, Councils, and
35 Advisory Bodies.

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

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

2 (1) Three members of the house of representatives, appointed by the speaker of the
3 house of representatives.

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

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

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

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

14 (a) Frequency of meetings.

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

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

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

18 V. The committee shall report its findings and any recommendations for legislation,
19 including recommendations for repeal of non-regulatory boards, commissions, councils, or other
20 advisory bodies to the president of the senate, the speaker of the house of representatives, the
21 senate clerk, the house clerk, the governor, and the state library on or before November 1, 2019.

22 118 New Hampshire Employment Program and Family Assistance Program Eligibility; Income.
23 Amend RSA 167:80, IV(i) to read as follows:

24 (i) ***For any individual currently receiving assistance, any new income received***
25 ***from employment for a period of 6 months from the date upon which that individual***
26 ***begins to receive such income.***

27 (j) Any other type of income excluded by the department by rules adopted pursuant to
28 RSA 541-A as necessary to promote the purpose and goals of this subdivision.

29 119 Department of Health and Human Services; Construction of New Mental Health Facilities.

30 I. The commissioner of the department of health and human services, in consultation and
31 in collaboration with the attorney general, the commissioner of the department of corrections, and
32 the commissioner of the department of administrative services, shall administer the development
33 and implementation of plans for the following:

34 (a) Establishing a new 60 bed forensic psychiatric hospital; and

35 (b) Establishing 40 additional transitional beds for forensic patients and or patients
36 with complex behavioral health conditions.

37 II. The commissioner of the department of health and human services, in consultation and
38 in collaboration with the attorney general, and the commissioner of the department of

1 administrative services, shall administer the development and implementation of plans for the
2 following:

3 (a) Establishing a new treatment facility for children who are in need of acute inpatient
4 psychiatric treatment; and

5 (b) Repurposing of the children's unit at New Hampshire hospital for adult beds upon
6 completion and readiness of the new treatment facility for children established in this paragraph.

7 III. The plans for establishing a new 60 bed forensic psychiatric hospital and 40 additional
8 transitional beds for forensic patients and or patients with complex behavioral health conditions
9 shall be completed by November 1, 2019, and such facilities shall be operational by June 1, 2021.

10 IV. The plans for development of a new treatment facility for children who are in need of
11 acute inpatient psychiatric treatment and for repurposing of the children's unit at New Hampshire
12 hospital for adult beds shall be completed by June 1, 2020, and such facility shall be operational by
13 June 1, 2021.

14 V. All contracts and projects set forth in paragraphs I and II, and plans and specifications
15 therefor, shall be awarded in accordance with the provisions of RSA 21-I.

16 VI. In preparation for the operation of the new facilities established pursuant to paragraphs
17 I and II, the commissioner of the department of health and human services, in consultation and in
18 collaboration with the attorney general, the commissioner of the department of corrections, and the
19 commissioner of the department of administrative services, shall recommend proposed legislation
20 for any changes to statutes or administrative rules that are deemed necessary for the transition of
21 patients to and the operation of the new facilities. In developing such recommendations, and the
22 plans and deadlines required in paragraphs I through IV, the commissioner of the department of
23 health human services shall solicit input from public and private stakeholders as the commissioner
24 deems necessary and appropriate. The commissioner of the department of health human services
25 shall submit the plans required in paragraphs I and II and recommendations required by this
26 paragraph to the governor, the speaker of the house, and the president of the senate no later than
27 November 1, 2019.

28 120 Revenue Sharing; Suspension. RSA 31-A, relative to revenue sharing with cities and towns
29 shall be suspended for the biennium ending June 30, 2021.

30 121 Liquor Commission; Processing of Merchant Cards. For the biennium ending June 30,
31 2021, the liquor commission, for purposes of supporting merchant card activity, may:

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

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

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

6 122 Public Utilities Commission; Implementation of Energy Efficiency Resource Standard. For
7 the biennium ending June 30, 2021, the public utilities commission shall not expend any funding on
8 the implementation of an energy efficiency resource standard or change the system benefits charge
9 without prior approval of the fiscal committee of the general court, except as consistent with or
10 authorized by Order No. 25,932 issued by the public utilities commission, dated August 2, 2016.

11 123 Department of Education; Acceptance of Gifts. For the biennium ending June 30, 2021, the
12 department of education may, subject to the approval of the governor and council, accept gifts,
13 contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and
14 other organizations or institutions for the purpose of funding appropriations for New Hampshire
15 Scholars made in accounting unit 06-56-56-562010-7534.

16 124 Repeal. RSA 78-A:26, I(b), relative to disposition of income from meals and rooms tax
17 revenue, is repealed.

18 125 Application of Receipts. Amend RSA 6:12, I(b)(21) to read as follows:

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

22 126 Division of Travel and Tourism Budget; Meals and Rooms Tax Revenue. Amend RSA 12-O
23 to insert after section 11-a the following new section:

24 12-O:11-b Division of Travel and Tourism Budget; Meals and Rooms Tax Revenue. The budget
25 of the division of travel and tourism, including the travel and tourism development fund established
26 by RSA 12-O:16, shall be funded at an amount no less than 3.15 percent of the net income identified
27 by RSA 78-A:26, I for the most recently completed fiscal year.

28 127 Integrated Land Development Permits; Procedure Suspended. Due to budgetary and
29 staffing constraints, RSA 489, establishing a procedure to obtain an integrated land development
30 permit from the department of environment services, is suspended for the biennium ending June
31 30, 2021.

32 128 State Aid Grants; Department of Environmental Services. Notwithstanding RSA 486, for
33 the biennium ending June 30, 2021, no state aid grants shall be made for any new infrastructure
34 projects that would have otherwise been eligible for state aid grants under RSA 486, RSA 486-A, or
35 RSA 149-M, except that infrastructure projects that had local authorization by December 31, 2008
36 to construct, but were not listed in 2013, 144:101, shall continue to be eligible for state aid grants
37 subject to availability of funding. Nothing in this section shall affect the provision of the future
38 water supply land protection grants under RSA 486-A if funding is available for such purposes.

1 129 Judicial Branch; Reimbursement of Sheriff's Office for Court Security. For the biennium
2 ending June 30, 2021, the state shall reimburse the sheriff's office for court security at the rates
3 provided in the collective bargaining agreement applicable to per diem court security officers
4 employed by the judicial branch to attend any official business, for any person employed as a bailiff
5 by the sheriff's office.

6 130 Department of Health and Human Services; Foster Grandparent Program. The
7 reimbursements to the foster grandparent program through the senior volunteer grant program,
8 established in RSA 161-F:40, are hereby suspended for the biennium ending June 30, 2021.

9 131 Treasury Department; Revenue Information Management System Account. Amend RSA
10 21-J:1-b, II to read as follows:

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

17 132 Capital Appropriations. Amend the footnote to 2017, 228:1, XIX to read as follows:

18 *To provide funds for the appropriations made in subparagraph A, the state treasurer is hereby
19 authorized to borrow upon the credit of the state not exceeding the sum of \$24,160,000 and for said
20 purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in
21 accordance with RSA 6-A. Payments of principal and interest on the bonds and notes for the
22 \$6,000,000 state appropriation shall be made from the general fund for fiscal years 2018, 2019,
23 2020, and 2021. Beginning with fiscal year 2022, payments of principal and interest on the bonds
24 and notes for the appropriation of \$24,160,000 shall be made from revenue credited to a revenue
25 information management system account established within RSA 21-J by legislation during the
26 2017 regular legislative session. ~~[If no such dedicated fund for a revenue information management~~
27 ~~system account within RSA 21-J becomes law during the 2017 regular legislative session, the~~
28 ~~appropriation for the project shall be reduced to the \$6,000,000 of state funds authorized in~~
29 ~~subparagraph A with payments of principal and interest on the bonds and notes to be made from~~
30 ~~the general fund]~~ **Notwithstanding the prescribed commencement of principal repayment**
31 **from the revenue information management system replacement account, the repayment of**
32 **principal from the general fund shall total \$6 million, plus interest.**

33 133 Debt Management; Affordable Debt Limit. Amend RSA 6-C:2, I to read as follows:

34 I. The general court shall not authorize any additional net tax supported debt of the state if
35 the projected annual debt service, as certified by the treasurer and filed with the legislative budget
36 assistant, on such additional net tax supported debt, when added to the prior projected and actual
37 annual debt service on any previously authorized net tax supported debt, both issued and unissued,
38 exceeds 10 percent of the unrestricted general fund revenues **less the amount expended on**

1 **adequate education grants**, for the previous fiscal year.

2 134 Department of Natural and Cultural Resources; Forest Lands. Amend RSA 227-G:5, I (b)
3 to read as follows:

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

14 135 New Subparagraph; Governor's Commission on Alcohol and Drug Abuse Prevention,
15 Treatment, and Recovery. Amend RSA 12-J:1, IV by inserting after subparagraph (6) the following
16 new subparagraphs:

17 (7) A representative of the New Hampshire Hospital Association, appointed by the
18 association.

19 (8) A representative from a church or other religious organization, appointed by the
20 governor.

21 136 Reports or Statement; Federal Employment Data Exchange System. Amend RSA 282-
22 A:118, V to read as follows:

23 V. That for the purpose of assessing governmental performance and accountability, the
24 commissioner of the department of employment security may provide information to the Wage
25 Record Interchange System, the Wage Record Interchange System 2, the Federal Employment Data
26 Exchange System, or any other similar system or combination thereof in effect on or before July 1,
27 [~~2018~~] **2020** developed by the U.S. Department of Labor as administered by the U.S. Department of
28 Labor, or its designee, and utilized by each state's Performance Accountability and Customer
29 Information Agency (PACIA). The use of the information shall be limited to the purposes contained
30 in the federal Workforce Innovation and Opportunity Act of 2014 or the Wagner-Peyser Act. The
31 department may only provide aggregate statistical reports to entities participating in federal or
32 state supported workforce training programs and only for purposes of assessment and evaluation of
33 those programs. The department shall require any such qualifying entity to enter into an
34 agreement with the department which sets forth terms and conditions that are consistent with
35 federal and state law prior to being provided any aggregate statistical reports. Information under
36 this paragraph shall only be provided upon a finding by the commissioner that sufficient guarantees
37 of continued confidentiality are in place;

38 137 New Subdivision; The Twin State Voluntary Leave Plan. Amend RSA 21-I by inserting

1 after section 95 the following new subdivision:

2 style="text-align:center">The Twin State Voluntary Leave Plan

3 21-I:96 The Twin State Voluntary Leave Plan. There is hereby established the twin state
4 voluntary leave plan, which shall be implemented in accordance with this subdivision and RSA 282-
5 B.

6 21-I:96-a Purpose and Policy. The purpose of this subdivision is to leverage the purchasing
7 power and economies of scale available to the state when it is acting as purchaser on behalf of state
8 employees in order to make available to other private and public employers in the state, on a
9 voluntary basis, advantageously priced family and medical leave insurance (FMLI) wage
10 replacement benefits. By purchasing FMLI coverage for state employees through the medium of
11 commercial insurance and by acting as premium aggregator for individuals and smaller employers,
12 the state will position itself to create a market for advantageously priced FMLI benefits. In order to
13 derive additional purchasing power and economies of scale above what is available through a single
14 state solution, this subdivision also authorizes the department of administrative services to jointly
15 procure with the Vermont Department of Human Resources an FMLI insurance contract or
16 contracts that provide wage replacement benefits, contingent upon each state enacting
17 appropriately similar authorizing legislation. It is the intent of this subdivision to significantly
18 increase the number of employees in the state who have access to FMLI wage replacement benefits.
19 The social benefits of increasing the rate of FMLI coverage include attracting and retaining
20 workers, including younger workers, to the state; enabling parents to bond with biological, adopted,
21 or foster children; helping to meet the needs of an aging population; advancing the health of the
22 state's workforce and workplace stability; and enhancing worker retention and productivity. Many
23 larger employers provide paid FMLI benefits through self-insurance, but this is not feasible for most
24 mid-sized and smaller businesses. Over 90 percent of New Hampshire and Vermont businesses
25 have fewer than 50 employees and face difficulties associated with providing paid FMLI to their
26 employees. The general court therefore finds that it is in the public interest for the state to
27 strategically use its purchasing power to establish a marketplace in the state for advantageously
28 priced FMLI wage replacement benefits.

29 21-I:96-b Definitions. In this subdivision:

30 I. "Child" has the same meaning as "son or daughter" in 29 U.S.C. section 2611(12).

31 II. "Commissioner" means the commissioner of the department of administrative services.

32 III. "Department" means the department of administrative services.

33 IV. "Family member" means a child, a biological, adoptive, or foster parent, stepparent, or
34 legal guardian of the child or the child's spouse or domestic partner, a biological, adoptive, or foster
35 grandparent or step grandparent, or a spouse or domestic partner under RSA 457.

36 V. "Family and medical leave" means leave from work because of:

37 (a) The birth of a child of the employee, within the past 12 months;

38 (b) The placement of a child with the employee for adoption or fostering within the past

1 12 months;

2 (c) A serious health condition of a family member;

3 (d) A serious health condition of the employee that isn't related to employment; or

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

8 X. "FMLI" means family and medical leave insurance providing wage replacement benefits
9 under specified conditions.

10 XI. "Family and Medical Leave Act" means the federal Family and Medical Leave Act of
11 1993, Public Law 103-3, 29 U.S.C. section 2601 et seq.

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

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

20 21-I:96-c Contracting and Administrative Authority.

21 I. The commissioner may solicit proposals for, negotiate, enter into, and administer group
22 insurance contracts with duly authorized accident and life insurance carriers as necessary and
23 appropriate to provide to qualifying state employees, at state expense and at no cost to such
24 employees, an FMLI plan of wage replacement as described in this subdivision. This authorization
25 is contingent upon the acceptance of this plan through the collective bargaining process by the
26 authorized union representatives of state employees and its inclusion in the collective bargaining
27 agreement.

28 II. The state shall provide to all permanent state employees wage replacement coverage for
29 qualified leave, which shall be available for the same types of leave as protected under the Family
30 and Medical Leave Act. This shall include leave for:

31 (a) The birth of a child and to care for the newborn child within one year of birth;

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

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

36 (d) A serious health condition that makes the employee unable to perform the essential
37 functions of his or her job; or

38 (e) Any qualifying exigency arising out of the fact that the employee's spouse, son,

1 daughter, or parent is a covered military member on covered active duty, or to care for a covered
2 service-member with a serious injury or illness if the eligible employee is the service member's
3 spouse, son, daughter, parent, or next of kin.

4 III. The wage replacement benefits under this FMLI plan shall be structured as follows:

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

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

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

10 IV. The commissioner shall establish, through his or her discretionary authority in
11 administering the request for information and the request for proposals process, the following
12 additional elements of the benefit structure consistent with the purposes and policy of this
13 subdivision:

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

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

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

21 21-I:96-d State Employee Coverage Linked to Coverage Offerings for Other Employers. The
22 commissioner shall include in the request for proposals for FMLI benefits for state employees a
23 requirement that the winning bidder or bidders shall, as a condition of the state contract, also offer
24 the same FMLI plan to private employers and other public employers and individual employees on
25 the following terms:

26 I. Employers with 100 percent employee enrollment shall receive the state rate. In order to
27 make the state rate available to other private and public employers, a carrier must offer the same
28 FMLI coverage for a rate that is based on the same percentage of wages used for the state employee
29 group which is then applied to the non-state group using the wages of each participating employee
30 in that group.

31 II. Employers with 20 employees or more shall contract directly with the winning bidder or
32 bidders.

33 III. Employers with fewer than 20 employees shall contract indirectly with the winning
34 bidder or bidders through the purchasing pool for family and medical leave insurance authorized
35 under RSA 282-B and administered by the department of employment security.

36 IV. Employers that have less than 100 percent employee enrollment but more than any
37 required minimum participation rate shall receive a scaled rate approved by the commissioner
38 based on their participation rate, provided however, that this factor shall in no case exceed the state

1 rate by a ratio of 1.25 to 1.

2 V. Individuals who work for employers who choose not to offer FMLI coverage under this
3 subdivision or who fail to meet minimum participation requirements and who do not offer an FMLI
4 benefit that is at least equivalent to the twin state voluntary leave plan shall have the opportunity
5 to contract indirectly with the winning bidder or bidders through the purchasing pool for family and
6 medical leave insurance authorized under RSA 282-B and administered by the department of
7 employment security. A community rate shall be established for this group which shall not be
8 limited in the amount by which it can exceed the state rate. Rates for individuals in this group may
9 vary from the community rate based only on the existence of overlapping benefits such as disability
10 insurance or an employer's leave policy.

11 VI. The commissioner shall establish, through the commissioner's discretionary authority
12 in administering the request for information and the request for proposals process, the following
13 additional elements of the benefit structure and plan administration specifically for employees of
14 non-state employers consistent with the purposes and policy of this subdivision:

15 (a) The minimum participation requirement, if any, provided however, that in no event
16 shall the minimum participation requirement exceed 50 percent.

17 (b) The parameters for open enrollment periods.

18 (c) Procedures for contributory plans, partially contributory plans, and non-contributory
19 plans.

20 (d) Procedures for payroll deduction and premium remittance.

21 21-I:96-e Conditions of Non-State Employer Participation. Participation in the plan by non-
22 state employers shall be voluntary. In addition, non-state employers may choose to provide FMLI
23 at no cost to their employees or on a contributory or partially contributory basis.

24 21-I:96-f Twin State Voluntary Leave Plan Joint Procurement Process. The commissioner may
25 enter into an interstate compact whereby the department will jointly procure with the Vermont
26 Department of Human Resources an FMLI insurance contract or contracts conforming to this
27 subdivision, provided that each state enact appropriately similar authorizing legislation. It is the
28 intent of this subdivision that the authority to enter into a compact and to engage in a joint
29 procurement process herein delegated to the department and the Vermont Department of Human
30 Resources shall constitute an exercise of governing authority that is within those powers reserved
31 to the states under the federal constitution and shall not operate in any way as an infringement on
32 federal authority or on the authority of any other state, nor, for this reason, shall the compact
33 require congressional approval. The commissioner and the Vermont Department of Human
34 Resources shall enter into a memorandum of agreement setting out the governing principles that
35 apply to the 2 agencies and the 2 states and providing the terms and conditions for the joint
36 procurement process. The memorandum of agreement shall be approved by the governor and
37 council and the joint fiscal committee prior to implementation. Under this agreement, the
38 commissioner may issue a joint request for proposals with the Vermont Department of Human

1 Resources to secure FMLI coverage for all eligible employees of the states of New Hampshire and
2 Vermont and to make advantageously priced coverage available to all other private and public
3 employers in the twin states as provided in this subdivision and in the Vermont enabling legislation
4 subject to all of the requirements contained herein and therein. The department and the Vermont
5 Department of Human Resources shall jointly evaluate the proposals received in response to the
6 request for proposals and jointly contract with an insurance carrier or carriers to provide FMLI
7 coverage. The contract with the winning bidder or bidders shall be subject to governor and council
8 approval. The selected insurance carriers shall be licensed by the states of New Hampshire and
9 Vermont and in good standing in both states. The selected insurance carriers shall be subject to all
10 applicable insurance laws and regulations of the states of New Hampshire and Vermont, and the
11 rates and forms for the FMLI contracts shall be filed for approval with the insurance commissioners
12 of both states. If the Vermont legislature does not enact appropriately similar authorizing
13 legislation, then the commissioner shall proceed under this subdivision on a single state basis.

14 21-I:96-g Family and Medical Leave Insurance Advisory Board. There is hereby established
15 the family and medical leave insurance advisory board within the department which shall
16 hereinafter be called the FMLI advisory board. The FMLI advisory board shall consist of 9
17 members to be appointed, with the exception of the legislative members, by the governor. Three of
18 the appointees of the advisory board shall be persons who, because of their vocations, employment,
19 or affiliations, shall represent employers; 3 shall be persons who, because of their vocations,
20 employment, or affiliations, shall represent employees; one shall be a senator appointed by the
21 senate president; one shall be a representative appointed by the speaker of the house of
22 representatives; the remaining appointee, who shall be the chairman, shall be a person whose
23 training and experience qualify such person to deal with FMLI procurement, eligibility, benefit
24 design, and program administration. The advisory board shall meet no later than 45 days after
25 each calendar quarter and shall aid the commissioner in formulating policies and discussing
26 problems related to the implementation and administration of this subdivision and RSA 282-B and
27 in assuring impartiality and freedom from political influence. Advisory board meetings shall
28 provide opportunity for public comment.

29 21-I:96-h Report and Outreach.

30 I. Working in coordination with the commissioner of administrative services as provided in
31 RSA 282-B:5, I, the department shall jointly produce, on an annual basis, a summary report on the
32 twin state voluntary leave plan. This report shall be made public and submitted to the governor,
33 the senate president, and the speaker of the house of representatives. It shall include but not be
34 limited to, a description of progress in carrying out the processes under this subdivision, progress in
35 improving the rate of FMLI coverage of employees in the state, and recommendations for more fully
36 achieving the purposes and policy goals of this subdivision.

37 II. Working in coordination with the department of employment security as provided in
38 RSA 282-B:5, II, the department shall develop and implement an outreach program to ensure that

1 employers who may benefit from sponsoring FMLI coverage for their employees and individuals
2 who may be eligible to receive FMLI coverage under this subdivision are made aware of this
3 program. Outreach information shall explain in an easy to understand format, eligibility
4 requirements, benefit structures, and the process for accessing coverage and enrolling individuals.

5 21-I:96-i Rulemaking. The commissioner may adopt rules, pursuant to RSA 541-A, as deemed
6 necessary for the implementation of this chapter.

7 21-I:96-j Program Start-up. The request for proposals for FMLI coverage as described in this
8 subdivision shall be issued no later than September 30, 2019. The FMLI coverage as described in
9 this subdivision shall be in place for state government employees and available for purchase by
10 other public and private employers and individuals by July 1, 2020.

11 138 Exemption from State Premium Tax. Amend RSA 400-A:34 I to read as follows:

12 I.(a) The provisions of RSA 400-A:31 and 32 shall not apply to mutual insurance companies
13 that operate on an assessment plan and require as a condition for granting insurance the signing of
14 a premium deposit note by the insured, which note is given for the purpose of establishing a limit of
15 liability to assessment, while their total receipts from policyholders is less than \$10,000 per year.

16 ***(b) The provisions of RSA 400-A:31 and RSA 400-A:32 shall not apply to***
17 ***premiums written by duly authorized insurance companies for family and medical leave***
18 ***insurance written in connection with the administration of RSA 21-I:96 or RSA 282-B.***

19 139 New Chapter; Purchasing Pool for Family and Medical Leave Insurance. Amend RSA by
20 inserting after chapter 282-A the following new chapter:

21 CHAPTER 282-B

22 PURCHASING POOL FOR FAMILY AND MEDICAL LEAVE INSURANCE

23 282-B:1 Purpose. The purpose of this chapter is to establish a group purchasing mechanism
24 whereby employers with fewer than 20 employees and individuals who work for employers who do
25 not offer either family and medical leave insurance (FMLI) coverage under the twin state voluntary
26 leave plan as authorized under RSA 21-I:96 or an FMLI benefit that is at least equivalent to such
27 coverage will have the opportunity to purchase twin state voluntary leave plan coverage through a
28 mechanism established by the state in conjunction with the state government employee FMLI plan.

29 282-B:2 Definitions. In this chapter:

30 I. "Child" has the same meaning as "son or daughter" in 29 U.S.C. section 2611(12).

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

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

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

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

37 VI. "Family member" means a child, a biological, adoptive or foster parent, stepparent, or
38 legal guardian of the child or the child's spouse or domestic partner, a biological, adoptive, or foster

1 grandparent or step grandparent, or a spouse or domestic partner under RSA 457.

2 VII. "Family and medical leave" means leave from work because of:

3 (a) The birth of a child of the employee, within the past 12 months;

4 (b) The placement of a child with the employee for adoption or fostering within the past
5 12 months;

6 (c) A serious health condition of a family member;

7 (d) A serious health condition of the employee that isn't related to employment; or

8 (e) Any qualifying exigency arising from foreign deployment with the armed forces, or
9 to care for a service member with a serious injury or illness as permitted under the Federal Family
10 and Medical Leave Act, 29 U.S.C. section 2612(a)(1)(E) and 29 C.F.R. section 825.126(a)(1) through
11 (8), as they existed on October 19, 2017, for family members as defined in paragraph VIII.

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

14 IX. "Family and Medical Leave Act" means the federal Family and Medical Leave Act of
15 1993, Public Law 103-3 (29 U.S.C. section 2601 et seq.).

16 X. "Serious health condition" means any illness covered by the federal family and medical
17 leave act including treatment for addiction as prescribed by a treating clinician, consistent with
18 American Society of Addiction Medicine criteria, as well as treatment for a mental health condition,
19 consistent with American Psychiatric Association criteria.

20 282-B:3 Employer and Employee Rights and Responsibilities.

21 I. Individuals who are employed by private employers who do not to offer either FMLI
22 coverage under the twin state voluntary leave plan as authorized under RSA 21-I:96 or an FMLI
23 benefit that is at least equivalent to such coverage will have the opportunity to purchase twin state
24 voluntary leave plan coverage through payroll deduction whereby premiums are paid into an FMLI
25 premium fund administered by the department as provided in this chapter and established in
26 coordination with the commissioner of administrative services acting pursuant to RSA 21-I:96.

27 II. Employers with fewer than 20 employees who wish to purchase FMLI coverage through
28 the twin state voluntary leave plan shall have the opportunity to purchase such coverage by making
29 premium remittances into an FMLI premium fund administered by the department as provided in
30 this chapter and established in coordination with the commissioner of administrative services acting
31 pursuant to RSA 21-I:96.

32 III. Individuals opting into this group purchasing mechanism shall be required to make
33 their premium remittances to the department in a manner as directed by the commissioner. All
34 private employers who have employees who have individually opted into this group purchasing
35 mechanism or who have, as an employer with fewer than 20 employees, opted into the mechanism
36 shall remit FMLI premium payments to the department in a manner as directed by the
37 commissioner.

38 282-B:4 FMLI Premium Fund Administration. The department shall create and administer an

1 FMLI premium fund for deposits of insurance premium payments paid pursuant to RSA 282-B:3
2 and for remittance of such premiums to the FMLI carrier or carriers participating in the twin state
3 voluntary leave plan. The department shall develop standard enrollment procedures in
4 coordination with participating carriers and shall transmit enrollment and eligibility information to
5 such carriers on a timely basis. The department shall establish procedures and mechanisms for the
6 billing and collection of premiums from employers. The department shall specify in contracts with
7 participating carriers how all premiums shall be transmitted and the frequency of that transmission
8 and how penalties and grace periods on late payments of premiums shall be calculated. The
9 department is authorized to contract with qualified, independent vendors for the services necessary
10 to carry out some or all of the duties under this paragraph.

11 282-B:5 Report and Outreach.

12 I. Working in coordination with the commissioner of administrative services as provided in
13 RSA 21-I:96-h, I, the department shall produce, on an annual basis, a summary report on the twin
14 state voluntary leave plan. This report shall be made public and submitted to the governor, senate
15 president, and speaker of the house of representatives. It shall include but not be limited to, a
16 description of progress in implementing the provisions of this chapter, payments into and out of the
17 fund, the number of employees in the state participating in the purchasing mechanism, and
18 recommendations for improvement of the program and for further increasing the rate at which New
19 Hampshire employees have FMLI coverage.

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

26 282-B:6 Rulemaking. The commissioner may adopt rules, pursuant to RSA 541-A, as deemed
27 necessary for the implementation of this chapter.

28 282-B:7 Program Start-up. The FMLI premium fund shall be operational and available for use
29 by individuals, the self-employed, and qualifying employers on a timetable that is sufficient to
30 ensure that FMLI coverage shall be available for purchase by July 1, 2020.

31 140 New Section; Discrimination in the Workplace. Amend RSA 275:37 by inserting after
32 section 37-b the following new section:

33 275:37-c Family and Medical Leave Insurance. If an employer has 20 or more employees and
34 sponsors family and medical leave insurance pursuant to RSA 21-I:96, then any employee of that
35 employer who takes family or medical leave and accesses wage replacement benefits under such
36 family and medical leave insurance coverage shall be restored to the position she or he held prior to
37 such leave or to an equivalent position by her or his employer consistent with the job restoration
38 provisions of the federal Family and Medical Leave Act of 1993, Public Law 103-3, 29 U.S.C. section

1 2601 et seq. Such employers shall continue to provide health insurance to employees during the
2 leave. However, employees shall remain responsible for any employee-shared costs associated with
3 the health insurance benefits. Such employers shall not discriminate or retaliate against any
4 employee for accessing family or medical leave wage replacement benefits. However, employers of
5 employees participating in the twin state voluntary leave plan authorized under RSA 21-I:96 or
6 RSA 282-B may require that paid leave taken under this program be taken concurrently or
7 otherwise coordinated with leave allowed under the terms of a collective bargaining agreement or
8 other established employer policy or the Family and Medical Leave Act, as applicable.

9 141 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after
10 subparagraph 343 the following new subparagraph:

11 (344) Moneys deposited in the family and medical leave premium fund established
12 in RSA 282-B:4.

13 142 Multiple-Employer Welfare Arrangements; Definitions. RSA 415-E:1 is repealed and
14 reenacted to read as follows:

15 415-E:1 Definitions. In this chapter:

16 I. "Bona fide association" means a bona fide pathway I association or a bona fide pathway II
17 association.

18 II. "Bona fide pathway I association" means a group or association that satisfies the pre-
19 existing criteria used by the United States Department of Labor to determine whether a group or
20 association is an employer for purposes of 29 U.S.C. section 1002(5).

21 III. "Bona fide pathway II association" means a group or association that meets the
22 requirements of 29 C.F.R. section 2510.3-5(b).

23 IV. "Commissioner" means the insurance commissioner of the state of New Hampshire.

24 V. "Employee welfare benefit plan" has the same meaning as in 29 U.S.C. section 1002(1).

25 VI. "Fully insured health benefit plan" means a policy, contract, certificate, or agreement to
26 provide, deliver, arrange for, pay for, or reimburse any of the costs of health services, that is offered
27 or issued to bona fide pathway II association by a health insurer licensed to do business in New
28 Hampshire and that bears the risk under the plan.

29 VII. "Fund balance" means the total assets in excess of total liabilities, except that assets
30 pledged to secure debts not reflected on the books of the multiple-employer welfare arrangement
31 shall not be included in the fund balance. Fund balance shall include other contributed capital,
32 retained earnings, and surplus notes.

33 VIII. "Insolvency termination" means the termination of an arrangement where the fund
34 balance as of the termination date is inadequate.

35 IX. "Insurer" means any insurer, nonprofit hospital or medical service corporation, health
36 maintenance organization, or managed care organization, including but not limited to an insurer
37 offering health coverage as defined in RSA 420-G:2, IX.

38 X. "Multiple-employer welfare arrangement (MEWA)" or "association" means an employee

1 welfare benefit plan or any other arrangement which is established or maintained for the purpose of
2 offering or providing health benefits to the employees of 2 or more employers, or to their
3 beneficiaries, and shall include a MEWA as defined in the Employee Retirement Income Security
4 Act of 1974, 29 U.S.C. section 1001 et seq. (ERISA). This shall include plans established by any
5 political subdivision of the state or religious organization, but shall not include any plan or
6 arrangement established or maintained under or pursuant to one or more agreements deemed
7 collective bargaining agreements under section 3(40)(A)(i) of (ERISA). For the purposes of this
8 chapter, 2 or more trades or businesses, whether or not incorporated, shall be deemed a single
9 employer if such trades or businesses are under common ownership or within the same control
10 group as defined under section 3(40)(B) of ERISA.

11 XI. "Pre-existing criteria" means the criteria established by the United State Department of
12 Labor prior to the adoption of 29 C.F.R. section 2510.3-5, including the Department's publication
13 entitled "MEWAS, Multiple Employer Welfare Arrangements under the Employee Retirement
14 Income Security Act (ERISA): A Guide to Federal and State Regulation, revised August 2013" and
15 published in United State Department of Labor ERISA Advisory Opinion Letters.

16 143 New Sections; Multiple-Employer Welfare Arrangements. Amend RSA 415-E by inserting
17 after section 1 the following new sections:

18 415-E:1-a Bona Fide Pathway II Association Coverage; Purpose.

19 I. Bona fide pathway association II coverage as set forth in the United States Department of
20 Labor's June 21, 2018 amendment to 29 C.F.R. section 2510, 83 Fed. Reg. 28,961 (codified at 29
21 C.F.R., section 2510.3-5) shall be permissible in New Hampshire provided it conforms with the 2019
22 amendments to Title XXXVII concerning this coverage.

23 II. The purpose of this 2019 amendment is to protect New Hampshire consumers and
24 promote the stability of New Hampshire's health insurance markets, to the extent permitted under
25 federal law, including requirements regarding licensure, solvency, reserving, and rating, and the
26 mitigation of adverse selection against the individual and small group markets.

27 415-E:1-b Fully-Insured MEWA and Association Coverage.

28 I. No insurer shall issue a fully-insured health benefit plan to an association or MEWA with
29 covered lives in New Hampshire, unless both the plan and the association or MEWA meet the
30 requirements of this chapter with respect to bona fide pathway associations. A fully-insured
31 association or MEWA that meets all requirements of RSA 420-M shall not be subject to the financial
32 solvency requirements of this chapter.

33 II. An insurer may issue a fully insured health benefit plan that conforms with the
34 requirements of this chapter with respect to bona fide pathway II associations to a qualified
35 purchasing alliance certified under RSA 420-M:13, III, subject to compliance with all applicable
36 requirements of this chapter with respect to such associations and the coverage that may be issued
37 to them.

38 415-E:1-c Benefit Requirements for Bona Fide Pathway II Association Coverage.

1 I. Each health benefit plan offered to or by a bona fide pathway II association, whether on a
2 fully insured or self-funded basis, shall, at a minimum, provide the following benefits:

3 (a) Coverage for each of the 10 essential health benefits as defined in 42 U.S.C. section
4 18022(b)(1), either in conformance with the New Hampshire benchmark plan or, subject to approval
5 of the commissioner, based on a showing of actuarial value equivalence to the New Hampshire
6 benchmark, except that pediatric dental and vision coverage may be offered to the association in
7 either a stand-alone dental or vision plan or as a benefit embedded in the health benefit plan;

8 (b) Cost sharing requirements of 42 U.S.C. section 18022(c)(1), and (c)(3);

9 (c) Lifetime and annual limits as prescribed in 29 C.F.R. section 2590.715-2711;

10 (d) A level of coverage equal to or greater than that designed to provide benefits that
11 are actuarially equivalent to 60 percent of the full actuarial value of the benefits provided under the
12 plan; and

13 (e) All other benefits required to comply with applicable federal laws and regulations.

14 II. Every health benefit plan offered by any bona fide pathway association offering coverage
15 on a self-funded basis, or by any insurer offering a fully insured plan to a bona fide pathway
16 association shall comply with the following:

17 (a) Except as otherwise specifically provided herein, all requirements of RSA 420-G,
18 including claims data and other reporting requirements;

19 (b) Requirements contained in RSA 420-J, and any rules adopted thereunder by the
20 commissioner, including but not limited to network adequacy, balance billing protections, and
21 appeal and grievance processes;

22 (c) Payment of premium tax as provided in RSA 400-A:31-35 and administrative
23 assessment under RSA 400-A:39;

24 (d) Requirements pertaining to examinations under RSA 400-A:37;

25 (e) Requirements pertaining to unfair insurance trade practices under RSA 417;

26 (f) Vaccine association assessment under RSA 126-Q; and

27 (g) Individual market assessment under RSA 404-G.

28 III. No health benefit plan or related policy, contract, certificate, or agreement offered or
29 issued in this state to a bona fide association may reserve discretion to the insurer or sponsoring
30 association to interpret the terms of the contract or to provide standards of interpretation or review
31 that are inconsistent with the laws of this state. Any such policy, contract, certificate, or agreement
32 shall be null and void to the extent it conflicts with this section.

33 IV. A bona fide pathway association shall not offer, and an insurer shall not deliver or issue
34 for delivery to a bona fide pathway II association, a health benefit plan covering lives located in this
35 state that contains an exclusion or limitation for pre-existing conditions or a waiting period on the
36 coverage of pre-existing conditions.

37 415-E:1-d Rating Requirements for Bona Fide Pathway II Association Coverage.

38 I. Any bona fide pathway II association, or any insurer contracting with a bona fide

1 pathway II association to provide a health benefit plan, shall comply with all requirements of RSA
2 420-G, except that, for a bona fide pathway II association with 250 or more New Hampshire covered
3 lives, small group rating standards under RSA 420-G shall not apply, regardless of the size of the
4 member employer groups, and the association as a whole may be rated as a single risk pool.

5 II. Coverage for a bona fide pathway II association with 250 or more New Hampshire
6 covered lives may be rated as a single large group in accordance with all standards applicable to
7 large employer groups under RSA 420-G. The following additional requirements shall apply to such
8 coverage:

9 (a) All premium rates charged shall be guaranteed for a rating period of at least 12
10 months, and shall not be changed for any reason, including, but not limited to, a change in the
11 group's case characteristics.

12 (b) The association may vary rates among member small employers, including
13 participating self-employed New Hampshire members, as follows:

14 (1) Variation associated with age shall not exceed 5:1.

15 (2) Variation associated with tobacco use shall not exceed 1.5 to 1.

16 (3) No other variation shall be permitted.

17 (c) The same rating methodology shall apply to newly covered member employer groups
18 and employee members renewing at each annual renewal date or anniversary date. The rating
19 methodology shall not be construed to include health carrier incentives to individual subscribers or
20 members to participate in wellness and fitness programs provided such incentives are approved by
21 the insurance department.

22 415-E:1-e Nondiscrimination Requirements for Bona Fide Pathway II Association Coverage.
23 Bona fide pathway II association coverage shall comply with the following:

24 I. The group or association shall not condition employer membership in the group or
25 association on any health factor of any individual who is or may become eligible to participate in the
26 group health plan sponsored by the group or association.

27 II. The group health plan sponsored by the group or association shall comply with 29 C.F.R.
28 section 2590.702(b) with respect to nondiscrimination in rules for eligibility of benefits.

29 III. The group health plan sponsored by the group or association shall comply with 29
30 C.F.R. section 2590.702(c) with respect to nondiscrimination in premiums or contributions required
31 by any participant or beneficiary for coverage under the plan.

32 IV. In applying the nondiscrimination provisions of paragraphs II and III, the group or
33 association shall not treat the employees of different employer members of the group or association
34 as distinct groups of similarly-situated individuals based on a health factor of one or more
35 individuals.

36 415-E:1-f Movement from Bona Fide Pathway II Association Coverage to Small Group
37 Coverage. A small employer that leaves the small group market for bona fide pathway II
38 association coverage shall not be permitted to return to small group coverage for a period of 24

1 months following the departure from such coverage, nor shall an insurer be required to issue small
2 group coverage to such a group.

3 144 Multiple-Employer Welfare Arrangements; Applicability; General Eligibility. Amend RSA
4 415-E:2 and 415-E:3 to read as follows:

5 415-E:2 Applicability.

6 I. No person shall~~[, after April 1, 1992,]~~ operate a multiple-employer welfare arrangement
7 unless such arrangement is approved by the commissioner. ~~[No person shall, after April 1, 1992,
8 operate a multiple-employer welfare arrangement in existence prior to April 1, 1992, unless such
9 arrangement has submitted for approval in compliance with RSA 415-E:4, or otherwise meets the
10 special requirements of paragraph III of this section.]~~ ***A foreign or domestic MEWA or
11 association shall be subject to the jurisdiction of this state if it provides a health benefit
12 plan that covers the employees of at least one employer that maintains a work location in
13 New Hampshire, which is the primary workplace of at least one New Hampshire resident,
14 including any self-employed New Hampshire resident who is qualified to enroll in the
15 plan.***

16 II. This chapter shall not apply to a multiple-employer welfare arrangement which offers or
17 provides benefits ~~[which are fully insured by an authorized insurer or]~~ under the provisions of RSA
18 5-B. ***For benefits that are fully insured by an authorized insurer and that are sponsored
19 by a bona fide association, the only provisions of this chapter that shall be applicable are
20 RSA 415-E:1, RSA 415-E:1-a - RSA 415-E:1-f, RSA 415-E:2, and RSA 415-E:3.***

21 III. RSA 415-E:4, RSA 415-E:8, RSA 415-E:9, III, and RSA 415-E:11 shall not apply to a
22 multiple-employer welfare arrangement which:

23 (a) Meets the general eligibility requirements of RSA 415-E:3, I ***or I-a***~~;~~.

24 (b) Is administered primarily from a principal place of business located within the state
25 of New Hampshire~~;~~.

26 (c) Has provided employee health benefits for a continuous period of 10 or more years~~;~~.

27 ~~[(d) Maintains a termination liability fund wherein the fund balance plus the total
28 liabilities of the multiple-employer welfare arrangement shall at no time, for a consecutive 90-day
29 period, be less than 40 percent of the aggregate amount of premiums billed during the 6 prior
30 months. For purposes of this subparagraph, that surety amount, if any, deposited with the
31 commissioner pursuant to RSA 415-E:7, I, may be credited as a fund balance asset toward the
32 termination liability fund amount required under this chapter; and~~

33 ~~(e) Files with the commissioner, not later than 4 months following the end of each fiscal
34 year, a report on the financial status of the termination liability fund, which report is filed under
35 oath by a member of its board of trustees, or by an administrative executive duly appointed by the
36 board, and further certified to by an independent certified public accountant with a place of
37 business located within the state of New Hampshire.~~

38 IV. ~~In the event a multiple-employer welfare arrangement does not satisfy the~~

1 ~~requirements of paragraph III, the arrangement shall within 60 days file with the commissioner an~~
2 ~~application for approval under RSA 415-E:4, and shall be subject to all provisions of this chapter~~
3 ~~until such time as the requirements of paragraph III are satisfied.]~~

4 415-E:3 General Eligibility.

5 I. ***Except as provided in paragraph I-a***, to meet the requirements for approval and to
6 maintain a multiple-employer welfare arrangement, an arrangement shall be:

7 (a) Nonprofit.

8 (b) Established by a trade association, industry association, political subdivision of the
9 state, religious organization, or professional association of employers or professionals which has a
10 constitution or bylaws and which has been organized and maintained in good faith for a continuous
11 period of one year for purposes other than that of obtaining or providing insurance.

12 (c) Operated pursuant to a trust agreement by a board of trustees which shall have
13 complete fiscal control over the arrangement and which shall be responsible for all operations of the
14 arrangement. The trustees selected shall be owners, partners, officers, directors, or employees of
15 one or more employers in the arrangement. A trustee may not be an owner, officer, or employee of
16 the administrator or service company of the arrangement. The trustees shall have the authority to
17 approve applications of association members for participation in the arrangement and to contract
18 with an authorized administrator or service company to administer the day-to-day affairs of the
19 arrangement.

20 (d) Neither offered nor advertised to the public generally.

21 (e) Operated in accordance with sound actuarial principles.

22 ***I-a. For a bona fide pathway II association, an arrangement shall not be required***
23 ***to meet the requirements under subparagraph I(a) or (b) if it complies with the following:***

24 (a) ***The group or association has a formal organizational structure with a***
25 ***governing body, bylaws, and other similar indications of formality, and complies with***
26 ***subparagraph I(c) and with all other organizational requirements under this chapter***
27 ***and under RSA 420-M if the association offers fully insured coverage.***

28 (b) ***The functions and activities of the group or association are controlled by its***
29 ***employer members, and the group's or association's employer members that participate in***
30 ***the group health plan control the plan, both in form and in substance.***

31 (c) ***The employer members have a commonality of interest, such that one or***
32 ***both of the following standards are met, in a manner that is not a subterfuge for***
33 ***discrimination as prohibited under RSA 415-E:1-e:***

34 (1) ***The employers are in the same trade, industry, line of business or***
35 ***profession; or***

36 (2) ***Each employer has a principal place of business in the same region.***

37 (d) ***The group or association operating the arrangement has at least one***
38 ***substantial business purpose unrelated to offering and providing health coverage or other***

1 *employee benefits to its employer members and their employees.*

2 *(e) Each employer member of the group or association participating in the*
3 *group health plan is a person acting directly as an employer of at least one employee who*
4 *is a participant covered under the plan.*

5 *(f) The group or association does not make health coverage through the group's*
6 *or association's group health plan available other than to:*

7 *(1) An employee of a current employer member of the group or association;*
8 *and*

9 *(2) A beneficiary of an individual eligible under (f)(1).*

10 *(g) The group or association is not a health insurance issuer, or owned or*
11 *controlled by a health insurance issuer, or by a subsidiary or affiliate of a health*
12 *insurance issuer, other than to the extent such entities participate in the group or*
13 *association in their capacity as employer members of the group or association.*

14 II. *If the plan is being offered on a self-funded basis,* the arrangement shall issue to
15 each covered employee a policy contract, certificate, summary plan description, or other evidence of
16 the benefits and coverages provided. This evidence of the benefits and coverages provided shall
17 contain in boldfaced print in a conspicuous location, the following statement: "The benefits and
18 coverages described herein are provided through a trust fund established and funded by a group of
19 employers." [~~Arrangements in existence prior to January 1, 1992, that have previously issued~~
20 ~~benefit descriptions to employees may meet the disclosure requirements under this chapter by~~
21 ~~issuing to each employee such additional written material necessary to meet the requirements of~~
22 ~~this paragraph.~~]

23 II-a. Each arrangement shall provide to each covered employee, on request, a written
24 statement of the dollar amount of allowable benefit for any procedure which is requested by the
25 appropriate procedure code.

26 [~~II-b. No arrangement shall extend preexisting condition exclusions beyond a period of 9~~
27 ~~consecutive months after the date of enrollment of the person's health coverage.~~]

28 III. Each *self-funded* arrangement shall maintain specific excess insurance with a
29 retention level determined in accordance with sound actuarial principles and approved by the
30 commissioner.

31 IV. Each *self-funded* arrangement shall establish and maintain appropriate loss reserves
32 determined in accordance with sound actuarial principles [~~and~~] *and sections 419 and 419-A of*
33 *the Internal Revenue Code of 1986, as amended, which shall be* approved by the
34 commissioner.

35 V. The commissioner shall not grant or continue approval until such time as the
36 arrangement replaces any trustee found by the commissioner, upon the presentation of sufficient
37 evidence:

38 (a) To be incompetent;

1 (b) To be guilty of, or to have pled guilty or no contest to a felony, or a crime involving
2 moral turpitude;

3 (c) To have had any type of insurance license revoked in this or any other state;

4 (d) To have improperly manipulated assets, accounts, or specific excess insurance or to
5 have otherwise acted in bad faith.

6 VI. To qualify for and retain approval to transact business, an arrangement shall make all
7 contracts with administrators or service companies available for inspection by the department
8 initially, and thereafter upon reasonable notice.

9 VII. Failure to maintain compliance with applicable eligibility or filing requirements
10 established by this section shall be grounds for suspension or revocation of approval of an
11 arrangement, provided, however, that such arrangement shall have 60 days after notification by the
12 commissioner to take such action necessary to correct the deficiency.

13 145 Multiple-Employer Welfare Arrangements; Termination Liability Fund. RSA 415-E:5 is
14 repealed and reenacted to read as follows:

15 415-E:5 Termination Liability Fund.

16 I. Each self-funded multiple-employer welfare arrangement shall maintain a termination
17 liability fund wherein the fund balance of the multiple-employer welfare arrangement shall at no
18 time, for a consecutive 90-day period, be less than 40 percent of the aggregate amount of premiums
19 billed during the 6 prior months; provided, however, that the commissioner may permit the
20 arrangement to reduce the amount of the terminal liability fund in the event that full compliance
21 with this section, when combined with the reserve requirements stated in RSA 415-E:3, IV and the
22 insolvency protection deposits described in RSA 415-E:7, I, would cause the arrangement to exceed
23 the amounts permitted under section 419 or 419A of the Internal Revenue Code of 1986, as
24 amended. For purposes of this paragraph, that surety amount, if any, deposited with the
25 commissioner pursuant to RSA 415-E:7, I, may be credited as a fund balance asset toward the
26 termination liability fund amount required under this chapter.

27 II. Each self-funded multiple-employer welfare arrangement shall file with the
28 commissioner, not later than 4 months following the end of each fiscal year, a report on the
29 financial status of the termination liability fund, which report is filed under oath by a member of its
30 board of trustees, or by an administrative executive duly appointed by the board, and further
31 certified to by an independent certified public accountant with a place of business located within the
32 state of New Hampshire.

33 146 Multiple-Employer Welfare Arrangements; Financial Condition, Loss Reserves,
34 Reinsurance, or Working Capital; Determination of Inadequacy. Amend RSA 415-E:6, I to read as
35 follows:

36 I. The commissioner may, upon reasonable notice, conduct an examination of the loss
37 reserves, financial condition, specific excess insurance, and working capital of a multiple-employer
38 welfare arrangement *the costs of which shall be borne by the arrangement*. If the

1 commissioner preliminarily finds that the reserves, specific excess insurance, or financial condition
2 may be inadequate, or that the arrangement does not have a combined working capital in an
3 amount establishing the financial strength and liquidity of the arrangement to pay claims promptly
4 and showing evidence of the financial ability of the arrangement to meet its obligations to covered
5 employees, the commissioner shall notify the arrangement of such inadequacy. Upon being so
6 notified, the arrangement shall within 30 days file with the commissioner all information which, in
7 the belief of the arrangement, proves the reasonableness and adequacy of the condition noted as
8 being inadequate.

9 147 Multiple-Employer Welfare Arrangements; Insolvency Protection. Amend RSA 415-E:7, I
10 to read as follows:

11 I. To assure the faithful performance of its obligations to its member employers and covered
12 employees and their dependents, every arrangement shall, within 30 days after the close of the
13 arrangement's fiscal year, deposit with the commissioner cash, securities, or any combination of
14 these or other measures acceptable to the commissioner, in an amount equal to ***\$500,000 or 25***
15 ***percent of the preceding 12 months' health care claims expenditures [or 5 percent of gross annual***
16 ***premiums for the succeeding year]***, whichever is greater~~;~~ ~~however, in no case shall the amount of~~
17 ~~the deposit exceed \$100,000]; ***provided, however, that the commissioner may permit the***~~
18 ***arrangement to reduce the amount of the terminal liability fund in the event that full***
19 ***compliance with this section, when combined with the reserve requirements stated in RSA***
20 ***415-E:3, IV and the insolvency protection deposits described in this paragraph, would***
21 ***cause the arrangement to exceed the amounts permitted under section 419 or 419A of the***
22 ***Internal Revenue Code of 1986, as amended.*** All income from deposits shall belong to the
23 depositing arrangement and shall be paid to it as it becomes available. An arrangement that has
24 made a securities deposit may withdraw that deposit, or any part of such deposit, after making a
25 substitute deposit of cash, securities, or any combination of these or other measures of equal
26 amount and value, upon approval by the commissioner. No judgment creditor or other claimant of a
27 multiple-employer welfare association shall have the right to levy upon any of the assets or
28 securities held in this state as a deposit under this section.

29 148 Maintenance of Records. Amend RSA 415-E:12 to read as follows:

30 415-E:12 ~~[Place of Business;]~~ Maintenance of Records. Each arrangement shall ~~[have and~~
31 ~~maintain its principal place of business in this state and shall]~~ make available to the commissioner
32 complete records of its assets, transactions, and affairs in accordance with such methods and
33 systems as are customary for, or suitable to, the kind or kinds of business transacted.

34 149 Multiple-Employer Welfare Arrangements; Rehabilitation; Dissolution. Amend RSA 415-
35 E:15 to read as follows:

36 415-E:15 Rehabilitation, Dissolution. Any rehabilitation, liquidation, conservation,
37 ***supervision***, or dissolution of a multiple-employer welfare arrangement shall be conducted under
38 the supervision of the commissioner, who shall have all power with respect thereto granted to it

1 under the laws governing the rehabilitation, liquidation, conservation, **supervision**, or dissolution
2 of insurers.

3 150 Multiple-Employer Welfare Arrangements; Rulemaking. Amend RSA 415-E:16 to read as
4 follows:

5 415-E:16 Rulemaking. The commissioner may adopt such rules, pursuant to RSA 541-A, as [he
6 ~~deems~~] **are** reasonable and necessary in order to carry out properly the functions and
7 responsibilities assigned the insurance department under [the laws of the state. This rulemaking
8 authority shall expire on January 1, 1993, at which time this section, unless replaced by a later
9 legislative enactment, shall be deemed repealed. Any rules adopted under this section shall be
10 drafted in as narrow a manner as possible, consistent with the authority granted the department
11 under the laws of this state] **this chapter**.

12 151 Health Coverage; Definitions. Amend RSA 420-G:2, XVI(a) to read as follows:

13 XVI.(a) "Small employer" means a business or organization which employed on average, one
14 and up to 50 employees, including owners and self-employed persons, on business days during the
15 previous calendar year. A small employer is subject to this chapter whether or not it becomes part
16 of an association, multi-employer plan, trust, or any other entity cited in RSA 420-G:3 provided it
17 meets this definition; **provided that coverage written to a bona fide pathway II association**
18 **with at least 250 New Hampshire covered lives that meets all applicable standards under**
19 **RSA 415-E and all large group standards under this chapter shall not be considered small**
20 **employer coverage, and may be offered to owners and self-employed persons.**

21 152 Health Coverage; Guaranteed Issue and Renewability. Amend RSA 420-G:6, III to read as
22 follows:

23 III. Health carriers shall actively market, issue, and renew all of the health coverages they
24 sell in the small employer market to all small employers **except that a health carrier shall not**
25 **be required to issue small employer coverage to a group that previously was covered as**
26 **part of a bona fide pathway II association under RSA 415-E for a period of 24 months after**
27 **the date that the group initiated bona fide pathway II coverage.**

28 153 Purchasing Alliances; Definitions. Amend RSA 420-M:2, X to read as follows:

29 X. "Qualified purchasing alliance" means a purchasing alliance that has obtained
30 certification from the commissioner under RSA 420-M:13 as a qualified purchasing alliance with
31 authority to operate in the same manner as a [qualified association trust pursuant to RSA 420-G:10]
32 **bona fide pathway association under RSA 415-E.**

33 154 Purchasing Alliances; Qualified Purchasing Alliance. Amend RSA 420-M:13 to read as
34 follows:

35 420-M:13 Qualified Purchasing Alliance. A purchasing alliance that has a minimum of [3,000]
36 **250** enrollees may elect to obtain certification from the commissioner as a qualified purchasing
37 alliance. To obtain certification, a purchasing alliance shall demonstrate:

38 I. Either that membership in the alliance is open to all employers without discrimination or

1 that the alliance has established membership criteria that limit membership in the alliance to
2 employers that are members of or affiliated with an association, trade group, or other entity that
3 has been in existence for at least 10 years and was established and maintained for purposes other
4 than the provision of health coverage; ~~and~~

5 II. That the health benefit plan or plans offered to its members and the provider payment
6 policies associated with those plans will promote more cost effective use of health care services by
7 providing a better alignment of financial incentives with:

8 (a) Health care quality improvement and efficiency; and

9 (b) Health promotion and disease prevention; *or*

10 ***III. That the purchasing alliance meets all requirements under RSA 415-E to***
11 ***operate as a bona fide pathway II association.***

12 155 Health Coverage; Qualified Association Trust. Amend RSA 420-G:10 to read as follows:

13 420-G:10 Qualified Association Trust ~~[and Qualified Purchasing Alliance]~~.

14 I. A qualified association trust or other entity, as defined in RSA 420-G:2, XV~~[, and a~~
15 ~~qualified purchasing alliance, as defined in RSA 420-M:2, X,~~ shall:

16 (a) Comply with the rating restrictions outlined in RSA 420-G:4 for all small employer
17 members with 50 or fewer employees based upon the association's ~~[or alliance's]~~ group experience,
18 except that ~~[for a qualified association trust,]~~ no rating factor shall be utilized without the express
19 written consent of the association.

20 (b) Offer all eligible members, as defined under the applicable trust or other documents,
21 coverage and rates on a guaranteed issue and renewable basis.

22 (c) Comply with the regulations concerning medical underwriting in RSA 420-G:5.

23 (d) Comply with the preexisting conditions provision of RSA 420-G:7.

24 (e) Prohibit any employer that voluntarily discontinues participation in either a
25 qualified association trust ~~[or a qualified purchasing alliance]~~ from rejoining for a period of at least
26 24 months.

27 II. Nothing in this chapter shall be interpreted to limit the size of employers who may
28 participate in coverage with a qualified association trust ~~[or a qualified purchasing alliance]~~.

29 156 Small Employer Health Reinsurance Pool. Amend the chapter heading of RSA 420-K to
30 read as follows:

31 SMALL EMPLOYER HEALTH ~~[REINSURANCE POOL]~~ **RISK ADJUSTMENT PROGRAM**

32 157 Definitions. RSA 420-K:1 is repealed and reenacted to read as follows:

33 420-K:1 Definitions. In this chapter:

34 I. "Assessment" means the liability of the member insurer to the reinsurance pool.

35 II. "Board" means the board of directors of the small employer health reinsurance pool.

36 III. "Bona fide pathway II association coverage" means coverage, whether self-funded or
37 fully insured, that constitutes an employee welfare benefit plan sponsored by a bona fide pathway II
38 association as defined in RSA 415-E:1.

1 IV. "Commissioner" means the insurance commissioner.

2 V. "Covered lives" shall include all persons who have health insurance via a health carrier
3 and who are employees or dependents of employees of a small employer, including sole proprietors
4 covered under bona fide pathway II association coverage.

5 VI. "Health insurance" means "health insurance" as defined in RSA 404-G:2, VII.

6 VII. "Plan of operation" means the plan of operation of the small employer health risk
7 adjustment program, including articles, bylaws and operating rules, procedures and policies
8 approved by the commissioner and adopted by the pool.

9 VIII. "Small employer" means "small employer" as defined in RSA 420-G: 2, XVI.

10 IX. "Small employer health carrier" means any entity licensed pursuant to RSA 402, RSA
11 420-A, or RSA 420-B that delivers, issues for delivery or maintains in force policies of health
12 insurance in New Hampshire to any small employer. For purposes of this chapter, health carrier
13 shall include any association, organization or arrangement offering or sponsoring bona fide pathway
14 II association coverage.

15 158 Establishment of the Risk Adjustment Program. Amend RSA 420-K:2 and 420-K:3 to read
16 as follows:

17 420-K:2 Establishment of the ~~[Pool]~~ ***Risk Adjustment Program***.

18 I. There is established a nonprofit entity to be known as the "New Hampshire small
19 employer health ~~[reinsurance pool]~~ ***risk adjustment program***." All ***small employer*** health
20 carriers~~[, writers of health insurance, and other insurers]~~ issuing or maintaining health insurance
21 in this state shall be members of the ~~[pool]~~ ***program***.

22 II. ~~[On or before July 1, 2005,]~~ The commissioner shall give notice to all members of the
23 ~~[pool]~~ ***program*** of the time and place for the initial organizational meeting~~[, which shall take place~~
24 ~~by July 15, 2005]~~. The members shall select the initial board at the organizational meeting and
25 such initial board shall be subject to approval by the commissioner. The members shall elect each
26 subsequent board at the annual meeting of members and each such subsequent board shall be
27 subject to approval by the commissioner. The initial board and each subsequent board shall consist
28 of at least 5 and not more than 9 representatives of members. There shall be no more than one
29 board member on the initial board and each subsequent board representing any one member
30 company. In determining voting rights at the organizational meeting and all subsequent meetings
31 of members, each member shall be entitled to vote in person or by proxy. All such votes shall be
32 proportional to the member's covered lives. To the extent possible, at least 2/3 of members of each
33 board shall be small employer health carriers. ~~[At least one member of each board shall be a small~~
34 ~~employer health carrier with less than \$100,000,000 in net small employer health insurance~~
35 ~~premium in this state.]~~ The commissioner, or designee, shall be an ex-officio voting member of the
36 board. In approving selection of each board, the commissioner shall assure that all members are
37 fairly represented.

38 III. If the initial board is not elected at the organizational meeting, the commissioner shall

1 appoint the initial board within 15 days of the organizational meeting.

2 IV. Within 60 days after the appointment of such initial board, the board shall submit to
3 the commissioner a plan of operation and thereafter any amendments to the plan necessary or
4 suitable to assure the fair, reasonable, and equitable administration of the ~~[pool]~~ **program**. The
5 commissioner shall, after notice and hearing, approve the plan of operation provided he or she
6 determines it to be suitable to assure the fair, reasonable, and equitable administration of the ~~[pool,~~
7 ~~and provides for the sharing of pool gains or losses on an equitable proportionate basis in~~
8 ~~accordance with the provisions of paragraph VI of this section]~~ **program**. The plan of operation
9 shall become effective upon approval in writing by the commissioner consistent with the date on
10 which the coverage under this section shall be made available. If the board fails to submit a
11 suitable plan of operation within 60 days after its appointment, or at any time thereafter fails to
12 submit suitable amendments to the plan of operation, the commissioner shall, after notice and
13 hearing, adopt and promulgate a plan of operation or amendments ~~[no later than October 1, 2005]~~.
14 The commissioner shall amend any plan adopted by him or her, as necessary at the time a plan of
15 operation is submitted by the board and approved by the commissioner.

16 V. The board shall select reinsurance pool administrators through a competitive bidding
17 process to administer the ~~[pool]~~ **program**. The board shall evaluate bids submitted based on
18 criteria established by the board. ~~[Each month, total payments to administrators shall not exceed~~
19 ~~the larger of \$2,500 or an amount equal to \$10 per life for which the reinsurance pool has any~~
20 ~~potential claims liability.]~~

21 VI. The plan of operation shall establish procedures for:

22 (a) Handling and accounting of assets and moneys of the pool, and for annual fiscal
23 reporting to the commissioner.

24 (b) Filling vacancies on the board, subject to the approval of the commissioner.

25 (c) Selecting an administrator and setting forth the powers and duties of the
26 administrator.

27 (d) ~~[Reinsuring risks in accordance with the provisions of this chapter]~~ **Establishing**
28 **risk adjustment parameters**.

29 (e) Collecting assessments from all members to provide for ~~[claims reinsured]~~ **risk**
30 **adjustment payments** by the ~~[pool]~~ **program** and for administrative expenses incurred or
31 estimated to be incurred during the period for which the assessment is made.

32 (f) Any additional matters at the discretion of the board.

33 159 Powers of the Program. RSA 420-K:3 is repealed and reenacted to read as follows:

34 420-K:3 Powers of the Program. The program may:

35 I. Enter into contracts as are necessary or proper to carry out the provisions and purposes
36 of this chapter, including the authority, with the approval of the commissioner, to enter into
37 contracts with programs of other states for the joint performance of common functions, or with
38 persons or other organizations for the performance of administrative functions.

1 II. Sue or be sued, including taking any legal actions necessary or proper for recovery of
2 any assessments for, on behalf of, or against members.

3 III. Take such legal action as necessary to avoid the payment of improper claims against
4 the program.

5 IV. Define the array of health coverage products for which risk adjustment will be applied
6 in accordance with the requirements of this chapter.

7 V. Establish rules, conditions, and procedures pertaining to the risk adjustment
8 mechanism, including implementation and measurement time frames and the permitted risk
9 corridor where no transfer of risk adjustment funds shall take place.

10 VI. Establish appropriate rates, rate schedules, rate adjustments, rate classifications, and
11 any other actuarial functions appropriate to the operation of the program.

12 VII. Assess members in accordance with the provisions of this chapter, and to make
13 advance interim assessments as may be reasonable and necessary for organizational and interim
14 operating expenses and to pay claims by the program. Any such interim assessments shall be
15 credited as offsets against any regular assessments due following the close of the fiscal year.

16 VIII. Appoint from among the members appropriate legal, actuarial, and other committees
17 as necessary to provide technical assistance in the operation of the program, policy, and other
18 contract design, and any other function within the authority of the program.

19 IX. Borrow money to effectuate the purposes of the program. Any notes or other evidence
20 of indebtedness of the program not in default shall be legal investments for insurers and may be
21 carried as admitted assets.

22 160 Risk Adjustment Program. RSA 420-K:4 is repealed and reenacted to read as follows:

23 420-K:4 Risk Adjustment Program.

24 I. The board shall:

25 (a) Develop and monitor a measure of risk to be used in comparing populations covered
26 by small employer health insurance coverage and bona fide pathway II association coverage.

27 (b) Access from the New Hampshire comprehensive health care information system
28 (CHIS), as described under RSA 420-G:11-a, member level information, including length of
29 coverage, gender, age, and diagnosis, sufficient to measure and monitor risk for carriers issuing or
30 administering small employer health insurance.

31 (c) Perform risk adjustment analysis using data from the CHIS, including calculating
32 New Hampshire specific relative weights as necessary, to analyze the difference in the medical care
33 resources expected to be necessary to treat the 2 different populations, one covered in the small
34 group insurance risk pool and the other covered by bona fide pathway II association coverage.

35 (d) Subject to the limitation in paragraph II, establish risk adjustment payments
36 between carriers that are triggered whenever the average risk between bona fide pathway II
37 association coverage and all other small group coverage differs by more than 20 percent over any
38 calendar year, and that serve to create a net effect of reducing future expected risk score differences

1 after payments to approximately 12 percent.

2 (e) Provide a report to the insurance commissioner in a form and format acceptable to
3 the commissioner.

4 II. The board shall not implement any adjustments until the number of lives covered by
5 bona fide pathway II association coverage exceeds 5,000 member months for 3 consecutive months.

6 161 Repeal. The following are repealed:

7 I. RSA 420-K:5, relative to eligibility, coverage, and rates.

8 II. RSA 420-K:6, relative to assessments.

9 162 Immunity and Indemnification. Amend RSA 420-K:7 to read as follows:

10 420-K:7 Immunity and Indemnification.

11 I. Neither the participation in the ~~[pool]~~ **program** as members, the establishment of rates,
12 forms, or procedures, nor any other joint or collective action required by this chapter shall be the
13 basis of any legal action against the pool or any of its members.

14 II. Any person or member made a party to any action, suit, or proceeding because the
15 person or member served on the board or on a committee or was an officer or employee of the pool
16 shall be held harmless and be indemnified by the pool against all liability and costs, including the
17 amounts of judgments, settlements, fines or penalties, and expenses and reasonable attorney's fees
18 incurred in connection with the action, suit, or proceeding. The indemnification shall not be
19 provided on any matter in which the person or member is finally adjudged in the action, suit, or
20 proceeding to have committed a breach of duty involving gross negligence, dishonesty, willful
21 misfeasance, or reckless disregard of the responsibilities of office. Costs and expenses of the
22 indemnification shall be prorated and paid for by all members. The right of indemnification shall
23 not be exclusive of other rights or defenses to which such person or the legal representative or
24 successors of such person, may be entitled to as a matter of law. The commissioner may retain
25 actuarial consultants necessary to carry out his or her responsibilities pursuant to this chapter and
26 such expenses shall be paid by the ~~[pool]~~ **program** established in this chapter.

27 163 Repeal. RSA 6:12, I(b)(237), relative to the moneys deposited in the civil legal services
28 fund, is repealed.

29 164 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 for the~~
32 ~~provision of civil legal representation to low-income persons in this state. New Hampshire Legal~~
33 ~~Assistance shall make reports to the judicial council by June 30 and December 31 of each year on its~~
34 ~~use of state funds]~~ **to enable the state to fund civil legal services to low-income persons in**
35 **the state.**

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

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

8 165 New Paragraph; Repayment for Indigent Defense Costs; Dedication to Judicial Council.
9 Amend RSA 604-A:9 by inserting after paragraph VII the following new paragraph:

10 VIII. The department of administrative services and the unit of cost containment shall
11 remit all fees and expenses collected under this section and RSA 604-A:2-d to the judicial council.

12 166 Adequate Representation for Indigent Defendants in Criminal Cases; Partial Liability.
13 Amend RSA 604-A:2-d to read as follows:

14 604-A:2-d Partial Liability. If the commissioner of administrative services determines, in
15 accordance with the standards set forth in RSA 604-A:2-c, that a defendant is able to pay some, but
16 not all of the expenses of obtaining private counsel, the court shall appoint counsel and shall require
17 the defendant to pay a fixed contribution in accordance with rules adopted pursuant to RSA 604-
18 A:10, IV. The defendant's full payment shall be made to the court prior to the conclusion of the
19 proceedings, unless otherwise ordered by the court. The clerk of court shall remit such payments to
20 the ~~[department of administrative services]~~ **judicial council** with the documentation required by
21 the commissioner.

22 167 Health Facilities Licensure; Applicability of Moratorium. Amend RSA 151:2, VI(a) to read
23 as follows:

24 VI.(a) No new license shall be issued for, and there shall be no increase in licensed capacity
25 of, any nursing home, skilled nursing facility, intermediate care facility, or rehabilitation facility,
26 including rehabilitation hospitals and facilities offering comprehensive rehabilitation services. This
27 moratorium shall not apply to any rehabilitation facility whose sole purpose is to treat individuals
28 for substance use disorder or mental health issues **or to any continuing care facility for which**
29 **a certificate of authority has been issued by the insurance commissioner pursuant to RSA**
30 **420-D:2**.

31 168 New Subparagraph; Department of Business and Economic Affairs; Chancellor of
32 University System of New Hampshire Added. Amend RSA 12-O:7, I by inserting after
33 subparagraph (d) the following new subparagraph:

34 (e) The chancellor of the university system of New Hampshire.

35 169 New Chapter; Sports Wagering. Amend RSA by inserting after chapter 287-H the
36 following new chapter:

37 CHAPTER 287-I
38 SPORTS WAGERING

1 287-I:1 Definitions. In this chapter:

2 I. "Agent" means a party who is authorized by contract or agreement with the commission
3 to conduct a sports book.

4 II. "Authorized sports bettor" means an individual 18 years of age or older who is physically
5 present in the state of New Hampshire when placing a sports wager with the commission or an
6 authorized agent of the commission and is not a prohibited sports bettor.

7 III. "Collegiate sports event" means a sports or athletic event participated in or offered or
8 sponsored by a public or private institution that offers educational services beyond the secondary
9 level.

10 IV. "Commission" means the lottery commission.

11 V. "Director" means the executive director of the lottery commission or designee.

12 VI. "High school sports event" " means a sports or athletic event participated in or offered
13 or sponsored by a public or private institution that offers educational services at the secondary
14 level.

15 VII. "In-play sports wager" means a sports wager on a sports event after the sports event
16 has begun and before it ends.

17 VIII. "Mobile sports wagering platform" means the combination of hardware, software, and
18 data networks used to manage, administer, record, and/or control sports wagers.

19 IX. "Professional sports event" means an event at which 2 or more persons participate in a
20 sports or athletic event and receive compensation in excess of actual expenses for their participation
21 in such event.

22 X. "Prohibited sports bettor" means:

23 (a) Any member or employee of the commission and any spouse, child, sibling, or parent
24 residing in the same household as a member or employee of the commission.

25 (b) Any principal or employee of any agent.

26 (c) Any contractor of the commission or its agent when such contract relates to the
27 conduct of sports wagering.

28 (d) Any contractor or employee of an entity that conducts sports wagering in another
29 jurisdiction when the bettor possesses confidential nonpublic information as a result of his or her
30 contract or employment relating to the wager being placed.

31 (e) Any amateur or professional athlete if the sports wager is based in whole or part on
32 a sport or athletic event overseen by the athlete's governing sports body.

33 (f) Any sports agent, owner or employee of a team, player, umpire, referee, coach, union
34 official, or official of a sports governing body if the sports wager is based in whole or part on a sport
35 or athletic event overseen by the governing body which oversees the individual's sport.

36 (g) Any individual placing a wager as an agent of or proxy for a prohibited sports bettor.

37 (h) Any person under the age of 18.

38 XI. "Prohibited sports event" means any collegiate sports event that takes place in New

1 Hampshire, any high school sports event, and any amateur sports event where the participants are
2 primarily under the age of 18.

3 XII. "Sports governing body" means the organization that prescribes final rules and
4 enforces codes of conduct with respect to a sporting event and participants therein.

5 XIII. "Sports book" means the business of accepting wagers on any sports event by any
6 system or method of wagering.

7 XIV. "Sports wager" means cash or cash equivalent paid by an individual to participate in
8 sports wagering.

9 XV. "Sports wagering" means wagering on sporting events or any portion thereof, or on the
10 individual performance statistics of athletes participating in a sports event, or combination of sports
11 events, by any system or method of wagering, including but not limited to in person communication
12 and electronic communication through Internet websites accessed via a mobile device or computer
13 and mobile device applications. The term sports wagering shall include, but not be limited to, single
14 game bets, teaser bets, parlays, over-under bets, money line bets, books, exchange wagering, in
15 game wagering, in-play bets, proposition bets, and straight bets.

16 XVI. "Tier I sports wager" means a sports wager that is placed before the start of the sports
17 event and is determined solely by the final score or final outcome of that single sports event.

18 XVII. "Tier II sports wager" means an in-play sports wager.

19 XVIII. "Tier III sports wager" means a sports wager that is neither a tier I or tier II wager.

20 287-I:2 Sports Book Authorized. The commission is authorized to operate a sports book for the
21 purposes of accepting and paying sports wagers by authorized bettors within the state in
22 conformance with the requirements of this chapter.

23 287-I:3 Commission Agent. The commission shall conduct a sports book for sports wagering
24 through an agent selected through a competitive bid process and approved by the governor and
25 executive council. Any such contract shall be based on the state receiving a percentage of revenue
26 from sports wagering activities within the state. Ten percent of the revenue sharing proceeds to be
27 paid to the state under this agreement, less the administrative costs of the commission, shall be
28 designated for treatment and prevention services for problem gamblers. The commission shall
29 ensure that an agent demonstrates financial stability, responsibility, good character, honesty, and
30 integrity. In selecting an agent, the commission shall consider, at a minimum, the experience and
31 background of the entity, the proposed locations for sports book retail locations, mobile and Internet
32 capabilities, economic development within the state, and revenue sharing opportunities for the
33 state. All agents shall be subject to criminal and financial background checks as prescribed by the
34 commission.

35 287-I:4 Commission Operated Sports Book. The commission is further authorized to directly
36 operate a sports book for sports wagering. The commission may retain vendors to support the
37 commission in operating a sports book.

38 287-I:5 Sports Book Retail Locations. The commission and its agent may operate physical

1 sports book retail locations within the state for the purposes of accepting and paying prizes relating
2 to sports wagers. The sports book retail locations may be co-located with other commercial
3 businesses or general commercial retail locations.

4 287-I:6 Local Option for Operation of Sports Book Retail Locations.

5 I. Any town or city may allow the operation of a sports book retail location according to the
6 provisions of this subdivision, in the following manner, excepting that nothing in this section shall
7 be construed to prohibit Internet or mobile wagering in the jurisdiction, if so authorized by the
8 passage of this statute.

9 (a) In a town, the question shall be placed on the warrant of an annual town meeting
10 under the procedures set out in RSA 39:3, and shall be voted on a ballot. In a city, the legislative
11 body may vote to place the question on the official ballot for any regular municipal election, or, in
12 the alternative, shall place the question on the official ballot for any regular municipal election
13 upon submission to the legislative body of a petition signed by 25 of the registered voters.

14 (b) The selectmen, aldermen, or city council shall hold a public hearing on the question
15 at least 15 days but not more than 30 days before the question is to be voted on. Notice of the
16 hearing shall be posted in at least 2 public places in the municipality and published in a newspaper
17 of general circulation at least 7 days before the hearing.

18 (c) The wording of the question shall be substantially as follows: "Shall we allow the
19 operation of a sports book retail location within the town or city?"

20 II. If a majority of those voting on the question vote "Yes", sports book retail locations may
21 be operated within the town or city.

22 III. If the question is not approved, the question may later be voted upon according to the
23 provisions of paragraph I at the next annual town meeting or regular municipal election.

24 IV. A municipality that has voted to allow the operation of sports book retail locations may
25 consider rescinding its action in the manner described in paragraph I of this section.

26 V. The commission shall maintain a list of municipalities where sports book retail locations
27 may be placed into operation.

28 287-I:7 Mobile Sports Wagering Authorized. The commission and its agent are authorized to
29 operate a sports book through a mobile sports wagering platform by mobile devices or over the
30 Internet. With respect to mobile sports wagering, the commission, either independently, or through
31 its agent, shall provide:

32 I. Age verification measures to be undertaken to block access to and prevent sports wagers
33 by persons under the age of 18 years.

34 II. Identity verification through secure online databases or by examination of photo
35 identification.

36 III. That sports wagers shall be limited to transactions initiated and completed within the
37 geographic borders of New Hampshire.

38 IV. Wager limits for daily, weekly, and monthly amounts for each player and account

1 consistent with the best practices in addressing problem gambling.

2 V. A voluntary self-exclusion program for players to self-exclude themselves from wagering
3 for set periods of time.

4 VI. Security mechanisms to ensure the confidentiality of wagering and personal and
5 financial information except as otherwise authorized by this chapter.

6 287-I:8 Sports Wagering Supervision. The commission shall create a division of sports
7 wagering which shall be responsible for ensuring compliance with the requirements of this chapter
8 and any rules promulgated by the commission in accordance with the authorities granted under
9 this chapter. In addition, the division, under the direction of the director and commission, shall
10 ensure that the commission's agents and vendors comply with the following obligations:

11 I. Each agent or vendor engaged in sports wagering shall submit a security and internal
12 control report for the division's review and approval prior to conducting any sports wagering within
13 the state and every year thereafter. This report shall address all aspects of security and controls
14 including physical security, personnel security, and computer systems security including:

15 (a) Surveillance plans for all retail sports book locations, including surveillance
16 coverage and direct access for the commission to the surveillance system.

17 (b) User access controls for sports book personnel.

18 (c) Segregation of duties within the sports book.

19 (d) Employment background checks and policies.

20 (e) Automated and manual risk management procedures.

21 (f) Procedures for identifying and reporting fraud and suspicious conduct.

22 (g) Procedures to establish connectivity with monitoring services and/or sports
23 governing bodies relating to suspicious activity.

24 (h) Any and all monitoring systems utilized by the agent or vendor to report and receive
25 information on suspicious betting activities.

26 (i) Systems and procedures to prevent prohibited sports bettors from placing wagers.

27 (j) Description of anti-money laundering compliance standards.

28 (k) Descriptions of all integrated third-party systems or components and the security
29 procedures relating to those systems.

30 II. For each wagering computer system used to conduct sports wagering, including all
31 mobile sports wagering platforms within the state, the agent or vendor providing such system shall
32 provide a detailed computer system security report to be approved by the commission prior to the
33 acceptance of wagers and each year thereafter. The report shall address the issues set forth in the
34 security and internal control report along with the following:

35 (a) Documented system security testing performed by a licensed third-party contractor
36 approved by the commission;

37 (b) A description of all software applications that comprise the system;

38 (c) A procedure for third-party auditing of financial transactions received by the system;

- 1 (d) A description of all types of wagers supported by the system;
- 2 (e) Unique identification and verification systems for wagers;
- 3 (f) Procedures to prevent past posting of wagers;
- 4 (g) A list of data recorded relating to each wager;
- 5 (h) System redundancy to ensure recording of wagers during a system outage;
- 6 (i) A mechanism to provide read only access to the commission to the back office system
- 7 for the purposes of reviewing and auditing wagering activities;
- 8 (j) Integration with an independent control system to ensure integrity of system
- 9 wagering information;
- 10 (k) Capabilities for canceling existing wagers, freezing or suspending wagering across
- 11 the platform, or for specific events; and
- 12 (l) Any other issue identified by the division upon review of the proposed gaming
- 13 system.

14 III. Each agent engaged in sports wagering shall submit house rules for the division's
15 review and approval prior to conducting any sports wagering within the state and every year
16 thereafter. These house rules shall include at a minimum:

- 17 (a) The method for calculation and payment of winning wagers.
- 18 (b) The effect of schedule changes for a sports event.
- 19 (c) The method of notifying bettors of odds or proposition changes.
- 20 (d) Acceptance of wagers at terms other than those posted.
- 21 (e) Expiration dates for winning tickets.
- 22 (f) Rules for payment of wagers made after a material error in setting odds or a
- 23 proposition for an event by the sports book.
- 24 (g) Method of contacting the agent or vendor for questions or complaints.
- 25 (h) Description of those persons who are prohibited from wagering with the agent or
- 26 contractor if broader than the prohibited bettors list set forth in this section.
- 27 (i) The method and location for posting and publishing the approved house rules.

28 IV. Each agent or vendor engaged in sports wagering shall submit accounting controls for
29 the division's review and approval prior to conducting any sports wagering within the state and
30 every year thereafter. These accounting controls shall include at a minimum:

- 31 (a) A process for documenting and verifying beginning of day cash balance;
- 32 (b) Processes for recording collection of wagers, payment of wagers, and cancellation of
- 33 wagers issued;
- 34 (c) Processes for handling cash within sports book retail locations including segregation
- 35 of duties related to counting and storage of cash; and
- 36 (d) The establishment of a segregated account related to New Hampshire sports
- 37 wagering activities.

38 V. The commission's agent shall submit a responsible gaming plan for the division's review

1 and approval prior to conducting any sports wagering within the state and every year thereafter.
2 This plan should include identification of posting and materials related to problem gaming,
3 resources to be made available to bettors expressing concerns about problem gaming, house imposed
4 player limits, and self-exclusion programs.

5 VI. The commission's agent shall maintain a cash reserve available to pay wagers as
6 determined by the commission.

7 VII. The commission's agent or vendor shall not accept any wager on a sports event unless
8 it has received approval from the commission to conduct that type or category of wager. A type of
9 wager refers to the method of determining the outcome of the wager. The category refers to the
10 kind of event being wagered on. The commission shall approve wager categories and types in a
11 reasonable time frame. Once a particular category or wager type is approved for its first use it may
12 be used on multiple events without further approval.

13 VIII. The commission shall only approve wagers on categories of events where:

- 14 (a) The outcome can be verified;
- 15 (b) The outcome can be generated by a reliable and independent process; and
- 16 (c) The event is conducted in conformity with applicable laws.

17 IX. Wagers made under this section shall be made with:

- 18 (a) Cash;
- 19 (b) Cash equivalent;
- 20 (c) PayPal;
- 21 (d) Debit card;
- 22 (e) ACH;
- 23 (f) Promotional funds; and
- 24 (g) Any other means approved by the executive director.

25 287-I:9 Proceeds to Fund Education. The proceeds received by the commission from sports
26 wagering, less the administrative costs of the commission, prizes paid, and payments for problem
27 gambling services, shall be used exclusively for the purposes of state aid to education.

28 287-I:10 Limitations on Sports Wagers. The commission and its agents are prohibited from the
29 following activities:

30 I. Accepting or making payment relating to sports wagers made by prohibited sports
31 bettors.

32 II. Accepting sports wagers on prohibited sports events.

33 III. Accepting sports wagers from persons who are physically outside of the state of New
34 Hampshire at the time of the sports wager.

35 287-I:11 Disclosure of Data Source. The commission and agents shall publicly disclose the
36 source of the data that will be used to determine the outcome of a tier II or tier III wager.

37 287-I:12 Risk Management. The commission's agent may take any risk management strategies
38 as authorized by the director.

1 that for the initial appointments only, one member shall be appointed to a term of one year, 2
2 members shall be appointed to a term of 2 years and 2 members shall be appointed to a term of 3
3 years. Any vacancy shall be filled for the unexpired terms.

4 III. Members of the council shall receive mileage at the rate of state employees when
5 attending meetings of the council or performing duties on behalf of the council.

6 338-B:5 Powers and Duties. The council shall have the authority to enter into grants and
7 contracts for the purposes of furthering education, prevention, and treatment of problem gambling
8 within the state.

9 338-B:6 Report of the Council. The council shall submit a biennial report to the governor and
10 executive council on or before October 1 of each even-numbered year. The report shall include a
11 description of the council's activities including a financial report for the relevant time period.

12 338-B:7 Administrative Attachment. The council shall be administratively attached to the
13 lottery commission in accordance with RSA 21-G:10. In addition to the support provided to an
14 administratively attached agency, the lottery commission shall also provide the following to the
15 council:

16 I. Funding in an amount not to exceed \$250,000 per fiscal year to conduct the activities
17 prescribed by this chapter. In accordance with the purpose of this chapter, these payments shall be
18 considered administrative expenses of the lottery commission as set forth in RSA 284:21-j.

19 II. Meeting and office space as reasonably required by the council to conduct the activities
20 prescribed by this chapter.

21 III. Personnel as reasonably required by the council to conduct activities prescribed by this
22 chapter, except that the lottery commission may charge the council for use of such personnel
23 pursuant to an agreement between the agencies.

24 172 Operation of Keno Games; Fees for Research. Amend RSA 284:47, II to read as follows:

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

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

29 ~~(b)]~~ The remainder, less the administrative costs of the lottery commission and prize
30 payouts, shall be ~~[deposited in the education trust fund established in RSA 198:39]~~ **used**
31 ***exclusively for the purposes of state aid to education.***

32 173 Community Development Finance Authority; Powers and Duties. RSA 162-L:16 is repealed
33 and reenacted to read as follows:

34 162-L:16 Powers and Duties of the Authority.

35 I. The authority shall be responsible for the former functions, duties, and responsibilities of
36 the office of state planning relative to administration of the community development block grant
37 program and shall, with the consent of the committee and with the approval of the governor make
38 final awards of grants and enter into contractual relationships with grantees for administering

1 funds.

2 II. The authority shall provide advice and assistance to municipalities in dealing with
3 community development concerns and problems.

4 III. The authority may accept federal funds to administer the small cities community
5 development block grant program in accordance with the provisions of this subdivision.

6 IV. Adopt bylaws and rules for the regulation of its affairs and the conduct of its
7 administration of the community development block grant program.

8 174 New Section; Community Development Finance Authority. Amend RSA 162-L by inserting
9 after section 19 the following new section:

10 162-L:20 Exemption From Administrative Procedure Act and Rulemaking Authority. The
11 authority shall be exempt from the provisions of RSA 541-A and may adopt rules in accordance with
12 its own procedures to facilitate, implement, and carry out the powers, duties, and purposes of the
13 authority enumerated in this chapter and such other and additional powers and purposes as shall
14 be conferred upon it.

15 175 New Subparagraph; Administrative Procedure Act; Exceptions. Amend RSA 541-A:21, I by
16 inserting after subparagraph (jj) the following new subparagraph:

17 (kk) RSA 162-L, relative to the community development finance authority.

18 176 Tobacco Tax; Definitions. Amend RSA 78:1, XVI to read as follows:

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

25 177 New Paragraph; Electronic Cigarette; Definition. Amend RSA 78:1 by inserting after
26 paragraph XXIV the following new paragraph:

27 XXV. "Electronic cigarette" means any liquid or substance containing nicotine that is
28 intended to be used with or in a device that can be used to produce a vapor or aerosol from such a
29 liquid or substance, including but not limited to, a device manufactured, distributed, marketed, or
30 sold as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic
31 hookah, or vape pen. "Electronic cigarette" shall also include any such device, and any component,
32 part, or accessory used in the operation of such a device, but only if sold together with any liquid or
33 substance containing nicotine.

34 178 Youth Access to and Use of Tobacco Products; Definition of E-Cigarette. Amend RSA 126-
35 K:2, II-a to read as follows:

36 II-a. "E-cigarette" means any electronic smoking device composed of a mouthpiece, a
37 heating element, a battery, and electronic circuits that ~~[provides a vapor of pure]~~ ***may or may not***
38 ***contain*** nicotine ~~[mixed with propylene glycol to the user as the user simulates smoking]~~. This

1 term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes,
2 or under any other product name.

3 179 Alcoholic Beverages; Definition of E-Cigarette Added. Amend RSA 175:1, XXXI-a and
4 XXXI-aa to read as follows:

5 XXXI-a. ***"E-cigarette" means any electronic smoking device composed of a***
6 ***mouthpiece, a heating element, a battery, and electronic circuits that may or may not***
7 ***contain nicotine. This term shall include such devices whether they are manufactured as***
8 ***e-cigarettes, e-cigars, or e-pipes, or under any other product name.***

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

14 ~~XXXI-aa.~~ XXXI-aaa. "Food" means solid nutritive material as distinguished from drink.

15 180 Definition of License. Amend RSA 175:1, XXXIX to read as follows:

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

19 181 Definition of Retailer. Amend RSA 175:1, LIX-a to read as follows:

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

23 182 Liquor Commission; Liquor Investigator. Amend RSA 176:9, III to read as follows:

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

28 183 Liquor Licenses and Fees; Licenses Required. Amend RSA 178:1, VI to read as follows:

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

34 184 Licenses Authorized; Sale of Tobacco Products. Amend RSA 178:2, I to read as follows:

35 I. The commission may issue licenses to individuals, partnerships, limited liability
36 companies and partnerships, or corporations but not to unincorporated associations, on applications
37 duly made therefor for the manufacture, warehousing, sale, offer for sale, or solicitation of orders
38 for sale of liquor or beverages and for retail sales of tobacco products ***or e-cigarettes*** within the

1 state, subject to the limitations and restrictions imposed by this title. The commission shall keep a
2 full record of all applications for licenses, of all recommendations for and remonstrances against the
3 granting of licenses, and of the action taken on such applications.

4 185 Combination License; Sale of Tobacco Products or E-Cigarettes. Amend RSA 178:18 to read
5 as follows:

6 178:18 Combination License.

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

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

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

26 186 Retail Wine License; Sale of Tobacco Products. Amend RSA 178:19 to read as follows:

27 178:19 Retail Wine License.

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

37 II. All sales of wine, ~~and~~ tobacco products, *and e-cigarettes* shall be recorded on cash
38 registers. No additional registers shall be added during the remainder of the year without prior

1 approval of the commission. No rebate shall be allowed for cash registers discontinued during the
2 license year.

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

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

13 187 Retail Tobacco License; Sale of E-Cigarettes. Amend RSA 178:19-a to read as follows:
14 178:19-a Retail Tobacco License.

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

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

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

24 188 Beer Specialty License; Tobacco Products and E-Cigarette Sales. Amend RSA 179:19-d, I to
25 read as follows:

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

31 189 Beer Specialty License; Sale of Tobacco Products and E-Cigarettes. Amend RSA 178:19-d,
32 V-VI to read as follows:

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

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

1 190 New Paragraph; Pease Development Authority; Real Estate Transfer Tax Exemption for
2 Leases. Amend RSA 78-B:2 by inserting after paragraph XXII the following new paragraph:

3 XXIII. To a lease of any term by and between the Pease Development Authority and any
4 other person, including any sales, transfers, or assignments of any interest in the leased property.

5 191 Board of Veterinary Medicine; Transfer to Office of Professional Licensure and
6 Certification. Amend RSA 332-B:3 to read as follows:

7 332-B:3 Board; Compensation.

8 I. There shall be a board of veterinary medicine consisting of 7 members: 5 veterinarians,
9 the state veterinarian, and one public member. The members, other than the state veterinarian,
10 shall be appointed by the governor, with the approval of the council, to a term of 5 years, and until a
11 successor is appointed. No appointed member of the board shall be appointed to 2 consecutive 5-
12 year terms. Vacancies shall be filled for the remainder of the term and in the same manner as the
13 original appointment. Any appointed member of the board may be removed by the governor after a
14 hearing by the board determines cause for removal. The state veterinarian ~~[may]~~ **shall** serve as an
15 ex officio member, provided any duties of the state veterinarian relative to this chapter shall be
16 agreed upon in writing by the board and the commissioner of agriculture, markets, and food and
17 which agreement may include:

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

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

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

23 (d) Participation in complaint investigations.

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

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

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

35 192 State School Organization; Professional Standards Board. Amend RSA 186:60, I(a) to read
36 as follows:

37 (a) The ~~[director of the division]~~ **commissioner of the department** of education
38 ~~[analytics and resources]~~, or designee, who shall be the executive secretary of the board;

1 193 Council for Teacher Education; Commissioner Designee. Amend RSA 190:2 to read as
2 follows:

3 190:2 Members. The council for teacher education shall consist of: the commissioner of
4 education, *or his or her designee*, and the chairman of the department of education of the
5 university of New Hampshire; 3 members appointed by them for terms not exceeding 3 years, one
6 from a private educational institution, one from the professional personnel of the public schools and
7 one layman; and the presidents of Keene state college and Plymouth state university, or staff
8 members designated by them; provided that additional members may be appointed by these 7 for
9 such terms as they may determine. Members of the council shall be entitled to reimbursement by
10 the state board of education for mileage and expenses incurred in the performance of their required
11 duties. The state board of education shall furnish the council with suitable meeting facilities,
12 administrative assistance, and necessary supplies.

13 194 New Section; Office of Early Childhood Education. Amend RSA 21-N by inserting after
14 section 8-b the following new section:

15 21-N:8-c Office of Early Childhood Education.

16 I. There is established in the department the office of early childhood education under the
17 direction of the director of early childhood education. The director shall be nominated jointly by the
18 commissioner of education and the commissioner of health and human services for appointment by
19 the governor and council, and shall serve a term of 4 years.

20 II. The director of early childhood education shall report jointly to the commissioner of
21 education and the commissioner of health and human services, and shall work with both the
22 department of education and the department of health and human services to coordinate the state's
23 efforts to improve and support early childhood education.

24 195 Department of Environmental Services; Modification of Qualifications for Director of
25 Division of Water. Amend RSA 21-O:2, III(a) to read as follows:

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

33 196 Department of Environmental Services; Certified Application Preparer Program. Amend
34 RSA 482-A:3, XX(a)-(b) to read as follows:

35 (a) The department shall develop a voluntary certified application preparer program for
36 submission of applications for all qualifying minimum impact projects. The commissioner shall
37 adopt rules to establish the qualifications to become a certified application preparer and to identify
38 qualifying minimum impact projects. The qualifications established shall include that the

1 individual is a permitted septic system designer or is licensed or certified by the office of
2 professional licensure and certification as a certified wetland scientist, certified soil scientist,
3 professional engineer, licensed land surveyor, or any other professional designated by the
4 department, and shall include training and continuing education requirements. [Qualifying
5 ~~minimum impact projects shall include, but not necessarily be limited to, all projects which the~~
6 ~~department has designated as minimum impact projects in its wetlands rules.]~~

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

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

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

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

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

26 197 Department of Environmental Services; Public Bathing Facilities. RSA 485-A:26 is
27 repealed and reenacted to read as follows:

28 485-A:26 Swimming Pools and Bathing Places Public Bathing Facilities.

29 I. In this section:

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

1 religious rituals.

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

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

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

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

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

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

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

35 V. There is hereby established a public bathing facility program fund. This separate,
36 nonlapsing fund shall be continually appropriated to the department and used to administer the
37 public bathing facility program under this chapter. Fees collected by the department shall be
38 deposited with the state treasurer to the credit of such fund and may be invested as provided by

1 law. Interest received on such investment shall also be credited to the fund.

2 198 New Subparagraph; Public Bathing Facility Fund. Amend RSA 6:12, I(b) by inserting after
3 subparagraph 343 the following new subparagraph:

4 (344) Money deposited in the public bathing facility program fund under RSA 485-
5 A:26.

6 199 New Section; Public Bathing Facility Compliance Self-Certification. Amend RSA 485-A by
7 inserting after section 26 the following new section:

8 485-A:26-a Public Bathing Facility Compliance Self-Certification.

9 I. The owner of a public bathing facility that is open for 9 months or more in a calendar
10 year shall submit to the department, a self-certification declaration stating that each pool at the
11 facility is in compliance with all applicable public bathing facility requirements.

12 II. The owner of a public bathing facility that is open fewer than 9 months in a calendar
13 year shall submit to the department, prior to opening a self-certification declaration stating that
14 each pool at the facility is in compliance with all applicable public bathing facility requirements.

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

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

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

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

26 V.(a) The owner of a public bathing facility that is open for 9 months or more in a calendar
27 year and that existed as of January 1, 2019 shall file the initial self-certification within 60 days of
28 the effective date of this provision.

29 (b) The owner of a public bathing facility that is open fewer than 9 months in a calendar
30 year and that existed as of January 1, 2019 shall file the initial self-certification prior to initiating
31 operations in 2020.

32 200 Public Bathing Facilities; Injunctions; Emergency Closures. RSA 485-A:27 is repealed and
33 reenacted to read as follows:

34 485-A:27 Injunction; Emergency Closures.

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

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

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

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

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

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

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

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

25 201 New Section; Public Bathing Facilities; Certified Operators Required. Amend RSA 485-A
26 by inserting after section 27 the following new section:

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

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

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

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

1 under RSA 170-E:56, I.

2 170-E:55 Definitions.

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

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

9 170-E:56 Recreation Camp License; Youth Skill Camp Certification of Criminal Background
10 Check.

11 I. No person shall for profit or for charitable purposes operate any recreation camp, as
12 defined in RSA 170-E:55, I, designed or intended as a vacation or recreation resort, without a
13 license issued by the department. Such license shall be conditioned upon the maintenance of clean,
14 healthful sanitary conditions and methods, as determined and approved by said department, good
15 only for the calendar year in which it is issued and subject to suspension or revocation at any time
16 for cause. The fee for such license shall be \$200 which shall be paid into the recreation camp and
17 youth skill camp fund established in RSA 170-E:57.

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

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

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

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

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

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

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

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

6 170-E:57 Recreation Camp and Youth Skill Camp Fund. There is established the recreation
7 camp and youth skills camp fund. This fund shall be nonlapsing and continually appropriated to
8 the commissioner of the department of health and human services, for the purpose of paying costs
9 associated with administering the provisions of this subdivision.

10 170-E:58 Statement of Health for Recreational Camps. Notwithstanding any law or rule to the
11 contrary, any physical examination which is required before a child may enter a recreational camp
12 may be conducted by a physician, an advance practice registered nurse, or a physician assistant.

13 170-E:59 Possession and Use of Epinephrine Auto-Injectors at Recreation Camps. A recreation
14 camp shall permit a child with severe, potentially life-threatening allergies to possess and use an
15 epinephrine auto-injector, if the following conditions are satisfied:

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

18 (a) The child's name.

19 (b) The name and signature of the licensed prescriber and business and emergency
20 numbers.

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

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

23 (e) The date of the order.

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

27 (g) Specific recommendations for administration.

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

29 (i) The name of each required medication.

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

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

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

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

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

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

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

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

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

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

21 (a) The child's name.

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

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

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

26 (e) The date of the order.

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

30 (g) Specific recommendations for administration.

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

32 (i) The name of each required medication.

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

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

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

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

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

5 170-E:64 Immunity. No recreational camp or camp employee shall be liable in a suit for
6 damages as a result of any act or omission related to a child's use of an inhaler if the provisions of
7 RSA 170-E:63 have been met, unless the damages were caused by willful or wanton conduct or
8 disregard of the criteria established in that section for the possession and self-administration of an
9 asthma inhaler by a child.

10 170-E:65 Injunction. Any person operating or maintaining a recreation camp or youth skill
11 camp without the same having been approved by the department may be enjoined by the superior
12 court or any justice of the court upon petition brought by the attorney general.

13 170-E:66 Penalty; Administrative Fines.

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

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

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

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

27 207 New Subparagraph; Recreation Camp and Youth Skill Camp Fund. Amend RSA 6:12, I(b)
28 by inserting after subparagraph (343) the following new subparagraph:

29 (344) Money deposited in the recreation camp and youth skill camp fund under RSA
30 170-E:57.

31 208 Water Pollution and Waste Disposal; Safety Regulations for Pools and Bathing Places.
32 Amend the subdivision heading preceding RSA 485-A:23 to read as follows:

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

34 209 Water Pollution and Waste Disposal; Injunction. Amend RSA 485-A:27 to read as follows:

35 485-A:27 Injunction. Any person operating or maintaining a [~~recreation camp, youth skill~~
36 ~~camp,~~] public swimming pool[~~;~~] or bathing place without the same having been approved by the
37 department may be enjoined by the superior court or any justice of the court upon petition brought
38 by the attorney general.

1 II. “Property” means a rental or owner-occupied property, or a child care facility licensed
2 under RSA 170-E.

3 III. “Unit” means a single dwelling unit within a structure that contains more than one
4 dwelling unit; it may also include a single dwelling unit within a structure that is otherwise used
5 for non-residential purposes.

6 204-C:89 Lead Paint Remediation Fund Established.

7 I. There is hereby established within the authority a fund to be known as the lead paint
8 remediation fund which shall be administered by the authority and used to for the purposes of
9 remediating lead paint hazards in housing, to be known as the lead paint remediation fund. The
10 lead paint remediation fund shall be composed of appropriations, gifts, grants, donations, bequests,
11 or other moneys from any public or private source, but such revenues shall not be deemed to be
12 money received on account of the state, and nothing in this subdivision shall be understood as
13 pledging the faith and credit of the state.

14 II. The authority may use the lead paint remediation fund to make loans to owners of
15 rental property or of owner-occupied property for the costs of remediation of lead paint hazards,
16 provided that such remediation is conducted in accordance with lead-safe practices under applicable
17 laws and regulations.

18 III. The authority may use up to 5 percent of any funds deposited in the lead paint
19 remediation fund for program administration.

20 204-C:90 Eligibility. For a property to be eligible for use of the funding under this subdivision,
21 the property shall be:

22 I. An owner-occupied single family home occupied by a household with a child under 6
23 years or a pregnant woman and where household income is no more than 100 percent of the median
24 income adjusted for household size for the metropolitan area or county in which the housing is
25 located as published annually by the United States Department of Housing and Urban
26 Development; or

27 II. A rental unit where household income is no more than 90 percent of the median income
28 adjusted for household size for the metropolitan area or county in which the housing is located as
29 published annually by the United States Department of Housing and Urban Development; or

30 III. A child care facility licensed under RSA 170-E.

31 204-C:91 Use of Federal Funds. The lead paint remediation fund shall only be used to
32 supplement, but not supplant, existing federal resources. If a property or unit is eligible for federal
33 funding from a program in operation by the authority, or by any state agency or political
34 subdivision, the owner of the property shall first apply to that program before applying to the lead
35 paint remediation fund. The owner of any property or any units not eligible for federal funding may
36 apply to the authority for a loan from the lead paint remediation fund.

37 204-C:92 Rulemaking. Pursuant to RSA 204-C:53, the authority shall adopt rules governing
38 the lead paint remediation fund.

1 214 Transfer; Lead Paint Remediation Fund. The sum of \$2,500,000 for fiscal year ending June
2 30, 2019 is hereby transferred from the renewable energy fund established in RSA 362-F:10 to the
3 lead paint remediation fund established in RSA 204-C:89. Such funds shall be nonlapsing.

4 215 Able Savings Account Program; Marketing and Promotional Expenditures. Amend RSA
5 195-K:2, IV to read as follows:

6 IV. No general fund moneys shall be expended in support of the savings plan or its
7 implementation, ***except for the creation and dissemination of marketing materials and for***
8 ***other promotional purposes.***

9 216 Department of Military Affairs and Veterans Services. Amend the chapter heading of RSA
10 110-B to read as follows:

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

12 217 Department of Military Affairs and Veterans Services; the Militia. Amend RSA 110-B:1 to
13 read as follows:

14 110-B:1 ***Department of Military Affairs and Veterans Services.***

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

20 ***II. The department shall be led by an adjutant general.***

21 ***110-B:1-a*** Composition of the Militia.

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

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

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

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

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

34 218 The Adjutant General. Amend RSA 110-B:8, II and III to read as follows:

35 II. The adjutant general shall be the chief of staff to the governor and shall be the executive
36 head of the ~~[adjutant general's]~~ department ***of military affairs and veterans services.*** The
37 adjutant general may perform any act authorized by this chapter or by the regulations issued
38 pursuant thereto through or with the aid of such officers of the national guard or other personnel as

1 the adjutant general may designate. The adjutant general shall exercise and perform all powers,
2 functions and duties which are or may be imposed by the laws and regulations of the United States.
3 It shall be the duty of the adjutant general to direct the planning and employment of the forces of
4 the national guard in carrying out their state military mission; to establish unified command of
5 state forces whenever they shall be jointly engaged; to submit such written reports to the governor
6 as the governor may prescribe; and to perform such other duties as the governor may direct.
7 Whenever the governor and those who would act in succession to the governor under the
8 constitution and laws of the state shall be unable to perform the duties of commander-in-chief, the
9 adjutant general shall command the militia.

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

14 ***IV. The adjutant general shall advocate for and promote the welfare of military***
15 ***service members, veterans, and their families. The adjutant general shall enhance,***
16 ***coordinate, and oversee the benefits and services offered by organizations within the state***
17 ***of New Hampshire and direct veterans to appropriate benefits and services offered by such***
18 ***organizations. The department of military affairs and veterans services shall serve as a***
19 ***clearinghouse for research, data, and analysis, to initiate and support public education***
20 ***and awareness campaigns. The adjutant general shall serve as a liaison between the***
21 ***federal government and the governor on issues relevant to the department's mission, and***
22 ***represent the department at various state and national conventions, conferences, and***
23 ***public functions and provide supervision to the department public relations program.***

24 219 Deputy Adjutant General. Amend RSA 110-B:8-b, I-IV to read as follows:

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

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

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

30 IV. Provide overall guidance and direction for state operations including business
31 administration, facilities management, ***division of veterans services, the division of community***
32 ***based military programs*** and the state veterans cemetery.

33 220 New Subdivision; Department of Military Affairs and Veterans Services; Veterans Services.
34 Amend RSA 110-B by inserting after section 82 the following new subdivision:

35 Division of Veterans Services

36 110-B:83 Division of Veterans Services.

37 I. The division of veterans services shall be divided into 3 classes, namely the division of
38 veterans services, the state veterans cemetery and the division of community based military

1 programs. Additionally there will be 2 advisory bodies, namely the veterans council and the
2 military leadership team.

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

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

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

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

15 110-B:84 Division of Veterans Services. The division of veterans services under the supervision
16 of a director of veterans services shall:

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

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

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

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

29 III. Accept and expend for purposes of publishing and distributing the state veterans
30 handbook, any donations, grants, bequests, and contributions which become available for such
31 purposes.

32 110-B:85 Director of the Division of Veterans Services.

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

35 II. The director shall:

36 (a) Supervise the activities of a statewide service delivery structure which assists
37 veterans and family members in identifying eligibility for veterans benefits, filing claims,
38 coordinating benefits with other state and federal agencies, and reviewing claims decisions for

1 appeals or waivers of unfavorable decisions.

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

6 (c) Prepare the agency budget and administer and monitor expenditures for the division
7 of veterans services.

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

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

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

14 110-B:86 Copies of Public Records. When a copy of any public record is required by the
15 Department of Veterans Affairs to be used in determining the eligibility of any person to participate
16 in benefits made available by the United States Department of Veterans Affairs, the official
17 custodian of such public record shall without charge provide the applicant for such benefits or any
18 person acting on his or her behalf or the authorized representative of the United States Department
19 of Veterans Affairs with a certified copy of such record; provided, however, that in any case where
20 the copy is made by a town clerk whose official income is derived in part or entirely from fees a
21 charge for services hereunder shall be made and the town shall reimburse the clerk for the charges.

22 110-B:87 Donations and Bequests. The division of veterans services may receive, on behalf of
23 the state, all donations and bequests that may be made to support the delivery of state office of
24 veterans services programs.

25 110-B:88 Division of Community Based Military Programs. The division of community based
26 military programs, under the supervision of an administrator of community based military
27 programs shall facilitate military and civilian partnerships by collaborating, coordinating, and
28 communicating with military and civilian provider groups in the delivery of services to New
29 Hampshire veterans, service members, and their families. The administrator shall:

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

32 II. Integrate military and civilian community and coalition networks and strengthen
33 military-civilian community supports by integrating those supports into civilian structures.

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

35 IV. Ensure cost efficiency through decreased overlap, service redundancy and increased
36 service fidelity.

37 V. Develop and provide oversight for New Hampshire's care coordination, including
38 services and supports addressing substance misuse, homelessness, suicide prevention, mental

1 health, sexual military trauma, unemployment, domestic violence, education, and legal support.

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

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

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

8 110-B:89 State Veterans Council Established.

9 I. There shall be a state veterans council of 4 members to be appointed by the governor and
10 council, 3 of whom shall be veterans as defined by RSA 21:50. The fourth member shall be a family
11 member of a veteran or family member of a currently serving member of the armed forces. All
12 council members shall be citizens of New Hampshire. Of the first appointments of veterans under
13 this section one shall be appointed for a term of 3 years, one for a term of 2 years, one for a term of
14 one year and thereafter each shall be appointed for a term of 3 years. The family member shall be
15 appointed for a term of 3 years. Each member of the council shall hold office until a successor is
16 appointed and qualified. Any vacancy in the council shall be filled by the governor and council for
17 the unexpired term.

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

23 110-B:90 Military Leadership Team. There is hereby established a military leadership team
24 which shall serve in an advisory capacity and shall provide advice and guidance to the adjutant
25 general regarding the delivery of services to veterans and military service members in New
26 Hampshire. The military leadership team shall choose a chairman, vice-chairman, and a secretary
27 from their membership. The team may, by a majority vote of its members, adopt bylaws governing
28 the management and operation of the team. The military leadership team shall consist of the
29 following members:

30 I. The adjutant general, or designee.

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

32 III. The members of the veterans council.

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

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

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

38 VII. A family member of veteran or currently serving member of the armed forces,

1 appointed by the adjutant general.

2 221 Aid for Veterans' Programs. Amend RSA 115-A:2, VII to read as follows:

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

5 222 Replace Term. Replace "office of veterans services" or "state office of veterans services"
6 with "division of veterans affairs" in the following RSA sections: RSA 21:50, I(b)(24); 72:29, VII;
7 94:1-a, I(b), Grade CC; 115-A:2, VII; 115-A:10; 115-A:14; 115-A:17; 115-A:21; 115-B:5; 115-D:2, I(e);
8 261-C:2, III; 261-C:3; 261-C:4, II; 261-C:7; 358-A:2, XVII; 465:3; 465:5; 465:11; 651:4-b, II(a).

9 223 Repeal. RSA 115, relative to the state office of veterans services, is repealed.

10 224 Sale of Property; National Guard Armory in Berlin. The adjutant general and the
11 department of military affairs and veterans services are authorized to offer for sale the national
12 guard armory land and buildings in the city of Berlin. The adjutant general and the department
13 shall submit quarterly reports on the progress of the sale to the fiscal committee of the general
14 court. Any sale of such land and buildings shall be subject to the requirements of RSA 4:40. All
15 proceeds from the sale may be used for the purchase of a new armory in general proximity to the
16 current armory in Berlin, and any proceeds from the sale that are not used for such a purchase
17 shall lapse to the general fund.

18 225 FRM Victims' Contribution Recovery Fund. Amend RSA 359-P:2, I to read as follows:

19 I. There is hereby established the FRM victims' contribution recovery fund. The fund shall
20 be nonlapsing and continually appropriated to the director. The fund shall be capped at
21 \$10,000,000 and [~~shall consist of~~] **may include** gifts and contributions of any kind.

22 226 FRM Victim's Contribution Recovery Fund; Eligibility for Recovery Assistance. Amend
23 RSA 359-P:3, I(c) to read as follows:

24 (c) **Relinquishes any further claims the claimant may have against the state**
25 **that are related in any way to Financial Resources Mortgage fraud and executes a release**
26 **to that effect that is in a form developed by and acceptable to the attorney general.**

27 (d) Meets all other requirements of this chapter.

28 227 FRM Victims' Contribution Recovery Fund; Attorney/Administrator. Amend RSA 359-P:4
29 to read as follows:

30 359-P:4 Attorney/Administrator. The director shall hire/appoint a private attorney or
31 administrator who shall collect gifts and contributions, review applications for assistance submitted
32 pursuant to this chapter, make awards of assistance in accordance with the procedures of this
33 chapter, and report annually to the director commencing on February 1, 2017 and each February 1
34 thereafter. The director shall negotiate the attorney's or administrator's compensation [~~which in~~
35 ~~any calendar year shall be no more than 10 percent of any private sector contributions received in~~
36 ~~that calendar year~~].

37 228 New Section; Mount Sunapee Legislative Advisory Commission. Amend RSA 12-A by
38 inserting after section 29-c the following new sections:

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1 12-A:22-d Mount Sunapee Legislative Advisory Commission.

2 I. There is established a Mount Sunapee legislative advisory commission which shall review
3 the proposed master development plan required pursuant to the lease and operating agreement for
4 the Mount Sunapee ski area.

5 II. The members of the commission shall be as follows:

6 (a) One member of the senate, who shall be the senator representing the district in
7 which the town of Newbury is located appointed by the senate president.

8 (b) Three members of the house of representatives, appointed by the speaker of the
9 house of representatives, including one representative representing a district in which Mount
10 Sunapee ski area is located, one representative serving on the house resources, recreation, and
11 development committee, and one representative serving on the public works and highways
12 committee.

13 III. The commission shall elect a chairperson from its members, and any other officers it
14 deems necessary. The terms of the members of the commission shall be coterminous with their
15 respective terms of office. In the event of a vacancy, a new member shall be appointed for the
16 unexpired term in the same manner as the original appointment.

17 IV. Members of the commission shall serve without compensation. Members shall receive
18 mileage at the legislative rate when attending to the duties of the commission.

19 V. The commission shall review the master development plan prior to final approval by the
20 commissioner of the department of natural and cultural resources and make recommendations to
21 the commissioner within 30 days of receiving the final draft of the master development plan. The
22 commission's recommendations shall not be binding on the commissioner; however, the
23 commissioner shall provide a response to the recommendations to the commission and to the
24 governor and executive council.

25 VI. The first meeting of the commission shall be called by the senate member. Three
26 members of the commission shall constitute a quorum.

27 229 Workers' Compensation; Firefighter and Heart, Lung, or Cancer Disease. Amend RSA 281-
28 A:17, II to read as follows:

29 II. Notwithstanding the provisions of RSA 281-A:2, XI and XIII, 16 and 27, there shall exist
30 a prima facie presumption that cancer disease in a firefighter, whether a regular, call, volunteer, or
31 retired member of a fire department, is occupationally ~~[related]~~ **caused**. In order to receive ~~[this]~~
32 occupational cancer ~~[disability benefit]~~ **workers' compensation**, the type of cancer involved must
33 be a type which may be caused by exposure to heat, radiation, or a known carcinogen, as defined by
34 the International Agency for Research on Cancer. However:

35 (a) A firefighter who has been a firefighter for 10 years shall have the benefit of this
36 prima facie presumption as follows:

37 (1) If a fire department follows the medical examination as outlined by the National
38 Fire Protection Association standard 1582, the firefighter shall provide this report as evidence that

1 the firefighter was free of such disease at the beginning of his or her employment and shall
2 guarantee that he or she has lived a tobacco free ~~[life]~~ **lifestyle**. The employer of a ~~[eall-or~~
3 ~~volunteer]~~ firefighter shall provide the required reasonable medical evidence to the **workers'**
4 **compensation carrier and to the** firefighter to present as part of his or her claim.

5 (2) If the fire department does not follow the medical examination standard, the
6 firefighter shall guarantee that he or she has lived a tobacco free ~~[life]~~ **lifestyle** and has been a
7 firefighter for 10 years and shall be required to present after action reports filed after fire incidents
8 which demonstrate exposure to the known carcinogens as part of the claim, but shall not have the
9 benefit of the prima facie presumption.

10 (b) A retired firefighter who has been retired between 6 and 20 years who guarantees
11 that he or she has lived a tobacco free ~~[life]~~ **lifestyle** and who is receiving a pension **subject to RSA**
12 **100-A**, shall be eligible for medical payments only under this section. If a new claim is being filed,
13 the firefighter shall be responsible for filing applicable data and after action reports if no ~~[physical]~~
14 **medical examination** report can be provided. A retired firefighter who agrees to submit to any
15 ~~[physical]~~ **medical** examination requested by the employing city, town, or precinct shall have the
16 benefit of the prima facie presumption for a period of 20 years from the effective date of the
17 firefighter's retirement, during which time the firefighter shall be eligible to have his or her medical
18 expenses paid for this period.

19 (c) No active or retired firefighter shall receive the presumption benefit unless the
20 employer voluntarily has in effect a policy that follows the fire standards and training commission
21 curriculum requirement for best practices for use and cleaning of equipment.

22 (d) ***For active, regular firefighters whose employment began prior to January***
23 ***1, 1997, a medical examination as outlined by the National Fire Protection Association***
24 ***standard 1582 may be reimbursed by the department of safety, division of fire safety, and***
25 ***provided as evidence that the firefighter was free of such disease.***

26 (e) ***For the purposes of this section, a person lives a "tobacco free lifestyle" if he***
27 ***or she has not, within the past 6 months, used any tobacco product, including cigarettes,***
28 ***cigars, chewing tobacco, snuff, or pipe tobacco 4 or more times in a week, except in the***
29 ***case of religious or ceremonial use of tobacco, such as by Alaska natives or Native***
30 ***Americans.***

31 230 Judicial Retirement Plan; Benefits. RSA 100-C:5 through RSA 100-C:7 are repealed and
32 reenacted to read as follows:

33 100-C:5 Service Retirement Benefits.

34 I. Any member who has 15 years of creditable service and is at least 62 years of age, or who
35 has 10 years or creditable service and is at least 67 years of age, or who has 7 years of creditable
36 service and is 70 years of age may retire on a service retirement allowance, upon written
37 application to the board setting forth on what date, not less than 30 days nor more than 90 days
38 subsequent to the filing of the application, the member desires to be retired. During such period of

1 notification, the member may have separated from service.

2 II. A member who meets the age and years of service requirements specified in paragraph I
3 may retire on a service retirement allowance equal to 4 percent of the member's final year's salary
4 multiplied by the number of years of the member's creditable service; provided, however, that under
5 no circumstances shall any service retirement allowance exceed 75 percent of the member's final
6 year's salary.

7 III. A member who has a minimum of 5 years of creditable service and who is not eligible
8 for a retirement service allowance under this section may retire without a retirement service
9 allowance at any time. Election to retire under this section shall terminate the judge's membership
10 in the judicial retirement plan and shall irrevocably extinguish the judge's rights under RSA 491-
11 A:1 and under RSA 100-C:6 and RSA 100-C:7. Election to retire under this section shall entitle the
12 judge to payment of his or her accumulated contributions to the member annuity savings fund,
13 together with any interest that may have accrued at rates determined by the board of trustees.

14 100-C:6 Disability Retirement Benefits.

15 I. Regardless of a member's length of service, any member who becomes permanently and
16 totally disabled may apply to the board of trustees to retire on a disability retirement allowance not
17 less than 30 days nor more than 90 days subsequent to the filing of such application. Such
18 application shall be granted provided that a physician or physicians designated by the board of
19 trustees, after a medical examination of such member, certifies that the member is mentally or
20 physically incapacitated for further performance of duty, that such incapacity is likely to be
21 permanent, and that such person should be retired. A member's disability retirement allowance
22 shall be 70 percent of the member's final year salary for the period from the date of the member's
23 disability through the date when the member reaches age 70, at which time the allowance converts
24 to the amount the member would have received if the member had remained in regular service until
25 age 70 at a final year's salary equal to the member's final year's salary on the date of the member's
26 disability.

27 II. Unless the member and, if the member is married, the member's spouse elects to waive
28 this provision, which waiver must be executed in writing, a member who is married or who has
29 children under the age of 18 at the time of the member's disability retirement shall receive the
30 following disability retirement benefit, which shall be of equivalent actuarial value to the benefit
31 payable if this section were not applicable to such member: a reduced disability retirement
32 allowance payable during the member's life, with the provision that, upon the member's death, the
33 member's surviving spouse, so long as he or she remains unmarried, or, if the member leaves no
34 spouse, or at the surviving spouse's death or remarriage, the member's child or children under 18
35 years of age until they respectively reach their eighteenth birthday, shall be paid a disability
36 retirement allowance equal to 50 percent of the disability retirement allowance payable to the
37 member at the time of the member's death; provided that, if the member dies before age 70, said
38 amount shall be paid for the period from the date of the member's death until the date the member

1 would have reached age 70, at which time the benefit converts to 50 percent of the amount the
2 member would have received if the member had remained in regular service to age 70 at a final
3 year's salary equal to the member's final year's salary on the date of the member's disability. In
4 case there is more than one child, the compensation shall be divided equally among them.

5 100-C:7 Death, Spousal and Dependent Benefits.

6 I. Unless the member and, if the member is married, the member's spouse elects to waive
7 this provision, which waiver shall be executed in writing, a member who is married or who has
8 children under the age of 18 at the time of the member's retirement shall receive the following
9 service retirement benefit, which shall be of equivalent actuarial value to the benefit payable if this
10 section were not applicable to such member: a reduced retirement allowance payable during the
11 retired member's life, with the provision that, upon the member's death, the member's surviving
12 spouse, so long as he or she remains unmarried, or, if the member leaves no spouse, or at the
13 surviving spouse's death or remarriage, the member's child or children under 18 years of age until
14 they respectively reach their eighteenth birthday, shall be paid a retirement allowance equal to 50
15 percent of the retirement allowance payable to the member at the time of the member's death. In
16 case there is more than one child, the compensation shall be divided equally among them.

17 II. If a member dies in office, his or her surviving spouse, as long as he or she remains
18 unmarried, or, if the member leaves no spouse, or at the surviving spouse's death or remarriage,
19 then the member's child or children under the age of 18 years and until they respectively reach
20 their eighteenth birthday, shall be entitled to the following benefit: 70 percent of the member's
21 yearly salary at the time of death for the period from the date of the member's death through the
22 date when the member would have reached age 70, at which time the benefit shall be reduced to 50
23 percent of the benefit the member would have received if the member had remained in service until
24 age 70 and had a final year's salary equal to the yearly salary of the member on the date of the
25 member's death. In case there is more than one child, the compensation shall be divided equally
26 among them.

27 231 Retired Judges; Judicial Referees. Amend RSA 493-A:1, IV to read as follows:

28 IV. In the case of a retired full-time justice, in good standing, of the New Hampshire
29 supreme, superior, district, or probate court who forgoes a retirement service allowance pursuant to
30 RSA 100-C:5, [VH] **III** and who elects to take senior active status under paragraph I, the justice
31 may serve as provided in paragraph II with compensation under RSA 493-A:1-b limited to per diem
32 payment and expenses. No person who retires under the provisions of this paragraph shall be
33 considered a "retired employee," as defined in RSA 21-I:30, for purposes of eligibility for state-paid
34 medical and surgical benefits.

35 232 Judicial Retirement Plan; Member Contributions. Amend RSA 100-C:14, I to read as
36 follows:

37 I. All member contributions to the judicial retirement plan shall be payable only with
38 respect to membership service, and picked up by the state by means of payroll deduction and shall

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1 be treated as employer contributions for purposes of Section 414(h) of the Internal Revenue Code of
2 1986, as amended. The member contribution rate shall be fixed biennially by the board of trustees
3 and shall be calculated so that the rate percent of earnable compensation deducted is one-half of the
4 annual contribution requirements of the judicial retirement plan as determined in RSA 100-C:13, I.
5 In no year shall the member contribution rate exceed 10 percent of a member's earnable
6 compensation. [~~Once a member attains eligibility for a service retirement allowance equal to 75~~
7 ~~percent of the member's final year's salary pursuant to RSA 100-C:5, said member shall not be~~
8 ~~required to have deductions made from earnable compensation for purposes of this section provided~~
9 ~~that the state contributions for such member under RSA 100-C:13, IV shall continue until the~~
10 ~~member's retirement.~~]

11 233 New Section; Judicial Retirement Plan; Applicability. Amend RSA 100-C: by inserting
12 after section 3 the following new section:

13 100-C:3-a Applicability. Notwithstanding any other provision of law, a judge shall remain
14 subject to the provisions of this chapter that are in effect at the time the judge becomes a member of
15 the judicial retirement plan.

16 234 Appropriation for Unanticipated Funds Made Available During Year. Amend RSA 198:20-
17 b, II to read as follows:

18 II. Such money shall be used only for legal purposes for which a school district may
19 appropriate money. No funds disbursed from the [~~education trust~~] **general** fund pursuant to RSA
20 198:42 shall, under any circumstances, emergency or otherwise, be deemed to be unanticipated
21 money under the provisions of this section.

22 235 Adequate Education. Amend the subdivision title immediately preceding RSA 198:38 to
23 read as follows:

Adequate Education[~~;- Education Trust Fund~~]

24 236 Repeal. RSA 198:39, relative to the education trust fund, is repealed.

25 237 School Money; Adequate Education. Amend RSA 198:42, I and II to read as follows:

26 I. The adequate education grant determined in RSA 198:41 shall be distributed to each
27 municipality's school district or districts from the [~~education trust~~] **general** fund in 4 payments of
28 20 percent on September 1, 20 percent on November 1, 30 percent on January 1, and 30 percent on
29 April 1 of each school year; provided that for a dependent school district, the grant determined in
30 RSA 198:41 shall be distributed to the municipality, which shall appropriate and transfer the grant
31 funds to its dependent school department.

32 II. For the fiscal year beginning July 1, 2005, and every fiscal year thereafter, the amount
33 necessary to fund the grants under RSA 198:41 is hereby appropriated to the department from the
34 [~~education trust fund created under RSA 198:39~~] **general fund**. The governor is authorized to
35 draw a warrant from the [~~education trust~~] **general** fund to satisfy the state's obligation under this
36 section. [~~Such warrant for payment shall be issued regardless of the balance of funds available in~~
37 ~~the education trust fund. If the balance in the education trust fund, after the issuance of any such~~
38

1 ~~warrant, is less than zero, the comptroller shall transfer sufficient funds from the general fund to~~
2 ~~eliminate such deficit. The commissioner of the department of administrative services shall inform~~
3 ~~the fiscal committee and the governor and council of such balance. This reporting shall not in any~~
4 ~~way prohibit or delay the distribution of adequate education grants.]~~

5 238 School Money; Local Control and Alternative Kindergarten Programs. Amend RSA 198:48-
6 a, VII(a) to read as follows:

7 (a) Upon the effective date of this paragraph, and for each fiscal year through June 30,
8 2003, an adequate education grant of \$1,200 per pupil shall be distributed to school districts, from
9 the ~~[education trust]~~ **general** fund ~~[created in RSA 198:39]~~, for the education of its resident
10 kindergarten pupils enrolled in an approved alternative kindergarten program established under
11 this section.

12 239 School Money; Local Control and Alternative Kindergarten Programs; Kindergarten
13 Grants. Amend RSA 198:48-c, I(b) to read as follows:

14 (b) For fiscal year 2019, once pupils enrolled in an approved full-day kindergarten
15 program have been counted in the school district's average daily membership in attendance as
16 defined in RSA 198:38, I, a school district, or a chartered public school based on its kindergarten
17 average daily membership enrollment number, shall receive, in addition to any funds received
18 pursuant to RSA 198:40-a, an additional grant of \$1,100 per kindergarten pupil attending a full-day
19 kindergarten program. The commissioner shall certify the amount of the grant to the state
20 treasurer and direct the payment thereof from the ~~[education trust]~~ **general** fund ~~[established in~~
21 ~~RSA 198:39]~~ to the school district or chartered public school.

22 240 School Money; Local Control and Alternative Kindergarten Programs; Kindergarten
23 Grants. Amend RSA 198:48-c, I(d) to read as follows:

24 (d) The amount necessary to fund the grants under this section is hereby appropriated
25 to the department from the ~~[education trust]~~ **general** fund. The governor is authorized to draw a
26 warrant from the ~~[education trust]~~ **general** fund to satisfy the state's obligation under this section.

27 241 School Money; Local Control and Alternative Kindergarten Programs; Kindergarten
28 Grants. Amend RSA 198:48-c, III(c) to read as follows:

29 (c) The amount necessary to fund the grants under this paragraph is hereby
30 appropriated to the department from the ~~[education trust]~~ **general** fund. The governor is
31 authorized to draw a warrant from the ~~[education trust]~~ **general** fund to satisfy the state's
32 obligation under this section.

33 242 School Money; Low and Moderate Income Homeowners Property Tax Relief; Refund of Tax
34 Claims. Amend RSA 198:61 to read as follows:

35 198:61 Refund of Tax Claims. The department of revenue administration shall review a claim
36 for tax relief filed with it and, if such claim is determined to be valid, shall certify such amount to
37 the state treasurer within 120 days who shall pay such claims from funds in the ~~[education trust]~~
38 **general** fund. Such sums are hereby appropriated and the governor is authorized to draw a

1 warrant from the ~~[education trust]~~ **general** fund to satisfy the state's obligation under this section.
2 ~~[Such warrant for payment shall be issued regardless of the balance of funds available in the~~
3 ~~education trust fund. If the balance in the education trust fund, after the issuance of any such~~
4 ~~warrant, is less than zero, the commissioner of the department of revenue administration shall~~
5 ~~inform the fiscal committee and the governor and council of such balance. This reporting shall not~~
6 ~~in any way prohibit or delay the payment of valid claims.]~~ The department shall notify a claimant
7 whose claim is rejected in whole or in part of such determination within 90 days of the department's
8 receipt of the claim and all required documentation.

9 243 Repeal of Revenue Estimates. RSA 77-A:20-a, relative to the requirement to estimate and
10 transfer business profits tax revenues into the education trust fund, is repealed.

11 244 Repeal of Revenue Estimates. RSA 77-E:14, relative to the requirement to estimate and
12 transfer business enterprise tax revenues into the education trust fund, is repealed.

13 245 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(d) to read as follows:

14 (d) The source of funds for payments under this section shall be moneys from the
15 ~~[education trust fund established in RSA 198:39]~~ **general fund**. The governor is authorized to
16 draw a warrant from the ~~[education trust]~~ **general** fund to satisfy the state's obligation under this
17 section. ~~[Such warrant for payment shall be issued regardless of the balance of funds available in~~
18 ~~the education trust fund. If the balance in the education trust fund, after the issuance of any such~~
19 ~~warrant, is less than zero, the state comptroller shall transfer sufficient funds from the general~~
20 ~~fund to eliminate such deficit. The commissioner of the department of administrative services shall~~
21 ~~inform the fiscal committee and the governor and council of such balance. This reporting shall not~~
22 ~~in any way prohibit or delay the distribution of payments.]~~ The department of education may
23 request additional funds from the fiscal committee of the general court, with the approval of
24 governor and council, for a new chartered public school approved for initial operation by the state
25 board of education pursuant to RSA 194-B:3-a.

26 246 Horse and Dog Racing; Establishment. Amend RSA 284:21-j, I to read as follows:

27 I. The state treasurer shall credit all moneys received from the lottery commission under
28 RSA 284, RSA 287-D, and RSA 287-E, and interest received on such moneys, to a special fund from
29 which the treasurer shall pay all expenses of the commission incident to the administration of this
30 subdivision and all administration and enforcement expenses of racing and charitable gaming
31 under RSA 284, RSA 287-D, and RSA 287-E. Any balance left in such fund after such expenses are
32 paid shall be deposited in the ~~[education trust fund established under RSA 198:39]~~ **general fund**.

33 247 Horse and Dog Racing; License Fees. Amend RSA 284:44, II to read as follows:

34 II. All net proceeds collected by the lottery commission under this section shall be deposited
35 in the education ~~[trust fund established in RSA 198:39]~~ **general fund**.

36 248 Horse and Dog Racing; Operation of Keno Games. Amend RSA 284:47, II(b) to read as
37 follows:

38 (b) The remainder, less the administrative costs of the lottery commission and prize

1 payouts, shall be deposited in the [~~education trust fund established in RSA 198:39.~~] **general fund.**

2 249 Budget and Appropriations; Revolving Funds; Execution of the Budget; Monthly
3 Statements. Amend RSA 9:11, II(b)(1) to read as follows:

4 (b)(1) For the general fund [~~and education trust fund~~], the judicial branch and any
5 agency that receives appropriations from the general fund [~~or education trust fund~~].

6 250 Repeal of Revenue Estimates. RSA 78:32, relative to the requirement to estimate and
7 transfer tobacco tax revenues into the education trust fund, is repealed.

8 251 Repeal of Revenue Estimates. RSA 78-B:13, relative to the requirement to estimate and
9 transfer of real estate transfer tax revenues into the education trust fund, is repealed.

10 252 Department of Revenue Administration; Reports on Status of Requested Tax Refunds.
11 Amend the introductory paragraph of RSA 21-J:45, I to read as follows:

12 I. The commissioner of the department of revenue administration shall report to the fiscal
13 committee of the general court within 10 days after the close of each quarter, the status of
14 requested refunds pending from the [~~combined~~] general fund [~~and education trust fund~~] for the
15 following taxes:

16 253 Repeal. The following are repealed:

17 I. RSA 21-N:7, VII, relative to the administration of the education trust fund.

18 II. RSA 6:12, I(b)(65), relative to the education trust fund.

19 254 Return of Revenue to Cities and Towns; Determination of Amounts Returnable. Amend
20 RSA 31-A:4, I to read as follows:

21 I. Its 1978 distribution under RSA 31-A plus its share under the equalized formula of an
22 annual increase of 5 percent in the previous year's aggregate distribution, through the year 1981,
23 excluding revenue derived from RSA 77-A:20. The amount of money which is removed from the
24 formula for deposit in the [~~education trust~~] **general fund** shall not affect the remaining municipal
25 revenue sharing distribution. The same amount distributed to each municipality in fiscal year
26 1998, excluding the amount apportioned to the school district in the 1998 property tax calculations,
27 shall be distributed to each municipality in fiscal year 1999 and each year thereafter until the
28 legislature revises the formula or provides additional appropriations that will affect the distribution
29 amount.

30 255 New Hampshire Municipal Bond Bank; Withholding of Moneys. Amend RSA 35-A:24, IV to
31 read as follows:

32 IV. Three days after receipt of the certification from the chairman or vice chairman of the
33 bank, the state treasurer shall pay to the bank's trustee at which such unpaid municipal bond is
34 payable, the amount of such certified overdue payment, to the extent amounts are appropriated
35 from the general fund [~~or the education trust fund~~] and are payable by the state to such
36 governmental unit during the remainder of the fiscal year, together with any amounts payable in
37 accordance with paragraph II hereof. If any portion of such certified overdue payment has not been
38 paid at the close of the fiscal year, the state treasurer shall pay the same as soon as practicable in

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1 the next fiscal year to the extent of amounts otherwise then appropriated by the state and payable
2 by the state to such governmental unit during that fiscal year, together with any amounts then
3 payable in accordance with paragraph II.

4 256 Apportionment, Assessment, and Abatement of Taxes; Commissioner's Warrant. Amend
5 RSA 76:8, III to read as follows:

6 III. Municipalities are authorized to assess local property taxes necessary to fund school
7 district appropriations not funded by the education tax, by distributions from the [~~education trust~~
8 ~~fund under RSA 198:39~~] **general fund**, or by other revenue sources.

9 257 Repeal of Revenue Estimates. RSA 78-A:26, III, relative to the requirement to transfer
10 gross rental receipts under the meals and rooms tax into the education trust fund, is repealed.

11 258 Utility Property Tax; Administration. Amend RSA 83-F:7, I to read as follows:

12 I. The commissioner shall collect the taxes, interest, additions to tax and penalties imposed
13 under this chapter and shall pay over to the state treasurer for deposit in the [~~education trust fund~~
14 ~~established by RSA 198:39~~] **general fund** the amount of the funds collected.

15 259 Department of Business and Economic Affairs; Rest Areas and Welcome Centers. Amend
16 RSA 12-O:18, I to read as follows:

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

23 260 New Paragraphs; Department of Business and Economic Affairs; Rest Areas and Welcome
24 Centers. Amend RSA 12-O:18 by inserting after paragraph II the following new paragraphs:

25 III. The bureau of visitor service shall manage and operate all existing welcome centers in
26 the state. This management and operation shall include, without limitation, staffing, training,
27 fiscal management, grounds and building maintenance, coordination with partners, and customer
28 service to the traveling public.

29 IV. The bureau of visitor service shall lead an effort within state government to consolidate
30 existing and operating welcome centers in collaboration with other relevant state agencies and
31 within existing statutory and regulatory requirements. The goals of such effort shall be to reduce
32 state operational responsibility and cost, to provide an improved user experience for visitors, and to
33 focus state investment on customer service. This effort shall not include (i) new welcome centers
34 that are not designed to replace or consolidate existing centers or (ii) previously closed welcome
35 centers or rest areas.

36 261 Labor; Workers' Compensation; Safety Provisions; Administrative Penalty. Amend RSA
37 281-A:64, VIII to read as follows:

38 VIII. The commissioner may assess an administrative penalty of up to \$250 a day on any

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1 employer not in compliance with the written safety program required under paragraph II of this
2 section, the joint loss management committee required under paragraph III of this section, or the
3 directives of the department under paragraph IV of this section. Each violation shall be subject to a
4 separate administrative penalty. All penalties collected under this paragraph shall be deposited in
5 the ~~[general fund.]~~ **department of labor restricted fund established pursuant to RSA 273:1-b.**

6 262 Labor; Workers' Compensation; Definitions. Amend RSA 281-A:2, VI(d) to read as follows:

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

20 263 Repeal. RSA 6:12, I(b)(267), relative to moneys deposited in the workers' compensation
21 fraud fund, is repealed.

22 264 Administration of Transportation Laws; Certification of Current Workers' Compensation
23 Coverage Required. Amend RSA 228:4-b, IV to read as follows:

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

26 265 New Subdivision; Governor's Finish Line New Hampshire Scholarship Program. Amend
27 RSA 188-F by inserting after section 68 the following new subdivision:

28 Governor's Finish Line New Hampshire Scholarship Program

29 188-F:69 Governor's Finish Line New Hampshire Scholarship Program.

30 I. The community college system of New Hampshire shall establish and administer the
31 governor's finish line New Hampshire scholarship program with funds appropriated from the
32 general court. The program shall provide tuition grants, after federal grants and other aid, for
33 eligible students who have already completed 30 credits.

34 II. The program shall be open to any student attending an institution within the
35 community college system who is over 25 years of age and is enrolled in a field which the
36 community college system has identified as being in high demand by employers in the state.

37 III. The community college system shall establish procedures for the administration of the
38 program, identification of high demand fields of employment, and the criteria by which a student

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

5 II. A person shall meet the qualifications for academic performance or work experience as
6 established by the department.

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

14 21-N:16 Governor's Scholarship Fund Established.

15 I. There is hereby established in the state treasury the governor's scholarship fund which
16 shall be kept distinct and separate from all other funds. The fund shall provide scholarships for the
17 benefit of eligible residents of the state pursuing programs of study or training at a postsecondary
18 educational institution or training program within the state.

19 II. The comptroller shall credit to the fund any appropriations relating to the governor's
20 scholarship program made to the department of education, division of educator support and higher
21 education for each fiscal year. The state treasurer shall invest the fund in accordance with RSA 6:8.
22 Any earnings on fund moneys shall be added to the fund.

23 III. All moneys in the fund shall be nonlapsing.

24 IV. The department may institute promotional programs and solicit and receive gifts or
25 donations of any kind for the purpose of supporting educational scholarships from the fund. The
26 department may accept gifts to the fund including, but not limited to, cash gifts, and real or
27 personal property, without the approval of the governor and council.

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

29 21-N:17 Procedures.

30 I. All scholarship funds shall be distributed by the postsecondary educational institution.
31 The institution shall include the scholarship in the student's financial aid package and may seek
32 subsequent reimbursement. The state shall provide the reimbursements twice per year to each
33 institution for the number of eligible students enrolled in the current semester or term who are
34 receiving a scholarship in the amount of \$1,000. An institution shall submit the list of scholarship
35 students to the department or its designee no later than November 30 and April 30 of each academic
36 year, and shall be reimbursed within 30 days of those submittal dates.

37 II. An eligible person may receive a scholarship in the amount of \$1,000 per year provided
38 he or she maintains at least a 2.0 grade point average. An eligible person who earned the New

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1 Hampshire scholar designation at the time of high school graduation shall be eligible to receive a
2 scholarship in the amount of \$2,000 per year provided he or she maintains at least a 2.5 grade point
3 average. In all cases the postsecondary educational institution shall agree not to reduce any merit
4 or need based grant aid that would have otherwise been provided to the eligible person. An eligible
5 person may receive an annual scholarship for a maximum of 4 years.

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

10 IV. The department shall determine procedures for distributing scholarship funds to an
11 eligible person enrolled in an approved training program.

12 268 Application of Receipts; Governor's Scholarship Program. Amend RSA 6:12, I(b)(336) to
13 read as follows:

14 (336) Moneys deposited into the governor's scholarship fund established in ~~[RSA 4-~~
15 ~~C:34]~~ **RSA 21-N:16**.

16 269 Repeal; Governor's Scholarship Program. RSA 4-C:31-35, relative to the governor's
17 scholarship program, are repealed.

18 270 New Section; Department of Transportation; Bulk Disposal of Highway or Turnpike
19 Funded Real Estate. Amend RSA 4 by inserting after section 39-e the following new section:

20 4:39-f Bulk Disposal of Highway or Turnpike Funded Real Estate. Notwithstanding RSA 4:39-
21 c, the bulk disposal of real estate purchased with state or federal highway funds, or both, or with
22 turnpike funds shall occur as follows:

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

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

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

38 IV. The commissioner of the department of transportation shall, at least once annually,

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1 report to the long range capital planning and utilization committee on the status of all real estate
2 previously approved under this section.

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

6 271 Number Plates; Official Cover Plates. Amend RSA 261:90 to read as follows:

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

31 272 Repeal; Maine-New Hampshire Interstate Bridge Authority. The following are repealed:

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

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

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

37 273 Executive Branch Code of Ethics; Complaints. Amend RSA 21-G:31, VI to read as follows:

38 VI. In proceedings under this subdivision, the committee shall have the power to issue

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1 subpoenas and administer oaths. Such subpoena powers may be exercised for the committee by the
2 chairperson or legal counsel to the committee. The fees for witnesses ~~[shall be consistent with RSA~~
3 ~~516:16 and]~~ shall be borne by the committee or the party requesting the subpoena.

4 274 Insurance Holding Companies; Examination. Amend RSA 401-B:6, V to read as follows:

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

18 275 Payment of Witnesses in Criminal Cases. Amend RSA 592-A:12 to read as follows:

19 592-A:12 ~~[Payment of]~~ Witnesses in Criminal Cases. Any person who attends any court for the
20 state in criminal cases pursuant to subpoena ~~[shall be paid the witness fees provided by RSA 516:16.~~
21 ~~Any such person]~~ shall sign a witness log, which shall be available in the office of the clerk of court,
22 on which the individual shall provide the following information: name, mailing address, and the
23 name of the case for which the person was subpoenaed. The prosecuting agency shall review the
24 log each day and certify that each individual appeared as indicated on the log. ~~[The attorney~~
25 ~~general shall pay all witness fees to all such persons who are entitled to such fees.]~~

26 276 Parole Revocation. Amend RSA 651-A:17 to read as follows:

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

1 participate in an intermediate sanction program and has waived his or her right to counsel and to a
2 preliminary hearing under RSA 504-A:5.

3 277 Arbitration of Disputes; Witnesses. Amend RSA 542:5 to read as follows:

4 542:5 Witnesses; Summoning; Compelling Attendance. When more than one arbitrator is
5 agreed to, all the arbitrators shall sit at the hearing of the case unless, by consent in writing, all
6 parties shall agree to proceed with the hearing with a less number. Any person may be summoned
7 as provided in RSA 516[5] to attend before the arbitrators as a witness ~~[and the fees for such~~
8 ~~attendance shall be the same as the fees of witnesses in the superior court]~~. If any person or
9 persons so summoned to testify shall refuse or neglect to attend, upon petition the court in and for
10 the county in which such arbitrators are sitting may compel the attendance of such person or
11 persons before said arbitrator or arbitrators, or punish said person or persons for contempt in the
12 same manner now provided in RSA 516.

13 278 Midwifery; Powers and Duties of the Council. Amend RSA 326-D:4, II to read as follows:

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

19 279 Alcoholic Beverages; Hearings and Investigations. Amend RSA 179:56, I to read as follows:

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

30 280 Repeal. The following are repealed:

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

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

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

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

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

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

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

5 281 Granite Workforce. 2018, 342:3 through 342:8 are repealed and reenacted to read as
6 follows:

7 342:3 Granite Workforce; Pilot Program Established.

8 I. The commissioner of the department of health and human services shall use allowable
9 funds from the Temporary Assistance to Needy Families (TANF) program along with other
10 available funds, including but not limited to, the job training fund established under RSA 282-
11 A:138-a to create a network of assistance to remove barriers to work for eligible low income families
12 as well as low income individuals and to provide subsidies to employers in high need areas, as
13 determined by the department of employment security based upon workforce shortages. The funds
14 shall be used to fund the granite workforce program, which shall operate as part of the New
15 Hampshire granite advantage health care program established in RSA 126-AA. The program shall
16 be jointly administered by the department of health and human services and the department of
17 employment security. No cash assistance shall be provided to eligible participants through granite
18 workforce.

19 II. To be eligible for granite workforce, applicants shall be enrolled in the New Hampshire
20 granite advantage health care program.

21 III. Allowable funds from the TANF program shall only be used to provide services outlined
22 herein and employment supports to individuals enrolled in the New Hampshire granite advantage
23 health care program that are:

- 24 (a) Parents aged 19 through 64 responsible for a dependent child under the age of 18; or
25 (b) Childless adults between 19 and 24 years of age.

26 IV. Authorized funding from the job training program along with other available funds
27 shall be used to provide services outlined herein and employment supports to individuals enrolled in
28 the New Hampshire granite advantage health care program that are between 25 and 64 years of
29 age.

30 V. An eligible recipient, participating in the granite workforce program, whose wages
31 subsequently cause the household to exceed 138 percent of the federal poverty level shall continue
32 to receive granite workforce program services as needed, including the subsidy for employers,
33 provided the recipients wages do not cause the household to exceed 250 percent of the federal
34 poverty level. After the second employer subsidy is paid on behalf of a granite workforce recipient,
35 the recipient shall no longer be eligible for granite workforce services as long as household income
36 exceeds 138 percent of the federal poverty level.

37 VI. The department of employment security shall determine eligibility and entry into the
38 program, using nationally recognized assessment tools for vocational and job readiness assessments.

1 Vocational assessments shall include educational needs, vocational interest, personal values, and
2 aptitude. The department shall use the assessment results to work with the participant to produce
3 a long term career plan for moving into the middle class and beyond.

4 VII. No person shall participate in the granite workforce program unless he or she is also
5 enrolled in the New Hampshire granite advantage health care program, as established in RSA 126-
6 AA.

7 VIII. Except as otherwise provided in paragraphs II, III, and IV regarding program
8 eligibility, administrative rules governing the New Hampshire employment program, adopted under
9 RSA 541-A, shall apply to the granite workforce pilot program.

10 342:4 Granite Workforce; Subsidies for Employers.

11 I. After 3 months of the employment of the participant in a paying job and receiving
12 verification of the continued employment and wages from the employer, the department of
13 employment security shall authorize payment to the employer a subsidy equal to 50 percent of the
14 employee's wages for the prior month, not to exceed \$2,000.

15 II. After 9 months of the continued employment of the participant in a paying job and
16 receiving verification of the continued employment and wages from the employer, the department of
17 employment security shall authorize payment to the employer a subsidy equal to 50 percent of the
18 employee's wages for the prior month, not to exceed \$2,000.

19 III. If an overpayment is made, the employer shall reimburse the department that amount
20 upon being notified by the department.

21 342:5 Granite Workforce; Referral for Barriers to Employment.

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

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

28 III. Thereafter, the department of employment security shall refer to community providers
29 those individuals deemed needing assistance with removing barriers to employment. When child
30 care is identified as a barrier to employment, the department of employment security or the
31 community provider shall refer the individual to available child care service programs, including
32 specifically the child care scholarship program administered by the department of health and
33 human services.

34 IV. In addition to employer subsidies authorized under this section, TANF or other funds
35 allocated to the granite workforce program shall be used to pay for other services that eliminate
36 barriers to work as established through rulemaking.

37 342:6 Granite Workforce; Network of Education and Training.

38 I. If after the assessment conducted by the department of employment security additional

1 job training, education, or skills development is necessary prior to job placement, the department of
2 employment security shall address those needs by:

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

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

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

9 (d) Referring individuals to training available through other colleges and training
10 programs.

11 II. All industry specific skills and training will be provided for jobs in high need areas, as
12 determined by the department of employment security based upon workforce shortages.

13 342:7 Granite Workforce; Job Placement. Upon determining the participant is job ready, the
14 department of employment security shall place individuals into jobs with employers in high need
15 areas, as determined by the department of employment security based upon workforce shortages.
16 This includes, but is not limited to, high labor need jobs in the fields of healthcare, advanced
17 manufacturing, construction/building trades, information technology, and hospitality. Training and
18 job placement shall focus on:

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

24 II. Advanced manufacturing to meet employer needs: training/jobs that include computer
25 aided drafting and design, electronic and mechanical engineering, precision welding, computer
26 numerical controlled precision machining, robotics, and automation.

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

29 IV. Information technology: training/jobs to allow businesses to excel in an ever increasing
30 network dependent business environment.

31 V. Hospitality training/jobs to address the workforce shortage and support New
32 Hampshire's tourism industry, to include but not be limited to hotel workers, restaurant workers,
33 campground workers, 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 outcomes of
36 the granite workforce program using appropriate standard common performance measures.
37 Program partners, as a condition of participation, shall be required to provide the department with
38 the relevant data. Metrics to be measured shall include, but are not limited to:

- 1 (a) Degree of participation.
- 2 (b) Progress with overcoming barriers.
- 3 (c) Entry into employment.
- 4 (d) Job retention.
- 5 (e) Earnings gain.
- 6 (f) Movement within established federal poverty level measurements, including the
- 7 Supplemental Nutrition Assistance Program (SNAP) and the New Hampshire granite advantage
- 8 health care program under RSA 126-AA.
- 9 (g) Attainment of education or training, including credentials.

10 II. The report shall be issued to the speaker of the house of representatives, the president of
11 the senate, the governor, the commission to evaluate the effectiveness and future of the New
12 Hampshire granite advantage health care program established under RSA 126-AA:4, and the state
13 library on or before December 1, 2019.

14 282 Expansion of State Park System; Field Purchases and Transfer of Funds. Amend RSA 216-
15 A:3-m, II to read as follows:

16 II. The commissioner of the department of natural and cultural resources may transfer
17 funds between and among the appropriations for the operation of the state park system. The
18 commissioner shall submit a report on a quarterly basis to the fiscal committee of the general court,
19 the governor and council, and the chairmen of the house and senate executive departments and
20 administration committees, the chairman of the resources, recreation and development committee,
21 and the chairman of the wildlife, fish and game and agriculture committee of all transfers made
22 under this paragraph. **RSA 9:16-a, II-a**, RSA 9:17-a, and RSA 9:17-c shall not apply to transfers
23 made under this paragraph.

24 283 Motor Vehicles; Waiver in Lieu of Court Appearance. Amend RSA 262:44, I to read as
25 follows:

26 I. Such defendant shall receive, in addition to the summons, a uniform fine schedule
27 entitled "Notice of Fine, Division of Motor Vehicles" which shall contain the normal fines for
28 violations of the provisions of title XXI on vehicles for which a plea may be entered by mail. The
29 defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment
30 at the time the summons is issued; except if, for cause, the summoning authority wishes the
31 defendant to appear personally. Defendants summoned to appear personally shall do so on the
32 arraignment date specified in the summons, unless otherwise ordered by the court. Defendants
33 who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall
34 enter their plea on the summons and return it with payment of the fine plus penalty assessment to
35 the director of the division of motor vehicles within 30 days of the date of the summons. The
36 director of the division of motor vehicles may accept payment of the fine by credit card in lieu of
37 cash payment. Any transaction costs assessed by the issuer of the credit card shall be paid out of
38 the portion of the fine amount which is credited [~~as agency income~~] **to the general fund** and not

1 out of the penalty assessment charged by the district court. The director of the division of motor
2 vehicles shall remit the penalty assessments collected to the state treasurer to be credited and
3 continually appropriated to the state general fund and to the victims' assistance fund and the
4 judicial branch information technology fund in the percentages and manner prescribed in RSA 106-
5 L:10. Fines shall be paid over to the state treasurer, and shall be credited~~[-as agency income by the~~
6 ~~department of safety]~~ **to the general fund** within 14 days of their receipt ~~[and shall not lapse to~~
7 ~~the general fund until the second year of each biennium]~~.

8 284 Business Finance Authority Revenue Bonds; Additional State Guarantees. Amend RSA
9 162-I:9-b, I(a) to read as follows:

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

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

26 _____
27 State Treasurer

28 285 Repeal. RSA 162-I:9-b, II, relative to the total amount of state guarantees issued by the
29 business finance authority, is repealed.

30 286 Business Finance Authority; Unified Contingent Credit Limit. Amend RSA 162-A:22 to
31 read as follows:

32 162-A:22 Unified Contingent Credit Limit. The total amount of state guarantees in force under
33 RSA 162-A:7-a, RSA 162-A:8, RSA 162-A:10, III, RSA 162-A:13, RSA 162-A:13-a, RSA 162-A:17,
34 ~~[RSA 162-I:9-a,]~~ and RSA 162-I:9-b shall not exceed in the aggregate at any time \$50,000,000 plus
35 interest, provided that such amount shall be increased to \$80,000,000 plus interest on January 1,
36 1993, to \$95,000,000 plus interest on January 1, 1994, and to \$115,000,000 plus interest on May 1,
37 2015. ~~[After May 1, 2015, an amount not to exceed \$30,000,000 plus interest may be used solely for~~
38 ~~bonds guaranteed pursuant to RSA 162-I:9-a, and an amount not to exceed the remaining~~

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1 ~~§85,000,000 plus interest may be used solely for bonds issued pursuant to sections other than RSA~~
2 ~~162-I:9-a.]~~

3 287 Repeal. The following are repealed:

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

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

8 288 Services for the Developmentally Disabled; Area Agency Responsibilities and Operations.
9 Amend RSA 171-A:18, I-II to read as follows:

10 I. The commissioner may designate by rules adopted pursuant to RSA 541-A for each area
11 one area agency which shall be responsible for administering area-wide programs and services for
12 developmentally disabled persons. Each area agency so designated shall be the primary recipient of
13 funds that may be dispensed by the commissioner for use in establishing, operating or
14 administering such programs and services, ***provided that the commissioner may, in a given***
15 ***area, elect to dispense funds to other persons or organizations to operate or administer***
16 ***programs and services or establish, operate, or administer programs or services directly if***
17 ***the commissioner determines that such action is necessary to maintain adequate***
18 ***programs and services in the area.*** The programs and services for which an area agency is
19 responsible include, but are not limited to, diagnosis and evaluation, service coordination,
20 community living arrangements, employment and day services, and programs designed to enhance
21 personal and social competence.

22 II. The commissioner may enter into contracts with, make grants to, or otherwise make
23 funds available to each area agency, ***or another person or organization which the***
24 ***commissioner selects pursuant to paragraph I,*** for the provision of programs and services to
25 developmentally disabled persons. Subject to the written approval of the commissioner, an area
26 agency may enter into contracts with individuals or organizations for the expenditure of portions of
27 such funds on programs or services for developmentally disabled persons.

28 289 New Subparagraph; Unfair Insurance Trade Practices; Unfair Methods. Amend RSA
29 417:4, VIII by inserting after subparagraph (g) the following new subparagraph:

30 (h) For life, life annuity, or disability coverage, refusing to insure or to continue to
31 insure, or limiting the amount, extent or kind of coverage available solely because the applicant,
32 who is also the proposed insured, has filled a prescription for naloxone.

33 290 Office of Professional Licensure and Certification; Fees. Amend RSA 310-A:1-e, I(b) to read
34 as follows:

35 (b) There is hereby established the office of professional licensure and certification fund
36 into which the fees collected under subparagraph (a) shall be deposited. ~~[The fund shall be a~~
37 ~~separate, nonlapsing fund, continually appropriated to the office for the purpose of paying all costs~~
38 ~~and salaries associated with the office]~~ ***After paying all costs and salaries associated with the***

1 *office, moneys in this fund shall lapse to the general fund at the close of each fiscal year.*

2 291 New Paragraphs; Office of Professional Licensure and Certification; Administration.
3 Amend RSA 310-A:1-d by inserting after paragraph II the following new paragraphs:

4 III. If a board, council, or commission listed in RSA 310-A:1-a fails to act on an application
5 within 60 days after receiving the completed application or within such other required timeframe as
6 may be specified by law, the executive director of the office of professional licensure and
7 certification may approve the application pursuant to RSA 541-A:29-a.

8 IV. The executive director of the office of professional licensure and certification may act on
9 any law governing the licensure or certification of licensees by any board, council or commission
10 listed in RSA 310-A:1-a, in the event that the board, council, or commission fails to act according to
11 such laws governing the licensure or certification of their respective professions.

12 V. A member of any board, council, or commission listed in RSA 310-A:1-a shall serve for
13 the appropriate term or unexpired portion thereof and until a successor is appointed and qualified.

14 VI. The executive director of the office of professional licensure and certification may
15 exercise discretionary authority to waive licensing fees for applicants for licensure who identify
16 themselves as veterans with military service, experience, and training.

17 292 Regenerative Manufacturing Workforce Development Program; Chapter Heading
18 Amended. Amend the chapter heading in RSA 162-T to read as follows:

19 ~~[REGENERATIVE MANUFACTURING]~~ WORKFORCE DEVELOPMENT **AND STUDENT DEBT**
20 **RELIEF** ~~[PROGRAM]~~ **PROGRAMS**

21 293 New Subdivision Heading; Regenerative Manufacturing Workforce Development Program.
22 Amend RSA 162-T by inserting after the chapter heading the following subdivision heading:

23 Regenerative Manufacturing Workforce Development Program

24 294 Repeal. RSA 162-T:2, II, relative to evidence of education indebtedness on student loans, is
25 repealed.

26 295 New Subdivision; Targeted Workforce Development Program. Amend RSA 162-T by
27 inserting after section 5 the following new subdivision:

28 Targeted Workforce Development Program

29 162-T:6 Targeted Workforce Development Program; Student Debt Relief.

30 I. In addition to the powers established under RSA 162-T:1-5, the business finance
31 authority may expend or loan money upon such terms and conditions as prescribed by the authority
32 to acquire loans or other evidences of education indebtedness incurred by persons for the purpose of
33 financing postsecondary education and to provide for deferment or forgiveness of repayment of such
34 education indebtedness pursuant to a program or programs established by the authority and
35 approved by the governor and council pursuant to this subdivision.

36 II. Any student indebtedness that may be subject to a program or programs established by
37 the authority under this subdivision shall meet the following minimum requirements:

38 (a) The person shall have achieved academic requirements such as graduate degrees or

1 other evidence of academic achievement as has been determined by the authority.

2 (b) The person shall be employed to perform primarily activities within the industries
3 which shall be determined from time to time by the division of economic development, with input
4 and assistance from the council of partner agencies established under RSA 12-O:7 and other public
5 and private organizations with whom it chooses to work, consistent with the 10-year economic
6 development strategy and operating plan developed under RSA 12-O:24.

7 (c) The principal office at which such person is employed shall be located within New
8 Hampshire.

9 (d) No forgiveness of student indebtedness shall be enforceable unless the person has
10 been employed to perform primarily targeted activities at a location within New Hampshire for a
11 minimum period of 5 years.

12 III. Prior to the expenditure or loan of any money under this section, the authority shall
13 enter into one or more agreements with any person obligated to make payments under education
14 indebtedness to provide for the conditions on which the expenditures, deferments, or forgiveness
15 will be made, the terms of repayment of such expenditure or loan, the time and manner of such
16 repayment, the form and amount of security if any, to be pledged to the authority for such
17 repayment, and such other provisions as the authority may determine are necessary or desirable.

18 IV. The authority, to further its education indebtedness loan programs pursuant to this
19 subdivision, may:

20 (a) Determine the nature of education indebtedness programs for eligible persons,
21 including how such loans may be acquired and the mechanisms for deferral of payment or
22 forgiveness with respect to such education indebtedness;

23 (b) Enter into contracts with employers of persons who are subject to the programs
24 established under this subdivision to assist in the administration of such programs;

25 (c) Enter into contracts for the administration or servicing of education indebtedness
26 acquired pursuant to the programs established under this subdivision;

27 (d) Receive and accept from any public agency or any other source loans, grants,
28 guarantees, or insurance with respect to education indebtedness and the programs established
29 under this subdivision;

30 (e) Establish guidelines governing the actions of the authority with respect to the
31 programs established under this chapter; and

32 (f) Exercise all powers incidental and necessary for the performance of the powers listed
33 in this paragraph.

34 162-T:7 Workforce Development Fund and Subfunds Established.

35 I. There is established within the business finance authority a state targeted workforce
36 development fund, which shall be held by the authority apart from all of its other funds, but which
37 may be established as a subfund of a single trust that includes the state regenerative workforce
38 development fund established pursuant to RSA 162-T:3. Annual state appropriations and other

1 funds from state or federal sources, and any gifts, grants, or donations, shall be credited to the fund.
2 The state targeted workforce development fund shall be administered by the authority and shall be
3 used for the sole purposes of carrying out the purposes of this subdivision. The authority shall
4 invest the fund in accordance with RSA 6:8. Any earnings on fund moneys shall be added to the
5 fund. All moneys in the fund shall be nonlapsing and shall be continually appropriated to the fund
6 for the purpose of providing targeted workforce employee educational debt relief as provided in this
7 section.

8 II. The authority may create subfunds or trusts of the state targeted workforce
9 development fund, which shall be held by the authority apart from all of its other funds, which may
10 be deemed irrevocably pledged to secure the repayment of state workforce development bonds
11 issued under RSA 162-T:4. If such a pledged amount or amounts are called upon to be honored, the
12 authority shall draw upon such fund for the purpose of honoring such pledge.

13 162-T:8 Reporting and Approval Regarding Targeted Workforce Development Program. The
14 authority shall design the terms, conditions, and provisions of the targeted workforce development
15 program authorized by this subdivision. The authority shall deliver to the fiscal committee of the
16 general court a report on the progress of its efforts to develop such terms, conditions, and provisions
17 as required in this chapter. The authority shall present the program to the fiscal committee of the
18 general court for approval prior to taking any action to implement a final targeted workforce
19 development program.

20 296 New Hampshire Excellence in Higher Education Endowment Trust Fund. Amend RSA
21 6:38 to read as follows:

22 6:38 New Hampshire Excellence in Higher Education Endowment Trust Fund Established.

23 I. There is hereby established in the office of the treasurer the New Hampshire excellence
24 in higher education endowment trust fund which shall be kept distinct and separate from all other
25 funds. Annual assessments less any annual administrative costs received from the New Hampshire
26 college tuition savings plan established under RSA 195-H shall be credited to the trust fund to
27 provide [~~scholarships for the benefit of residents of the state pursuing programs of study at eligible~~
28 ~~educational institutions within the state~~] ***support for the targeted workforce development***
29 ***program established in RSA 162-T.***

30 II. The state treasurer shall be the trustee of the trust fund established in this chapter, and
31 shall invest the trust fund in accordance with RSA 6:8. Any earnings on trust fund moneys shall be
32 added to the trust fund.

33 III. [~~All moneys in the trust fund shall be nonlapsing and shall be continually appropriated~~
34 ~~to the commission for purposes of providing education scholarships under this subdivision~~] ***Upon***
35 ***the close of the fiscal biennium, the state treasurer shall transfer any remaining balances***
36 ***of the trust fund to the business finance authority for the exclusive use in funding the***
37 ***targeted workforce development program established in RSA 162-T.***

38 ***IV. Notwithstanding paragraph III of this section, no later than June 30, 2019, the***

1 *state treasurer shall transfer any remaining balance in the trust fund to the governor's*
2 *scholarship fund established in RSA 21-N:16.*

3 297 College Tuition Savings Plan; Advisory Commission. Amend the introductory paragraph in
4 RSA 195-H:2, I(a) to read as follows:

5 I.(a) There is established the New Hampshire college tuition savings plan advisory
6 commission which shall ensure the proper administration and management of the savings plan.
7 The advisory commission shall ensure that the savings plan complies with the requirements of
8 section 529 of the Internal Revenue Code of 1986, as amended, and any related federal law
9 applicable to the savings plan. [~~The commission shall also be responsible for ensuring the proper~~
10 ~~administration, implementation, and management of the New Hampshire excellence in higher~~
11 ~~education endowment trust fund established in RSA 6:38.] The commission shall consist of the
12 following members:~~

13 298 Repeal; College Tuition Savings Plan. RSA 195-H:3, VIII, relative to the college tuition
14 savings plan advisory commission's rulemaking authority over the New Hampshire excellence in
15 higher education endowment trust fund, is repealed.

16 299 College Tuition Savings Plan; Transfer of Rules. Any rules which are in effect on the
17 effective date of this section for scholarships established under RSA 195-H are hereby transferred to
18 the department of education and shall continue in effect and be enforced by the department of
19 education until July 1, 2020, at which point all such rules shall expire.

20 300 Allocation of Highway Fund Appropriations Suspended. RSA 9:9-b, relative to allocation of
21 highway fund appropriations, shall be suspended during the biennium ending June 30, 2021.

22 301 Repeal; Loans for Lead Hazard Remediation Projects. RSA 130-A:15-a, relative to loans for
23 lead hazard remediation projects, is repealed.

24 302 New Paragraphs; Department of Justice; Director of the Office of Victim/Witness
25 Assistance. Amend RSA 21-M:3 by inserting after paragraph X the following new paragraphs:

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

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

35 303 Department of Justice; Office of Victim/Witness Assistance. Amend the introductory
36 paragraph in RSA 21-M:8-b, II to read as follows:

37 II. There is hereby established within the criminal justice bureau of the department of
38 justice, the office of victim/witness assistance. *The office shall be supervised by the director of*

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

8 304 New Paragraph; Department of Justice; Officer-Involved Deadly Force Investigator
9 Position Established. Amend RSA 21-M:8 by inserting after paragraph III the following new
10 paragraph:

11 IV.(a) To assist the attorney general in his or her duty to exercise general supervision of
12 officer-involved use of deadly force investigations, the department of justice may hire an
13 unclassified full-time investigator assigned the bureau, who shall work on officer-involved use of
14 deadly force investigations.

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

19 305 Department of Justice; Position Reclassified and Established.

20 I. The position of administrator II-public/legislative information officer, position number
21 18030, within the department of justice shall be designated as an unclassified position.

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

32 306 Department of Justice; Position Reclassified and Established.

33 I. The position of attorney III-assistant director of charitable trust, position number 10321,
34 within the department of justice shall be designated as an unclassified position.

35 II. There is established within the department of justice the unclassified position of
36 assistant attorney general. The salary of the assistant attorney general is established in RSA 94:1-
37 a, I-c. Upon completion of this action and appointment of the assistant attorney general, position
38 number 10321 shall be abolished to allow for the transition of its available appropriations into the

1 unclassified position of assistant attorney general. Funding shall be transferred into the proper
2 unclassified expenditure class for the charitable trust accounting unit. The incumbent in the
3 abolished classified position shall be offered the opportunity to seek the attorney general's
4 nomination for the unclassified position of assistant attorney general.

5 307 New Chapter; Capital Infrastructure Revitalization Fund. Amend RSA by inserting after
6 chapter 6-D the following new chapter:

7 CHAPTER 6-E

8 CAPITAL INFRASTRUCTURE REVITALIZATION FUND

9 6-E:1 Purpose. The general court recognizes that the current strong economic climate in the
10 state has resulted in uniquely large one-time revenue surpluses in fiscal years 2019, 2020 and 2021,
11 and that there is a need and opportunity to provide targeted funding for state and local
12 infrastructure projects and other one-time strategic investments. Therefore, it is the intent of this
13 chapter to designate certain surplus funds in the 2018-2019 and 2020-2021 biennial budgets for the
14 provision of targeted grants to fund select state and local infrastructure projects and other strategic
15 investments in accordance with the purposes and provisions of this chapter and according to one-
16 time appropriations made by the general court.

17 6-E:2 Capital Infrastructure Revitalization Fund Established.

18 I. There is hereby established in the state treasury the capital infrastructure revitalization
19 fund which shall be kept distinct and separate from all other funds. The state treasurer shall
20 administer the fund and shall invest the fund in accordance with RSA 6:8. The state treasurer shall
21 add all earnings on fund moneys to the fund. All moneys in the fund shall be nonlapsing and
22 continually appropriated for the purposes established in appropriations made by the general court
23 for one-time capital infrastructure revitalization and strategic investments.

24 II. The sum of \$80,000,000 for the fiscal year ending June 30, 2019 is hereby appropriated
25 to the fund for the purposes established in this chapter. Such funds shall be nonlapsing and
26 continuously appropriated to the fund. The governor is authorized to draw a warrant for said sum
27 out of any money in the treasury not otherwise appropriated.

28 III. After transferring \$15,000,000 to the revenue stabilization reserve account established
29 in RSA 9:13-e, the commissioner of the department of administrative services shall transfer the
30 remainder of the general fund surplus for the fiscal year ending June 30, 2019, as determined by
31 the comprehensive annual report performed pursuant to RSA 21-I:8, II(a), to the fund.

32 IV. The commissioner of the department of administrative services shall transfer all
33 general fund surplus for the fiscal year ending June 30, 2020, as determined by the comprehensive
34 annual report performed pursuant to RSA 21-I:8, II(a), to the fund.

35 V. After transferring \$12,300,000 to the revenue stabilization reserve account, the
36 commissioner of the department of administrative services shall transfer the remainder of the
37 general fund surplus for the fiscal year ending June 30, 2021, as determined by the comprehensive
38 annual report performed pursuant to RSA 21-I:8, II(a), to the fund.

1 308 New Subparagraph; Application of Receipts; Capital Infrastructure Revitalization Fund.
2 Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new subparagraph:

3 (344) Moneys deposited in the capital infrastructure revitalization fund established
4 in RSA 6-E:2.

5 309 One Time Appropriations; Capital Infrastructure Revitalization Fund. The appropriations
6 in this section shall be from the capital infrastructure revitalization fund established in RSA 6-E:2.
7 The appropriations in this section shall be prioritized in the order in which they are listed in their
8 respective paragraphs and shall be contingent upon the availability of sufficient moneys in the fund
9 at the time that each appropriation becomes effective.

10 I. Appropriations for Fiscal Year Ending June 30, 2019. The following sums for the fiscal
11 year ending June 30, 2019 are hereby appropriated from the capital infrastructure revitalization
12 fund established in RSA 6-E:2 and shall be effective on June 30, 2019. The governor is authorized
13 to draw a warrant for said sums in this paragraph out of any money in the treasury not otherwise
14 appropriated.

15 (a) There is hereby appropriated to the department of health and human services, from
16 the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$26,000,000
17 which shall be nonlapsing and shall be expended for the purpose of constructing a new 60-bed
18 forensic psychiatric hospital.

19 (b) There is hereby appropriated to the department of health and human services, from
20 the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$5,000,000 which
21 shall be nonlapsing and shall be expended for the purpose of constructing 40 new transitional
22 housing beds for forensic patients and/or patients with complex behavioral health conditions.

23 (c) There is hereby appropriated to the department of health and human services, from
24 the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$10,000,000
25 which shall be nonlapsing and shall be expended for the purpose of providing funding for the
26 developmental disability waitlist until new funding is available in fiscal year 2021.

27 (d) There is hereby appropriated to the department of health and human services, from
28 the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$3,500,000 which
29 shall be nonlapsing and shall be expended for the purpose of providing funding for voluntary
30 services at the department of health and human services, division for children, youth, and families
31 until additional federal funds become available in fiscal year 2021.

32 (e) There is hereby appropriated to the department of health and human services, from
33 the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$1,500,000 which
34 shall be nonlapsing and shall be expended for the purpose of providing grants to hospitals to
35 construct new designated receiving facility beds.

36 (f) There is hereby appropriated to the department of health and human services, from
37 the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$1,000,000 which
38 shall be nonlapsing and shall be expended for the purpose of providing assistance to hospitals to

1 develop solutions to address the immediate needs of involuntary emergency admissions patients
2 currently residing in hospital emergency rooms.

3 (g) There is hereby appropriated to the governor's commission on disability established
4 in RSA 275-C, from the capital infrastructure revitalization fund established in RSA 6-E:2, the sum
5 of \$500,000 which shall be nonlapsing and shall be expended for the purpose of retaining a
6 consultant to analyze the state's system of support for individuals with developmental disabilities
7 and to suggest reforms and improvements to ensure that the state's service delivery model is
8 structured to provide maximum benefit and tailored services to individuals with developmental
9 disabilities. The governor's commission on disability shall coordinate with the department of health
10 and human services, and may accept and expend any applicable federal funds that may be available
11 for the purposes of this subparagraph.

12 (h) There is hereby appropriated to the department of health and human services, from
13 the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$4,000,000 which
14 shall be nonlapsing and shall be expended for the purpose of supporting the costs of developing,
15 implementing, monitoring and evaluating a Quality Rating Improvement System (QRIS) in New
16 Hampshire.

17 (i) There is hereby appropriated to the department of environmental services, from the
18 capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$4,000,000, which
19 shall be nonlapsing and shall be expended for the purpose of funding red list dam projects.

20 (j) There is hereby appropriated to the department of education from the capital
21 infrastructure revitalization fund established in RSA 6-E:2, the sum of \$500,000 which shall be
22 nonlapsing and shall be expended for the purpose of providing funding for the vocational
23 rehabilitation program until new federal funding is available in fiscal year 2021.

24 (k) There is hereby appropriated to the university system of New Hampshire, from the
25 capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$24,000,000 which
26 shall be nonlapsing and shall expended for the purposes of providing funding for the capital
27 expenses and new programs at the university of New Hampshire, Keene state college, and
28 Plymouth state university as specified below. No funds shall be expended for projects at any
29 university system institution until that institution has submitted a plan to the governor and council
30 and such plan has been approved. The university system shall coordinate with the department of
31 business and economic affairs on the development of the plan to ensure its compatibility with the
32 state 10-year economic development plan. From this appropriation:

33 (1) The university system shall expend \$9,000,000 for the university of New
34 Hampshire for the purpose of adding nurse practitioner programs with additional specializations in
35 acute care and psychiatric mental health; increasing the number of annual graduates in the
36 bachelor of nursing program; adding an occupational therapy assistant and occupational therapy
37 doctorate programs; and increasing the number of annual graduates in the speech and language
38 pathology program.

1 (2) The university system shall expend \$9,000,000 for Keene state college for the
2 purpose of meeting the advanced manufacturing needs of New Hampshire business by working with
3 partner businesses to design programs and curriculums that provide students with the skill set they
4 will need in order to go into the advanced manufacturing field; meeting the needs of New
5 Hampshire's 10-year mental health plan by adding licensed alcohol and drug counselor programs;
6 and increase the number of annual graduates in the bachelor of nursing program. The university
7 system shall coordinate with the community college system of New Hampshire in further
8 implementing the nursing pathways partnership between Keene state college, Nashua community
9 college, and River Valley community college.

10 (3) The university system shall expend \$6,000,000 for Plymouth state university for
11 the purpose of constructing a new robotics and electromechanical technology lab; creating a cross-
12 cluster makerspaces lab for cyber-security and big-data; and modernizing the university's health
13 sciences learning spaces to support the nursing and counseling programs.

14 II. Contingent Appropriations for the Fiscal Year Ending June 30, 2019. The following
15 appropriations, for the fiscal year ending June 30, 2019, shall be contingent upon notification by the
16 commissioner of the department of administrative services to the governor, speaker of the house of
17 representatives, the senate president, and the fiscal committee of the general court, after the
18 completion of the fiscal year 2019 comprehensive annual financial report pursuant to RSA 21-I:8,
19 II(a), but no later than January 1, 2020, that sufficient moneys in the capital infrastructure
20 revitalization fund are available. The governor is authorized to draw a warrant for said sums in
21 this paragraph out of any money in the treasury not otherwise appropriated.

22 (a) There is hereby appropriated to the department of health and human services, from
23 the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$6,415,000 which
24 shall be nonlapsing and shall be credited the dedicated funds established in RSA 171-A:8-b. The
25 commissioner of the department of health and human services shall specify the amounts to be
26 deposited in each such dedicated fund.

27 (b) There is hereby appropriated to the department of health and human services, from
28 the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$5,000,000 which
29 shall be nonlapsing and shall be expended for the purpose of supporting the department's re-
30 procurement efforts for the state's Medicaid management information system.

31 (c) There is hereby appropriated to the department of health and human services, from
32 the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$500,000 which
33 shall be nonlapsing and shall be expended for the purpose of providing grants to hospitals to
34 construct new designated receiving facility beds.

35 (d) There is hereby appropriated to the department of health and human services, from
36 the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$1,200,000 which
37 shall be nonlapsing and shall be expended for the purpose of conducting a study to determine the
38 causes of high levels of pediatric cancer in New Hampshire.

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1 (e) There is hereby appropriated to the department of environmental services, from the
2 capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$2,800,000 which
3 shall be nonlapsing and shall be expended for the purpose funding red list dam projects.

4 (f) There is hereby appropriated to the department of health and human services, from
5 the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$400,000 which
6 shall be nonlapsing and shall be expended for the purpose of conducting a community outreach and
7 education campaign related to mental health as recommended by the ten year mental health plan.

8 (g) There is hereby appropriated to the department of natural and cultural resources,
9 from the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$356,500
10 which shall be nonlapsing and shall be expended for the purpose for redevelopment and
11 improvement projects at the Fort Stark historic site, including alleviating life safety issues that
12 exist due to the type of buildings found at Fort Stark and their current condition, redeveloping the
13 parking area by raising the grade to improve drainage and maximize capacity, providing historical
14 interpretation and administrative rules that applies to the site, and aesthetically enhancing the site
15 through landscape improvements including security lighting, benches, and hardscape.

16 (h) There is hereby appropriated to the department of environmental services, from the
17 capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$1,480,000 which
18 shall be nonlapsing and shall be expended for the purpose of providing grants to municipalities to
19 support municipal dam repair projects.

20 (i) There is hereby appropriated the sum of \$2,500,000 from the capital infrastructure
21 revitalization fund established in RSA 6-E:2 to the lead paint remediation fund established in RSA
22 204-C:89. Such funds shall be nonlapsing.

23 (j) There is hereby appropriated to the department of health and human services, from
24 the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$5,000,000 which
25 shall be nonlapsing and shall be expended for the purpose of obtaining and renovating a new
26 treatment facility for children who are in need of acute inpatient psychiatric treatment.

27 (k) There is hereby appropriated to the department of environmental services, from the
28 capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$350,000 which shall
29 be nonlapsing and shall be expended for the purpose of supporting the department's efforts to
30 pursue delegation for New Hampshire's National Pollutant Discharge Elimination System Program.

31 (l) There is hereby appropriated to the department of environmental services, from the
32 capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$100,000 which shall
33 be nonlapsing and shall be expended for the purpose of paying for the state of New Hampshire's
34 share of the costs of data monitoring in the Great Bay.

35 (m) There is hereby appropriated to the FRM victims' contribution recovery fund
36 established in RSA 359-P:2, from the capital infrastructure revitalization fund established in RSA 6-
37 E:2, the sum of \$5,000,000. Such funds shall be nonlapsing and continuously appropriated to the
38 FRM victims' contribution recovery fund.

1 (n) There is hereby appropriated to the department of administrative services, from the
2 capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$1,700,000 for the
3 lakeshore redevelopment planning commission established in RSA 10:5, which shall be nonlapsing
4 and shall be expended for the purpose of supporting the operations of the commission and for
5 conducting hazardous material assessments and environmental remediation of the buildings and
6 facilities on the grounds of the former Laconia state school.

7 (o) There is hereby appropriated to the public school infrastructure fund established in
8 RSA 198:15-y, from the capital infrastructure revitalization fund established in RSA 6-E:2, the sum
9 of \$300,000 which shall be nonlapsing and shall be expended for the purpose specified in RSA
10 198:15-y, III.

11 (p) There is hereby appropriated to the department of health and human services, from
12 the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$955,000 which
13 shall be nonlapsing and shall be expended for the purpose of enabling the department of health and
14 human services, division for children, youth and families to design and implement a structured
15 decision making intake assessment and assisting residential programs to obtain the necessary
16 accreditation, both of which shall be for compliance with the Family First and Preventative Services
17 Act.

18 (q) There is hereby appropriated to the department of health and human services, from
19 the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$760,000 which
20 shall be nonlapsing and shall be expended for the purpose of combating tickborne diseases such as
21 lyme disease. The department shall undertake statewide tick collection and surveillance to provide
22 an updated assessment of the human health risk. The department shall also undertake a statewide
23 educational campaign, which shall include, but not be limited to, providing toolkits to schools and
24 educating school nurses preventative measures and on the signs of tickborn illnesses.

25 (r) There is hereby appropriated to the department of education, from the capital
26 infrastructure revitalization fund established in RSA 6-E:2, the sum of \$100,000 which shall be
27 nonlapsing and shall be expended for the purpose of provide a grant to the Boys and Girls Club of
28 greater Salem to support the organization's existing programs.

29 (s) There is hereby appropriated to the department of education, from the capital
30 infrastructure revitalization fund established in RSA 6-E:2, the sum of \$583,500 which shall be
31 nonlapsing and shall be expended for the purpose of providing a grant to Volunteer New Hampshire
32 to support the deployment of student success coaches to schools serving high concentrations of
33 students growing up in poverty.

34 III. Contingent Appropriations for the Fiscal Year Ending June 30, 2020. The following
35 appropriations, for the fiscal year ending June 30, 2020, shall be contingent upon notification by the
36 commissioner of the department of administrative services to the governor, speaker of the house of
37 representatives, the senate president, and the fiscal committee of the general court, after the
38 completion of the fiscal year 2020 comprehensive annual financial report pursuant to RSA 21-I:8,

1 II(a), but no later than January 1, 2021, that sufficient moneys in the capital infrastructure
2 revitalization fund are available. The governor is authorized to draw a warrant for said sums in
3 this paragraph out of any money in the treasury not otherwise appropriated.

4 (a) There is hereby appropriated to the university system of New Hampshire, from the
5 capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$6,000,000 which
6 shall be nonlapsing and shall be expended for the purpose of designing, constructing, and
7 establishing an early childhood development center on the campus of the university of New
8 Hampshire.

9 (b) There is hereby appropriated to the FRM victims' contribution recovery fund
10 established in RSA 359-P:2, from the capital infrastructure revitalization fund established in RSA 6-
11 E:2, the sum of \$5,000,000. Such funds shall be nonlapsing and continuously appropriated to the
12 FRM victims' contribution recovery fund.

13 (c) There is hereby appropriated to the community college system of New Hampshire,
14 from the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$3,250,000
15 which shall be nonlapsing and shall be expended for the purpose of providing funding for
16 information technology investments, including infrastructure and consolidated online course
17 delivery.

18 (d) There is hereby appropriated to the community college system of New Hampshire,
19 from the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$4,500,000
20 which shall be nonlapsing and shall be expended for the purpose of implementing the community
21 college system's industry-wide pathways program.

22 (e) There is hereby appropriated to the department of health and human services, from
23 the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$5,000,000 which
24 shall be nonlapsing and shall be expended for the purpose of supporting the department's re-
25 procurement efforts for the state's Medicaid management information system.

26 (f) There is hereby appropriated to the department of transportation, from the capital
27 infrastructure revitalization fund established in RSA 6-E:2, the sum of \$620,000 which shall be
28 nonlapsing and shall be expended for the demolition and environmental mitigation of structures
29 located at state-owned property on Stickney Avenue in the city of Concord.

30 (g) There is hereby appropriated to the department of transportation, from the capital
31 infrastructure revitalization fund established in RSA 6-E:2, the sum of \$450,000 which shall be
32 nonlapsing and shall be expended for the demolition of 6 structures located at state-owned property
33 in the town of Conway, along the layout of the Conway bypass.

34 (h) There is hereby appropriated to the community development finance authority, from
35 the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$730,000 to
36 establish a new fund to be called the community development fund for New Hampshire.

37 (i) There is hereby appropriated to the department of health and human services, from
38 the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$4,000,000 which

1 shall be nonlapsing and shall be expended for the repurposing of the children's unit at New
2 Hampshire hospital for adult beds.

3 (j) There is hereby appropriated to the department of health and human services, from
4 the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$400,000 which
5 shall be nonlapsing and shall be expended for the purpose of providing mobile tablet computers for
6 staff members at New Hampshire hospital.

7 (k) There is hereby appropriated to the department of safety, from the capital
8 infrastructure revitalization fund established in RSA 6-E:2, the sum of \$750,000 which shall be
9 nonlapsing and shall be expended for the purpose of providing grants to local fire departments to
10 reimburse firefighters for medical examinations pursuant to RSA 281-A:17, II(d).

11 (l) There is hereby appropriated to the department of administrative services, from the
12 capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$300,000 which shall
13 be nonlapsing and shall be expended for the purpose of providing a grant to the McAuliffe-Shepard
14 discovery center for the center's undertaking of a strategic planning process aimed at increasing
15 private partnerships and developing a long-term funding model which would enable the center to
16 continue to grow the benefits that it provides to the state of New Hampshire.

17 (m) There is hereby appropriated to the housing finance authority, from the capital
18 infrastructure revitalization fund established in RSA 6-E:2, the sum of \$1,500,000 to be credited to
19 the affordable housing fund established in RSA 204-C:57. The purpose of this appropriation shall be
20 to provide, as recommended by the ten year mental health plan, funds for mixed use and other
21 types of development to provide for medium income housing.

22 (n) There is hereby appropriated to the internet crimes against children fund
23 established in RSA 21-M:17, from the capital infrastructure revitalization fund established in RSA
24 6-E:2, the sum of \$500,000 which shall be nonlapsing and shall be expended for the purposes set
25 forth in RSA 21-M:17.

26 (o) There is hereby appropriated to the department of safety, from the capital
27 infrastructure revitalization fund established in RSA 6-E:2, the sum of \$160,000 to provide grants to
28 volunteer fire departments in Sullivan, Grafton, and Coos counties for the purchase of equipment to
29 remove carcinogen contaminants in firefighting gear. The department of safety shall adopt rules
30 pursuant to RSA 541-A to establish procedures by which local fire departments may apply for
31 grants to pay for all or part of the cost of such equipment.

32 (p) There is hereby appropriated to the department of education, from the capital
33 infrastructure revitalization fund established in RSA 6-E:2, the following sums which shall be
34 nonlapsing and shall be expended for the purpose of making grants to the towns of Newport,
35 Sandown, Kennett, and East Kingston in the amounts and for the purposes specified below. None
36 of the funds shall be expended until a plan for each project has been submitted to and approved by
37 the department of education.

38 (1) Partner classroom for Newport middle school \$200,000.

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1 (2) Solar project for Sandown elementary school \$590,000.

2 (3) Kennett middle school renovations to create new recreational center \$200,000.

3 (4) New alarm panel for Newport middle school \$80,000.

4 (5) LED light project for East Kingston elementary school \$60,000.

5 (q) There is hereby appropriated to the department of transportation, from the capital
6 infrastructure revitalization fund established in RSA 6-E:2, the sum of \$1,500,000 which shall be
7 nonlapsing and shall be expended for the purpose of providing a grant to the city of Laconia for the
8 purchase and renovation of the bottom floor of the downtown Laconia parking garage.

9 (r) There is hereby appropriated to the department of transportation, from the capital
10 infrastructure revitalization fund established in RSA 6-E:2, the sum of \$570,000 which shall be
11 nonlapsing and shall be expended for the purpose of demolishing 4 existing buildings on state
12 owned property at the Westboro railyard in the city of Lebanon and for environmental remediation
13 at the site.

14 (s) There is hereby appropriated to the department of transportation, from the capital
15 infrastructure revitalization fund established in RSA 6-E:2, the sum of \$300,000 which shall be
16 nonlapsing and shall be expended for the purpose of replacing the traffic light system located at the
17 intersection of Route 302 and East Conway Road in the town of Conway.

18 (t) There is hereby appropriated to the department of education, from the capital
19 infrastructure revitalization fund established in RSA 6-E:2, the sum of \$500,000 which shall be
20 nonlapsing and shall be expended for the purpose of providing a grant to City Year to support the
21 organization's existing programs.

22 (u) There is hereby appropriated to the department of education, from the capital
23 infrastructure revitalization fund established in RSA 6-E:2, the sum of \$440,000 which shall be
24 nonlapsing and shall be expended for the purpose of providing a grant to Volunteer New Hampshire
25 to support the deployment of student success coaches to schools serving high concentrations of
26 students growing up in poverty.

27 IV. Contingent Appropriations for the Fiscal Year Ending June 30, 2021. The following
28 appropriations, for the fiscal year ending June 30, 2021, shall be contingent upon notification by the
29 commissioner of the department of administrative services to the governor, speaker of the house of
30 representatives, the senate president, and the fiscal committee of the general court, after the
31 completion of the fiscal year 2021 comprehensive annual financial report pursuant to RSA 21-I:8,
32 II(a), but no later than January 1, 2022, that sufficient moneys in the capital infrastructure
33 revitalization fund are available. The governor is authorized to draw a warrant for said sums in
34 this paragraph out of any money in the treasury not otherwise appropriated.

35 (a) There is hereby appropriated to the housing finance authority, from the capital
36 infrastructure revitalization fund established in RSA 6-E:2, the sum of \$3,500,000 which shall be
37 credited to the affordable housing fund established in RSA 204-C:57. The purpose of this
38 appropriation shall be to provide, as recommended by the ten year mental health plan, funds for

1 mixed use and other types of development to provide for medium income housing.

2 (b) There is hereby appropriated to the department of environmental services, from the
3 capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$1,450,000 which
4 shall be nonlapsing and expended for the purposes of providing grants to municipalities to support
5 municipal dam repair projects. The governor is authorized to draw a warrant for said sum out of
6 any money in the treasury not otherwise appropriated.

7 (c) There is hereby appropriated to the department of natural and cultural resources,
8 from the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$300,000
9 which shall be nonlapsing and shall be expended for the purpose of providing a grant to the city of
10 Manchester to upgrade and rehabilitate 4 sports fields in the city of Manchester, as identified by the
11 city of Manchester.

12 (d) There is hereby appropriated to the department of transportation, from the capital
13 infrastructure revitalization fund established in RSA 6-E:2, the sum of \$120,000 which shall be
14 nonlapsing and shall be expended for the purpose of providing a grant to the city of Claremont for
15 sidewalk and drainage repairs in Claremont.

16 (e) There is hereby appropriated to the department of natural and cultural resources,
17 from the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$1,500,000
18 which shall be nonlapsing and shall be expended for the purpose of providing a grant to the city of
19 Franklin to perform renovations at the Franklin Whitewater Park.

20 (f) There is hereby appropriated to the department of business and economic affairs,
21 from the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$250,000
22 which shall be nonlapsing and shall be expended for the purpose of constructing a new visitors
23 center adjacent to the state liquor store in the town of Chesterfield.

24 (g) There is hereby appropriated to the department of natural and cultural resources,
25 from the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$180,000
26 which shall be nonlapsing and shall be expended for the purpose of providing a grant to the city of
27 Somersworth to build a veterans memorial.

28 (h) There is hereby appropriated to the department of transportation, from the capital
29 infrastructure revitalization fund established in RSA 6-E:2 the sum of \$300,000 which shall be
30 nonlapsing and shall be expended for the purpose of providing a grant to the city of Berlin to
31 construct the Hutchins Street Mill and overlay project.

32 (i) There is hereby appropriated to the community development finance authority, from
33 the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$270,000 to
34 capitalize a new fund to be called the community development fund for New Hampshire.

35 (j) There is hereby appropriated to the department of business and economic affairs,
36 from the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$30,000
37 which shall be nonlapsing and shall be expended for the purpose of providing a grant to the city of
38 Claremont for energy efficiency upgrades to the city of Claremont visitors center.

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1 (k) There is hereby appropriated to the department of business and economic affairs,
2 from the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$100,000
3 which shall be nonlapsing and shall be expended for the purpose of providing a grant to the city of
4 Claremont for energy efficiency upgrades at the Arrowhead lodge located in Claremont.

5 (l) There is hereby appropriated to the department of business and economic affairs,
6 from the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$460,000
7 which shall be nonlapsing and shall be expended for the purpose of providing a grant to the town of
8 Weirs Beach to rebuild a portion of the Weirs Beach boardwalk.

9 (m) There is hereby appropriated to the department of business and economic affairs,
10 from the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$100,000
11 which shall be nonlapsing and expended for the purpose of providing a grant to the city of Laconia
12 for improvements to the Gale Avenue waterfront.

13 (n) There is hereby appropriated to the department of business and economic affairs,
14 from the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$80,000
15 which shall be nonlapsing and shall be expended for the purpose of providing a grant to the city of
16 Laconia for repair of a city skate park.

17 (o) There is hereby appropriated to the department of environmental services, from the
18 capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$400,000 which shall
19 be nonlapsing and shall be expended for the purpose of repairing the Swanzey Lower Wilson Pond
20 Dam.

21 (p) There is hereby appropriated to the department of agriculture, markets and food,
22 from the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$50,000
23 which shall be nonlapsing and shall be expended for the purpose of providing grants to the New
24 Hampshire food bank to work with farmers on forwarding contracts with local food relief agencies
25 for the benefit of the food insecure.

26 (q) There is hereby appropriated to the university system of New Hampshire, from the
27 capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$2,000,000 which
28 shall be nonlapsing and shall be expended for the purpose of renovating the Hyde Hall innovation
29 center located on the campus of Plymouth state university.

30 (r) There is hereby appropriated to the fish and game department, from the capital
31 infrastructure revitalization fund established in RSA 6-E:2, the sum of \$1,000,000 which shall be
32 nonlapsing and shall be expended for the purpose obtaining and developing an alternative site to
33 the Wild Goose boat launch on Lake Sunapee. Such funds shall not be expended until a plan for
34 such development is approved by the fish and game commission and the governor and council.

35 (s) There is hereby appropriated to the department of natural and cultural resources,
36 from the capital infrastructure revitalization fund established in RSA 6-E:2, the sum of \$250,000
37 which shall be nonlapsing and shall be expended for the purpose of renovating and refurbishing the
38 Old South Meeting House in the town of Seabrook.

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1 (t) There is hereby appropriated to the department of transportation, from the capital
2 infrastructure revitalization fund established in RSA 6-E:2, the sum of \$3,000,000 which shall be
3 nonlapsing and shall be expended for the purpose of providing grants to municipalities for the
4 development of bicycle trails. Grant funds awarded under this subparagraph shall not be used for
5 the acquisition of land, or maintenance of current trails, but only for the development of new trails.

6 310 Effective Date.

7 I. Sections 2, 36, 214, 307, 308, and paragraphs I and II of section 309 shall take effect June
8 30, 2019.

9 II. Section 6 of this act shall take effect as provided in section 7 of this act.

10 III. Sections 229 and 230 of this act shall take effect January 1, 2020.

11 IV. The remainder of this act shall take effect July 1, 2019.

LBAO
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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.