

**HB 2-FN-A-LOCAL - AS AMENDED BY THE SENATE**

11Apr2019... 1403h  
11Apr2019... 1469h  
11Apr2019... 1470h  
06/06/2019 2403s

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

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AMENDED ANALYSIS

1. Repeals 2017,155:7, which directed the commissioner of administrative services to eliminate appropriations to class 027 transfers to OIT in all agencies and departments.

2. Establishes the unclassified position of director of plant and property within the department of administrative services.

3. Converts managers in the department of administrative services to directors, and renames divisions and units accordingly.

4. Authorizes the department of administrative services to consolidate state agency human resources, payroll, and business processing functions.

5. Provides that cost sharing and plan design for unrepresented active state employees who participate in the health plans offered by the state shall be the same as those for individuals covered by the collective bargaining agreement.

6. Extends the state heating systems savings account.

7. Establishes an additional surplus fund within the department of administrative services.

8. Establishes the building maintenance fund within the department of administrative services and assesses charge to state agencies.

9. Permits the supreme court to transfer funds among judicial branch accounts.

10. Provides the department of corrections with additional transfer authority for the biennium ending June 30, 2021 and establishes the cost of care reimbursement account and the unclassified position of director of nursing in the department of corrections.

11. Provides that chartered school lease aid shall not exceed more than \$30,000 per school in any fiscal year.

12. Directs the department of health and human services to raise the income eligibility for elderly and adult clients under the social services block grant program each January.

13. Increases the limit for county reimbursements under RSA 167:18-a.

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14. Extends the prospective repeal for eligibility of state mental health services under 2011, 209:6, I.
15. Suspends direct and indirect graduate medical education payments to hospitals for the biennium ending June 30, 2021.
16. Suspends catastrophic aid to hospitals for the biennium ending June 30, 2021.
17. Makes an appropriation to the department of safety, division of fire standards and training and emergency medical services, for the purpose of providing grants to local firefighters for medical examinations conducted pursuant to RSA 281-A:17.
18. Requires the commissioner of the department of health and human services to make quarterly reports to the governor, speaker of the house of representatives, and president of the senate on the status of estimated Medicaid payments in relation to actual costs.
19. Permits the department of health and human services to fill unfunded positions during the biennium ending June 30, 2021.
20. Suspends RSA 151-E:18, relative to presumptive eligibility for home and community based services, for the biennium ending June 30, 2021.
21. Establishes certain revolving funds within the department of health and human services.
22. Directs that the Laconia state school trust shall be dissolved upon final distribution of the funds pursuant to court order.
23. Establishes a committee to study outdated non-regulatory boards.
24. Requires the department of health and human services to develop a plan to close the cliff effect for individuals and families who receive public benefits.
25. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2021.
26. Adds requirements for uses of system benefits charges for energy efficiency programs.
27. Suspends provisions of the RSAs that credit a portion of meals and rooms tax revenue to the division of travel and tourism development for the biennium ending June 30, 2021.
28. Suspends the integrated land development permit procedure for the biennium ending June 30, 2021.
29. Suspends certain environmental state aid grants.
30. Provides for reimbursement for sheriff's offices for court security.
31. Adds a representative from the New Hampshire Hospital Association and a representative from the state's faith-based community to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery.
32. Establishes a system of paid family and medical leave insurance.
33. Modifies the provision of civil legal services funds for low-income persons to New Hampshire legal assistance and eliminates the dedicated civil services legal fund.
34. Authorizes sports betting in New Hampshire and establishes a council for responsible gambling.

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35. Requires Keno revenue to be deposited in the education trust fund.
36. Defines and regulates the sale of electronic cigarettes or e-cigarettes.
37. Modifies the duties of the board of veterinary medicine.
38. Modifies the procedure for certified application prepayers for minimum environmental impact projects.
39. Regulates public bathing facilities.
40. Moves recreational camp licensing to the department of health and human services.
41. Combines the adjutant general's department, the office of veterans services, and the bureau of community based military programs into the department of military affairs and veterans services and makes the adjutant general the commissioner of the department of military affairs and veterans services.
42. Transfers the bureau of visitor services within the department of business and economic affairs to the office of the commissioner of business and economic affairs.
43. Transfers administration of the existing governor's scholarship program and fund to the college tuition savings plan advisory commission.
44. Requires a portion of funds in the New Hampshire excellence in higher education endowment trust fund to be used to support the New Hampshire college tuition savings plan UNIQUE programs.
45. Authorizes the business finance authority to provide funding from bonds issued and repaid for regenerative manufacturing worker educational debt relief.
46. 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.
47. Repeals the Maine-New Hampshire interstate bridge authority.
48. Repeals witness fees for witnesses summoned before certain boards and commissions.
49. Amends the granite workforce program.
50. Exempts certain accounting units within the department of natural and cultural resources from transfer restrictions.
51. Requires payment of any transaction costs assessed for credit card payments on motor vehicle fines to be paid out of the fine amount which is credited to the highway fund.
52. Deletes obsolete limits on total bonds issued by the business finance authority.
53. Repeals the requirement for the Pease development authority to submit a comprehensive development plan.
54. Requires moneys in the office of professional licensure and certification fund to lapse each fiscal year.
55. 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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56. Establishes an unclassified full-time investigator position in the department of justice for the purpose of working on officer-involved use of deadly force investigations and to provide training to local law enforcement officers.

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

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

59. Makes an appropriation to the state treasurer for the fiscal year ending June 30, 2019 for the purpose of providing municipal aid grants to each city, town, and unincorporated place in the state by October 1 of the fiscal years ending in June 30, 2020 and June 30, 2021.

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

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

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

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

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

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

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

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

68. Makes changes to unemployment compensation contribution rates.

69. Transfers the job training program for economic growth from the department of business and economic affairs to the department of employment security.

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

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

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

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

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

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

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reductions effective in 2021.

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

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

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

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

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

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

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

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

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

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

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

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

88. Makes an appropriation to the department of health and human services for the purpose of providing assistance to hospitals in addressing the needs of certain patients residing in emergency rooms.

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

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

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

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

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facility is feasible.

93. Provides for the availability of certain federal family planning funds.
94. Establishes a commission to study school funding.
95. Calculates kindergarten pupils as full day attendance for the purpose of adequate education grants.
96. Repeals distribution of kindergarten grants based on Keno revenue.
97. Permits additional education-related expenditures from the education trust fund for the biennium ending June 30, 2021, and revises the formula for fiscal disparity aid and stabilization grants.
98. Provides that any budget surplus in excess of \$5,000,000 at the close of the biennium ending June 30, 2019, shall not be deposited in the revenue stabilization reserve account but shall remain in the general fund.
99. Makes an appropriation to the Internet crimes against children fund.
100. Requires the governor's commission on disability to analyze the state's system of support for individuals with developmental disabilities and recommend reforms and improvements.
101. Requires the commissioner of the department of administrative services to conduct a study of the state's personnel system and makes an appropriation therefor.
102. Makes an appropriation to the department of administrative services for scheduling software.
103. Increases the annual appropriation to the joint legislative historical committee.
104. Provides that unexpended and unencumbered funds in the legislative branch special account shall not lapse.
105. Establishes the director of the division of technical professions and director of the division of health professions in the office of professional licensure and certification as unclassified officials.
106. Modifies the membership qualifications for the board of nursing.
107. Makes changes to the controlled drug prescription health and safety program, including transferring the program from the board of pharmacy to the office of professional licensure and certification, and authorizing the program to share certain information with other state departments.
108. Establishes procedures to streamline the resolution of complaints under RSA 91-A, the citizens' right-to-know appeals commission and the office of the right-to-know ombudsman, and an alternative process to resolve right-to-know complaints.
109. Requires a portion of the revenue collected from the imposition of the real estate transfer tax to be transferred to the affordable housing fund.
110. Revises the method of apportionment of gross business profits in this state under the business profits tax and the apportionment of dividends under the business enterprise tax.
111. Updates provisions and adjustments of the United States Internal Revenue Code applicable to the business profits tax.

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112. Clarifies the applicability of the communications services tax to voice over Internet protocol (VoIP) and prepaid wireless telecommunications service.
113. Establishes a housing appeals board to hear appeals of decisions of municipal boards, committees, and commissions regarding questions of housing and housing development, and makes an appropriation to the housing appeals board for the administration of the board's duties.
114. Amends the procedure for determining an indigent defendant's ability to pay for services rendered by court-appointed counsel in a criminal case and provides that a repayment obligation shall only apply to a defendant who has been convicted or a juvenile who has been found delinquent.
115. Authorizes the attorney general to hire an investigator and an investigative paralegal to be assigned to campaign finance, election law, inaugural committee oversight, and lobbying matters, in the civil law bureau.
116. Requires a certain amount of excess moneys from the investor education fund to be deposited in the FRM victims' contribution recovery fund.
117. Prohibits off highway recreational vehicles from traveling on Hoit Road Marsh in the city of Concord.
118. Establishes the office of outdoor recreation industry development in the department of business and economic affairs and also establishes the position of director of the office.
119. Makes an appropriation to the department of business and economic affairs to support the small business development center and its programs.
120. Renames the wetlands and shoreland review fund as the water resources fund; clarifies that certain application and permit fees are non-refundable; and repeals the terrain alteration fund.
121. Makes a supplemental appropriation to the department of environmental services for the Ossipee Lake Dam reconstruction.
122. Adds an exception to the real estate transfer tax for any lease involving the Pease development authority.
123. Requires costs that are recovered from damages awarded in cases of hazardous waste clean up after expenditures from the drinking water and groundwater trust fund be deposited in such fund, contingent on SB 169 of the 2019 regular legislative session.
124. Repeals a provision relative to liquor commission revenue shortfalls.
125. Repeals the definition of commercial kennel and revises the definition of pet vendor; authorizes the department of agriculture, markets, and food to make rules relative to the number of amphibians, reptiles, fish, or small mammals a person may sell and qualify as a pet vendor; requires dogs, cats, and ferrets offered for transfer to be accompanied by a health certificate; and establishes and makes an appropriation to the cost of care fund.
126. Makes federal funds and internment fees received by the state veterans cemetery nonlapsing.
127. Establishes the sunny day fund and grant program in the department of business and economic affairs to obtain and disburse grants for research and development, support the infrastructure necessary to address critical gaps in the state's ability to attract research and development projects, increase commercialization of new technologies, leverage federal funds, and support business development and expansion. The bill also transfers funds from the general fund surplus account to fund the program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

143. Makes an appropriation to the department of transportation to provide a state aid construction program match for the project named Tilton project number 29753, to reconstruct and reclassify 1.97 miles of Calef Hill Road.

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

145. Makes an appropriation to the department of safety to fund the reallocation of certain state police troopers.

146. Expands home and community-based behavioral health services for children and makes an



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appropriation to the department of health and human services for this purpose.

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

148. Allows general funds to be used for the New Hampshire granite advantage health care program. Also allows moneys from the Medicaid enhancement tax to be used if necessary to pay for certain provider rate increases.

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

150. Extends the funding for supported housing.

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

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

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

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

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

156. Makes a contingent appropriation to the department of health and human services for the purpose of hiring 27 child protective service workers, and 20 child protective service supervisors.

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

158. Repeals a prohibition on the use of state funds for abortion services.

159. Clarifies proportionate share payments to county nursing homes.

160. Suspends liability for support and reimbursement for assisted persons for the biennium ending June 30, 2021.

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

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

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

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

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

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

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

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

169. Establishes a committee to study the disparity in pay between independent case managers and case managers who are part of the Medicaid managed care program.

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

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

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

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

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

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

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

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

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

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

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

22 4 Department of Administrative Services; Divisions. Amend the section heading of RSA 21-I:11  
23 to read as follows:

24 21-I:11 ~~[Division]~~ **Divisions of Procurement and Support Services, Public Works Design**  
25 **and Construction, and** Plant and Property ~~[Management]~~.

26 5 Department of Administrative Services; Director of Plant and Property. Amend the  
27 introductory paragraph of RSA 21-I:11, I(c) to read as follows:

28 (c) The division of plant and property, which shall be under the supervision of [a

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

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

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

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

18 7 Department of Administrative Services; Directors; Officers. Amend RSA 21-I:2, II to read as  
19 follows:

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

27 8 Department of Administrative Services; Office of the Commissioner. RSA 21-I:4 is repealed  
28 and reenacted to read as follows:

29 21-I:4 Office Established. There is hereby established an office of the commissioner consisting  
30 of the following units:

31 I. State budget.

32 II. Internal audit.

33 III. Operational analysis.

34 IV. Cost containment.

35 9 Division of Financial Data Management. Amend RSA 21-I:5 to read as follows:

36 21-I:5 ***Division of*** Financial Data Management [~~Unit~~]. There is hereby established within the  
37 [~~office of the commissioner~~] ***department a division of*** financial data management [~~unit~~] under the  
38 supervision of an unclassified ***director of financial data [manager] management*** who shall be

1 responsible for the following functions in accordance with applicable laws:

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

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

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

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

11 V. Assisting department division directors by:

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

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

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

17 10 New Section; Deputy Director of Risk and Benefits. Amend RSA 21-I by inserting after  
18 section 7-c the following new section:

19 21-I:7-d Deputy Director of Risk and Benefits; Position Established.

20 I. There is established within the department of administrative services the unclassified  
21 position of deputy director of risk and benefits. The deputy director of risk and benefits shall be  
22 qualified to hold that position by reason of education and experience and shall perform such duties  
23 and exercise such powers as the commissioner, in consultation with the director of risk and benefits,  
24 may authorize. The deputy director of risk and benefits shall assume the duties of the director of  
25 risk and benefits in the event that the director is unable for any reason to perform such duties.

26 II. The commissioner shall, after consultation with the director of risk and benefits, appoint  
27 the unclassified deputy director of risk and benefits. The deputy director of risk and benefits shall  
28 serve at the pleasure of the commissioner.

29 11 Deputy Director of Risk and Benefits; Salary; Funding; Offer to Seek Nomination and  
30 Effective Date.

31 I. The salary of the unclassified deputy director of risk and benefits shall be determined  
32 after assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b)  
33 for the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon  
34 completion of this action, and appointment of the deputy director of risk and benefits, position  
35 number 19203 shall be abolished to allow for the transition of this classified position with its  
36 available appropriations into the unclassified position of deputy director of risk and benefits.  
37 Funding shall be transferred into a new expenditure class number 12 within accounting unit 01-14-  
38 14-143510-2901. The incumbent in the abolished classified position shall be offered the opportunity

1 to seek the commissioner's appointment to the unclassified position of deputy director of risk and  
2 benefits.

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

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

9 21-I:7-c Risk ~~[Management]~~ **and Benefits**. There is established within the ~~[office of the~~  
10 ~~commissioner of administrative services a]~~ **department a division of** risk ~~[management unit]~~ **and**  
11 **benefits**, under the supervision of an unclassified ~~[manager of risks]~~ **director of risk** and benefits,  
12 who shall be qualified to hold that position by reason of education and experience, and who shall  
13 perform such duties as the commissioner from time to time may authorize. The functions of the  
14 **division of** risk ~~[management unit]~~ **and benefits** shall be divided across the following bureaus:

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

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

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

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

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

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

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

36 (1) Developing bid specifications for insurance and third party administrator  
37 contracts and ensuring bid specifications are in compliance with applicable collective bargaining  
38 agreements.

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

3           (3) Formalizing contract agreements.

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

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

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

8                   (B) Receiving and analyzing state employee and retiree group insurance  
9 utilization data and statistics.

10                   (C) Monitoring Medicare issues to ensure compliance with federal law and  
11 programs.

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

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

16           (i) Advising the [~~manager of risks~~] **director of risk** and benefits and, upon request, the  
17 commissioner, the governor and executive council, the general court, the state retiree health plan  
18 commission established in RSA 100-A:56, the joint legislative fiscal committee established in RSA  
19 14:30-a, and other entities regarding employee and retiree benefits program.

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

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

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

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

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

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

34                   (d) After consultation with, and approval by the [~~manager of risks~~] **director of risk** and  
35 benefits, purchasing liability insurance under a fleet policy covering the operation of state-owned  
36 vehicles and motorboats, and such other insurance and surety bonds as any state department,  
37 agency, or official may be legally authorized to secure, or required to furnish; provided that  
38 approval shall not be granted for any such insurance or surety bonds unless the same have been

1 marketed and procured through a resident agent of an insurance company registered and licensed  
2 to do business in this state. With the exception of any risk located outside the state, no such  
3 insurance company or resident agent, personally or by another, shall allow, give, or pay, directly or  
4 indirectly, to any nonresident agent or nonresident broker any part of the commission on the sale of  
5 such insurance or surety bonds. The insurance commissioner may suspend or revoke the license of  
6 any resident agent or insurance company violating the provisions hereof.

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

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

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

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

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

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

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

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

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

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

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

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



1 federal law.

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

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

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

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

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

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

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

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

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

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

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

32 14 Department of Administrative Services; Reference Changed. Amend RSA 21-I:25-a, to read  
33 as follows:

34 21-I:25-a Procurement of Managed Care and Other Risk-Shifting Services. By following the  
35 procedures of RSA 21-I:28, the commissioner of administrative services, through the department's  
36 **division of risk** ~~[management unit]~~ **and benefits**, and after consultation with the governor and  
37 council, may contract for or purchase insurance or third party administrator services providing  
38 managed care program services and similar services directly related to the provision and

1 monitoring of workers' compensation benefits payable to state employees.

2 15 Department of Administrative Services; References Changed. Amend RSA 21-I:30-f to read  
3 as follows:

4 21-I:30-f Administrative Cost of Certain Programs Administered by the *Division of Risk*  
5 ~~[Management Unit]~~ *and Benefits*; Obligation of Employee. The *division of risk* ~~[management~~  
6 ~~unit]~~ *and benefits* may use moneys in the employee benefit adjustment account, established under  
7 RSA 9:17-c, for the purposes of paying the administrative fees for the dependent care assistance  
8 program established under RSA 21-I:44-a and the medical and related expenses program  
9 established under RSA 21-I:44-b. The *division of risk* ~~[management unit]~~ *and benefits* may also  
10 use such moneys in the event money must be paid to the contracting party in advance to cover the  
11 employee's medical expenses, when the employee has not contributed all of such costs from payroll  
12 deductions, provided that the employee benefit adjustment account shall be repaid when the  
13 employee fulfills his or her obligation.

14 16 Department of Administrative Services; Reference Changed. Amend RSA 21-I:44-a, to read  
15 as follows:

16 21-I:44-a Dependent Care Assistance Program Established. There is established a dependent  
17 care assistance program to be administered by the *division of risk* ~~[management unit]~~ *and*  
18 *benefits* of the department of administrative services with the assistance of the division of  
19 accounting services of the department of administrative services and the treasury department.  
20 Under this program, an employee may have a certain amount of his or her salary withheld, before  
21 taxes, for the purpose of day care expenses.

22 17 Department of Administrative Services; Reference Changed. Amend RSA 21-I:44-b, to read  
23 as follows:

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

30 18 State Agency Insurance; Reference Changed. Amend RSA 9:27 to read as follows:

31 9:27 Insurance.

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

38 ~~[II. All casualty or liability insurance secured by an agency or department and in effect on~~

1 ~~July 1, 2017, shall be reported to the risk management unit by September 1, 2017.]~~

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

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

11 20 Services for Youth and Families; Reference Changed. Amend RSA 170-G:3, VI to read as  
12 follows:

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

19 21 Services for Youth and Families; References Changed. Amend RSA 170-G:3, VII(b) and (c)  
20 to read as follows:

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

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

38 22 University System; References Changed. Amend RSA 187-A:43, VI-VII, to read as follows:

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

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

9 23 Community College System; References Changed. Amend RSA 188-F:68, VI-VII, to read as  
10 follows:

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

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

19 24 Board of Claims; Reference Changed. Amend RSA 541-B:11-A to read as follows:

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

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

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

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

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

36 27 Department of Administrative Services; Intent of Amendment of Title of the Manager of  
37 Risks; Continuation of Salary and Functions. The unclassified employee serving as the manager of  
38 risks prior to the effective date of this section shall, barring resignation or removal from office, be

1 deemed the director of the division of risk and benefits for the remainder of his or her existing term  
2 as the manager of risks and benefits. The salary of the director of the division of risk and benefits  
3 shall be that allocated in RSA 94:1-a, I(b) to the manager of risks and benefits.

4 28 Department of Administrative Services; Continuation of Laws; Transfer of Duties Relating  
5 to Risk Management. All provisions of law that remain in effect and refer to the department of  
6 administrative services' risk management unit shall be construed so as to apply to the division of  
7 risk and benefits. All powers, duties, and obligations of the risk management unit, and all bureaus  
8 or other subunits within the unit, shall be transferred to the division of risk and benefits and its  
9 subunits without interruption or delay on the effective date of this section. The transfer shall  
10 include, but not be limited to, all personnel, equipment, and funding of the former risk management  
11 unit and its subunits. The department of administrative services may make such changes to the  
12 accounting structure and budgetary allocations for the biennium ending June 30, 2021 as it  
13 concludes are necessary or appropriate to effectuate and accommodate the changes made to the  
14 department by this act.

15 29 Department of Administrative Services; Intent of Amendment of Financial Data  
16 Management Unit; Continuation of Operations. The alteration of the title of the financial data  
17 management unit to the division of financial data management is not intended to alter the  
18 underlying functions, authorities, or personnel of the existing unit or its manager, or the  
19 compensation of any existing employee. The division of financial data management shall perform  
20 all duties previously performed by the financial data management unit and the director of the  
21 division of financial data management shall perform all duties and function previously performed  
22 by the financial data manager. Any and all documents entered into by the financial data  
23 management unit or any of its subunits, including but not limited to contracts, agreements,  
24 requests for proposals, requests for bids, requests for quotes, purchase orders, and other items shall  
25 be construed to apply to, and be deemed to be the action of, the division of financial data  
26 management.

27 30 Department of Administrative Services; Intent of Amendment of Title of the Financial Data  
28 Manager; Continuation of Salary and Functions. The unclassified employee serving as the financial  
29 data manager as of the effective date of this section shall, barring resignation or removal from  
30 office, be deemed the director of the division of financial data management for the remainder of his  
31 or her existing term as the financial data manager. The salary of the director of the division of  
32 financial data management shall be that allocated in RSA 94:1-a, I(b) to the financial data manager.

33 31 Department of Administrative Services; Continuation of Laws; Transfer of Duties Relating  
34 to Financial Data Management. All provisions of law that remain in effect and refer to the  
35 department of administrative services' financial data management unit shall be construed so as to  
36 apply to the division of financial data management. All powers, duties, and obligations of the  
37 financial data management unit, and all bureaus or other subunits within the unit, shall be  
38 transferred to the division of financial data management and its subunits without interruption or

1 delay on the effective date of this section. The transfer shall include, but not be limited to, all  
2 personnel, equipment, and funding of the former financial data management unit and its subunits.  
3 The department of administrative services may make such changes to the accounting structure and  
4 budgetary allocations for the biennium ending June 30, 2021 as it concludes are necessary or  
5 appropriate to effectuate and accommodate the changes made to the department by this act.

6 32 Department of Administrative Services; Consolidation of Human Resources and Payroll  
7 Functions.

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

15 (a) Accounts receivable;

16 (b) Accounts payable;

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

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

22 II. The commissioner of administrative services may establish the number of total  
23 personnel required for human resources, payroll, and business processing functions in the executive  
24 branch of state government and, with the prior approval of the governor and council, may eliminate  
25 unnecessary positions and may transfer positions to or from the department of administrative  
26 services to or from any other agency if the commissioner of administrative services concludes that  
27 such transfers or eliminations are necessary to effectuate the efficient consolidation or  
28 deconsolidation of human resources, payroll, or business processing functions within state  
29 government. Such transfers may, if deemed appropriate by the commissioner of administrative  
30 services, include the transfer of all associated books, papers, records, personnel files, and  
31 equipment, including, but not limited to, work station and information technology equipment, and  
32 may, if deemed appropriate by the commissioner of administrative services, include the transfer of  
33 any unexpended appropriations for any of the foregoing, and any unexpended appropriations for  
34 salary, payroll, benefits, support costs, or any other costs associated with the transferred personnel.  
35 The department of administrative services may also establish new full-time temporary positions  
36 within the department, if the commissioner of administrative services deems it necessary to  
37 effectuate the efficient consolidation or deconsolidation of human resources, payroll, or business  
38 processing functions.

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

6           IV. If the commissioner of administrative services consolidates, deconsolidates or, pursuant  
7 to 2015, 276:2 or other law, has consolidated or deconsolidated, any human resources, payroll, or  
8 business processing function and subsequently determines that such consolidation or  
9 deconsolidation is not cost effective or beneficial to the interests of the state, the commissioner may,  
10 with the prior approval of the fiscal committee of the general court, deconsolidate or reconsolidate,  
11 fully or partially, any human resources, payroll, or business processing function within the  
12 executive branch of state government. As part of a deconsolidation, the commissioner, after  
13 consultation with the heads of such executive branch agencies as may be affected, shall determine  
14 positions to be transferred to another agency, shall determine positions to be transferred elsewhere  
15 within the department of administrative services, or shall determine positions to be eliminated.

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

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

35           34 Department of Administrative Services; Health Coverage Shared Responsibility. Agencies  
36 may use funds in existing class 60 budgets to pay any penalties imposed under the employer shared  
37 responsibility for health coverage under section 4980H of the Internal Revenue Code.

38           35 All Agencies; Administrative Services; Electronic Mail. Unless restricted by law or

1 administrative rule, upon request of an intended recipient, an agency may provide documents by  
2 electronic mailing in lieu of mail.

3 36 Department of Administrative Services; Heating Systems Savings. Amend RSA 21-I:19-ff to  
4 read as follows:

5 21-I:19-ff State Heating System Savings Account. There is hereby established the state heating  
6 system savings account for the transfer of unexpended state heating system appropriations due to  
7 reduced heating system costs resulting from the 26 state buildings served by the Concord Steam  
8 project authorized in 2017, 2. Notwithstanding RSA 21-I:19-e, at the end of each state fiscal year,  
9 the commissioner of administrative services shall identify the unexpended appropriations in the  
10 accounts and class lines for the 26 state buildings served by the replacement of the Concord Steam  
11 facility. The commissioner shall deposit such sums into the account established by this section.  
12 Funds in the state heating system savings account shall be nonlapsing and appropriated to the  
13 department of administrative services for the biennium ending June 30, 2019, *the biennium*  
14 *ending June 30, 2021*, and the fiscal year ending [2020] *June 30, 2022* and may be used to pay  
15 principal and interest on bonds and notes issued to fund the capital project for the heating of state  
16 facilities located at the Governor Hugh J. Gallen state office park and state-owned buildings in  
17 downtown Concord.

18 37 State Heating System Facilities. Any unspent balance remaining on the \$18,000,000  
19 appropriation made by 2017, 2 to the department of administrative services for the fiscal year  
20 ending June 30, 2017, for the purpose of the purchase and replacement of all systems providing  
21 heat to state facilities located at the Governor Hugh J. Gallen state office park and state-owned  
22 buildings in downtown Concord that were obtaining steam from Concord Steam corporation, as well  
23 as the decommissioning of the steam plant located at 105 Pleasant Street in Concord, including but  
24 not limited to system design, construction, hazardous material remediation, and project  
25 administration and management, as required, shall not lapse until June 30, 2020. As indicated in  
26 2017, 2, this project shall be managed by the division of public works design and construction and  
27 funds may be expended to fund any temporary personnel for the purpose of project administration,  
28 management, or clerk of the works. The commissioner of the department of administrative services  
29 is also authorized to employ a classified, full-time, permanent project manager in the division of  
30 public works design and construction, whose initial salary and benefit cost shall be from funds  
31 appropriated pursuant to 2017, 2. The governor is authorized to draw a warrant for said sum out of  
32 any money in the treasury not otherwise appropriated, and said funds shall not lapse until June 30,  
33 2020.

34 38 Department of Administrative Services; Funding and Staffing Resource Limitations.

35 I. Due to inadequate funding and staffing resources at the department of administrative  
36 services, the commissioner of the department of administrative services may suspend the  
37 obligations or requirements under RSA 21-I:7-c as it applies to addressing performance and  
38 financial legislative budget assistant audit findings from 2006, 2011, and 2014 regarding



1 management of the employee and retiree health benefit program, including establishing rules and  
2 operational policies for the program, for each fiscal year of the biennium ending June 30, 2021.

3 II. Due to inadequate funding and staffing resources at the department of administrative  
4 services, the commissioner of the department of administrative services may suspend the following  
5 requirements or obligations of the department for each fiscal year of the biennium ending June 30,  
6 2021:

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

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

12 39 Department of Administrative Services; Establishment of Additional Surplus Fund. Amend  
13 RSA 21-I:11, I, (a)(6)(B) to read as follows:

14 (B) Be maintained by the treasurer ~~as a~~ **in one of 2** separate, restricted ~~fund~~  
15 **funds:**

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

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

21 40 Surplus Distribution Accounts. Amend RSA 6:12, I(b)(92) to read as follows:

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

24 (A) ***The surplus distribution section administrative assessments fund;***  
25 ***and***

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

27 41 Department of Administrative Services; Fund Restrictions. Amend the introductory  
28 paragraph of RSA 21-I:11-a, I to read as follows:

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

33 42 New Section; Department of Administrative Services; Building Maintenance Fund. Amend  
34 RSA 21-I by inserting after section 11-c the following new section:

35 21-I:11-d Building Maintenance Fund. Each agency for which the department of  
36 administrative services is charged with providing building maintenance services shall pay to the  
37 department an annual assessment of 75 cents per square foot of such space which the agency  
38 occupies. The department of administrative services may make transfers from appropriate agency

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1 accounts to address such assessments. Collected amounts shall be deposited in the building  
2 maintenance fund, which shall be nonlapsing and continually appropriated to the department of  
3 administrative services for the purposes of covering costs associated with continuing maintenance of  
4 buildings, space, and other property which it is charged with maintaining.

5 43 New Subparagraph; Application of Receipts; Building Maintenance Fund. Amend RSA 6:12,  
6 I(b) by inserting after subparagraph (343) the following new subparagraph:

7 (344) Moneys deposited in the building maintenance fund established under RSA  
8 21-I:11-d.

9 44 Appropriation; Building Maintenance Fund.

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

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

14 All	General	Federal	Highway	Turnpike	Other
15 \$528,606.50	\$263,417.50	\$74,598.50	\$57,811.00	\$702.50	\$132,077.00

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

17 All	General	Federal	Highway	Turnpike	Other
18 \$528,606.50	\$262,808.00	\$74,598.50	\$57,873.50	\$702.00	\$132,624.50

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

21 45 Study of Building Maintenance Funding Sources for Patient Occupied Buildings Managed  
22 by the Department of Health and Human Services. The department of administrative services and  
23 the department of health and human services shall study appropriate mechanisms for the creation  
24 of an additional building maintenance fund for the patient occupied buildings currently managed  
25 directly by the department of health and human services, including but not limited to the Glencliff  
26 home, New Hampshire hospital, and the Sununu youth services center. The departments shall  
27 report their findings to the fiscal committee of the general court on or before November 1, 2019.

28 46 Judicial Appointments; Number Limited; Conversion Suspended.

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

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

34 47 Judicial Branch; Transfer Among Accounts and Classes. Notwithstanding any provision of  
35 law to the contrary, and subject to approval of the fiscal committee of the general court, for the  
36 biennium ending June 30, 2021, the supreme court may transfer funds within and among all  
37 accounting units within the judicial branch as the supreme court deems necessary and appropriate  
38 to address budget reductions or to respond to changes in federal laws, regulations, or programs, and

1 otherwise as necessary for the efficient management of the judicial branch. If the supreme court  
2 intends to transfer funds which would otherwise meet the transfer requirements as set forth in RSA  
3 9:17-d, prior approval of the fiscal committee of the general court shall be required for transfers of  
4 \$100,000 or more.

5 48 Department of Corrections; Transfer Authority. The following classes within the  
6 department of corrections shall be exempt from the transfer restrictions in RSA 9:17-a, 9:17-c,  
7 classes 10-personal services-perm classified, 11-personal services-unclassified, 12-personal services-  
8 unclassified, 18-overtime, 19-holiday pay, 50-personal service-temp/appointed and 60-benefits. The  
9 department may transfer funding in these classes within and among all accounting units provided  
10 that any transfer shall require prior approval of the fiscal committee of the general court and  
11 governor and council. The provisions of this paragraph shall remain in effect for the biennium  
12 ending June 30, 2021.

13 49 New Section; Cost of Care Reimbursement Account Established. Amend RSA 622 by  
14 inserting after section 58 the following new section:

15 622:58-a Cost of Care Reimbursement Fund Established. There is established the cost of care  
16 reimbursement fund, which shall be administered by the commissioner of the department of  
17 corrections. This fund shall be nonlapsing and continually appropriated to the commissioner for the  
18 purpose of the general care of those persons under departmental control and upkeep of the prison  
19 facilities including equipment. The commissioner shall deposit all funds received from the  
20 department of justice as specified in RSA 622:58 into this fund.

21 50 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after  
22 subparagraph (343) the following new subparagraph:

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

24 51 Department of Corrections; Cost of Care Reimbursement Moneys. Amend RSA 622:58 to  
25 read as follows:

26 622:58 Deposit of Recovered Moneys. All moneys recovered under this subdivision shall be  
27 deposited in the ~~[general fund]~~ **cost of care reimbursement fund under RSA 622:58-a.**

28 52 Repeal. RSA 622:7-b, relative to victim's fund, is repealed.

29 53 Application of Receipts; Victims' Fund. Amend RSA 6:12, I(b)(23) to read as follows:

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

34 54 Department of Corrections; Unclassified Position Established; Director of Nursing.

35 I. The unclassified position of director of nursing is hereby established in the department of  
36 corrections and shall be qualified for that position by reason of education and experience and shall  
37 be nominated by the commissioner of the department of corrections for the appointment by the  
38 governor and the executive council, who shall serve at the pleasure of the commissioner. The

1 director of nursing shall oversee the uniform integration of nursing practice and care into the  
2 comprehensive medical and behavioral health system operated by the department of corrections as  
3 well as ensuring adherence of nurses to nursing practice laws, rules, standards, and policies. This  
4 position shall also establish an organizational reporting structure to ensure that all nurses receive  
5 adequate and appropriate supervision. Direct reports shall include the assistant nursing director  
6 and all nurse coordinators.

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

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

16 55 Department of Corrections; Unclassified Positions Established.

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

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

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

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

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

- 1 (c) Pharmacist #19553.
- 2 (d) Pharmacist #19848.
- 3 (e) Pharmacist #16290.

4 56 State Commission for Human Rights. Amend RSA 354-A:3, I to read as follows:

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

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

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

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

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

34 59 Meals and Rooms Tax; Distribution to Cities and Towns. For the fiscal years ending June  
35 30, 2020 and June 30, 2021, the state treasurer shall fund the distribution of revenue to cities and  
36 towns pursuant to the formula for determining the amount of revenue returnable to cities and  
37 towns under RSA 78-A:26, I and II at no more than the amount of the fiscal year 2019 distribution.

38 60 Department of Health and Human Services; Social Services Block Grant Cost of Living

1 Adjustment to Income Levels. Notwithstanding any other provision of law, for the biennium ending  
2 June 30, 2021, the department of health and human services shall raise the income eligibility for  
3 elderly and adult clients under the social services block grant program each January, by the  
4 percentage amount of the cost of living increase in social security benefits on a yearly basis provided  
5 such amount is consistent with federal law and regulations relative to the social services block  
6 grant income eligibility.

7 61 County Reimbursement of Funds; Limitations on Payments. Amend RSA 167:18-a, II(a) to  
8 read as follows:

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

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

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

13 62 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children;  
14 Definitions. Amend RSA 167:6, VII to read as follows:

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

28 63 Prospective Repeal Regarding Eligibility for Services Extended. Amend 2011, 209:6, I, as  
29 amended by 2013, 140:1, I, as amended by 2015, 276:41, I, as amended by 2017, 156:85, I to read as  
30 follows:

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

32 64 Department of Health and Human Services; Suspension of Direct and Indirect Graduate  
33 Medical Education Payments. The commissioner of the department of health and human services  
34 shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and  
35 Medicaid Services to suspend the provision of direct and indirect graduate medical education  
36 payments to hospitals as provided in 42 C.F.R. section 413.75 for the biennium ending June 30,  
37 2021. Upon approval of the state plan amendment, and as of the effective date of the state plan  
38 amendment, any obligations for payment of direct and indirect graduate medical education shall be

1 suspended for the biennium ending June 30, 2021.

2 65 Health and Human Services; Suspension of Catastrophic Aid Payments to Hospitals. The  
3 commissioner of the department of health and human services shall submit a Title XIX Medicaid  
4 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend  
5 catastrophic aid payments to hospitals. Upon approval of the state plan amendment, and as of the  
6 effective date of the state plan amendment, any obligations for catastrophic aid payments to  
7 hospitals shall be suspended for the biennium ending June 30, 2021.

8 66 Department of Health and Human Services; Prospective Repeal Regarding the Exemption  
9 from Certain Transfer Procedures Extended. Amend 2018, 163:11, IV to read as follows:

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

11 67 Department of Health and Human Services; Program Eligibility; Additional Revenues. For  
12 the biennium ending June 30, 2021, the department of health and human services shall not  
13 authorize, without prior consultation with the house health, human services and elderly affairs  
14 committee and the senate health and human services committee, and the approval of the fiscal  
15 committee of the general court and governor and council, any change to program eligibility  
16 standards or benefit levels that might be expected to increase or decrease enrollment in the  
17 program or increase expenditures from any source of funds; provided, however, that no such prior  
18 approval shall be required if a change to a federal program in which the state is participating as of  
19 the effective date of this section is required by federal law.

20 68 Appropriation; Department of Safety, Division of Fire Standards and Training and  
21 Emergency Medical Services. There is hereby appropriated to the department of safety, division of  
22 fire standards and training and emergency medical services, the sum of \$500,000, for the biennium  
23 ending June 30, 2021, for the purpose of providing grants to local firefighters for medical  
24 examinations conducted pursuant to RSA 281-A:17. The sum shall be a charge against the fire  
25 standards and training and emergency medical services fund established pursuant to RSA 21-P:12-  
26 d, and shall not lapse.

27 69 Commissioner of Health and Human Services; Quarterly Reports. During the biennium  
28 ending June 30, 2021, the commissioner of health and human services shall make quarterly reports  
29 to the governor, the speaker of the house of representatives, and the senate president on the status  
30 of estimated Medicaid payments in relation to actual costs. Further contents of the such reports  
31 shall be as specified by the governor.

32 70 Department of Health and Human Services; Unfunded Positions; Authorization.  
33 Notwithstanding any other provision of law to the contrary, the department of health and human  
34 services may fill unfunded positions during the biennium ending June 30, 2021, provided that the  
35 total expenditure for such positions shall not exceed the amount appropriated for personnel  
36 services.

37 71 Eligibility for Home and Community-Based Services; Suspension. RSA 151-E:18, regarding  
38 presumptive eligibility for home and community based services, shall be suspended for the

1 biennium ending June 30, 2021.

2 72 New Section; Department of Health and Human Services; Developmental Services;  
3 Establishing Certain Funds and Transfers of Certain Appropriations. Amend RSA 171-A by  
4 inserting after section 8-a the following new section:

5 171-A:8-b Establishing Certain Dedicated Funds and Transfers of Certain Appropriations.

6 I. There is hereby established the developmental services fund. The fund, from  
7 appropriations provided in accounting unit 05-95-93-930010-7100, 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 II. There is hereby established the acquired brain disorder services fund. The fund, from  
11 appropriations provided in accounting unit 05-95-93-930010-7016, 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 III. There is hereby established the in-home support waiver fund. The fund, from  
15 appropriations provided in accounting unit 05-95-93-930010-7110, shall be used to carry out the  
16 provisions of this chapter. The fund shall be nonlapsing and shall be continually appropriated to  
17 the commissioner for the purposes of this chapter.

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

20 73 New Subparagraphs; Department of Health and Human Services; Developmental Services;  
21 Certain Accounts. Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new  
22 subparagraphs:

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

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

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

29 74 Department of Health and Human Services; Transfer of Certain Trust Funds.

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

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

38 75 Study Committee on Outdated Non-regulatory Boards, Commissions, Councils, and Advisory



1 Bodies.

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

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

6 (1) Three members of the house of representatives, appointed by the speaker of the  
7 house of representatives.

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

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

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

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

18 (a) Frequency of meetings.

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

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

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

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

26 76 Department of Health and Human Services; Plan to Close the Cliff Effect for Individuals  
27 and Families who Receive Public Benefits.

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

35 II. In this section, "cliff effect" means the experience of individuals or families who receive  
36 public benefits when new or increased income results in a reduction or loss of public benefits, but  
37 the increased income does not fully compensate for or exceed the loss of public benefits. This results  
38 in the individual and or family with less public benefits and an increase in out-of-pocket expenses

1 that eliminates any financial gain from the new or increased income.

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

9 IV. No later than 30 days after the effective date of this section, the commissioner of the  
10 department of health and human services shall convene a working group consisting, at a minimum  
11 of, representatives of the following departments or agencies: the commissioner of the department of  
12 employment security or designee, the commissioner of the department of education or designee, the  
13 commissioner of the department of business and economic affairs or designee, the chancellor of the  
14 community college system of New Hampshire or designee, the executive director of the New  
15 Hampshire housing finance authority or designee, a representative of a philanthropic agency  
16 appointed by the governor, a representative from a community action program appointed by the  
17 governor, a private employer appointed by the governor, an individual who is receiving or who has  
18 received public benefits appointed by the governor, a member of the house of representatives  
19 appointed by the speaker of the house of representatives, and a member of the senate appointed by  
20 the senate president.

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

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

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

35 77 Revenue Sharing; Suspension. RSA 31-A, relative to revenue sharing with cities and towns  
36 shall be suspended for the biennium ending June 30, 2021.

37 78 Liquor Commission; Processing of Merchant Cards. For the biennium ending June 30, 2021,  
38 the liquor commission, for purposes of supporting merchant card activity, may:

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

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

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

13 79 Electric Utility Restructuring; Policy Principles; System Benefits Charge. Amend RSA 374-  
14 F:3, VI to read as follows:

15 VI. Benefits for All Consumers. Restructuring of the electric utility industry should be  
16 implemented in a manner that benefits all consumers equitably and does not benefit one customer  
17 class to the detriment of another. Costs should not be shifted unfairly among customers. A  
18 nonbypassable and competitively neutral system benefits charge applied to the use of the  
19 distribution system may be used to fund public benefits related to the provision of electricity. Such  
20 benefits, as approved by regulators, may include, but not necessarily be limited to, programs for  
21 low-income customers, energy efficiency programs, funding for the electric utility industry's share  
22 of commission expenses pursuant to RSA 363-A, support for research and development, and  
23 investments in commercialization strategies for new and beneficial technologies. Legislative  
24 approval of the New Hampshire general court shall be required to increase the system benefits  
25 charge. This requirement of prior approval of the New Hampshire general court shall not apply to  
26 the energy efficiency portion of the system benefits charge [~~consistent with or authorized only by~~  
27 ~~Order No. 25,932 issued by the commission, dated August 2, 2016.~~] ***if the increase is authorized***  
28 ***by an order of the commission to implement the 3-year planning periods of the Energy***  
29 ***Efficiency Resource Standard framework established by commission Order No. 25,923***  
30 ***dated August 2, 2016, ending in 2020 and 2023, or, if for purposes other than implementing***  
31 ***the Energy Efficiency Resource Standard, is authorized by the fiscal committee of the***  
32 ***general court; provided, however, that no less than 20 percent of the portion of the funds***  
33 ***collected for energy efficiency shall be expended on low-income energy efficiency***  
34 ***programs. Energy efficiency programs should include the development of relationships***  
35 ***with third-party lending institutions to provide opportunities for low-cost financing of***  
36 ***energy efficiency measures to leverage available funds to the maximum extent, and shall***  
37 ***also include funding for workforce development to minimize waiting periods for low-***  
38 ***income energy audits and weatherization.***

1       80 Department of Education; Acceptance of Gifts. For the biennium ending June 30, 2021, the  
2 department of education may, subject to the approval of the governor and council, accept gifts,  
3 contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and  
4 other organizations or institutions for the purpose of funding appropriations for New Hampshire  
5 scholars made in accounting unit 06-56-56-562010-7534.

6       81 Repeal. RSA 78-A:26, I(b), relative to disposition of income from meals and rooms tax  
7 revenue, is repealed.

8       82 Application of Receipts. Amend RSA 6:12, I(b)(21) to read as follows:

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

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

14       12-O:11-b Division of Travel and Tourism Budget; Meals and Rooms Tax Revenue. The budget  
15 of the division of travel and tourism, including the travel and tourism development fund established  
16 by RSA 12-O:16, shall be funded at an amount no less than 3.15 percent of the net income identified  
17 by RSA 78-A:26, I for the most recently completed fiscal year.

18       84 Suspensions of Law; Travel and Tourism; Integrated Land Development:

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

22               II. Integrated Land Development Permits; Procedure Suspended. Due to budgetary and  
23 staffing constraints, RSA 489, establishing a procedure to obtain an integrated land development  
24 permit from the department of environment services, is suspended for the biennium ending June  
25 30, 2021.

26       85 State Aid Grants; Department of Environmental Services. Notwithstanding RSA 486, for  
27 the biennium ending June 30, 2021, no state aid grants shall be made for any new infrastructure  
28 projects that would have otherwise been eligible for state aid grants under RSA 486, RSA 486-A, or  
29 RSA 149-M, except that infrastructure projects that have achieved substantial completion by  
30 December 31, 2019, shall be eligible for state aid grants, subject to availability of funding and in  
31 accordance with other provisions of current law. Nothing in this section shall affect the provision of  
32 the future water supply land protection grants under RSA 486-A if funding is available for such  
33 purposes.

34       86 Judicial Branch; Reimbursement of Sheriff's Office for Court Security. For the biennium  
35 ending June 30, 2021, the state shall reimburse the sheriff's office for court security at the rates  
36 provided in the collective bargaining agreement applicable to per diem court security officers  
37 employed by the judicial branch to attend any official business, for any person employed as a bailiff  
38 by the sheriff's office.

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

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

9       88 Capital Appropriations. Amend the footnote to 2017, 228:1, XIX to read as follows:

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

25       89 Department of Natural and Cultural Resources; Forest Lands. Amend RSA 227-G:5, I(b) to  
26 read as follows:

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

37       90 Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment, and Recovery;  
38 Faith-Based Member. Amend RSA 12-J:1, IV to read as follows:



1 parent, stepparent, grandparent, or step grandparent related through birth, marriage, adoption,  
2 foster care, or legal guardianship.

3 VIII. "Family and medical leave" means leave from work:

4 (a) Because of the birth of a child of the employee, within the past 12 months; or

5 (b) Because of the placement of a child with the employee for adoption, legal  
6 guardianship, or fostering, within the past 12 months; or

7 (c) Because of a serious health condition of a family member; or

8 (d) Because of a serious health condition of the employee that isn't related to  
9 employment; or

10 (e) Because of any qualifying exigency arising from the foreign deployment with the  
11 Armed Forces, or to care for a service member with a serious injury or illness as permitted under  
12 the federal Family and Medical Leave Act, 29 U.S.C. section 2612(a)(1).

13 IX. "FMLI" means family and medical leave insurance.

14 X. "Federal Family and Medical Leave Act" means the federal Family and Medical Leave  
15 Act of 1993, 29 U.S.C. chapter 28.

16 XI. "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 XII. "Fund" means the family and medical leave insurance fund as described in RSA 282-  
21 B:4.

22 282-B:3 Employer Applicability.

23 I. This chapter applies to the state and nongovernmental employers beginning January 1,  
24 2020, provided that any employer may instead exercise a business option of: participating in a self-  
25 insured plan, self-insuring, purchasing insurance, providing benefits, or any combination thereof,  
26 upon employer application and certification by the commissioner or authorized representative that  
27 the employer will provide an equivalent benefit to all of its employees. If the employer is subject to  
28 a collective bargaining agreement, this chapter shall apply to the employer upon the effective date  
29 of the first successor collective bargaining agreement following January 1, 2020 to permit the  
30 employer and the union to negotiate the premium rate share under RSA 282-B:3, II. Political  
31 subdivisions of the state may opt into this chapter upon certification by the authorized  
32 representative that this chapter's insurance benefits are at least equivalent to the benefits provided  
33 under the collective bargaining agreement, provided the applicable bargaining unit has first ratified  
34 this option. Beginning January 1, 2020, this chapter shall be a mandatory subject of bargaining for  
35 collective bargaining agreements. Employees not covered by a collective bargaining agreement in a  
36 political subdivision of the state may opt into this chapter if the political subdivision has not.

37 II. All employers subject to this chapter shall remit FMLI premium payments on a calendar  
38 quarter basis. These quarterly insurance premium payments shall amount to 0.5 percent of wages

1 per employee per week for each week of the preceding quarter. Employers may withhold or divert  
2 no greater than 0.5 percent of wages per week per employee to satisfy this paragraph, provided that  
3 such employers provide employees, before employment commences, a department approved  
4 information sheet containing conspicuous language explaining the costs and benefits of the  
5 insurance.

6 III. The penalties for falsity by employers shall be in accordance and consistent with RSA  
7 282-A:166. The process for failing to adequately report shall be in accordance and consistent with  
8 RSA 282-A:151-152 and RSA 282-A:166-a, and any resulting appeals shall be processed in  
9 accordance and consistent with RSA 282-A:94-98.

10 282-B:4 Family and Medical Leave Insurance Fund; Administration. The department shall  
11 create and administer a family and medical leave insurance fund for deposits of insurance payments  
12 paid pursuant to RSA 282-B:3, and accept any other deposit of moneys as authorized by law or by  
13 the commissioner or authorized representative. No FMLI fund moneys shall be commingled with  
14 unemployment insurance fund moneys. The department may withdraw or deduct from the FMLI  
15 fund where there are qualifying FMLI benefit payments or for any amounts reasonably necessary to  
16 implement and administer the provisions of this chapter or to repay any start-up loan.

17 282-B:5 Employer and Employee Responsibilities.

18 I. An employee shall both file an application with the department, including any applicable  
19 medical certification or birth certificate, and provide his or her employer with written notice of  
20 intent to take a leave of absence at least 30 days before the leave will begin unless the leave was not  
21 reasonably foreseeable or the time of the leave changes due to circumstances that were not  
22 reasonably foreseeable, provided, however, that the employee shall provide notice as soon as  
23 practicable. An employee's failure to provide required notice may delay or reduce benefits.

24 II. Any employee of an employer covered under the federal Family and Medical Leave Act  
25 who takes leave under this chapter shall be restored to the position he or she held in the application  
26 period or to an equivalent position by his or her employer. Employers shall continue to provide  
27 health insurance to employees during the leave, but employees remain responsible for any  
28 employee-shared costs associated with the health insurance benefits. Employers shall not retaliate  
29 against any employee solely for exercising his or her rights under this chapter.

30 III. An employer may require that leave taken under this chapter be taken concurrently or  
31 otherwise coordinated with leave allowed under the terms of a collective bargaining agreement or  
32 employer policy. The employer shall give individuals in its employ written notice of this  
33 requirement.

34 282-B:6 Eligibility Process, Calculation, and Appeals.

35 I. An employee shall be limited to up to 12 weeks of FMLI in any one application period.  
36 An employee shall have had premium payments remitted as a percent of his or her wages for at  
37 least 6 months to be eligible for benefits and shall have worked in employment resulting in wages in  
38 the amount of at least 1,040 multiplied by the applicable minimum wage, in either the "base period"



1 or “alternative base period,” as those terms are defined in RSA 282-A:2.

2 II. An employee shall be eligible for FMLI for reasons identified in paragraph I and RSA  
3 282-B:2, IX.

4 III. The calculation of weekly FMLI benefits shall be the highest quarter of wages in either  
5 the base period or alternate base period as defined in RSA 282-A:2, then divided by 13 and  
6 multiplied by 0.6, provided that no such calculation of FMLI benefits shall be less than \$125 per  
7 week or greater than 0.85 of the average weekly wage in New Hampshire. The calculation for  
8 partial FMLI benefits shall be in a manner consistent with RSA 282-A:14.

9 IV. The process for FMLI benefits claims, violations, and any resulting appeals shall be in  
10 accordance and consistent with RSA 282-A:42 through RSA 282-A:68 and RSA 282-A:118.  
11 Processing of benefits claims and benefit payment may be administered by a third party selected  
12 through a request for proposals issued by the department. The standard and process for handling  
13 overpayments shall be in accordance and consistent with RSA 282-A:29, RSA 282-A:141-RSA 282-  
14 A:156 and RSA 282-A:165. In addition, an individual shall be disqualified from FMLI benefits  
15 beginning with the first day of the calendar week, and continuing for the next 26 weeks, in which  
16 the individual has been found to willfully made a false statement or misrepresentation regarding a  
17 material fact, or willfully failed to report a material fact, to obtain benefits under this chapter.

18 282-B:7 Limitations. Nothing in this chapter shall diminish an employer's obligation to comply  
19 with a collective bargaining agreement or employer policy, nor does this chapter, or any decision by  
20 the commissioner or authorized representative under this chapter, limit the ability of employers to  
21 provide FMLI benefits or benefits beyond what is required by this chapter.

22 282-B:8 Report and Outreach.

23 I. The department shall make public and provide semi-annual reports to the governor,  
24 senate president, speaker of the house of representatives, and the advisory council established  
25 pursuant to RSA 282-A:128 involving a summary to include but not be limited to, compliance with  
26 this chapter, payments into and out of the fund, fund balance, usage rates including for low wage  
27 employees, and retention of employees who received FMLI benefits.

28 II. The department shall develop and implement an outreach program to ensure that  
29 individuals who may be eligible to receive FMLI benefits under this chapter are made aware of  
30 these benefits. Outreach information shall explain in an easy to understand format, eligibility  
31 requirements, the claims process, weekly benefit amounts, maximum benefits available, notice  
32 requirements, reinstatement and non-discrimination rights, confidentiality, and coordination of  
33 leave under this chapter and other laws, collective bargaining agreements, and employer policies.

34 282-B:9 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to  
35 this chapter. In adopting rules, the commissioner shall maintain consistency with the rules adopted  
36 to implement the federal Family and Medical Leave Act, to the extent such rules are not in conflict  
37 with this chapter.

38 282-B:10 Sustainability Mechanism. The commissioner shall continuously monitor the

1 solvency of the fund. Should the commissioner determine at any time that the solvency of the fund  
2 is in jeopardy, or that the fund is in excess of necessary funds, the commissioner shall provide the  
3 advisory council with data supporting such solvency determination and may prospectively, effective  
4 in a future calendar quarter, increase or reduce FMLI premiums in RSA 282-B:3, II, decrease the  
5 benefits payable in RSA 282-B:6, III, or decrease the allowable length of leave in RSA 282-B:6, I, or  
6 any combination thereof, provided such prospective changes are cumulatively no greater than or  
7 less than 10 percent of those required under this chapter. If the commissioner thereafter  
8 determines such changes are no longer necessary for fund solvency the commissioner shall reverse  
9 such changes. Advance notice of any and all changes pursuant to this paragraph shall be provided  
10 to all covered employers and employees.

11 282-B:11 Family and Medical Leave Insurance Program; Funding Transfer and Repayment.  
12 The state treasurer shall transfer funds from the general fund to the department of employment  
13 security for payment of the initial administrative and implementation costs associated with this  
14 chapter. Within the first 5 years after the family and medical leave insurance program becomes  
15 operational, the department shall repay the general fund transfer in installments from funds  
16 deducted from the family medical leave insurance fund.

17 92 Advisory Council. Amend RSA 282-A:128 to read as follows:

18 282-A:128 Advisory Council. There is hereby created within the unemployment compensation  
19 bureau an advisory council on unemployment compensation *and family medical leave*  
20 *insurance*, hereinafter called the advisory council. The advisory council shall consist of 9 members  
21 to be appointed, with the exception of the legislative members, by the governor with the consent  
22 and advice of the governor's council. Three of the appointees of this advisory council shall be  
23 persons who, because of their vocations, employment or affiliations, shall be classed as representing  
24 the point of view of employers; 3 shall be persons who, because of their vocations, employment or  
25 affiliations, shall be classed as representing the point of view of employees; one shall be a senator  
26 appointed by the senate president; one shall be a representative ~~[from the labor, industrial and~~  
27 ~~rehabilitative services committee]~~ appointed by the speaker of the house; the remaining appointee,  
28 who shall be designated as chairman, shall be a person whose training and experience qualify him  
29 *or her* to deal with the problems of unemployment compensation. Such advisory council shall meet  
30 no later than 45 days after each calendar quarter and aid the commissioner in formulating policies  
31 and discussing problems related to the administration of this chapter *and RSA 282-B* and in  
32 assuring impartiality and freedom from political influence in the solution of such problems.  
33 Advisory council meetings shall provide opportunity for public comment. *The advisory council*  
34 *shall quarterly review and evaluate family medical leave insurance and, after 2 years of*  
35 *administration, the commissioner shall assess utilization, finances, and benefit levels and*  
36 *provide the general court with rate adjustment or fiscal recommendations.*

37 93 New Subparagraph; State Treasurer; Application of Receipts. Amend RSA 6:12, I(b) by  
38 inserting after subparagraph (343) the following new subparagraph:



1 or sponsored by a public or private institution that offers educational services at the secondary  
2 level.

3 VII. "In-play sports wager" means a sports wager on a sports event after the sports event  
4 has begun and before it ends.

5 VIII. "Mobile sports wagering platform" means the combination of hardware, software, and  
6 data networks used to manage, administer, record, and/or control sports wagers.

7 IX. "Professional sports event" means an event at which 2 or more persons participate in a  
8 sports or athletic event and receive compensation in excess of actual expenses for their participation  
9 in such event.

10 X. "Prohibited sports bettor" means:

11 (a) Any member or employee of the commission and any spouse, child, sibling, or parent  
12 residing in the same household as a member or employee of the commission.

13 (b) Any principal or employee of any agent.

14 (c) Any contractor of the commission or its agents when such contract relates to the  
15 conduct of sports wagering.

16 (d) Any contractor or employee of an entity that conducts sports wagering in another  
17 jurisdiction when the bettor possesses confidential nonpublic information as a result of his or her  
18 contract or employment relating to the wager being placed.

19 (e) Any amateur or professional athlete if the sports wager is based in whole or part on  
20 a sport or athletic event overseen by the athlete's governing sports body.

21 (f) Any sports agent, owner or employee of a team, player, umpire, referee, coach, union  
22 official, or official of a sports governing body if the sports wager is based in whole or part on a sport  
23 or athletic event overseen by the governing body which oversees the individual's sport.

24 (g) Any individual placing a wager as an agent of or proxy for a prohibited sports bettor.

25 (h) Any person under the age of 18.

26 XI. "Prohibited sports event" means:

27 (a) A collegiate sports event in which one of the participants is a collegiate team of a  
28 college institution that is primarily located in New Hampshire;

29 (b) A collegiate sports event that takes place in New Hampshire;

30 (c) Any high school sports event in any location;

31 (d) Any amateur sports event where the participants are primarily under the age of 18;  
32 provided that "prohibited sports event" does not include the games of a collegiate sports tournament  
33 in which a New Hampshire college team participates, nor does it include any games of a collegiate  
34 sports tournament that occurs outside New Hampshire even though some of the individual games  
35 or events are held in New Hampshire; and provided further that sports wagers are permitted on  
36 collegiate sports tournament games in which a New Hampshire college team participates only if the  
37 outcome of the wager is based on the outcome of all games within the tournament.

38 XII. "Sports governing body" means the organization that prescribes final rules and

1 enforces codes of conduct with respect to a sporting event and participants therein.

2 XIII. "Sports book" means the business of accepting wagers on any sports event by any  
3 system or method of wagering.

4 XIV. "Sports wager" means cash or cash equivalent paid by an individual to participate in  
5 sports wagering.

6 XV. "Sports wagering" means wagering on sporting events or any portion thereof, or on the  
7 individual performance statistics of athletes participating in a sports event, or combination of sports  
8 events, by any system or method of wagering, including but not limited to in person communication  
9 and electronic communication through Internet websites accessed via a mobile device or computer  
10 and mobile device applications. The term sports wagering shall include, but not be limited to, single  
11 game bets, teaser bets, parlays, over-under bets, money line bets, pools, exchange wagering, in  
12 game wagering, in-play bets, proposition bets, and straight bets.

13 XVI. "Tier I sports wager" means a sports wager that is placed before the start of the sports  
14 event and is determined solely by the final score or final outcome of that single sports event.

15 XVII. "Tier II sports wager" means an in-play sports wager.

16 XVIII. "Tier III sports wager" means a sports wager that is neither a tier I or tier II wager.

17 287-I:2 Sports Book Authorized. The commission is authorized to operate a sports book for the  
18 purposes of accepting and paying sports wagers by authorized bettors within the state in  
19 conformance with the requirements of this chapter.

20 287-I:3 Commission Agents. The commission shall conduct sports books for sports wagering  
21 through agents selected through a competitive bid process and approved by the governor and  
22 executive council. Any such contract shall be based on the state receiving a percentage of revenue  
23 from sports wagering activities within the state. The commission shall ensure that an agent  
24 demonstrates financial stability, responsibility, good character, honesty, and integrity. In selecting  
25 an agent, the commission shall consider, at a minimum, the experience and background of the  
26 agent, the agent's ability to serve proposed locations for sports book retail operations, the agent's  
27 mobile and Internet capabilities, the agent's contribution to economic development within the state,  
28 the agent's commitment to prevention of problem gambling, to responsible gaming, and to integrity  
29 in betting. The commission shall select a group of bidders who best meet the criteria set forth in  
30 this paragraph and select from that group the agent or agents whose bids provide the state with the  
31 highest percentage of revenue from the sports wagering activities covered by the bid or bids,  
32 provided that the commission determines that the bidder's commitment to return said revenue  
33 percentage to the state is consistent with the bidder's commitment to meet all other criteria  
34 specified in the bid request and in applicable law. All agents shall be subject to criminal and  
35 financial background checks as prescribed by the commission.

36 287-I:4 Commission Directed Sports Wagering. The commission is further authorized to  
37 directly offer lottery games to authorized bettors within the state in the form of tier III sports  
38 wagers through the commission's lottery retailers subject to the provisions of this chapter. The

1 commission may retain vendors to support the commission in operating a sports book and such  
2 vendors shall be selected through a competitive bid process and approved by the governor and  
3 executive council.

4 287-I:5 Sports Book Retail Operations. The commission and its agents are further authorized  
5 to operate physical sports book retail locations within the state for the purposes of accepting tier I  
6 and tier III sports wagers from authorized bettors and paying prizes relating to those wagers. The  
7 sports book retail locations may be co-located with other commercial businesses or general  
8 commercial retail locations. No more than 10 sports book retail locations may be in operation at any  
9 given time.

10 287-I:6 Local Option for Operation of Sports Book Retail Locations.

11 I. Any town or city may allow the operation of a sports book retail location according to the  
12 provisions of this subdivision, in the following manner, excepting that nothing in this section shall  
13 be construed to prohibit Internet or mobile wagering or lottery games involving tier III sports  
14 wagers in the jurisdiction, if so authorized by the passage of this statute.

15 (a) In a town, the question shall be placed on the warrant of an annual town meeting  
16 under the procedures set out in RSA 39:3, and shall be voted on a ballot. In a city, the legislative  
17 body may vote to place the question on the official ballot for any regular municipal election, or, in  
18 the alternative, shall place the question on the official ballot for any regular municipal election  
19 upon submission to the legislative body of a petition signed by 25 of the registered voters.

20 (b) The selectmen, aldermen, or city council shall hold a public hearing on the question  
21 at least 15 days but not more than 30 days before the question is to be voted on. Notice of the  
22 hearing shall be posted in at least 2 public places in the municipality and published in a newspaper  
23 of general circulation at least 7 days before the hearing.

24 (c) The wording of the question shall be substantially as follows: "Shall we allow the  
25 operation of sports book retail locations within the town or city?"

26 II. If a majority of those voting on the question vote "Yes", sports book retail locations may  
27 be operated within the town or city.

28 III. If the question is not approved, the question may later be voted upon according to the  
29 provisions of paragraph I at the next annual town meeting or regular municipal election.

30 IV. A municipality that has voted to allow the operation of sports book retail locations may  
31 consider rescinding its action in the manner described in paragraph I of this section.

32 V. An unincorporated place may allow the operation of a physical sports book retail location  
33 by majority vote of the county delegation, after a public hearing is held.

34 VI. The commission shall maintain a list of municipalities where sports book retail locations  
35 may be placed into operation.

36 287-I:7 Mobile Sports Wagering Authorized. The commission and its agents are authorized to  
37 operate sports books that offer tier I, tier II, and tier III sports wagers through a mobile sports  
38 wagering platform by mobile devices or over the Internet. No more than 5 mobile sports wagering

1 agents shall be in operation at any given time. With respect to mobile sports wagering, the  
2 commission, either independently, or through its agent, shall provide:

3 I. Age verification measures to be undertaken to block access to and prevent sports wagers  
4 by persons under the age of 18 years.

5 II. Identity verification through secure online databases or by examination of photo  
6 identification.

7 III. That mobile sports wagers must be initiated and received within the geographic borders  
8 of the state of New Hampshire and may not be intentionally routed outside of the state. The  
9 incidental intermediate routing of mobile sports wager shall not determine the location or locations  
10 in which such a wager is initiated, received, or otherwise made.

11 IV. Wager limits for daily, weekly, and monthly amounts consistent with the best practices  
12 in addressing problem gambling.

13 V. A voluntary self-exclusion program for players to self-exclude themselves from wagering  
14 for set periods of time.

15 VI. Security mechanisms to ensure the confidentiality of wagering and personal and  
16 financial information except as otherwise authorized by this chapter.

17 287-I:8 Sports Wagering Supervision. The commission shall create a division of sports  
18 wagering which will be responsible for ensuring compliance with the requirements of this chapter  
19 and any rules promulgated by the commission in accordance with the authorities granted under  
20 this chapter. In addition, the division, under the direction of the director and commission, shall  
21 ensure that the commission's agents and vendors comply with the following obligations:

22 I. Each agent or vendor engaged in sports wagering shall submit a security and internal  
23 control report for the division's review and approval prior to conducting any sports wagering within  
24 the state and every year thereafter. This report shall address all aspects of security and controls  
25 including physical security, personnel security, and computer systems security including:

26 (a) Surveillance plans for all retail sports book locations, including surveillance  
27 coverage and direct access for the commission to the surveillance system.

28 (b) User access controls for sports book personnel.

29 (c) Segregation of duties within the sports book.

30 (d) Employment background checks and policies.

31 (e) Automated and manual risk management procedures.

32 (f) Procedures for identifying and reporting fraud and suspicious conduct.

33 (g) Procedures to establish connectivity with monitoring services and/or sports  
34 governing bodies relating to suspicious activity.

35 (h) Any and all monitoring systems utilized by the agents or vendor to report and  
36 receive information on suspicious betting activities.

37 (i) Systems and procedures to prevent prohibited sports bettors from placing wagers.

38 (j) Description of anti-money laundering compliance standards.

1           (k) Descriptions of all integrated third-party systems or components and the security  
2 procedures relating to those systems.

3           II. For each wagering computer system used to conduct sports wagering, including all  
4 mobile sports wagering platforms within the state, the agent or vendor providing such system shall  
5 provide a detailed computer system security report to be approved by the commission prior to the  
6 acceptance of wagers and each year thereafter. The report shall address the issues set forth in the  
7 security and internal control report along with the following:

8           (a) Documented system security testing performed by a licensed third-party contractor  
9 approved by the commission;

10           (b) A description of all software applications that comprise the system;

11           (c) A procedure for third-party auditing of financial transactions received by the system;

12           (d) A description of all types of wagers supported by the system;

13           (e) Unique identification and verification systems for wagers;

14           (f) Procedures to prevent past posting of wagers;

15           (g) A list of data recorded relating to each wager;

16           (h) System redundancy to ensure recording of wagers during a system outage;

17           (i) A mechanism to provide read only access to the commission to the back office system  
18 for the purposes of reviewing and auditing wagering activities;

19           (j) Integration with an independent control system to ensure integrity of system  
20 wagering information;

21           (k) Capabilities for canceling existing wagers, freezing or suspending wagering across  
22 the platform, or for specific events; and

23           (l) Any other issue identified by the division upon review of the proposed gaming  
24 system.

25           III. Each agent engaged in sports wagering shall submit house rules for the division's  
26 review and approval prior to conducting any sports wagering within the state and every year  
27 thereafter. These house rules shall include at a minimum:

28           (a) The method for calculation and payment of winning wagers.

29           (b) The effect of schedule changes for a sports event.

30           (c) The method of notifying bettors of odds or proposition changes.

31           (d) Acceptance of wagers at terms other than those posted.

32           (e) Expiration dates for winning tickets.

33           (f) Circumstances under which the agent will void a bet.

34           (g) Treatment of errors, late bets, and related contingencies.

35           (h) Method of contacting the agents or vendor for questions or complaints.

36           (i) Description of those persons who are prohibited from wagering with the agents of  
37 contractor if broader than the prohibited bettors list set forth in this section.

38           (j) The method and location for posting and publishing the approved house rules.



1           IV. Each agent or vendor engaged in sports wagering shall submit accounting controls for  
2 the division's review and approval prior to conducting any sports wagering within the state and  
3 every year thereafter. These accounting controls shall include at a minimum:

4           (a) A process for documenting and verifying beginning of day cash balance;

5           (b) Processes for recording collection of wagers, payment of wagers, and cancellation of  
6 wagers issued;

7           (c) Processes for handling cash within sports book retail locations including segregation  
8 of duties related to counting and storage of cash; and

9           (d) The establishment of a segregated account related to New Hampshire sports  
10 wagering activities.

11           V. The commission's agents shall submit a responsible gaming plan for the division's review  
12 and approval prior to conducting any sports wagering within the state and every year thereafter.  
13 This plan should include identification of posting and materials related to problem gaming,  
14 resources to be made available to bettors expressing concerns about problem gaming, house imposed  
15 player limits, and self-exclusion programs.

16           VI. The commission's agents shall maintain a cash reserve available to pay wagers as  
17 determined by the commission.

18           VII. The commission's agents or vendor shall not accept any wager on a sports event unless  
19 it has received approval from the commission to conduct that type or category of wager. A type of  
20 wager refers to the method of determining the outcome of the wager. The category refers to the  
21 kind of event being wagered on. The commission shall approve wager categories and types in a  
22 reasonable time frame. Once a particular category or wager type is approved for its first use it may  
23 be used on multiple events without further approval.

24           VIII. The commission shall only approve wagers on categories of events where:

25           (a) The outcome can be verified;

26           (b) The outcome can be generated by a reliable and independent process; and

27           (c) The event is conducted in conformity with applicable laws.

28           IX. Wagers made under this section shall be made with:

29           (a) Cash;

30           (b) Cash equivalent;

31           (c) PayPal;

32           (d) Debit card;

33           (e) ACH;

34           (f) Promotional funds; and

35           (g) Any other means approved by the executive director.

36           X. Any agent or contractor who sends or receives electronic sports wagers is responsible to  
37 ensure that any transfer of that wager is initiated and received and completed within the state of  
38 New Hampshire and that only incidental intermediate routing of the wager occurs outside of the

1 state. The agent and contractor shall be responsible for periodically reviewing their information  
2 technology systems and networks to ensure compliance with this section.

3 287-I:9 Proceeds to Education Fund. The proceeds received by the commission from sports  
4 wagering, less the administrative costs of the commission, prizes paid, and payments for problem  
5 gambling services, shall be deposited in the education trust fund established in RSA 198:39.

6 287-I:10 Limitations on Sports Wagers. The commission and its agents are prohibited from the  
7 following activities:

8 I. Accepting or making payment relating to sports wagers made by prohibited sports  
9 bettors.

10 II. Accepting sports wagers on prohibited sports events.

11 III. Accepting sports wagers from persons who are physically outside of the state of New  
12 Hampshire at the time of the sports wager.

13 287-I:11 Disclosure of Data Source. The commission and agents shall publicly disclose the  
14 source of the data that will be used to determine the outcome of a tier II or tier III wager.

15 287-I:12 Risk Management. The commission's agents may take any risk management  
16 strategies as authorized by the director.

17 287-I:13 Maintaining Sports Integrity. The commission and agents may participate in national  
18 and international monitoring services and associations and may share betting information with  
19 those entities and sports governing bodies in order to ensure the integrity of sports wagers and  
20 sports events. The director may restrict, limit, or exclude wagering on a sports event if he or she  
21 determines that such an action is necessary to ensure the integrity of the sports book.

22 287-I:14 Financial Reports. The commission may seek financial and compliance reports from  
23 its agents periodically and may conduct audits of these reports to ensure that the state receives the  
24 agreed upon revenue sharing proceeds.

25 287-I:15 Compliance Reviews. The commission shall retain oversight of its agents to ensure  
26 that all sports wagering activities are conducted in accordance with this statute and any rules  
27 adopted by the commission.

28 287-I:16 Fantasy Sports Exempted. Nothing in this chapter shall apply to fantasy sports  
29 contests authorized pursuant to RSA 287-H.

30 287-I:17 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to the  
31 operation, conduct, location, and oversight of sports books. The commission may enact emergency  
32 rules, which will take effect upon approval.

33 97 Bets Void. Amend RSA 338:2 to read as follows:

34 338:2 Bets Void. ***Except as authorized by the lottery commission***, all bets and wagers upon  
35 any question where the parties have no interest in the subject except that created by the wager are  
36 void; and either party may recover any property by him ***or her*** deposited, paid, or delivered upon  
37 such wager or its loss, and repel any action brought for anything, the right or claim to which grows  
38 out of such bet or wager.



1 prescribed by this chapter. In accordance with the purpose of this chapter, these payments shall be  
2 considered administrative expenses of the lottery commission as set forth in RSA 284:21-j.

3 II. Meeting and office space as reasonably required by the council to conduct the activities  
4 prescribed by this chapter.

5 III. Personnel as reasonably required by the council to conduct activities prescribed by this  
6 chapter, except that the lottery commission may charge the council for use of such personnel  
7 pursuant to an agreement between the lottery commission and the council.

8 101 Operation of Keno Games; Fees for Research. Amend RSA 284:47, II to read as follows:

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

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

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

15 102 Tobacco Tax; Definitions. Amend RSA 78:1, XIV to read as follows:

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

22 103 New Paragraph; Electronic Cigarette; Definition. Amend RSA 78:1 by inserting after  
23 paragraph XXIV the following new paragraph:

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

31 104 Tobacco Tax; Tax Imposed on Tobacco Products Other Than Cigarettes. RSA 78:7-c is  
32 repealed and reenacted to read as follows:

33 78:7-c Tax Imposed on Tobacco Products Other Than Cigarettes.

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

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

37 (a) For closed cartridges or containers of liquid or other substances containing nicotine  
38 that are not intended to be opened, at a rate of \$0.30 per milliliter on the volume of the liquid or

1 other substance in the cartridge or container as listed by the manufacturer; and

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

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

8 105 Contingent Version; Tobacco Tax; Definitions. RSA 78:1, XIII is repealed and reenacted to  
9 read as follows:

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

16 106 Contingent Version; New Paragraph; Electronic Cigarette; Definition. RSA 78:1 by  
17 inserting after paragraph III the following new paragraph:

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

25 107 Contingent Version; Tobacco Tax; Tax Imposed on Tobacco Products Other Than  
26 Cigarettes. RSA 78:2, II is repealed and reenacted to read as follows:

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

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

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

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

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

1 108 Contingency; HB 595. If HB 595-FN of the 2019 regular legislative session becomes law  
2 then sections 105-107 of this act shall take effect January 1, 2020 at 12:01 am and sections 102-104  
3 of this act shall not take effect. If HB 595-FN of the 2019 regular legislative session does not  
4 become law then sections 102-104 of this act shall take effect January 1, 2020 and sections 105-107  
5 of this act shall not take effect.

6 109 Youth Access to and Use of Tobacco Products; Definitions. Amend RSA 126-K:2, II-a to  
7 read as follows:

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

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

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

19 110 Youth Access to and Use of Tobacco Products; Contingent 2020 Version; Definition of E-  
20 Cigarette. RSA 126-K:2, II-b is repealed and reenacted to read as follows:

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

25 111 Contingency; Youth Access to and Use of Tobacco Products; Definition. If HB 511-FN of  
26 the 2019 regular legislative session becomes law, then section 110 of this act shall take effect  
27 January 1, 2020 at 12:01 am. If HB 511-FN of the 2019 regular legislative session does not become  
28 law, section 110 of this act shall not take effect.

29 112 Alcoholic Beverages; Definition of E-Cigarette and E-Liquid Added. Amend RSA 175:1,  
30 XXXI-a and XXXI-aa to read as follows:

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

37 XXXI-aa. "Farmers' market" means an event or series of events at which 2 or more vendors  
38 of agricultural commodities gather for purposes of offering for sale such commodities to the public.

1 Commodities offered for sale must include, but are not limited to, products of agriculture, as defined  
2 in RSA 21:34-a. "Farmers' market" shall not include any event held upon any premises owned,  
3 leased, or otherwise controlled by any individual vendor selling therein.

4 113 Definition of License. Amend RSA 175:1, XXXIX to read as follows:

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

8 114 Definition of Retailer. Amend RSA 175:1, LIX-a to read as follows:

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

12 115 Liquor Commission; Liquor Investigator. Amend RSA 176:9, III to read as follows:

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

17 116 Liquor Licenses and Fees; Licenses Required. Amend RSA 178:1, VI to read as follows:

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

23 117 Licenses Authorized; Sale of Tobacco Products. Amend RSA 178:2, I to read as follows:

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

31 118 Combination License; Sale of Tobacco Products or E-Cigarettes. Amend RSA 178:18 to read  
32 as follows:

33 178:18 Combination License.

34 I. Off-premises licenses shall be issued only for grocery and drug stores not holding on-  
35 premises licenses. Such licenses shall authorize the licensees to sell fortified wine, table wine, and  
36 beverages for consumption only off the premises designated in the licenses and not to other  
37 licensees for resale. Such sale shall be made only in the immediate container in which the  
38 beverage, wine, or fortified wine was received by the off-premises combination licensee; except that

1 in the case of the holder of a wholesale distributor license, beverages may be sold only in such  
2 barrels, bottles, or other containers as the commission may by rule prescribe. Off-premises licenses  
3 may also authorize the licensee to sell tobacco products *or e-cigarettes*. There shall be no  
4 restriction on the number of combination licenses held by any person. The license shall authorize  
5 the licensee to transport and deliver beverages, tobacco products, *e-cigarettes*, and table or  
6 fortified wines ordered from and sold by the licensee in vehicles operated under the licensee's  
7 control or an employee's control.

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

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

15 119 Retail Wine License; Sale of Tobacco Products. Amend RSA 178:19 to read as follows:  
16 178:19 Retail Wine License.

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

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

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

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



1 license.

2 120 Retail Tobacco License; Sale of E-Cigarettes. Amend RSA 178:19-a to read as follows:

3 178:19-a Retail Tobacco License.

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

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

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

13 121 Beer Specialty License; Tobacco Products and E-Cigarette Sales. Amend RSA 178:19-d, I to  
14 read as follows:

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

20 122 Beer Specialty License; Sale of Tobacco Products and E-Cigarettes. Amend RSA 178:19-d,  
21 V-VI to read as follows:

22 V. All sales of beer, [~~and~~] tobacco products, **and e-cigarettes** shall be recorded on cash  
23 registers. No additional registers shall be added during the remainder of the year without prior  
24 approval of the commission. No rebate shall be allowed for cash registers discontinued during the  
25 license year.

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

28 123 Board of Veterinary Medicine; Transfer to Office of Professional Licensure and  
29 Certification. Amend RSA 332-B:3 to read as follows:

30 332-B:3 Board; Compensation.

31 I. There shall be a board of veterinary medicine consisting of 7 members: 5 veterinarians,  
32 the state veterinarian, and one public member. The members, other than the state veterinarian,  
33 shall be appointed by the governor, with the approval of the council, to a term of 5 years, and until a  
34 successor is appointed. No appointed member of the board shall be appointed to 2 consecutive 5-  
35 year terms. Vacancies shall be filled for the remainder of the term and in the same manner as the  
36 original appointment. Any appointed member of the board may be removed by the governor after a  
37 hearing by the board determines cause for removal. The state veterinarian [~~may~~] **shall** serve as an  
38 ex officio member, provided any duties of the state veterinarian relative to this chapter shall be

1 agreed upon in writing by the board and the commissioner of agriculture, markets, and food and  
2 which agreement may include:

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

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

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

8 (d) Participation in complaint investigations.

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

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

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

20 124 Department of Environmental Services; Modification of Qualifications for Director of  
21 Division of Water. Amend RSA 21-O:2, III(a) to read as follows:

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

29 125 Department of Environmental Services; Certified Application Preparer Program. Amend  
30 RSA 482-A:3, XX(a)-(b) to read as follows:

31 (a) The department shall develop a voluntary certified application preparer program for  
32 submission of applications for all qualifying minimum impact projects. The commissioner shall  
33 adopt rules to establish the qualifications to become a certified application preparer and to identify  
34 qualifying minimum impact projects. The qualifications established shall include that the  
35 individual is a permitted septic system designer or is licensed or certified by the office of  
36 professional licensure and certification as a certified wetland scientist, certified soil scientist,  
37 professional engineer, licensed land surveyor, or any other professional designated by the  
38 department, and shall include training and continuing education requirements. [~~Qualifying~~

1 ~~minimum impact projects shall include, but not necessarily be limited to, all projects which the~~  
2 ~~department has designated as minimum impact projects in its wetlands rules.]~~

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

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

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

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

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

22 126 Department of Environmental Services; Public Bathing Facilities. RSA 485-A:26 is  
23 repealed and reenacted to read as follows:

24 485-A:26 Swimming Pools and Bathing Places Public Bathing Facilities.

25 I. In this section:

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

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

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

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

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

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

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

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

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

37           127 New Subparagraph; Public Bathing Facility Fund. Amend RSA 6:12, I(b) by inserting after  
38 subparagraph 343 the following new subparagraph:

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

3           128 New Section; Public Bathing Facility Compliance Self-Certification. Amend RSA 485-A by  
4 inserting after section 26 the following new section:

5           485-A:26-a Public Bathing Facility Compliance Self-Certification.

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

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

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

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

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

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

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

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

30           129 Public Bathing Facilities; Injunctions; Emergency Closures. RSA 485-A:27 is repealed and  
31 reenacted to read as follows:

32           485-A:27 Injunction; Emergency Closures.

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

37           II. Whenever the department determines that conditions at a public bathing facility  
38 jeopardize the health and safety of patrons of the facility, the department shall issue an emergency

1 closure notice. The department shall apply the following procedure in determining whether to issue  
2 an emergency closure notice:

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

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

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

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

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

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

23 130 New Section; Public Bathing Facilities; Certified Operators Required. Amend RSA 485-A  
24 by inserting after section 27 the following new section:

25 485-A:27-a Certified Operator Training Required.

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

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

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

37 131 Repeal. The following are repealed:

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

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

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

6           132 Terrain Alteration; Modify Reporting Requirements. Amend RSA 485-A:17, II-c to read as  
7 follows:

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

13           133 State Treasurer and State Accounts; Application of Receipts. Amend RSA 6:12, I(b)(315) to  
14 read as follows:

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

17           134 Child Day Care Licensing; Definitions. Amend RSA 170-E:2, IV(g) to read as follows:

18                       (g) "School-age program" means a child day care agency providing child day care for up  
19 to 5 hours per school day, before or after, or before and after, regular school hours, and all day  
20 during school holidays and vacations, and which is not licensed under [~~RSA 149~~] **RSA 170-E:56**, for  
21 6 or more children who are 4 years and 8 months of age or older. The number of children shall  
22 include all children present during the period of the program, including those children related to  
23 the caregiver.

24           135 New Subdivision; Recreation Camp Licensing. Amend RSA 170-E by inserting after section  
25 52 the following new subdivision:

26                                       Recreation Camp Licensing

27           170-E:53 Purpose. The purpose of this subdivision is to provide for the licensing of recreation  
28 camps and certification of criminal background checks for youth skill camps.

29           170-E:54 Rulemaking.

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

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

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

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

38           170-E:55 Definitions.

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

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

7           170-E:56 Recreation Camp License; Youth Skill Camp Certification of Criminal Background  
8 Check.

9           I. No person shall for profit or for charitable purposes operate any recreation camp, as  
10 defined in RSA 170-E:55, I, designed or intended as a vacation or recreation resort, without a  
11 license issued by the department. Such license shall be conditioned upon the maintenance of clean,  
12 healthful sanitary conditions and methods, as determined and approved by said department, good  
13 only for the calendar year in which it is issued and subject to suspension or revocation at any time  
14 for cause. The fee for such license shall be \$200 which shall be paid into the recreation camp and  
15 youth skill camp fund established in RSA 170-E:57.

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

- 21                   (1) Causing or threatening direct physical injury to any individual; or  
22                   (2) Causing or threatening harm of any nature to any child or children.

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

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

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

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

37           (f) If an employee or volunteer has been the subject of a background check performed by  
38 another person or entity within 12 months, the previous background check may, with the signed



1 and written consent of the employee or volunteer, be shared with the operator of the youth skill  
2 camp and may be used to satisfy the requirements of this paragraph, notwithstanding any other  
3 law providing for the confidentiality of such information.

4 170-E:57 Recreation Camp and Youth Skill Camp Fund. There is established the recreation  
5 camp and youth skills camp fund. This fund shall be nonlapsing and continually appropriated to  
6 the commissioner of the department of health and human services, for the purpose of paying costs  
7 associated with administering the provisions of this subdivision.

8 170-E:58 Statement of Health for Recreational Camps. Notwithstanding any law or rule to the  
9 contrary, any physical examination which is required before a child may enter a recreational camp  
10 may be conducted by a physician, an advance practice registered nurse, or a physician assistant.

11 170-E:59 Possession and Use of Epinephrine Auto-Injectors at Recreation Camps. A recreation  
12 camp shall permit a child with severe, potentially life-threatening allergies to possess and use an  
13 epinephrine auto-injector, if the following conditions are satisfied:

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

- 16 (a) The child's name.
- 17 (b) The name and signature of the licensed prescriber and business and emergency  
18 numbers.
- 19 (c) The name, route, and dosage of medication.
- 20 (d) The frequency and time of medication administration or assistance.
- 21 (e) The date of the order.
- 22 (f) A diagnosis and any other medical conditions requiring medications, if not a  
23 violation of confidentiality or if not contrary to the request of the parent or guardian to keep  
24 confidential.
- 25 (g) Specific recommendations for administration.
- 26 (h) Any special side effects, contraindications, and adverse reactions to be observed.
- 27 (i) The name of each required medication.
- 28 (j) Any severe adverse reactions that may occur to another child, for whom the  
29 epinephrine auto-injector is not prescribed, should such a pupil receive a dose of the medication.

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

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

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

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

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

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

8           170-E:62 Immunity. No recreational camp or camp employee shall be liable in a suit for  
9 damages as a result of any act or omission related to a child's use of an epinephrine auto-injector if  
10 the provisions of RSA 170-E:59 have been met, unless the damages were caused by willful or  
11 wanton conduct or disregard of the criteria established in that section for the possession and self-  
12 administration of an epinephrine auto-injector by a child.

13           170-E:63 Possession and Use of Asthma Inhalers at Recreation Camps. A recreation camp shall  
14 permit a child to possess and use a metered dose inhaler or a dry powder inhaler to alleviate  
15 asthmatic symptoms, or before exercise to prevent the onset of asthmatic symptoms, if the following  
16 conditions are satisfied:

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

19                   (a) The child's name.

20                   (b) The name and signature of the licensed prescriber and business and emergency  
21 numbers.

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

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

24                   (e) The date of the order.

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

28                   (g) Specific recommendations for administration.

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

30                   (i) The name of each required medication.

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

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 asthma inhaler  
36 in a camp setting.

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

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

3 170-E:64 Immunity. No recreational camp or camp employee shall be liable in a suit for  
4 damages as a result of any act or omission related to a child's use of an inhaler if the provisions of  
5 RSA 170-E:63 have been met, unless the damages were caused by willful or wanton conduct or  
6 disregard of the criteria established in that section for the possession and self-administration of an  
7 asthma inhaler by a child.

8 170-E:65 Injunction. Any person operating or maintaining a recreation camp or youth skill  
9 camp without the same having been approved by the department may be enjoined by the superior  
10 court or any justice of the court upon petition brought by the attorney general.

11 170-E:66 Penalty; Administrative Fines.

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

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

- 23 (a) A schedule of administrative fines which may be imposed under this paragraph; and  
24 (b) Procedures for notice and hearing prior to the imposition of an administrative fine.

25 136 Water Pollution and Waste Disposal; Safety Regulations for Pools and Bathing Places.  
26 Amend the subdivision heading preceding RSA 485-A:23 to read as follows:

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

28 137 Water Pollution and Waste Disposal; Injunction. Amend RSA 485-A:27 to read as follows:

29 485-A:27 Injunction. Any person operating or maintaining a [~~recreation camp, youth skill~~  
30 ~~camp,~~] public swimming pool[~~;~~] or bathing place without the same having been approved by the  
31 department may be enjoined by the superior court or any justice of the court upon petition brought  
32 by the attorney general.

33 138 Repeal. The following are repealed:

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

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

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

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

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

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

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

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

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

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

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

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

19       139 Cross Reference Changed; Safety Regulations for Camps. Amend RSA 216-I:1, VII to read  
20 as follows:

21           VII. "Recreational campground or camping park" means a parcel of land on which 2 or more  
22 campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes  
23 only, and not for permanent year-round residency, excluding recreation camps as defined in ~~[RSA~~  
24 ~~485-A:23]~~ ***RSA 170-E:55, I.***

25       140 Cross Reference Changed; Safety Regulations for Camps. Amend RSA 275:35 to read as  
26 follows:

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

29       141 Department of Military Affairs and Veterans Services. Amend the chapter heading of RSA  
30 110-B to read as follows:

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

32       142 Department of Military Affairs and Veterans Services; The Militia. Amend RSA 110-B:1 to  
33 read as follows:

34       110-B:1 ***Department of Military Affairs and Veterans Services.***

35           ***I. The department shall consist of the militia which shall include the army***  
36 ***national guard, air national guard, the inactive national guard, the state guard and the***  
37 ***unorganized militia, and veterans services which shall include the division of veterans***  
38 ***services, the state veterans cemetery, the division of community based military programs,***

1 *the veterans council, and the military leadership team.*

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

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

6 **110-B:1-a** Composition of the Militia.

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

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

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

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

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

19 143 The Adjutant General. Amend RSA 110-B:8, II and III to read as follows:

20 II. The adjutant general shall be the chief of staff to the governor and shall be the executive  
21 head of the [~~adjutant general's~~] department *of military affairs and veterans services*. The  
22 adjutant general may perform any act authorized by this chapter or by the regulations issued  
23 pursuant thereto through or with the aid of such officers of the national guard or other personnel as  
24 the adjutant general may designate. The adjutant general shall exercise and perform all powers,  
25 functions and duties which are or may be imposed by the laws and regulations of the United States.  
26 It shall be the duty of the adjutant general to direct the planning and employment of the forces of  
27 the national guard in carrying out their state military mission; to establish unified command of  
28 state forces whenever they shall be jointly engaged; to submit such written reports to the governor  
29 as the governor may prescribe; and to perform such other duties as the governor may direct.  
30 Whenever the governor and those who would act in succession to the governor under the  
31 constitution and laws of the state shall be unable to perform the duties of commander-in-chief, the  
32 adjutant general shall command the militia.

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

37 *IV. The adjutant general shall advocate for and promote the welfare of military*  
38 *service members, veterans, and their families. The adjutant general shall enhance,*

1 *coordinate, and oversee the benefits and services offered by organizations within the state*  
2 *of New Hampshire and direct veterans to appropriate benefits and services offered by such*  
3 *organizations. The department of military affairs and veterans services shall serve as a*  
4 *clearinghouse for research, data, and analysis, to initiate and support public education*  
5 *and awareness campaigns. The adjutant general shall serve as a liaison between the*  
6 *federal government and the governor on issues relevant to the department's mission, and*  
7 *represent the department at various state and national conventions, conferences, and*  
8 *public functions and provide supervision to the department public relations program.*

9 144 Deputy Adjutant General. Amend RSA 110-B:8-b, I-IV to read as follows:

10 I. Assume full responsibility for the ~~adjutant general's~~ department *of military affairs*  
11 *and veterans services* in the absence of the adjutant general.

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

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

15 IV. Provide overall guidance and direction for state operations including business  
16 administration, facilities management, *division of veterans services, the division of community*  
17 *based military programs* and the state veterans cemetery.

18 145 New Subdivision; Department of Military Affairs and Veterans Services; Veterans Services.  
19 Amend RSA 110-B by inserting after section 82 the following new subdivision:

20 Division of Veterans Services

21 110-B:83 Division of Veterans Services.

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

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

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

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

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

38 110-B:84 Division of Veterans Services. The division of veterans services under the supervision

1 of a director of veterans services shall:

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

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

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

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

14 III. Accept and expend for purposes of publishing and distributing the state veterans  
15 handbook, any donations, grants, bequests, and contributions which become available for such  
16 purposes.

17 110-B:85 Director of the Division of Veterans Services.

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

20 II. The director shall:

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

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

29 (c) Prepare the agency budget and administer and monitor expenditures for the division  
30 of veterans services.

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

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

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

37 110-B:86 Copies of Public Records. When a copy of any public record is required by the  
38 Department of Veterans Affairs to be used in determining the eligibility of any person to participate

1 in benefits made available by the United States Department of Veterans Affairs, the official  
2 custodian of such public record shall without charge provide the applicant for such benefits or any  
3 person acting on his or her behalf or the authorized representative of the United States Department  
4 of Veterans Affairs with a certified copy of such record; provided, however, that in any case where  
5 the copy is made by a town clerk whose official income is derived in part or entirely from fees a  
6 charge for services hereunder shall be made and the town shall reimburse the clerk for the charges.

7 110-B:87 Donations and Bequests. The division of veterans services may receive, on behalf of  
8 the state, all donations and bequests that may be made to support the delivery of state office of  
9 veterans services programs.

10 110-B:88 Division of Community Based Military Programs. The division of community based  
11 military programs, under the supervision of an administrator of community based military  
12 programs shall facilitate military and civilian partnerships by collaborating, coordinating, and  
13 communicating with military and civilian provider groups in the delivery of services to New  
14 Hampshire veterans, service members, and their families. The administrator shall:

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

17 II. Integrate military and civilian community and coalition networks and strengthen  
18 military-civilian community supports by integrating those supports into civilian structures.

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

20 IV. Ensure cost efficiency through decreased overlap, service redundancy and increased  
21 service fidelity.

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

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

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

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

31 110-B:89 State Veterans Council Established.

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



1 appointed and qualified. Any vacancy in the council shall be filled by the governor and council for  
2 the unexpired term.

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

8 110-B:90 Military Leadership Team. There is hereby established a military leadership team  
9 which shall serve in an advisory capacity and shall provide advice and guidance to the adjutant  
10 general regarding the delivery of services to veterans and military service members in New  
11 Hampshire. The military leadership team shall choose a chairman, vice-chairman, and a secretary  
12 from their membership. The team may, by a majority vote of its members, adopt bylaws governing  
13 the management and operation of the team. The military leadership team shall consist of the  
14 following members:

- 15 I. The adjutant general, or designee.
- 16 II. The director of the division of veterans services, or designee.
- 17 III. The members of the veterans council.
- 18 IV. The administrator of the division of community based military programs.
- 19 V. Representatives of organizations which provide services to veterans and military service  
20 members in New Hampshire, appointed by the adjutant general.
- 21 VI. Members of the private sector who have an interest in serving service members,  
22 veterans and their families, appointed by the adjutant general.
- 23 VII. A family member of veteran or currently serving member of the armed forces,  
24 appointed by the adjutant general.

25 146 Aid for Veterans' Programs. Amend RSA 115-A:2, VII to read as follows:

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

28 147 Replace Term. Replace "office of veterans services" or "state office of veterans services"  
29 with "division of veterans services" in the following RSA sections: RSA 21:50, I(b)(24); 72:29, VII;  
30 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);  
31 261-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).

32 148 Repeal. RSA 115, relative to the state office of veterans services, is repealed.

33 149 Sale of Property; National Guard Armory in Berlin. The adjutant general and the  
34 department of military affairs and veterans services are authorized to offer for sale the national  
35 guard armory land and buildings in the city of Berlin. The adjutant general and the department  
36 shall submit quarterly reports on the progress of the sale to the fiscal committee of the general  
37 court. Any sale of such land and buildings shall be subject to the requirements of RSA 4:40. All  
38 proceeds from the sale may be used for the purchase of a new armory in general proximity to the

1 current armory in Berlin, and any proceeds from the sale that are not used for such a purchase  
2 shall lapse to the general fund.

3 150 Department of Business and Economic Affairs; Rest Areas and Welcome Centers. Amend  
4 RSA 12-O:18, I to read as follows:

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

12 151 New Paragraphs; Department of Business and Economic Affairs; Rest Areas and Welcome  
13 Centers. Amend RSA 12-O:18 by inserting after paragraph II the following new paragraphs:

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

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

21 152 Labor; Workers' Compensation; Safety Provisions; Administrative Penalty. Amend RSA  
22 281-A:64, VIII to read as follows:

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

29 153 Labor; Workers' Compensation; Definitions. Amend RSA 281-A:2, VI(d) to read as follows:

30 (d) If the commissioner finds that an employer has misrepresented the relationship  
31 between the employer and the person providing services, the commissioner may assess a civil  
32 penalty of up to \$2,500; in addition, such employer may be assessed a civil penalty of \$100 per  
33 employee for each day of noncompliance. The fines may be assessed from the first day of the  
34 infraction but not to exceed one year. Notwithstanding any provision of law to the contrary, any  
35 person with control or responsibility over decisions to disburse funds and salaries and who  
36 knowingly violates the provisions of this subparagraph shall be held personally liable for payments  
37 of fines. All funds collected under this subparagraph shall be ~~[continually appropriated and~~  
38 ~~deposited into a nonlapsing workers' compensation fraud fund dedicated to the investigation and~~

1 ~~compliance activities required by this section and related sections pertaining to labor and insurance~~  
2 ~~law.]~~ ***deposited into the department of labor restricted fund established pursuant to RSA***  
3 ***273:1-b.*** The commissioner of labor shall appoint as many individuals as necessary to carry out the  
4 department's responsibilities under this section.

5 154 Repeal. RSA 6:12, I(b)(267), relative to moneys deposited in the workers' compensation  
6 fraud fund, is repealed.

7 155 Administration of Transportation Laws; Certification of Current Workers' Compensation  
8 Coverage Required. Amend RSA 228:4-b, IV to read as follows:

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

11 156 Governor's Scholarship Program and Fund. RSA 4-C:31 through 4-C:35 are repealed and  
12 reenacted to read as follows:

13 4-C:31 Definitions. In this subdivision:

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

16 II. "Eligible institution" means a postsecondary educational institution or training program  
17 within the university system of New Hampshire as defined in RSA 187-A, a postsecondary  
18 educational institution within the community college system of New Hampshire as defined in RSA  
19 188-F, or a private postsecondary institution approved to operate in this state that:

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

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

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

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

31 4-C:32 Governor's Scholarship Program and Fund Established.

32 I. There is hereby established the governor's scholarship program and the governor's  
33 scholarship fund. The program and fund shall be administered by the commission. The fund shall  
34 be kept distinct and separate from all other funds and shall be used to provide scholarships which a  
35 recipient shall apply to the costs of an education at an eligible institution. The funds shall be  
36 distributed to an eligible institution based on the number of eligible students awarded a scholarship  
37 and upon receipt of a request for reimbursement for such scholarship funds accompanied by  
38 appropriate documentation.

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

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

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

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

10       4-C:33 Eligibility.

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

12           (a) A person shall meet the residency requirements of RSA 193:12; be a graduate of a  
13 New Hampshire high school, public academy, chartered public school, New Hampshire private  
14 preparatory high school, a high school-level home education program as defined in RSA 193-A; have  
15 received a New Hampshire high school equivalency certificate; have completed at least 3 years of  
16 high school in this state; be pursuing a certificate, associate, or bachelor degree at an eligible  
17 institution in this state; and be eligible to receive a Pell grant; or

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

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

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

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

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

37       4-C:34 Procedures.

38           I. All scholarship funds shall be distributed to the eligible student by the eligible

1 institution. The institution shall include the scholarship in the student's financial aid package and  
2 may seek subsequent reimbursement. The state shall provide the reimbursements twice per year to  
3 each eligible institution for the number of eligible students enrolled in the current semester or term  
4 who are receiving a scholarship. The institution shall submit the list of scholarship recipients to the  
5 commission or its designee no later than November 30 and April 30 of each academic year, and shall  
6 be reimbursed within 30 days of submission.

7       II. An eligible student may receive a scholarship in the amount of \$1,000 per year provided  
8 he or she maintains at least a 2.0 grade point average. An eligible student who earned the New  
9 Hampshire scholar designation at the time of high school graduation may receive a scholarship in  
10 the amount of \$2,000 per year provided he or she maintains at least a 2.5 grade point average. The  
11 eligible institution shall not reduce any merit or need-based grant aid that would have otherwise  
12 been provided to the eligible student. An eligible student may receive an annual scholarship for a  
13 maximum of 4 years.

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

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

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

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

25       157 Program Transferred. The administration, implementation, and management of the  
26 governor's scholarship program established in RSA 4-C:31-34 is hereby transferred to the college  
27 tuition savings plan advisory commission established in RSA 195-H:2. Any administrative rules for  
28 the governor's scholarship program shall continue in effect and shall be enforced by the commission  
29 until such rules expire or are repealed or amended in accordance with applicable law.

30       158 Application of Receipts; Governor's Scholarship Fund. Amend RSA 6:12, I(b)(336) to read  
31 as follows:

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

34       159 College Tuition Savings Plan Advisory Commission; Administration of Governor's  
35 Scholarship Program. Amend the introductory paragraph of RSA 195-H:2, I(a) to read as follows:

36           I.(a) There is established the New Hampshire college tuition savings plan advisory  
37 commission which shall ensure the proper administration and management of the savings plan.  
38 The advisory commission shall ensure that the savings plan complies with the requirements of

1 section 529 of the Internal Revenue Code of 1986, as amended, and any related federal law  
2 applicable to the savings plan. The commission shall also be responsible for ensuring the proper  
3 administration, implementation, and management of the New Hampshire excellence in higher  
4 education endowment trust fund established in RSA 6:38, **and the governor's scholarship**  
5 **program and fund established in RSA 4-C:31-34.** The commission shall consist of the following  
6 members:

7 160 Definitions; New Hampshire Excellence in Higher Education Endowment Fund. Amend  
8 RSA 6:37 to read as follows:

9 6:37 Definitions. In this subdivision:

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

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

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

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

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

20 161 New Hampshire Excellence in Higher Education Endowment Fund; Allocation of Receipts.  
21 Amend RSA 6:38, I to read as follows:

22 I. There is hereby established in the office of the treasurer the New Hampshire excellence  
23 in higher education endowment trust fund which shall be kept distinct and separate from all other  
24 funds. Annual assessments less any annual administrative costs **and amounts allocated for any**  
25 **debt service on bonds issued by the state to refund bonds previously issued by the business**  
26 **finance authority pursuant to RSA 162-A:17** received from the New Hampshire college tuition  
27 savings plan established under RSA 195-H shall be credited to the trust fund to provide  
28 scholarships for the benefit of residents of the state pursuing programs of study at eligible  
29 educational institutions within the state, **of which 80 percent shall be allocated to the New**  
30 **Hampshire college tuition savings plan UNIQUE annual allocation program and 20**  
31 **percent shall be allocated to the New Hampshire college tuition savings plan UNIQUE**  
32 **endowment allocation program.**

33 162 New Paragraph; New Hampshire Excellence in Higher Education Endowment Trust Fund;  
34 Dedicated Allocation and Use of Funds. Amend RSA 6:39 by inserting after paragraph V the  
35 following new paragraph:

36 VI. Notwithstanding any law or rule to the contrary, the state treasurer shall be authorized  
37 to withdraw periodically from the trust fund receipts such amounts as are determined by the state  
38 treasurer to be equal to the principal and interest payments on bonds issued pursuant to RSA 6:38,

1 I.

2 163 Rulemaking. Amend RSA 6:40, IV to read as follows:

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

5 164 New Paragraph; Regenerative Manufacturing Workforce Development Program; Business  
6 Finance Authority Funding Requirement. Amend RSA 162-T:3 by inserting after paragraph II the  
7 following new paragraph:

8 III.(a) The state treasurer may pay, redeem, and refund all outstanding bonds issued by the  
9 business finance authority that are subject to a guarantee of the state pursuant to RSA 162-A:17.  
10 To provide funds for such payment, redemption, and refund, the state treasurer is hereby  
11 authorized to borrow upon the credit of the state not exceeding the sum of the amounts of principal  
12 and interest outstanding on such bonds, plus an amount of costs attributable to such payment,  
13 redemption, and refund, and for said purpose, may issue bonds and notes in the name of and on  
14 behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and  
15 interest with respect to bonds issued for said purpose shall be made from revenue received by the  
16 state treasurer pursuant to RSA 6:39, VI.

17 (b) The business finance authority shall, upon the payment, redemption, and refund of  
18 bonds issued pursuant to subparagraph (a), allocate up to \$5,000,000 for the purpose of such  
19 payments into the fund as are determined by the authority to be necessary to provide regenerative  
20 manufacturing worker educational debt relief as provided in this section.

21 165 Business Finance Authority; Reduction of State Guarantee Capacity. Amend RSA 162-  
22 A:17, I to read as follows:

23 I. In view of the general public benefits expected to be derived from the authority's  
24 activities under this chapter, and their contribution to the social welfare and economic prosperity of  
25 the state and its political subdivisions, the governor and council may award an unconditional state  
26 guarantee of the principal and interest thereon of bonds issued under this chapter. The full faith  
27 and credit of the state shall be pledged for any such guarantees of principal and interest, but the  
28 total outstanding amount of bonds guaranteed by the state under this section shall not exceed in the  
29 aggregate at any time \$25,000,000 plus interest *less the amount of any principal outstanding*  
30 *at any time on bonds issued by the state to refund bonds previously issued by the authority*  
31 *pursuant to this section*. In addition, the state shall not award a guarantee under this section if  
32 it would cause the contingent credit limit under RSA 162-A:22 to be exceeded. The governor, with  
33 the advice and consent of the council, is authorized to draw a warrant for such a sum out of any  
34 money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee  
35 awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by  
36 an endorsement signed by the state treasurer in substantially the following form:

37 The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the  
38 principal and interest thereon of the within bond, and for the performance of such guarantee the

1 full faith and credit of the state are pledged.

2 \_\_\_\_\_  
3 State Treasurer

4 166 New Section; Department of Transportation; Bulk Disposal of Highway or Turnpike  
5 Funded Real Estate. Amend RSA 4 by inserting after section 39-e the following new section:

6 4:39-f Bulk Disposal of Highway or Turnpike Funded Real Estate. Notwithstanding RSA 4:39-  
7 c, the bulk disposal of real estate purchased with state or federal highway funds, or both, or with  
8 turnpike funds shall occur as follows:

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

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

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

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

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

30 167 Number Plates; Official Cover Plates. Amend RSA 261:90 to read as follows:

31 261:90 Official Cover Plates. Upon payment of a fee, the director may issue and shall designate  
32 official cover plates with the reproduction of the state seal thereon to be affixed to a vehicle of  
33 United States senators from this state, representatives to congress from this state, the governor,  
34 members of the governor's council, the president of the senate, members of the senate, the speaker  
35 of the house of representatives, members of the house of representatives, the attorney general, the  
36 secretary of state, the state treasurer, the President of the United States and members of his or her  
37 executive staff, **and** any ambassador or member of the foreign diplomatic corps~~[, and members of~~  
38 ~~the Maine-New Hampshire Interstate Bridge Authority]~~. The fee for official cover plates shall be \$1



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

17 168 Repeal; Maine-New Hampshire Interstate Bridge Authority. The following are repealed:

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

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

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

23 169 Executive Branch Code of Ethics; Complaints. Amend RSA 21-G:31, VI to read as follows:

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

28 170 Insurance Holding Companies; Examination. Amend RSA 401-B:6, V to read as follows:

29 V. Compelling Production. In the event the insurer fails to comply with an order, the  
30 commissioner shall have the power to examine the affiliates to obtain the information. The  
31 commissioner shall also have the power to issue subpoenas, to administer oaths, and to examine  
32 under oath any person for purposes of determining compliance with this section. Upon the failure  
33 or refusal of any person to obey a subpoena, the commissioner may petition a court of competent  
34 jurisdiction, and upon proper showing, the court may enter an order compelling the witness to  
35 appear and testify or produce documentary evidence. Failure to obey the court order shall be  
36 punishable as contempt of court. Every person shall be obliged to attend as a witness at the place  
37 specified in the subpoena, when subpoenaed, anywhere within the state. He or she shall be entitled  
38 to the same fees and mileage, if claimed, as a witness in RSA 516:13[.] **and** RSA 516:14[.] ~~and RSA~~

1 ~~516:16~~], which fees, mileage, and actual expense, if any, necessarily incurred in securing the  
2 attendance of witnesses, and their testimony, shall be itemized and charged against, and be paid by,  
3 the company being examined.

4 171 Payment of Witnesses in Criminal Cases. Amend RSA 592-A:12 to read as follows:

5 592-A:12 [~~Payment of~~] Witnesses in Criminal Cases. Any person who attends any court for the  
6 state in criminal cases pursuant to subpoena [~~shall be paid the witness fees provided by RSA 516:16.~~  
7 ~~Any such person~~] shall sign a witness log, which shall be available in the office of the clerk of court,  
8 on which the individual shall provide the following information: name, mailing address, and the  
9 name of the case for which the person was subpoenaed. The prosecuting agency shall review the  
10 log each day and certify that each individual appeared as indicated on the log. [~~The attorney~~  
11 ~~general shall pay all witness fees to all such persons who are entitled to such fees.~~]

12 172 Parole Revocation. Amend RSA 651-A:17 to read as follows:

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

27 173 Arbitration of Disputes; Witnesses. Amend RSA 542:5 to read as follows:

28 542:5 Witnesses; Summoning; Compelling Attendance. When more than one arbitrator is  
29 agreed to, all the arbitrators shall sit at the hearing of the case unless, by consent in writing, all  
30 parties shall agree to proceed with the hearing with a less number. Any person may be summoned  
31 as provided in RSA 516[~~5~~] to attend before the arbitrators as a witness [~~and the fees for such~~  
32 ~~attendance shall be the same as the fees of witnesses in the superior court~~]. If any person or  
33 persons so summoned to testify shall refuse or neglect to attend, upon petition the court in and for  
34 the county in which such arbitrators are sitting may compel the attendance of such person or  
35 persons before said arbitrator or arbitrators, or punish said person or persons for contempt in the  
36 same manner now provided in RSA 516.

37 174 Midwifery; Powers and Duties of the Council. Amend RSA 326-D:4, II to read as follows:

38 II. The council shall have the power to subpoena witnesses and administer oaths in any

1 hearing or disciplinary proceedings, and to compel, by subpoena duces tecum, the production of  
2 papers and records. [~~Witnesses summoned before the council shall be paid the same fees as~~  
3 ~~witnesses summoned to appear before the superior court, and such summons shall have the same~~  
4 ~~effect as though issued for appearance before such court.]~~

5 175 Alcoholic Beverages; Hearings and Investigations. Amend RSA 179:56, I to read as follows:

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

16 176 Repeal. The following are repealed:

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

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

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

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

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

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

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

29 177 Granite Workforce. 2018, 342:3 through 342:9 are repealed and reenacted to read as  
30 follows:

31 342:3 Granite Workforce; Program Established.

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

1 Hampshire granite advantage health care program established in RSA 126-AA. The program shall  
2 be jointly administered by the department of health and human services and the department of  
3 employment security. No cash assistance shall be provided to eligible participants through granite  
4 workforce.

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

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

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

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

23 342:4 Granite Workforce; Subsidies for Employers.

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

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

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

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

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

37 I. The department of health and human services, in consultation with the department of  
38 employment security, shall issue a request for applications for community providers interested in

1 offering case management services to participants with barriers to employment.

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

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

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

13 342:6 Granite Workforce; Network of Education and Training.

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

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

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

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

23 (d) Referring individuals to training available through other colleges and training  
24 programs.

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

27 342:7 Granite Workforce; Job Placement. Upon determining the participant is job ready, the  
28 department of employment security shall place individuals into jobs with employers in high need  
29 areas, as determined by the department of employment security based upon workforce shortages.  
30 High need areas include but are not limited to jobs in the fields of healthcare, advanced  
31 manufacturing, construction/building trades, information technology, and hospitality. Training and  
32 job placement shall focus on:

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

38 II. Advanced manufacturing to meet employer needs: training and jobs that include

1 computer aided drafting and design, electronic and mechanical engineering, precision welding,  
2 computer numerical controlled precision machining, robotics, and automation.

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

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

7 V. Hospitality training and jobs to support New Hampshire's tourism industry, to include  
8 but not be limited to hotel workers, restaurant workers, campground workers, lift operators, state  
9 park workers, and amusement park workers.

10 342:8 Reporting Requirement; Measurement of Outcomes.

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

15 (a) Degree of participation.

16 (b) Progress with overcoming barriers.

17 (c) Entry into employment.

18 (d) Job retention.

19 (e) Earnings gain.

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

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

24 II. The report shall be issued to the speaker of the house of representatives, the president of  
25 the senate, the governor, the commission to evaluate the effectiveness and future of the New  
26 Hampshire granite advantage health care program established under RSA 126-AA:4, and the state  
27 library on or before December 1, 2019.

28 342:9 Termination of Granite Workforce Program.

29 I. The commissioner of the department of health and human services shall be responsible  
30 for determining, every 3 months commencing no later than December 31, 2018, whether available  
31 TANF reserve funds total at least \$5,000,000. If at any time the commissioner determines that  
32 available TANF reserve funds have fallen below \$5,000,000, the commissioners of the departments  
33 of health and human services and employment security shall, within 20 business days of such  
34 determination, terminate the Granite Workforce program. The commissioners shall notify the  
35 governor, the speaker of the house of representatives, the president of the senate, the chairperson of  
36 the fiscal committee of the general court, and Granite Workforce participants of the program's  
37 pending termination.

38 II. If at any time the New Hampshire granite advantage health care program, established

1 under RSA 126-AA, terminates, the commissioners of the departments of health and human  
2 services and employment security shall terminate the Granite Workforce program. The date of the  
3 Granite Workforce program's termination shall align with that of the New Hampshire granite  
4 advantage health care program.

5 178 Department of Natural and Cultural Resources; Exemption from Transfer Restrictions.  
6 Amend RSA 9:16-a, II-a(d) as follows:

7 (d) The following account units within the department of natural and cultural resources  
8 shall be exempt from the transfer restrictions in subparagraphs (a), (b), and (c): 03-35-35-351510-  
9 3701, 03-35-35-351510-3745, 03-35-35-351510-3720, 03-35-35-351510-7300, 03-35-35-351510-3414,  
10 03-35-35-351510-3556, 03-35-35-351510-3558, 03-35-35-351510-3484, 03-35-35-351510-3486, 03-35-  
11 35-351510-3488, 03-35-35-351510-3562, 03-35-35-351510-3415, 03-35-35-351510-3746, 03-35-35-  
12 351510-3777, 03-35-35-351510-3717, ~~and~~ 03-35-35-351510-3703, **and 03-35-35-351510-4016.**

13 179 Motor Vehicles; Waiver in Lieu of Court Appearance. Amend RSA 262:44, I to read as  
14 follows:

15 I. Such defendant shall receive, in addition to the summons, a uniform fine schedule  
16 entitled "Notice of Fine, Division of Motor Vehicles" which shall contain the normal fines for  
17 violations of the provisions of title XXI on vehicles for which a plea may be entered by mail. The  
18 defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment  
19 at the time the summons is issued; except if, for cause, the summoning authority wishes the  
20 defendant to appear personally. Defendants summoned to appear personally shall do so on the  
21 arraignment date specified in the summons, unless otherwise ordered by the court. Defendants  
22 who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall  
23 enter their plea on the summons and return it with payment of the fine plus penalty assessment to  
24 the director of the division of motor vehicles within 30 days of the date of the summons. The  
25 director of the division of motor vehicles may accept payment of the fine by credit card in lieu of  
26 cash payment. Any transaction costs assessed by the issuer of the credit card shall be paid out of  
27 the portion of the fine amount which is credited ~~[as agency income]~~ **to the highway fund** and not  
28 out of the penalty assessment charged by the district court. The director of the division of motor  
29 vehicles shall remit the penalty assessments collected to the state treasurer to be credited and  
30 continually appropriated to the state general fund and to the victims' assistance fund and the  
31 judicial branch information technology fund in the percentages and manner prescribed in RSA 106-  
32 L:10. Fines shall be paid over to the state treasurer, and shall be credited ~~[as agency income by the~~  
33 ~~department of safety]~~ **to the highway fund** within 14 days of their receipt ~~[and shall not lapse to~~  
34 ~~the general fund until the second year of each biennium].~~

35 180 Business Finance Authority Revenue Bonds; Additional State Guarantees. Amend RSA  
36 162-I:9-b, I(a) to read as follows:

37 I.(a) The governor and council may award an unconditional state guarantee of the principal  
38 of and interest on bonds issued under this chapter. The full faith and credit of the state shall be

1 pledged for any such guarantee, but the total amount of bonds guaranteed by the state under this  
2 section ~~[shall not exceed in the aggregate at any time \$10,000,000, plus interest, provided that such~~  
3 ~~amount shall be increased to \$20,000,000 plus interest on January 1, 1993, to \$30,000,000 plus~~  
4 ~~interest on January 1, 1994, to \$40,000,000 plus interest on January 1, 1995, and to \$50,000,000~~  
5 ~~plus interest on January 1, 1996. In addition, the amount of bonds guaranteed by the state under~~  
6 ~~this section]~~ shall not cause the contingent credit limit under RSA 162-A:22 to be exceeded. The  
7 governor, with the advice and consent of the council, is authorized to draw his warrant for such  
8 sum as may be necessary out of any money in the treasury not otherwise appropriated, for the  
9 purpose of honoring any guarantee awarded under this section. The state's guarantee shall be  
10 evidenced on each guaranteed bond by an endorsement signed by the state treasurer in  
11 substantially the following form:

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

15 \_\_\_\_\_  
16  
17 State Treasurer

18 181 Repeal. RSA 162-I:9-b, II, relative to the total amount of state guarantees issued by the  
19 business finance authority, is repealed.

20 182 Business Finance Authority; Unified Contingent Credit Limit. Amend RSA 162-A:22 to  
21 read as follows:

22 162-A:22 Unified Contingent Credit Limit. The total amount of state guarantees in force under  
23 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,  
24 ~~[RSA 162-I:9-a,]~~ and RSA 162-I:9-b shall not exceed in the aggregate at any time \$50,000,000 plus  
25 interest, provided that such amount shall be increased to \$80,000,000 plus interest on January 1,  
26 1993, to \$95,000,000 plus interest on January 1, 1994, and to \$115,000,000 plus interest on May 1,  
27 2015. ~~[After May 1, 2015, an amount not to exceed \$30,000,000 plus interest may be used solely for~~  
28 ~~bonds guaranteed pursuant to RSA 162-I:9-a, and an amount not to exceed the remaining~~  
29 ~~\$85,000,000 plus interest may be used solely for bonds issued pursuant to sections other than RSA~~  
30 ~~162-I:9-a.]~~

31 183 Repeal. The following are repealed:

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

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

36 184 Office of Professional Licensure and Certification; Fees. Amend RSA 310-A:1-e, I(b) to read  
37 as follows:

38 (b) There is hereby established the office of professional licensure and certification fund



1 into which the fees collected under subparagraph (a) shall be deposited. [~~The fund shall be a~~  
2 ~~separate, nonlapsing fund, continually appropriated to the office for the purpose of paying all costs~~  
3 ~~and salaries associated with the office]~~ **After paying all costs and salaries associated with the**  
4 **office, moneys in this fund shall lapse to the general fund at the close of each fiscal year.**

5 185 New Paragraphs; Department of Justice; Director of the Office of Victim/Witness  
6 Assistance. Amend RSA 21-M:3 by inserting after paragraph X the following new paragraphs:

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

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

16 186 Department of Justice; Office of Victim/Witness Assistance. Amend the introductory  
17 paragraph in RSA 21-M:8-b, II to read as follows:

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

27 187 New Paragraph; Department of Justice; Officer-Involved Deadly Force Investigator  
28 Position Established. Amend RSA 21-M:8 by inserting after paragraph III the following new  
29 paragraph:

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

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

38 188 Department of Justice; Position Reclassified and Established.

1           I. The position of administrator II-public/legislative information officer, position number  
2 18030, within the department of justice shall be designated as an unclassified position.

3           II. There is established within the department of justice the unclassified position of director  
4 of communications. The salary of the director of communications shall be determined after  
5 assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for  
6 the positions which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion  
7 of this action and appointment of the director of communications, position number 18030 shall be  
8 abolished to allow for the transition of its available appropriations into the unclassified position of  
9 director of communications. Funding shall be transferred into the proper unclassified expenditure  
10 class for the attorney general accounting unit. The incumbent in the abolished classified position  
11 shall be offered the opportunity to seek the attorney general's nomination for the unclassified  
12 position of director of communications.

13           189 Department of Justice; Position Reclassified and Established.

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

16           II. There is established within the department of justice the unclassified position of  
17 assistant attorney general. The salary of the assistant attorney general is established in RSA 94:1-  
18 a, I-c. Upon completion of this action and appointment of the assistant attorney general, position  
19 number 10321 shall be abolished to allow for the transition of its available appropriations into the  
20 unclassified position of assistant attorney general. Funding shall be transferred into the proper  
21 unclassified expenditure class for the charitable trust accounting unit. The incumbent in the  
22 abolished classified position shall be offered the opportunity to seek the attorney general's  
23 nomination for the unclassified position of assistant attorney general.

24           190 Department of Administrative Services; Rehiring of Laid Off Classified State Employees.

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

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

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

37           191 Appropriation; State Treasurer; Municipal Aid.

38           I. The sum of \$40,000,000 for the fiscal year ending June 30, 2019 is hereby appropriated to

1 the state treasurer for the purpose of providing municipal aid to each city, town, and  
2 unincorporated place in the state. The treasurer shall distribute \$20,000,000 of the municipal aid to  
3 each city, town, and unincorporated place in the state by October 1 of the fiscal year ending June  
4 30, 2020 and \$20,000,000 of the municipal aid to each city, town, and unincorporated place in the  
5 state by October 1 of the fiscal year ending June 30, 2021. The proportion of municipal aid  
6 distributed to each municipality pursuant to this paragraph shall be calculated pursuant to  
7 paragraph II. The governor is authorized to draw a warrant for said sums out of any money in the  
8 treasury not otherwise appropriated. The appropriation in this section shall not lapse until June  
9 30, 2021. Municipal aid received by October 1, 2019 may be considered unanticipated revenue  
10 under RSA 31:95-b and may be accepted and expended pursuant to RSA 31:95-b, II through IV  
11 whether or not a town has adopted the provisions of RSA 31:95-b.

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

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

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

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

27 IV. For purposes of this section:

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

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

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

38 (d) "Eligible for a free or reduced-price meal" means the ADMR of pupils in

1 kindergarten through grade 12 who are eligible for the federal free or reduced-price meal program.

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

3 192 New Section; Community Development Fund for New Hampshire Established. Amend  
4 RSA 162-L by inserting after section 4 the following new section:

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

13 193 New Subparagraph; Dedicated Funds or Accounts; Community Development Fund.  
14 Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new subparagraph:

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

17 194 Appropriation; Community Development Finance Authority; Community Development  
18 Fund for New Hampshire. There is hereby appropriated to the community development finance  
19 authority the sum of \$1,000,000 for the biennium ending June, 30 2021, for deposit in the  
20 community development fund for New Hampshire established in RSA 162-L:4-a. The governor is  
21 authorized to draw a warrant for such sum from any money in the treasury not otherwise  
22 appropriated.

23 195 State Aid Grant Program; Appropriation to Department of Environmental Services.

24 I. The sum of \$3,652,347 for the fiscal year ending June 30, 2020, is hereby appropriated to  
25 the department of environmental services for the purpose of funding state aid grant programs  
26 under RSA 486 for wastewater SAG 03-44-44-442010-1003-073-500580. The governor is authorized  
27 to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

28 II. The sum of \$3,781,024 for the fiscal year ending June 30, 2021, is hereby appropriated to  
29 the department of environmental services for the purpose of funding state aid grant programs  
30 under RSA 486 for wastewater SAG 03-44-44-442010-1003-073-500580. The governor is authorized  
31 to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

32 196 Department of Justice; Victim/Witness Specialist Positions Reclassified and Established.  
33 The positions of victim/witness specialist position numbers 18674, 19419, 9T2817, and 9T2811,  
34 within the department of justice shall be designated as unclassified positions. There are hereby  
35 established within the department of justice 4 unclassified victim/witness specialist positions. The  
36 salary of the victim/witness specialist positions shall be determined after assessment and review of  
37 the appropriate temporary letter grade allocation for the positions which shall be conducted  
38 pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action and appointments to the

1 unclassified positions, position numbers 18674, 19419, 9T2817, and 9T2811 shall be abolished to  
2 allow for the transition of the available appropriations to the unclassified positions. Funding shall  
3 be transferred into the proper unclassified expenditure class in the victim witness general  
4 accounting unit. The incumbents in the abolished classified positions shall be offered the  
5 opportunity to seek the attorney general's nomination for the unclassified victim/witness specialist  
6 positions.

7 197 New Paragraphs; Department of Justice; Criminal Justice Bureau; Victim/Witness  
8 Specialist Positions Established. Amend RSA 21-M:8 by inserting after paragraph IV the following  
9 new paragraphs:

10 V. The attorney general, subject to the approval of the governor and council, may appoint  
11 permanent victim/witness specialists within the limits of the appropriation made for the  
12 appointments, who shall hold office for a term of 5 years. Any vacancy in such position may be  
13 filled for the unexpired term. The victim/witness specialists may be removed only as provided by  
14 RSA 4:1.

15 VI. The attorney general, subject to the approval of the governor and council, may appoint  
16 unclassified, full-time temporary victim/witness specialists within the federal appropriations made  
17 for the appointment, who shall hold office subject to continuation of the federal grant funds  
18 supporting the victims/witness program. Any vacancy shall be filled in the same manner as the  
19 original appointment. The victim/witness specialists may be removed only as provided by RSA 4:1,  
20 or if the federal appropriation no longer supports the positions.

21 VII. There is established within the department of justice an unclassified full-time elections  
22 attorney. The salary of the elections attorney is established in RSA 94:1-a, I(c).

23 198 Department of Natural and Cultural Resources; Curatorial Responsibilities Suspended.  
24 Due to inadequate funding and staffing resources at the department of natural and cultural  
25 resources, the commissioner of the department of natural and cultural resources may suspend the  
26 requirements of RSA 227-C and RSA 12-A relative to curatorial responsibilities, for each year of the  
27 biennium ending June 30, 2021.

28 199 Statewide Public Boat Access Fund; Appropriation to Department of Natural and Cultural  
29 Resources. Amend RSA 233-A:13 to read as follows:

30 233-A:13 Statewide Public Boat Access Fund Established. There is hereby established a  
31 nonlapsing statewide public boat access fund. The \$5 boat registration surcharge collected  
32 pursuant to RSA 270-E:5, II(d) and any other public access funds donated to the state shall be  
33 placed in this fund. ~~[A]~~ Funds received under this section are continually appropriated to the fish  
34 and game department for the purposes of the statewide public boat access program established  
35 under this chapter, ***except for sufficient funds which are hereby appropriated to the***  
36 ***department of natural and cultural resources for payment of principal and interest on***  
37 ***bonds and notes for the Mount Sunapee state park beach boat ramp project.***

38 200 Department of State; Archives and Records Management; Appointment of Director. Amend

1 RSA 5:28 to read as follows:

2 5:28 Appointment of Director. The secretary of state, with the approval of governor and  
3 council, shall appoint the director of the division of archives and records management, who shall be  
4 known as the state archivist and who shall be an unclassified state employee. The director shall  
5 have a minimum of a master's degree in library science [ø], history, **or equivalent** or 10 years  
6 prior experience as an archivist or experience in a related field. The term of office for the state  
7 archivist shall be for 4 years. Any vacancy shall be filled for the unexpired term. The salary of the  
8 state archivist shall be as specified in RSA 94:1-a.

9 201 Department and Secretary of State; Election Fund. Amend RSA 5:6-d, I-III to read as  
10 follows:

11 I. There is established in the office of the state treasurer a nonlapsing fund to be known as  
12 the election fund which shall be kept distinct and separate from all other funds. The election fund  
13 is established to meet the requirements of section 254(b) of the Help America Vote Act, Public Law  
14 107-252 **and the 2018 Election Reform Program authorized by the Consolidated**  
15 **Appropriations Act of 2018, Public Law 115-141, hereafter referred to as the "2018 Election**  
16 **Reform Program"**.

17 II. The treasurer shall deposit in the election fund all monies received by the state pursuant  
18 to the Help America Vote Act of 2002, Public Law 107-252 **and the 2018 Election Reform**  
19 **Program**. The treasurer shall also deposit in the election fund such other funds received under  
20 state or federal law, or donated to the state by private parties, for the purposes of conducting  
21 elections, voter and election official education, election law enforcement, and related information  
22 technology projects and improvements, and shall credit any interest or income earned on monies on  
23 deposit to the fund.

24 III. The secretary of state is authorized to accept, budget, and, subject to the limitations of  
25 this paragraph, expend monies in the election fund received from any party for the purposes of  
26 conducting elections, voter and election official education, the purchase or lease of equipment that  
27 complies with the Help America Vote Act of 2002, Public Law 107-252, or with RSA 659:13, V,  
28 reimbursing the department of safety for the actual cost of voter identification cards, election law  
29 enforcement, **enhancing election technology, making election security improvements**, and  
30 improvements to related information technology, including acquisition and operation of an  
31 automated election management system. **With the exception of federal and state portions of**  
32 **funds associated with the 2018 Election Reform Program**, the secretary of state shall not  
33 expend any monies in the election fund unless the balance in the fund following such expenditures  
34 shall be at least 12 times the estimated annual cost of maintaining the programs established to  
35 comply with the Help America Vote Act of 2002, Public Law 107-252.

36 202 Short Title. Sections 203-209 of this act shall be known as the Granite State Jobs Act of  
37 2019.

38 203 Findings. The general court finds it is in the public interest to enhance public-private

1 partnerships to recruit, train, and re-employ workers in order to meet New Hampshire's skills gap  
2 and worker shortage, efficiently and timely assisting Granite state businesses and Granite staters  
3 looking for work, including those in recovery.

4 204 Unemployment Compensation; Contribution Rates. Amend RSA 282-A:87, IV(a) to read as  
5 follows:

6 IV.(a)(1) Each employer subject to payment of contributions pursuant to RSA 282-A:69, I  
7 shall have its rate reduced by [~~2/10~~] **2/5** of one percent beginning in the [~~second~~] **fourth** quarter of  
8 [~~2007~~] **2019**. An administrative contribution equal to the amount of this reduction shall be paid by  
9 all such employers.

10 (2) Commencing [~~July 1, 2007~~] **January 1, 2020**, after deduction of all costs  
11 incurred in the collection of the administrative contribution, 1/3 of the quarterly administrative  
12 contribution collected, not to exceed [~~\$2,000,000~~] **\$6,000,000** annually, shall be deposited each  
13 quarter in the fund established by [~~RSA 282-A:138-a~~] **RSA 282-A:182** and shall be expended only as  
14 provided by and for the purposes provided in that section **and shall lapse to the unemployment**  
15 **trust fund account established in RSA 282-A:104, I(b) if unspent or unencumbered at the**  
16 **end of the relevant program year**. The remaining quarterly administrative contribution  
17 collected shall be **divided so that the proportional share of the quarterly administrative**  
18 **contribution resulting from the increase over 2/10 of one percent shall be deposited in the**  
19 **unemployment compensation fund established in RSA 282-A:103 and the remaining**  
20 **amount** deposited in the fund established by RSA 282-A:140 and shall be expended only as  
21 provided by and for the purposes provided in that section, and not for any other purpose.

22 205 Department of Employment Security; Job Training Program. Amend RSA 282-A by  
23 inserting after section 180 the following new subdivision:

24 Job Training Program

25 282-A:181 Job Training Program. The department of employment security shall administer the  
26 job training program in this subdivision. The commissioner of the department of employment  
27 security shall adopt rules under RSA 541-A, relative to the grant award process and general  
28 administration of this subdivision.

29 I. Training programs may include, but shall not be limited to:

- 30 (a) Structured, on-site laboratory or classroom training.
- 31 (b) Basic skills.
- 32 (c) Technical skills.
- 33 (d) Quality improvement.
- 34 (e) Safety.
- 35 (f) Management and supervision.
- 36 (g) English as a second language.

37 II. No more than \$500,000 annually, from sources other than the WorkReadyNH program,  
38 shall be provided to support programs offered as of January 1, 2019, and, in addition to programs

1 offered as of January 1, 2019, funding shall be provided for:

2 (a) Training individuals not otherwise eligible for state or federal training funds  
3 available as of January 1, 2019, including the cost of certificate programs, apprenticeship programs  
4 as defined under 29 C.F.R. Part 29, and occupational skills training in order to fill current, in-  
5 demand employment in New Hampshire with employers having immediate employment needs, with  
6 a priority for jobs identified through the state's sector partnership initiative and for employers who  
7 pay individuals during training periods.

8 (b) Enhanced support services, including child care and transportation assistance,  
9 which would not otherwise be available through any other state, federal, or other programs, with  
10 such assistance limited to income eligible individuals with an identified career path and who are  
11 determined to be in need of such support services to successfully compete for employment  
12 opportunities;

13 (c) The WorkReadyNH program established by the community college system of New  
14 Hampshire in an amount not to exceed \$500,000 annually.

15 (d) Certificate programs, apprenticeship programs as defined under 29 C.F.R. Part 29,  
16 and occupational skills training opportunities for New Hampshire high school students upon  
17 graduation in order to fill current, in-demand employment in New Hampshire.

18 (e) Marketing of New Hampshire's workforce development initiatives to employers and  
19 business community representatives in New Hampshire.

20 (f) Recruitment and coordination of services provided in this section to populations with  
21 higher than average unemployment in New Hampshire, including persons in need of training to  
22 change careers, persons with substance use disorders who are in recovery programs, persons with  
23 disabilities, inmates transitioning to the general population, persons who are homeless, senior  
24 citizens, legal immigrants and speakers of languages other than English, including documented  
25 outreach to and priority given to persons with substance use disorders who are in recovery  
26 programs.

27 282-A:182 Training Fund.

28 I. There is hereby created in the state treasury a special fund to be known as the training  
29 fund. Commencing January 1, 2020, the moneys in this fund shall be used solely as determined by  
30 the commissioner of the department of employment security in accordance with rules and guidelines  
31 adopted by the department for funding training under the job training program established in this  
32 subdivision. The commissioner of the department of employment security shall make rules relative  
33 to administration of the grant award process under this subdivision.

34 II. The commissioner shall act as the fiscal agent for moneys deposited in the training fund.  
35 All costs incurred by the commissioner acting as fiscal agent of the training fund shall be paid from  
36 such fund.

37 III. Any interest earned on the moneys in this fund shall remain in the fund and shall be  
38 expended as provided in paragraph I.



1           IV. Any moneys paid into the training fund during a calendar year, which are either not  
2 obligated by June 30 of the following year or spent by June 30 of the year thereafter, shall be  
3 continually appropriated and shall not lapse.

4           282-A:183 Expenditure for Job Training Program. The department of employment security  
5 shall use no more than 10 percent, or \$600,000, of any moneys received from the training fund  
6 established in RSA 282-A:182, whichever is less, to administer the job training program in this  
7 subdivision, including support for the sector partnership initiative.

8           282-A:184 Report. The commissioner shall annually submit a report to the governor's state  
9 workforce innovation board, the speaker of the house of representatives, the president of senate, the  
10 chairperson of the senate committee with jurisdiction over commerce issues, and the chairperson of  
11 the house committee with jurisdiction over labor issues concerning the effectiveness of the job  
12 training program established in this subdivision.

13           206 Commission to Review and Evaluate Workforce and Job Training Programs in New  
14 Hampshire. Amend RSA 273:28, IV(g)(12) to read as follows:

15                   (12) Department of [~~business and economic affairs~~] **employment security**, job  
16 training program [~~for economic growth~~] pursuant to RSA [~~12-O:30-37~~]**282-A:181-184**.

17           207 Application of Receipts. Amend RSA 6:12, I(b)(74) to read as follows:

18                   (74) Moneys deposited in the training fund established by RSA [~~282-A:138-a~~] **282-**  
19 **A:182**.

20           208 New Hampshire Workforce Opportunity Fund. Amend RSA 12-O:45, V to read as follows:

21           V. In accordance with RSA [~~12-O:30~~] **282-A:181** through RSA [~~12-O:37~~] **282-A:184**, the  
22 commissioner of the department of employment security shall have the authority to make grants to  
23 New Hampshire employers for the purpose of training employees in accordance with this chapter,  
24 such grants not to exceed the amounts specified in RSA 282-A:87, IV(a)(2), and not to exceed to any  
25 single employer in any grant year the sum of \$70,000, unless first approved by governor and  
26 council. The commissioner shall provide the governor and council an information item not less  
27 frequently than semi-annually describing all such grants expended pursuant thereto. Such grants  
28 shall be made pursuant to a form of agreement that shall be approved by governor and council after  
29 review by the attorney general and the commissioner of the department of administrative services.

30           209 Repeal. The following are repealed:

31                   I. RSA 12-O:30 through RSA 12-O:37, relative to the job training program for economic  
32 growth.

33                   II. RSA 282-A:138-a, relative to the training fund.

34           210 Appropriation; Affordable Housing Fund. The sum of \$5,000,000 for the fiscal year ending  
35 June 30, 2020, is hereby appropriated to the housing finance authority for deposit in the affordable  
36 housing fund established in RSA 204-C:57, for the purpose of providing financing or state matching  
37 funds for affordable housing. The appropriation shall be in addition to any other funds  
38 appropriated to the housing finance authority. The governor is authorized to draw a warrant for

1 said sum out of any money in the treasury not otherwise appropriated.

2 211 New Section; Special Account. Amend RSA 432 by inserting after section 30 the following  
3 new section:

4 432:30-a Special Account. There is established a separate account to which shall be credited all  
5 funds appropriated or acquired to provide financial and technical assistance associated with this  
6 subdivision. This shall be a nonlapsing account, and funds in said account are hereby appropriated  
7 for the purpose of this subdivision.

8 212 Appropriation. Department of Agriculture, Markets and Food. There is hereby  
9 appropriated to the department of agriculture, markets and food the sum of \$250,000 for the fiscal  
10 year ending June 30, 2020 and \$500,000 for the fiscal year ending June 30, 2021 for deposit in the  
11 special account established in RSA 432:30-a. The governor is authorized to draw a warrant for said  
12 sum out of any money in the treasury not otherwise appropriated.

13 213 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after  
14 subparagraph (343) the following new subparagraph:

15 (344) Moneys deposited in the special account for agriculture development rights  
16 under RSA 432:30-a.

17 214 State Demographer. For the biennium ending June 30, 2021, the provisions of RSA 4-C:36  
18 and RSA 14:46, VII are hereby suspended. For said biennium, the director of the office of strategic  
19 initiatives may provide assistance to the commission on demographic trends established pursuant to  
20 RSA 4-C:37, the department of health and human services pursuant to RSA 9:9-e, or the legislative  
21 budget assistant pursuant to RSA 9:9-f, in place of the state demographer.

22 215 Board of Tax and Land Appeals; Staff. Amend RSA 71-B:14 to read as follows:

23 71-B:14 Staff. The board shall have upon its staff [2] **at least one** review [~~appraisers~~]  
24 **appraiser** who shall be **a** classified state [~~employees~~] **employee** and who shall be competent to  
25 review the value of property for tax and eminent domain purposes. In addition, the board shall  
26 have such clerical and technical staff as may be necessary within the limits of appropriation made  
27 therefor.

28 216 Coos County Job Creation Tax Credit Extended. Amend RSA 77-E:3-c, II to read as  
29 follows:

30 II. [~~The initial job creation tax credit allowed under this paragraph shall not apply to any~~  
31 ~~tax period ending prior to the effective date of this section, or to any tax period ending after~~  
32 ~~December 31, 2018.~~] After being initially granted, the tax credit shall be renewable for 4  
33 consecutive additional years, provided that no additional tax credit shall be granted under this  
34 chapter for any tax period after December 31, [2022] **2027**.

35 217 Business Profits Tax; Imposition of Tax; 2019. RSA 77-A:2 is repealed and reenacted to  
36 read as follows:

37 77-A:2 Imposition of Tax. A tax is imposed at the rate of 7.9 percent upon the taxable business  
38 profits of every business organization.

1       218 Business Enterprise Tax; Imposition of Tax; 2019. RSA 77-E:2 is repealed and reenacted to  
2 read as follows:

3       77-E:2 Imposition of Tax. A tax is imposed at the rate of .675 percent upon the taxable  
4 enterprise value tax base of every business enterprise.

5       219 Repeal of Prospective Amendments. The following are repealed:

6           I. 2017, 156:215, relative to the rate of the business profits tax in 2021.

7           II. 2017, 156:216, relative to the rate of the business enterprise tax in 2021.

8           III. 2017, 156:217, II, relative to the applicability of the 2021 rates changes.

9       220 Applicability. Sections 217 and 218 of this act shall apply to taxable periods ending on or  
10 after December 31, 2019.

11       221 Education Trust Fund. Notwithstanding RSA 198:39, I, for the biennium ending June 30,  
12 2021, the education trust fund may be used for the purpose of distributing school building aid to  
13 school districts and approved chartered public schools pursuant to RSA 198:15-b, distributing  
14 tuition and transportation funds to school districts for students attending career and technical  
15 education programs pursuant to RSA 188-E:9, and distributing special education aid to school  
16 districts pursuant to RSA 186-C:18.

17       222 New Section; The Budget; Transmission to the Legislature; Changes to Statutory Law.  
18 Amend RSA 9 by inserting after section 2 the following new section:

19       9:2-a Transmission to the Legislature; Changes to Statutory Law. Not later than February 15  
20 of the first year of each biennial legislative session, the governor shall transmit to the legislature a  
21 document to be known as the trailer bill containing any changes to statutory law deemed necessary  
22 for the ensuing biennium. This document shall be separate from the document known as the  
23 budget as provided in RSA 9:2 and shall not be considered a budget bill as provided in part II,  
24 article 18-a of the New Hampshire constitution. This document shall be available in printed format  
25 and at least one electronic computer file format in common use at the time.

26       223 Department of Safety; Deputy Director of Administration; Position Established. There is  
27 established within the department of safety the unclassified position of deputy director of  
28 administration. The deputy director of administration shall be qualified to hold that position by  
29 reason of education and experience, and shall be appointed by and serve at the pleasure of the  
30 commissioner of safety. The deputy director of administration shall assist the director of  
31 administration in carrying out the duties of the department of safety. The salary of the deputy  
32 director of administration shall be determined after assessment and review of the appropriate  
33 temporary letter grade allocation in RSA 94:1-a, I for the position which shall be conducted  
34 pursuant to RSA 94:1-d and RSA 14:14-c. Funding shall be appropriated from expenditure class  
35 012, within accounting unit 02-23-23-232015-2310.

36       224 New Section; Department of Safety; Deputy Director of Administration. Amend RSA 21-P  
37 by inserting after section 6 the following new section:

38       21-P:6-a Deputy Director of Administration.

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1           I. The commissioner of safety shall nominate a deputy director of administration for  
2 appointment by the governor, with the consent of the council. The deputy director of  
3 administration shall serve a term of 4 years, and may be reappointed. The deputy director of  
4 administration shall be qualified to hold that position by reason of education and experience.

5           II. The deputy director of administration shall perform such duties as are assigned by the  
6 director of administration. The deputy director of administration shall assume the duties of the  
7 director of administration in the event that the director of administration is unable for any reason  
8 to perform such duties.

9           III. The salary of the deputy director of administration shall be as specified in RSA 94:1-a.

10          225 Assistant Director of Division of Fire Standards and Training and Emergency Medical  
11 Services; Membership in New Hampshire Retirement System. Notwithstanding any provision of  
12 RSA 100-A to the contrary, the current assistant director of the division of fire standards and  
13 training and emergency medical services, department of safety, shall be considered to have been  
14 properly enrolled as a member in group II of the New Hampshire retirement system as of his  
15 original date of hire with the division of fire standards and training and emergency medical services  
16 and he shall retain such membership for the duration of service in his present capacity.

17          226 Motor Vehicles; Copies of Certificates and Motor Vehicle Records. Amend RSA 260:15, II to  
18 read as follows:

19           II. The department may issue a copy of any motor vehicle record upon the request of an  
20 insurance company or any other authorized agent, and notwithstanding RSA 91-A shall require  
21 payment by the insurance company or authorized agent of a fee of [~~\$12~~] **\$13** for email or other  
22 computer-generated requests where payment is debited against an account established with the  
23 department, or \$15 for all other requests, which shall be deposited in the fire standards and  
24 training and emergency medical services fund established in RSA 21-P:12-d.

25          227 Motor Vehicles; Drivers' Licenses; Real ID Compliant; Fee. Amend RSA 263:42, I to read  
26 as follows:

27           I. For each original driver's license and examination or driver's license renewal, other than  
28 for a commercial vehicle or motorcycle- **\$60 for a Real ID Act compliant license under RSA**  
29 **263:14-b or \$50 for each other license**; for each license issued under RSA 263:5-f- \$10; for each  
30 youth operator's license and examination- \$10 per year, not to exceed \$50; for each license issued to  
31 a nonresident alien for less than 5 years- \$10 per year or portion thereof; for each original  
32 commercial driver license and examination or commercial driver license renewal- \$60; for each  
33 commercial driver license reexamination in a one-year period- \$20; for each commercial vehicle  
34 endorsement, renewal of an endorsement, or removal of a restriction- \$10; for each special  
35 motorcycle original license and examination or special motorcycle license renewal- \$50; for each  
36 original motorcycle endorsement- \$25; for each 3-wheeled motorcycle endorsement- \$25; for each  
37 motorcycle endorsement and 3-wheeled motorcycle endorsement renewal- no charge. For each  
38 original driver's license issued, \$5 shall be credited to the driver training fund established by RSA

1 263:52. Except as provided in RSA 263:5-f, I, RSA 263:14, and RSA 263:39-a, III, every license shall  
2 expire on the licensee's birthdate in the fifth year following the issuance of such license. No fee  
3 collected under this paragraph shall be refunded once an examination has been taken or a license  
4 issued, except as provided in RSA 263:43.

5 228 Department of Transportation; Capital Corridor Rail Expansion. The department of  
6 transportation is hereby authorized to access the Boston Urbanized Area Formula Funding program  
7 of the Federal Transit Administration, 49 U.S.C. section 5307, identified in the 2019-2028 Ten Year  
8 Transportation Improvement Plan, to complete the project development phase of the project named  
9 Nashua-Manchester-Concord, project number 40818. The department may use toll credits pursuant  
10 to RSA 228:12-a for this project.

11 229 Department of Transportation; Use of Toll Credits. Amend RSA 228:12-a to read as  
12 follows:

13 228:12-a Use of Toll Credits. The department may use toll credits as a match for federal  
14 highway funds solely for the funding of highway and road projects, ~~or~~ projects concerning the  
15 travel of motor vehicles on such highways and roads, **and the completion of the project**  
16 **development phase of the project named Nashua-Manchester-Concord, project number**  
17 **40818, in the 2019-2028 Ten Year Transportation Improvement Plan.** Any other use of toll  
18 credits shall require approval of the joint legislative capital budget overview committee, established  
19 in RSA 17-J:1, prior to moving the project forward for approval in the state 10-year transportation  
20 improvement program.

21 230 Department of Transportation; Appropriation. There is hereby appropriated to the  
22 department of transportation the sum of \$1,870,000 for the fiscal year ending June 30, 2019, for the  
23 purpose of demolition and environmental mitigation of structures on state-owned property. Such  
24 funds shall not lapse. The governor is authorized to draw a warrant for said sum out of any money  
25 in the treasury not otherwise appropriated.

26 231 Rulemaking Exception; Medicaid Rate of Reimbursement Methodology for Nursing  
27 Facilities. Amend RSA 541-A:21 by inserting after paragraph III the following new paragraph:

28 III-a. Rules adopted relative to the budget adjustment factor contained within the Medicaid  
29 rate of reimbursement methodology for nursing facilities shall be exempt from the provisions of 541-  
30 A:5 through 541-A:14 provided that the budget adjustment factor applied to the reimbursement  
31 methodology is equal to or less than 28.76 percent. If the budget adjustment factor to be applied to  
32 the reimbursement methodology is greater than 28.76 percent, the provisions of 541-A shall apply.

33 232 Alcohol Abuse Prevention and Treatment Fund; Disbursements. Amend RSA 176-A:1, III  
34 to read as follows:

35 III. Moneys received from all other sources other than the liquor commission pursuant to  
36 RSA 176:16, III, **including any community benefit contribution made by New Hampshire's**  
37 **hospitals**, shall be disbursed from the fund upon the authorization of the governor's commission on  
38 alcohol and drug abuse prevention, treatment, and recovery established pursuant to RSA 12-J:1

1 ***and shall not be diverted for any other purposes.*** Funds disbursed shall be used for alcohol  
2 and other drug abuse prevention, treatment, and recovery services, and other purposes related to  
3 the duties of the commission under RSA 12-J:3; provided, however, that funds received from any  
4 source other than the liquor commission, pursuant to RSA 176:16, III, shall not be used to support  
5 the New Hampshire granite advantage health care program and shall not be deposited into the fund  
6 established in RSA 126-AA:3.

7 233 Appropriation; Department of Health and Human Services; Inpatient Psychiatric  
8 Treatment Facility for Children.

9 I. There is hereby appropriated the sum of \$6,000,000 for the fiscal year ending June 30,  
10 2019, which shall be nonlapsing, to the department of health and human services for the purpose of  
11 obtaining and renovating a new treatment facility for children who are in need of acute inpatient  
12 psychiatric treatment. The governor is authorized to draw a warrant for said sum out of any money  
13 in the treasury not otherwise appropriated.

14 II. There is hereby appropriated the sum of \$5,500,000 for the fiscal year ending June 30,  
15 2020, which shall be nonlapsing, to the department of health and human services for the purpose of  
16 operating the psychiatric treatment facility under paragraph I. The governor is authorized to draw  
17 a warrant for said sum out of any money in the treasury not otherwise appropriated.

18 III.(a) Upon completion of the design of the facility authorized in paragraph I, and before  
19 entering into any contractual obligation regarding the facility, the commissioner of the department  
20 of health and human services shall prepare a report which describes how the design and operational  
21 plan shall certify and provide for:

22 (1) Continued Joint Commission accreditation;

23 (2) Age- and developmentally- appropriate education, recreation, and rehabilitation  
24 services; and

25 (3) Backup staffing and security services so that the capacity for response to staffing  
26 shortages and emergencies, including psychiatric emergencies of children, is no less effective and no  
27 less protective than now exists at New Hampshire hospital.

28 (b) The report shall be provided to the governor, the speaker of the house of  
29 representatives, the president of the senate, and the fiscal committee of the general court no later  
30 than 30 days before the issuance of a request for proposals or the entrance into any contractual  
31 obligation for the construction, renovation, or development of the facility.

32 (c) In addition, the commissioner shall ensure that the facility is operated consistently  
33 with the principles and requirements of RSA 135-F, regarding the system of care for children's  
34 mental health.

35 234 Appropriation; Department of Health and Human Services; New Hampshire Hospital  
36 Repurposing. There is hereby appropriated to the department of health and human services the  
37 sum of \$4,000,000 for the fiscal year ending June 30, 2019, which shall be nonlapsing, for the  
38 purpose of repurposing the children's unit at New Hampshire Hospital for up to 48 adult beds. Of

1 this amount, \$3,000,000 shall be a charge against the state general fund, and \$1,000,000 shall be a  
2 charge against trust funds established for the benefit of New Hampshire Hospital. The unit shall be  
3 operational for adult patients by June 1, 2021. The governor is authorized to draw a warrant for  
4 the general fund share of said sum out of any money in the treasury not otherwise appropriated.  
5 The appropriation made in this section shall be contingent upon the department submitting and  
6 presenting a plan to the fiscal committee of the general court.

7       235 Appropriation; Department of Health and Human Services; Transitional Housing Beds.  
8 There is hereby appropriated to the department of health and human services the sum of  
9 \$5,000,000 for the fiscal year ending June 30, 2019, which shall be nonlapsing, for the purpose of  
10 funding 40 new transitional housing beds for forensic patients and/or patients with complex  
11 behavioral health conditions including those transitioning from the New Hampshire hospital. The  
12 plans for constructing such beds shall be completed by January 1, 2020, and the beds shall be  
13 operational by June 1, 2021. The appropriation made in this section shall be contingent upon the  
14 department submitting and presenting a plan to the fiscal committee of the general court. The  
15 governor is authorized to draw a warrant for said sum out of any money in the treasury not  
16 otherwise appropriated.

17       236 Appropriation; Department of Health and Human Services; Patients Residing in Hospital  
18 Emergency Rooms. There is hereby appropriated to the department of health and human services  
19 the sum of \$500,000 for the fiscal year ending June 30, 2019, which shall be nonlapsing, and shall  
20 be expended for the purpose of providing assistance to hospitals in addressing the immediate needs  
21 of involuntary emergency admissions patients currently residing in emergency rooms in hospitals  
22 further than 30 miles from an established New Hampshire mobile crisis team or a designated  
23 receiving facility; provided that no hospital shall receive more than \$100,000. The appropriation  
24 made in this section shall only cover the portion of costs not reimbursable by insurance carriers.  
25 The commissioner of the department of health and human services shall establish the application  
26 process for such funds. The governor is authorized to draw a warrant for said sum out of any  
27 money in the treasury not otherwise appropriated.

28       237 Transfer of Funds for Operation of the Sununu Youth Services Center. Notwithstanding  
29 RSA 9:16-a and RSA 9:16-c, for the biennium ending June 30, 2021, prior approval of the fiscal  
30 committee of the general court shall be required for any transfer of funds required for the operation  
31 of the Sununu youth services center.

32       238 Medicaid Managed Care Program; Dental Benefits. RSA 126-A:5, XIX(a) is repealed and  
33 reenacted to read as follows:

34               XIX.(a) The commissioner shall employ a managed care model for administering the  
35 Medicaid program and its enrollees to provide for managed care services for all Medicaid  
36 populations throughout New Hampshire consistent with the provisions of 42 U.S.C. section 1396u-2.  
37 Models for managed care may include, but not be limited to, a traditional capitated managed care  
38 organization contract, an administrative services organization, an accountable care organization, or

1 a primary care case management model, or a combination thereof, offering the best value, quality  
2 assurance, and efficiency, maximizing the potential for savings, and presenting the most innovative  
3 approach compared to other externally administered models. Services to be managed within the  
4 model shall include all mandatory Medicaid covered services and may include, but shall not be  
5 limited to, care coordination, utilization management, disease management, pharmacy benefit  
6 management, provider network management, quality management, and customer services. The  
7 commissioner shall enter into contracts with the vendors that demonstrate the greatest ability to  
8 satisfy the state's need for value, quality, efficiency, innovation, and savings. The commissioner  
9 shall establish rates based on the appropriate model for the contract that is full risk to the vendors.  
10 The rates shall be established in rate cells or other appropriate units for each population or service  
11 provided including, but not limited to, persons eligible for temporary assistance to needy families  
12 (TANF), aid for the permanently and totally disabled (APTD), breast and cervical cancer program  
13 (BCCP), home care for children with severe disabilities (HC-CSD), and those residing in nursing  
14 facilities. The rates and/or payment models for the program shall be presented to the fiscal  
15 committee of the general court on an annual basis. The managed care model or models' selected  
16 vendors providing the Medicaid services shall emphasize patient-centered, value-based care and  
17 include enhanced care management of high-risk populations as identified by the department. In  
18 contracting for the managed care program, the department shall ensure no reduction in the quality  
19 of care of services provided to enrollees in the managed care model and shall exercise all due  
20 diligence to maintain or increase the current level of quality of care provided. The commissioner  
21 may, in consultation with the fiscal committee, adopt rules, if necessary, to implement the  
22 provisions of this paragraph. The department shall seek, with the approval of the fiscal committee,  
23 all necessary and appropriate waivers to implement the provisions of this paragraph.

24 239 Department of Health and Human Services; Adult Dental Benefit; Development of Plan.  
25 The department of health and human services shall develop a plan for the incorporation of an adult  
26 dental benefit into a value-based care platform, as follows:

27 I. In this section, "value-based care" means an oral health care delivery model in which  
28 providers are paid based upon making positive health outcomes while reducing costs.

29 II. No later than 30 days after the effective date of this section, the department shall  
30 convene a working group consisting, at a minimum, of representatives of the following stakeholders:  
31 each managed care plan under contract with the state, the New Hampshire Oral Health Coalition, a  
32 public health dentist and a solo private practice dentist recommended by the New Hampshire  
33 Dental Society, the New Hampshire Dental Hygienist Association, and the Bi-State Primary Care  
34 Association, a representative of a New Hampshire dental insurance carrier designated by the  
35 governor, 2 members of the house of representatives, one of whom shall be from the majority party  
36 and one of whom shall be from the minority party, appointed by the speaker of the house of  
37 representatives, 2 members of the senate, one of whom shall be from the majority party and one of  
38 whom shall be from the minority party, appointed by the president of the senate, a member of the



1 commission to evaluate the effectiveness and future of the New Hampshire granite advantage  
2 health care program designated by the commission, and 2 members of the New Hampshire medical  
3 care advisory committee, one of whom shall be a consumer advocate, designated by the committee.

4 III. The working group shall be convened by the commissioner of health and human  
5 services and shall be subject to RSA 91-A. The department, in consultation with the working group,  
6 shall prepare a plan for the incorporation of an adult dental benefit into a value-based care  
7 platform. The adult dental benefit shall become effective on July 1, 2021. Each plan shall include,  
8 at a minimum, a detailed description of the following: eligibility and enrollment covered benefits  
9 and scope of services, cost benefit analysis including projected expenditures and anticipated cost  
10 savings, transition planning, prior authorization, transportation, pharmacy, case management,  
11 network adequacy, credentialing, quality metrics and outcome measurements, patient safety,  
12 utilization management, finance and reimbursement, rates and payment, grievance and appeals,  
13 and office of ombudsman. Each plan shall also address how the incorporation of the services into a  
14 value-based care platform shall achieve the legislative intent of providing value, quality, efficiency,  
15 innovation, and savings.

16 IV. Under no circumstances shall a fee for service model be included in the plan. The plan  
17 shall promote the development of an adult value-based dental benefit and/or an alternative payment  
18 model.

19 240 Reports.

20 I. The department of health and human services shall present an update on the status of  
21 the plan preparation each month to the fiscal committee of the general court and the oversight  
22 committee on health and human services, established in RSA 126-A:13, until the plan has been  
23 implemented. The department's updates shall also include managed care organization and  
24 department readiness for implementation.

25 II. No later than October 1, 2019, the commissioner shall submit to the speaker of the house  
26 of representatives, the president of the senate, and the governor, all proposed changes to state law  
27 the commissioner believes may be necessary for the incorporation of an adult dental benefit into a  
28 value-based care platform.

29 241 Repeal. RSA 126-A:5, XIX(b), relative to relative to enrollment in the managed care  
30 program, is repealed.

31 242 New Subdivision; Child Abuse Specialized Medical Evaluation Program. Amend RSA 169-  
32 C by inserting after section 39-k the following new subdivision:

Child Abuse Specialized Medical Evaluation Program

34 169-C:39-1 Child Abuse Specialized Medical Evaluation Program Established. A child abuse  
35 specialized medical evaluation program is hereby established in the department. The program shall  
36 include the following elements:

37 I. Child protective service workers shall have on-call access, 24 hours a day and 7 days a  
38 week, to an experienced health care professional who is trained in and can advise on the

1 standardized diagnostic methods, treatment, and disposition of suspected child sexual abuse and  
2 physical abuse.

3 II. Department nurses and child protective service workers performing screenings and  
4 assessments of reported cases of child abuse shall receive pre-service training in the standardized  
5 medical diagnostic methods, treatment, and disposition as well as periodic in-service training by  
6 health care providers experienced in child abuse and neglect.

7 III. Annually, a limited number of designated health care providers geographically  
8 distributed shall be trained in nationally recognized curricula to respond to initial presentations of  
9 child sexual abuse, physical abuse, and neglect.

10 IV. Health care professionals who participate in the training or are members of a  
11 multidisciplinary team, working with the department of health and human services or law  
12 enforcement, shall participate in periodic peer or expert reviews of their evaluations and undertake  
13 continuing education in the medical evaluation of child abuse and neglect according to professional  
14 standards.

15 V. The department shall contract with a health care provider with experience in child  
16 abuse and neglect to administer the program in collaboration with participating private and public  
17 entities.

18 VI. Reimbursement rates for health care providers who participate in the program shall  
19 reflect the average cost to deliver such services, including the participation in multidisciplinary  
20 team activities and associated court proceedings. The rates shall be periodically reviewed and, if  
21 necessary, revised.

22 VII. The commissioner of the department shall adopt rules, under RSA 541-A, relative to  
23 the medical evaluation program, training and continuing education requirements, and  
24 reimbursement rates.

25 243 Federal Family Planning Funding. If the proposed federal rule on Compliance with  
26 Statutory Program Integrity Requirements, 83 Fed. Reg. 25,502 (to be codified at 42 C.F.R. pt 59)  
27 does not go into effect and federal family planning funds are made available to the providers funded  
28 out of account 05-95-90-902010-5530, the unused portion of general funds appropriated to that  
29 account for the purpose of replacing lost federal funds shall lapse to the general fund.

30 244 New Section; Commission to Study School Funding. Amend RSA 193-E by inserting after  
31 section 2-d the following new section:

32 193-E:2-e Commission Established.

33 I. There is established a commission to study school funding.

34 II. The members of the commission shall be as follows:

35 (a) Four members of the house of representatives, appointed by the speaker of the house  
36 of representatives.

37 (b) Two members of the senate, appointed by the president of the senate.

38 (c) Six members of the public, 3 of whom shall be appointed by the president of the

1 senate and 3 of whom shall be appointed by the speaker of the house of representatives.

2 (d) One member appointed by the governor.

3 (e) Three members appointed by the chairperson of the commission pursuant to  
4 paragraph V.

5 III. Legislative members of the commission shall receive mileage at the legislative rate  
6 when attending to the duties of the commission.

7 IV. The commission shall:

8 (a) Review the education funding formula and make recommendations to ensure a  
9 uniform and equitable design for financing the cost of an adequate education for all public school  
10 students in pre-kindergarten through grade 12 in the state.

11 (b) Determine whether the New Hampshire school funding formula complies with court  
12 decisions mandating the opportunity for an adequate education for all students in pre-kindergarten  
13 through grade 12, with a revenue source that is uniform across the state.

14 (c) Identify trends and disparities across the state in student performance in pre-  
15 kindergarten through grade 12 based on current school funding options.

16 (d) Re-establish the baseline for the costs, programs, staffing, and facilities needed to  
17 provide the opportunity for an adequate education.

18 (e) Act as an independent commission.

19 (f) Study and produce recommendations regarding all costs and existing funding for  
20 special education, including listing any currently unfunded special education mandates issued to  
21 date by the state department of education.

22 (g) Study integrating into the education funding adequacy formula a factor that  
23 accounts for the number of Class A, B, and C properties in a community, and the distribution of  
24 education funding costs across those numbers and classes of properties.

25 (h) Consider other policy issues as the committee deems necessary. The commission  
26 may consult with outside resources and state agencies, including but not limited to the department  
27 of education, the department of revenue administration, and the legislative budget office.

28 V. The members of the study commission shall elect a chairperson from among the  
29 members. The chairperson shall appoint 3 individuals to be members of the commission. The first  
30 meeting of the commission shall be called by the first-named house member. The first meeting of  
31 the commission shall be held within 60 days of the effective date of this section. Eight members of  
32 the commission shall constitute a quorum. The commission shall establish a calendar to meet on a  
33 regular basis.

34 VI. The commission shall establish a budget and hire staff with an understanding of school  
35 finance options. Such staff shall be independent of government agencies.

36 VII. The commission shall make an initial report to the speaker of the house of  
37 representatives, the president of the senate, the senate clerk, the house clerk, the governor, and the  
38 state library 9 months after its first meeting, with a subsequent report to the house clerk, the

1 senate clerk, the governor, and the state library on or before September 1, 2020. The commission  
2 shall remain active until and when the general court addresses its recommendations.

3 245 Appropriation. The sum of \$500,000 for the biennium ending June 30, 2021 is hereby  
4 appropriated to the commission to study school funding established in RSA 193-E:2-e for the  
5 purpose of administration, staffing, and the utilization of independent school finance experts.  
6 Notwithstanding restrictions on the use of moneys in the education trust fund in RSA 198:39, said  
7 appropriation shall be a charge against the education trust fund and shall be nonlapsing.

8 246 School Money; Definitions. Amend RSA 198:38, I(a) to read as follows:

9 (a) "Average daily membership in attendance" or "ADMA" means the average daily  
10 membership in attendance, as defined in RSA 189:1-d, III, of pupils in kindergarten through grade  
11 12, in the determination year~~[, provided that no kindergarten pupil shall count as more than 1/2~~  
12 ~~day attendance per school year]~~. ADMA shall only include pupils who are legal residents of New  
13 Hampshire pursuant to RSA 193:12 and educated at school district expense which may include  
14 public academies or out-of-district placements. For the purpose of calculating funding for  
15 municipalities, the ADMA shall not include pupils attending chartered public schools, but shall  
16 include pupils attending a charter conversion school approved by the school district in which the  
17 pupil resides.

18 247 Repeal. RSA 198:48-c, III, relative to distribution of a kindergarten grant based on Keno  
19 revenue, is repealed.

20 248 School Money; Fiscal Capacity Disparity Aid. RSA 198:40-c is repealed and reenacted to  
21 read as follows:

22 198:40-c Fiscal Capacity Disparity Aid.

23 I. In addition to aid for the cost of the opportunity for an adequate education provided  
24 under RSA 198:40-a, each biennium the commissioner shall calculate fiscal capacity disparity aid  
25 and provide that amount of aid in each year of the biennium to a municipality's school districts as  
26 follows:

27 (a) A municipality with an equalized valuation per pupil of \$350,000 or less shall  
28 receive \$675 per pupil in the municipality's ADMA.

29 (b) A municipality with an equalized valuation per pupil between \$350,001 and  
30 \$899,999 shall receive a grant equal to \$0.0012 for each dollar of difference between its equalized  
31 valuation per pupil and \$900,000, per pupil in the municipality's ADMA.

32 (c) A municipality with an equalized valuation per pupil of \$900,000 or more shall  
33 receive no fiscal capacity disparity aid.

34 II. Fiscal capacity disparity aid shall be distributed pursuant to RSA 198:42.

35 III. In this section, "equalized valuation per pupil" means a municipality's equalized  
36 valuation, including properties subject to taxation under RSA 82 and RSA 83-F, as determined by  
37 the department of revenue administration, that was the basis for the local tax assessment in the  
38 determination year, divided by the school district's kindergarten through grade 12 ADMA in the

1 determination year.

2 249 Determination of Education Grants. Amend RSA 198:41, IV(d) to read as follows:

3 (d) For fiscal year 2017 and each fiscal year thereafter, the department of education  
4 shall distribute a total education grant to each municipality in an amount equal to the total  
5 education grant for the fiscal year in which the grant is calculated plus a percentage of the  
6 municipality's fiscal year 2012 stabilization grant, if any, distributed to the municipality; the  
7 percentage shall be 96 percent for fiscal year 2017, [~~and shall be reduced by 4 percent of the amount~~  
8 ~~of the 2012 education grant for each fiscal year thereafter~~] **92 percent for fiscal year 2018, 88**  
9 **percent for fiscal year 2019, and 100 percent for fiscal year 2020 and each fiscal year**  
10 **thereafter**. No stabilization grant shall be distributed to any municipality for any fiscal year in  
11 which the municipality's education property tax revenue collected pursuant to RSA 76 exceeds the  
12 total cost of an adequate education or to any municipality for any fiscal year in which the  
13 municipality's ADMA is zero.

14 250 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b)(1)(A) to read as follows:

15 (b)(1)(A) Except as provided in subparagraph (2), for a chartered public school  
16 authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition  
17 pursuant to RSA 198:40-a, II(a)-(c) and (e) plus an additional grant of \$3,286 to all chartered public  
18 schools for the fiscal year ending June 30, 2018, [~~and~~] \$3,411 to all chartered public schools for the  
19 fiscal year ending June 30, 2019, **and \$3,785 to all chartered public schools for the fiscal year**  
20 **ending June 30, 2020** and each fiscal year thereafter, except for the Virtual Learning Academy  
21 Charter School, directly to the chartered public school for each pupil who is a resident of this state  
22 in attendance at such chartered public school. Beginning July 1, 2017 and every biennium  
23 thereafter, the department of education shall adjust the per pupil amount of the additional grant  
24 based on the average change in the Consumer Price Index for All Urban Consumers, Northeast  
25 Region, using the "services less medical care services" special aggregate index, as published by the  
26 Bureau of Labor Statistics, United States Department of Labor. The state shall pay amounts  
27 required pursuant to RSA 198:40-a, II(d) directly to the resident district.

28 251 General Fund Surplus; Revenue Stabilization Reserve Account. Notwithstanding RSA  
29 9:13-e, after transferring \$5,000,000 to the revenue stabilization reserve account at the close of the  
30 fiscal biennium ending June 30, 2019, the remainder of the general fund surplus for said biennium  
31 shall remain in the general fund.

32 252 Appropriation; Internet Crimes Against Children Fund; Reductions.

33 I. The sum of \$250,000 for the fiscal year ending June 30, 2020, and \$250,000 for the fiscal  
34 year ending June 30, 2021 are hereby appropriated to the New Hampshire Internet crimes against  
35 children fund established in RSA 21-M:17. The governor is authorized to draw a warrant for said  
36 sums out of any money in the treasury not otherwise appropriated.

37 II. In order to offset sums appropriated under paragraph I, the department of education  
38 shall reduce state general fund appropriations to account 06-56-56-567010-3058, expenditure class

1 631-building aid lease, by \$300,000 for the fiscal year ending June 30, 2020.

2 253 Governor's Commission on Disability; Analysis and Report. The governor's commission on  
3 disability, established in RSA 275-C, shall analyze the state's system of support for individuals with  
4 developmental disabilities and recommend reforms and improvements to ensure that the state's  
5 service delivery model is structured to provide maximum benefit and tailored services to individuals  
6 with developmental disabilities. The governor's commission on disability shall consult with the  
7 university of New Hampshire institute on disability, the department of health and human services,  
8 the New Hampshire council on developmental disabilities, Granite State Independent Living,  
9 Community Support Network, Inc., Disability Rights Center-NH, the developmental services  
10 quality council of the department of health and human services, and any other relevant  
11 stakeholders including individuals with developmental disabilities and their families and/or  
12 guardians, and may accept and expend any applicable federal funds, and any gifts, grants, or  
13 donations that may be available for the purposes of this section. The commission shall also  
14 coordinate with the New Hampshire council on developmental disabilities to secure any funds that  
15 may be used for this purpose under the federal Developmental Disabilities Assistance and Bill of  
16 Rights Act of 2000 (PL 106-402) and in conjunction with the development and amendment of the  
17 state plan goals and objectives. The governor's commission on disability shall report its findings to  
18 the governor, the speaker of the house of representatives, the president of the senate, the house  
19 clerk, the senate clerk, and the state library on or before November 1, 2019.

20 254 Department of Administrative Services; Study of Personnel System.

21 I. In order to ensure that the state is as effective an organization as possible in the 21st  
22 century to deliver quality public services to the people of New Hampshire while also operating as  
23 model employer for its workforce, the department of administrative services shall conduct a  
24 comprehensive study of the state's personnel system. The study shall include a review of all laws,  
25 administrative rules, and collective bargaining agreements related thereto, and by November 1,  
26 2019, the commissioner of the department of administrative services shall issue a report with  
27 recommendations to the governor, the speaker of the house of representatives, and the president of  
28 the senate.

29 II. The sum of \$150,000 for the fiscal year ending June 30, 2019 is hereby appropriated to  
30 the department of administrative services for the purpose of a study of the state's personnel system  
31 as specified in paragraph I of this section. Said sum shall not lapse until June 30, 2021. The  
32 governor is hereby authorized to draw a warrant for said sum out of any money in the treasury not  
33 otherwise appropriated.

34 255 Appropriation; Department of Administrative Services. The sum of \$1,300,000 for the  
35 fiscal year ending June 30, 2019 is hereby appropriated to the department of administrative  
36 services for the purpose of obtaining scheduling software. Said sum shall not lapse until June 30,  
37 2021. The governor is hereby authorized to draw a warrant for said sum out of any money in the  
38 treasury not otherwise appropriated.

**HB 2-FN-A-LOCAL - AS AMENDED BY THE SENATE**  
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1       256 Joint Legislative Historical Committee; Annual Appropriation. Amend RSA 17-I:5 to read  
2 as follows:

3       17-I:5 Annual Appropriation. There is hereby appropriated annually the sum of [~~\$10,000~~  
4 **\$25,000**] to the joint legislative historical committee established in RSA 17-I for deposit in the  
5 nonlapsing historical fund established under RSA 177:8, II for the purpose of carrying out its  
6 statutory duties. The governor is authorized to draw [~~his~~] **a** warrant for said sum out of any money  
7 in the treasury not otherwise appropriated.

8       257 Legislative Branch; Special Account. Amend 2011, 224:217, II(c), as amended by 2013,  
9 144:102, 2015, 276:214, and 2017, 156:129 to read as follows:

10           (c) [~~Beginning in~~] **For** fiscal year 2017 and [~~for each~~] fiscal year [~~thereafter~~] **2018**,  
11 unexpended and unencumbered appropriations shall be transferred to the appropriate subaccount.

12           **(d) Beginning in fiscal year 2019 and for each year thereafter, any unexpended**  
13 **and unencumbered appropriations of the house of representatives, senate, joint offices,**  
14 **and office of legislative budget assistant remaining at the close of the fiscal year shall not**  
15 **lapse.**

16       258 Office of Professional Licensure and Certification; Division Directors. Amend RSA 310-A:1-  
17 c to read as follows:

18       310-A:1-c Division Directors[~~; Positions Transferred~~].

19           I. There is established in the office of professional licensure and certification 2 [~~classified~~  
20 ~~positions, at salary grade 35, of~~] **unclassified directors: The** director of the division of technical  
21 professions and director of the division of health professions. **Each director shall be qualified to**  
22 **hold that position by reason of education and experience and shall perform such duties as**  
23 **the executive director from time to time may authorize.**

24           **II. The executive director shall nominate for appointment by the governor, with the**  
25 **consent of the council, each unclassified division director, each of whom shall serve for a**  
26 **term of 4 years.**

27           ~~II. Every classified or unclassified state employee position authorized in the boards,~~  
28 ~~councils, and commissions under RSA 310-A:1-a shall be transferred to the office of professional~~  
29 ~~licensure and certification and subject to the supervisory authority of the executive director.~~

30           ~~III. The authority granted to the executive director of the real estate commission under~~  
31 ~~RSA 331-A:8, relative to the issuance and denial of licenses, hearing and procedures on denial of~~  
32 ~~licenses, the hiring of clerical, administrative, and investigative staff, maintenance of the official~~  
33 ~~record, and implementation of a program for consumer education, is hereby transferred to the~~  
34 ~~executive director of the office of professional licensure and certification.~~

35           ~~IV. The unclassified position of executive director of the real estate commission shall be~~  
36 ~~converted from an unclassified position to a similar classified position when the incumbent serving~~  
37 ~~as the executive director of the real estate commission upon transfer to the office of professional~~  
38 ~~licensure and certification vacates the position. Any funds appropriated for the compensation of the~~

1 ~~unclassified position of executive director of the real estate commission shall be used for~~  
2 ~~compensation of the classified position at the office of professional licensure and certification.]~~

3 259 Division Directors; Salary; OPLC.

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

8 II. Upon completion of the action in paragraph I, and appointment of the director of the  
9 division of technical professions, position number 44018 shall be abolished to allow for the transition  
10 of this classified position with its available appropriations into the unclassified position of director of  
11 the division of technical professions. Funding shall be transferred into a new expenditure class  
12 number 11 within accounting unit 01-21-21-212010-2405. The incumbent in the abolished classified  
13 position shall be offered the opportunity to seek the executive director's appointment to the  
14 unclassified position of director of the division of technical professions.

15 III. Upon completion of the action in paragraph I, and appointment of the director of the  
16 division of health professions, position number 44019 shall be abolished to allow for the transition of  
17 this classified position with its available appropriations into the unclassified position of director of  
18 the division of health professions. Funding shall be transferred into a new expenditure class  
19 number 11 within accounting unit 01-21-21-215010-2406. The incumbent in the abolished classified  
20 position shall be offered the opportunity to seek the executive director's appointment to the  
21 unclassified position of director of the division of health professions.

22 260 Board of Nursing. Amend RSA 326-B:3, VI to read as follows:

23 VI. No more than ~~[one]~~ **2** board ~~[member]~~ **members** shall be associated with a particular  
24 agency, corporation, or other enterprise or subsidiary at one time.

25 261 Controlled Drug Prescription Health and Safety Program; Definitions. Amend the  
26 introductory paragraph of RSA 318-B:31, IV to read as follows:

27 IV. "Dispenser" means a person **or entity** who is lawfully authorized to deliver a schedule  
28 II-IV controlled substance, but does not include:

29 262 New Paragraph; Controlled Drug Prescription Health and Safety Program; Definitions.  
30 Amend RSA 318-B:31 by inserting after paragraph IV the following new paragraphs:

31 IV-a. "Executive director" means the executive director of the office of professional licensure  
32 and certification.

33 IV-b. "Office" means office of professional licensure and certification, established in RSA  
34 310-A.

35 263 Controlled Drug Prescription Health and Safety Program Established. RSA 318-B:32 is  
36 repealed and reenacted to read as follows:

37 318-B:32 Controlled Drug Prescription Health and Safety Program Established.

38 I. The office shall design, establish, and contract with a third party for the implementation



1 and operation of an electronic system to facilitate the confidential sharing of information relating to  
2 the prescribing and dispensing of schedule II-IV controlled substances, by prescribers and  
3 dispensers within the state.

4 II. The office may establish fees for the establishment, administration, operations and  
5 maintenance of the program. The program may also be supported through grants and gifts. The  
6 fee charged to individuals requesting their own prescription information shall not exceed the actual  
7 cost of providing that information.

8 III. Prescription information relating to any individual shall be deleted 3 years after the  
9 initial prescription was dispensed. All de-identified data may be kept for statistical and analytical  
10 purposes for perpetuity.

11 IV. The executive director shall establish an advisory council, as provided in RSA 318-B:38.

12 264 Controlled Drug Prescription Health and Safety Program Operation. Amend RSA 318-  
13 B:33, I to read as follows:

14 I. The ~~[board]~~ **office** shall develop a system of registration for all prescribers and dispensers  
15 of schedule II-IV controlled substances within the state. The system of registration shall be  
16 established by rules adopted by the ~~[board]~~ **office**, pursuant to RSA 541-A.

17 265 Controlled Drug Prescription Health and Safety Program; Confidentiality. Amend RSA  
18 318-B:34, II and III to read as follows:

19 II. The ~~[board]~~ **office** shall establish and maintain procedures to ensure the privacy and  
20 confidentiality of patients and patient information.

21 III. The ~~[board]~~ **office** may use and release information and reports from the program for  
22 program analysis and evaluation, statistical analysis, public research, public policy, and educational  
23 purposes, provided that the data are aggregated or otherwise de-identified.

24 266 New Subparagraph; Controlled Drug Prescription Health and Safety Program; Providing  
25 Controlled Drug Prescription Health and Safety Information. Amend RSA 318-B:35, I(b) by  
26 inserting after subparagraph (4) the following new subparagraph:

27 (5) A practitioner or consultant retained by the office to review the system  
28 information of an impaired practitioner program participant or a referral who has agreed to be  
29 evaluated or monitored through the program and who has separately agreed in writing to the  
30 consultant's access to and review of such information.

31 267 Controlled Drug Prescription Health and Safety Program; Information. Amend RSA 318-  
32 B:35, I(b)(3) to read as follows:

33 (3) Authorized law enforcement officials on a case-by-case basis for the purpose of  
34 investigation and prosecution of a criminal offense when presented with a court order based on  
35 probable cause. No law enforcement agency or official shall have direct access to ~~[the]~~ **query**  
36 program **information**.

37 268 Controlled Drug Prescription Health and Safety Program; Providing Controlled Drug  
38 Prescription Health and Safety Information. Amend RSA 318-B:35, II to read as follows:

1 II. The program shall notify the appropriate regulatory board listed in subparagraph I(b)(2)  
2 and the prescriber or dispenser at such regular intervals as may be established by the ~~[board]~~ **office**  
3 if there is reasonable cause to believe a violation of law or breach of professional standards may  
4 have occurred. The program shall provide prescription information required or necessary for an  
5 investigation.

6 269 Controlled Drug Prescription Health and Safety Program; Unlawful Act and Penalties.  
7 Amend RSA 318-B:36, I and II to read as follows:

8 I. Any ~~[person]~~ **dispenser or prescriber** who fails to submit the information required in  
9 RSA 318-B:33 or knowingly submits incorrect information shall be subject to a warning letter and  
10 provided with an opportunity to correct the failure. Any ~~[person]~~ **dispenser or prescriber** who  
11 subsequently fails to correct or fails to resubmit the information may be subject to discipline by the  
12 ~~[board]~~ **appropriate regulatory board**.

13 II. Any ~~[person]~~ **dispenser or prescriber** whose failure to report the dispensing of a  
14 schedule II-IV controlled substance that conceals a pattern of diversion of controlled substances into  
15 illegal use shall be guilty of a violation and subject to the penalties established under RSA 318-B:26  
16 and the ~~[board's]~~ **office's and appropriate regulatory board's** rules as applicable. In addition,  
17 such ~~[person]~~ **dispenser or prescriber** may be subject to appropriate criminal charges if the failure  
18 to report is determined to have been done knowingly to conceal criminal activity.

19 270 Controlled Drug Prescription Health and Safety Program; Rulemaking. Amend the  
20 introductory paragraph of RSA 318-B:37 to read as follows:

21 318-B:37 Rulemaking. ~~[By June 30, 2013, the board]~~ **The office** shall adopt rules, pursuant to  
22 RSA 541-A, necessary to implement **and maintain** the program including:

23 271 Controlled Drug Prescription Health and Safety Program; Advisory Council. RSA 318-B:38  
24 is repealed and reenacted to read as follows:

25 318-B:38 Advisory Council Established.

26 I. There is hereby established an advisory council to carry out the duties under this  
27 subdivision. Members of the council shall not be compensated for serving on the council, or serve on  
28 the council for more than 5 consecutive years except for the attorney general, or designee, or the  
29 commissioner of the department of health and human services, or designee. The members of the  
30 council shall be as follows:

- 31 (a) A member of the board of medicine, appointed by such board.  
32 (b) A member of the pharmacy board, appointed by such board.  
33 (c) A member of the board of dental examiners, appointed by such board.  
34 (d) A member of the New Hampshire board of nursing, appointed by such board.  
35 (e) A member of the board of veterinary medicine, appointed by such board.  
36 (f) A physician appointed by the New Hampshire Medical Society.  
37 (g) A dentist appointed by the New Hampshire Dental Society.  
38 (h) A chief of police appointed by the New Hampshire Association of Chiefs of Police.

1           (i) A community pharmacist appointed jointly by the New Hampshire Pharmacists  
2 Association, the New Hampshire Independent Pharmacy Association, and the New Hampshire  
3 Association of Chain Drug Stores.

4           (j) Two public members appointed by the governor's commission on alcohol and drug  
5 abuse prevention, treatment, and recovery, one of whom may be a member of the commission.

6           (k) A hospital administrator appointed by the New Hampshire Hospital Association.

7           (l) A nurse practitioner appointed by the New Hampshire Nurse Practitioner  
8 Association.

9           (m) The attorney general, or designee.

10          (n) The commissioner of the department of health and human services, or designee.

11          (o) A member of the senate, appointed by the president of the senate.

12          (p) Two members of the house of representatives, appointed by the speaker of the house  
13 of representatives.

14           II. The council shall:

15           (a) Make recommendations to the office relating to the design, implementation and  
16 maintenance of the program, including recommendations relating to:

17                   (1) Rules.

18                   (2) Legislation.

19                   (3) Sources of funding, including grant funds and other sources of federal, private,  
20 or state funds;

21           (b) Review the program's annual report and make recommendations to the office  
22 regarding the operation of the program.

23           (c) Provide ongoing advice and consultation on the implementation and operation of the  
24 program, including recommendations relating to:

25                   (1) Changes in the program to reflect advances in technology and best practices.

26                   (2) Changes to statutory requirements.

27                   (3) The design and implementation of an ongoing evaluation component of the  
28 program.

29           (d) Advise the executive director regarding the implementation of this subdivision.

30           (e) Adopt rules necessary for the operation of the council.

31           (f) Develop a mission statement for the program and strategic goals for its  
32 implementation, develop metrics to measure the program's efficient operation, review the  
33 performance of the program against the metrics, and make recommendations to the program and  
34 ensure they are incorporated.

35           III. The council shall meet at least quarterly to effectuate its goals. A chairperson shall be  
36 elected by the members. A majority of the members of the council constitutes a quorum for the  
37 transaction of business. Action by the council shall require the approval of a majority of the  
38 members of the council.

1           IV. The council shall make a report, at least annually, commencing on November 1, 2019, to  
2 the senate president, the speaker of the house of representatives, the oversight committee on health  
3 and human services, established in RSA 126-A:13, and the licensing boards of all professions  
4 required to use the program relative to the effectiveness of the program.

5           272 Controlled Drug Prescription Health and Safety Program. Amend 2012, 196:3, I to read as  
6 follows:

7           I. In the event that there is not adequate funding for the controlled drug prescription  
8 health and safety program established in section 2 of this act, the [~~pharmacy board~~] **office** may  
9 curtail, temporarily suspend, or cancel the program.

10          273 Repeal. The following are repealed:

11           I. RSA 318-B:31, I, relative to the definition of "board."

12           II. 2012, 196:3, III, relative to a reporting requirement.

13          274 Statement of Intent. The purpose of sections 275-278 of this act is to provide the public  
14 with a simpler, less expensive, and faster alternative process to resolve complaints under RSA 91-A.

15          275 Right-to-Know; Violation. Amend RSA 91-A:7 to read as follows:

16          91-A:7 Violation.

17           **I.** Any person aggrieved by a violation of this chapter may petition the superior court for  
18 injunctive relief. In order to satisfy the purposes of this chapter, the courts shall give proceedings  
19 under this chapter high priority on the court calendar. Such a petitioner may appear with or  
20 without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of  
21 this chapter, and may be filed by the petitioner or his or her counsel with the clerk of court [~~or any~~  
22 ~~justice thereof. Thereupon the clerk of court or any justice shall order service by copy of the~~  
23 ~~petition on the person or persons charged. Subject to objection by either party, all documents filed~~  
24 ~~with the petition and any response thereto shall be considered as evidence by the court. All~~  
25 ~~documents submitted shall be provided to the opposing party prior to a hearing on the merits.~~  
26 ~~When any justice shall find that time probably is of the essence, he or she may order notice by any~~  
27 ~~reasonable means, and he or she shall have authority to issue an order ex parte when he or she~~  
28 ~~shall reasonably deem such an order necessary to insure compliance with the provisions of this~~  
29 ~~chapter].~~

30           **II.** *In lieu of the procedure under paragraph I, an aggrieved person may file a*  
31 *complaint with the ombudsman under RSA 91-A:7-b and in accordance with RSA 91-A:7-c.*

32           **III.** *A person's decision to petition the superior court forecloses the ability to file a*  
33 *complaint with the ombudsman pursuant to RSA 91-A:7-c.*

34           **IV.** *A person's decision to file a complaint with the ombudsman forecloses the*  
35 *ability to petition the superior court until the ombudsman issues a final ruling or the*  
36 *deadline for such a ruling has passed.*

37          276 New Sections; Citizens' Right-to-Know Appeals Commission; Office of the Ombudsman;  
38 Complaint Process; Appeals. Amend RSA 91-A by inserting after section 7 the following new

1 sections:

2 91-A:7-a Citizens' Right-to-Know Appeals Commission Established. There is established a  
3 commission to provide oversight for an alternative right-to-know complaint resolution process.

4 I. The members of the commission shall be as follows:

5 (a) One member of the senate, appointed by the president of the senate.

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

8 (c) Ten citizen members, one from each county, no more than 2 of whom shall be  
9 current, local, county, state or federal employees or currently serving in any elected or appointed  
10 capacity with any political subdivision, public agency or public institution, appointed by the  
11 governor with advice and consent of the council.

12 II. The members of the commission shall serve without compensation, but shall be  
13 reimbursed for necessary travel and other necessary expenses. Legislative members shall receive  
14 mileage at the legislative rate when attending to the duties of the commission.

15 III. Legislative members of the commission shall serve a term coterminous with their term  
16 in office. The members appointed under subparagraph I(c) shall serve for a term of 3 years, except  
17 that the initial appointment of such members shall be for staggered terms of one, 2, and 3 years. No  
18 member shall serve more than 3 consecutive terms. No member under subparagraph I(c) shall be a  
19 current lobbyist or an attorney for any entity subject to this chapter, or an attorney for any  
20 organization representing the interests of such entity. Nor shall any such member be employed by  
21 any such lobbyist or attorney.

22 IV.(a) The commission:

23 (1) Shall establish rules of procedure, pursuant to RSA 541-A, to establish the  
24 process to resolve complaints under this chapter consistent with the final report of the commission  
25 established in 2017, 126.

26 (2) Shall make recommendations to the legislature concerning proposed changes to  
27 this chapter.

28 (3) May provide educational materials relative to this chapter.

29 (b) The members of the commission shall act as a resource for all political subdivisions  
30 in the member's respective counties.

31 V. The members of the commission shall elect a chairperson and a vice chairperson  
32 annually from among the members. The first meeting of the commission shall be called by the  
33 senate member. The first meeting of the commission shall be held within 45 days of the effective  
34 date of this section. Five members of the commission shall constitute a quorum.

35 VI. The commission and the ombudsman shall be administratively attached to the  
36 department of state.

37 VII. Beginning November 1, 2020, and each November 1 thereafter, the commission shall  
38 submit an annual report of its findings and any recommendations for proposed legislation to the

1 president of the senate, the speaker of the house of representatives, and the governor. The report  
2 shall also include the total number of complaints received, the number of complaints received  
3 concerning public records and public meetings, the number of complaints received concerning state  
4 and county agencies, municipalities, school administrative units, and other public entities, the  
5 number of complaints in which a ruling was rendered by the ombudsman, the number of violations  
6 of each provision of this chapter found by the ombudsman, and the number of ombudsman rulings  
7 that were appealed to the superior court, including whether the appeal was from a complainant or a  
8 public agency or official, and whether the ombudsman's ruling was sustained before the superior  
9 court or overturned.

10 91-A:7-b Office Established. There is hereby established the office of the right-to-know  
11 ombudsman to be administratively attached to the department of state under RSA 21-G:10. The  
12 ombudsman shall work no more than 20 hours per week and may serve in such capacity on a pro  
13 bono basis. The ombudsman shall be appointed by the governor and council, after consultation with  
14 the commission, and shall have the following minimum qualifications:

15 I. Be a member of the New Hampshire bar.

16 II. Have a minimum of 10 years full-time practice of law in any jurisdiction.

17 III. Be experienced with and knowledgeable of the provisions of this chapter, the federal  
18 Freedom of Information Act, and all state laws regarding right-to-know.

19 IV. Annually, complete a minimum of 3 hours of continuing legal education courses or other  
20 training relevant to the provisions of this chapter.

21 91-A:7-c Complaint Process.

22 I. Any party aggrieved by a violation of this chapter shall have the option to either petition  
23 the superior court or file a signed, written complaint, along with a \$25 fee, with the office of the  
24 ombudsman, established under RSA 91-A:7-b. The ombudsman shall have the discretion to waive  
25 the \$25 fee upon a finding of inability to pay. Any signed, written complaint filed with the  
26 ombudsman shall attach, if applicable, the request served on the public agency or official and the  
27 written response of the public agency or official. The complaint shall be deemed sufficient if it  
28 states facts constituting a violation of this chapter.

29 II. Once a complaint has been filed and provided by the ombudsman to the public body or  
30 public agency, the public body or public agency shall have 20 calendar days to submit an  
31 acknowledgment of the complaint and an answer to the complaint, which shall include applicable  
32 law and, if applicable, a justification for any refusal to or delay in producing the requested  
33 information, access to meetings, or otherwise comply with the provisions of this chapter. This 20-  
34 day deadline may be reasonably extended by the ombudsman for good cause.

35 III. In reviewing complaints, the ombudsman shall be authorized to:

36 (a) Compel timely delivery of records within a reasonable time, regardless of medium  
37 and format, and conduct a confidential in-camera review of records where the ombudsman  
38 concludes that it is necessary and appropriate under the law.

1           (b) Compel interviews with the parties.

2           (c) Order attendance at hearings within a reasonable time if the ombudsman  
3 determines that a hearing is necessary. Such hearings shall be open subject to the provisions of  
4 RSA 91-A.

5           (d) Issue findings in writing to all parties.

6           (e) Order a public body or public agency to disclose requested records within a  
7 reasonable time, provide access to meetings, or otherwise comply with the provisions of this chapter,  
8 subject to appeal.

9           (f) Make any finding and order any other remedy to the same extent as provided by the  
10 court under RSA 91-A:8.

11           IV. The ombudsman may draw negative inferences from a party's failure to participate and  
12 comply with orders during the review process.

13           V. In implementing the provisions of this section, the ombudsman shall follow the  
14 procedures established by the commission pursuant to RSA 541-A.

15           VI. The ombudsman shall determine whether there have been any violations of this chapter  
16 and issue a ruling within 30 calendar days following the deadline for receipt of the parties'  
17 submissions. This 30-day deadline may be extended to a reasonable time frame by the ombudsman  
18 for good cause. The ombudsman may also expedite resolution of the complaint upon a showing of  
19 good cause. Rulings on expedited complaints shall be issued within 10 business days, or sooner  
20 where necessary.

21           VII. The ombudsman shall, where necessary and appropriate under the law, access  
22 governmental records in camera that a public body or public agency believes are exempt in order to  
23 make a ruling concerning whether the public body or public agency shall release the records or  
24 portions thereof to the public. The ombudsman shall maintain the confidentiality of records  
25 provided to the ombudsman by a public body or public agency under this section and shall return  
26 the records to the public body or public agency when the ombudsman's review is complete. All  
27 records submitted to the ombudsman for review shall be exempt from the public disclosure  
28 provisions of RSA 91-A during such review.

29           VIII. Nothing in this section shall affect the ability of a person to seek relief in superior  
30 court under RSA 91-A:7, I in lieu of this process.

31           91-A:7-d Appeal and Enforcement.

32           I. Any party may appeal the ombudsman's final ruling to the superior court by filing a  
33 notice of appeal in superior court no more than 30 calendar days after the ombudsman's ruling is  
34 issued. The ombudsman's ruling shall be attached to the document initiating the appeal, admitted  
35 as a full exhibit by the superior court, considered by the judge during deliberations, and specifically  
36 addressed in the court's written order. Citizen-initiated appeals shall have no filing fee or  
37 surcharge. The public body or public agency shall pay the sheriff's service costs if the public body or  
38 public agency, or its attorney, declines to accept service. Nothing in this section shall prevent a

1 superior court from staying an ombudsman's decision pending appeal to the superior court.

2 II. A superior court appeal of the ombudsman's ruling shall review the ruling de novo.

3 III. If the ombudsman's final ruling is not appealed, the ombudsman shall, after the  
4 deadline has passed, follow up with all parties, as required, to verify compliance with rulings  
5 issued.

6 IV. The ombudsman's final rulings which are not appealed may be registered in the  
7 superior court as judgments and enforceable through contempt of court. If such action is necessary  
8 to enforce compliance, all costs and fees, including reasonable attorney fees, shall be paid by the  
9 noncompliant public body or public agency.

10 91-A:7-e Rulemaking. The commission shall adopt rules pursuant to RSA 541-A relative to:

11 I. Establishing procedures to streamline the process of resolving complaints under this  
12 chapter.

13 II. Content of educational materials under RSA 91-A:7-a.

14 III. Other matters necessary to the proper administration of RSA 91-A:7-a through RSA 91-  
15 A:7-d.

16 277 Right-to-Know; Violation. Amend RSA 91-A:7 to read as follows:

17 91-A:7 Violation.

18 ~~[E.]~~ Any person aggrieved by a violation of this chapter may petition the superior court for  
19 injunctive relief. In order to satisfy the purposes of this chapter, the courts shall give proceedings  
20 under this chapter high priority on the court calendar. Such a petitioner may appear with or  
21 without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of  
22 this chapter, and may be filed by the petitioner or his or her counsel with the clerk of court ***or any***  
23 ***justice thereof. Thereupon the clerk of court or any justice shall order service by copy of***  
24 ***the petition on the person or persons charged. Subject to objection by either party, all***  
25 ***documents filed with the petition and any response thereto shall be considered as evidence***  
26 ***by the court. All documents submitted shall be provided to the opposing party prior to a***  
27 ***hearing on the merits. When any justice shall find that time probably is of the essence, he***  
28 ***or she may order notice by any reasonable means, and he or she shall have authority to***  
29 ***issue an order ex parte when he or she shall reasonably deem such an order necessary to***  
30 ***insure compliance with the provisions of this chapter.***

31 ~~[H. In lieu of the procedure under paragraph I, an aggrieved person may file a complaint~~  
32 ~~with the ombudsman under RSA 91-A:7-b and in accordance with RSA 91-A:7-e.~~

33 ~~III. A person's decision to petition the superior court forecloses the ability to file a complaint~~  
34 ~~with the ombudsman pursuant to RSA 91-A:7-e.~~

35 ~~IV. A person's decision to file a complaint with the ombudsman forecloses the ability to~~  
36 ~~petition the superior court until the ombudsman issues a final ruling or the deadline for such a~~  
37 ~~ruling has passed.]~~

38 278 Repeal. RSA 91-A:7-a through 91-A:7-e, relative to the citizen's right-to-know commission,



1 office of the ombudsman, complaint process, appeal and enforcement, and rulemaking, is repealed.

2 279 New Paragraph; Tax on Transfer of Real Property; Distribution of Funds. Amend RSA 78-  
3 B:13 by inserting after paragraph II the following new paragraph:

4 III. Annually, on or before October 1, the commissioner shall direct the state treasurer to  
5 transfer the sum of \$5,000,000 from revenue collected pursuant to the tax imposed by RSA 78-B:1 to  
6 the affordable housing fund established in RSA 204-C:57.

7 280 Business Profits Tax; Apportionment; 2021. Amend RSA 77-A:3, I(c) to read as follows:

8 (c) The percentage of the total sales, including charges for services, made by the  
9 business organization everywhere as is made by it within this state[-] :

10 (1) Sales of tangible personal property are made in this state if the property is  
11 delivered or shipped to a purchaser, other than the United States government, within this state  
12 regardless of f.o.b. point or other conditions of sale, or the property is shipped from an office, store,  
13 warehouse, factory or other place of storage in this state and [~~(1)~~] (A) the purchaser is the United  
14 States government, or [~~(2)~~] (B) the business organization is not taxable in the state of the  
15 purchaser.

16 (2) Sales other than sales of tangible personal property are in this state if the  
17 [~~income producing activity is performed in this state, or the income producing activity is performed~~  
18 ~~both in and outside this state and a greater proportion of the income producing activity is~~  
19 ~~performed in this state than in any other state, based on costs of performance]~~ **business**  
20 **organization's market for the sales is in this state, as follows:**

21 (A) *In the case of sale, rental, lease, or license of real property, if and to*  
22 *the extent the property is located in this state;*

23 (B) *In the case of rental, lease, or license of tangible personal property,*  
24 *if and to the extent the property is located in this state;*

25 (C) *In the case of sale of a service, if and to the extent the service is*  
26 *delivered to a location in this state;*

27 (D) *In the case of sale, rental, lease, or license of intangible property, if*  
28 *and to the extent the property is used in this state;*

29 (E) *In the case of interest income, if and to the extent the debtor or*  
30 *encumbered property is located in this state;*

31 (F) *In the case of dividend income, if and to the extent the business*  
32 *organization's commercial domicile is in this state; and*

33 (G) *In the case of other income, if and to the extent the income is derived*  
34 *from sources in this state.*

35 (3) *In the case of sales other than sales of tangible personal property, if the*  
36 *state or states of assignment cannot be determined, the state or states of assignment shall*  
37 *be reasonably approximated.*

38 (4) *In the case of sales other than sales of tangible personal property, if the*

1 *taxpayer is not taxable in a state to which a sale is assigned, or if the state of assignment*  
2 *cannot be determined or reasonably approximated, such sale shall be excluded from the*  
3 *denominator of the sales factor.*

4 281 Business Enterprise Tax; Apportionment of Dividends; 2021. Amend RSA 77-E:4, I(c)(3) to  
5 read as follows:

6 (3) The percentage of the total sales, including charges for services, made by the  
7 business enterprise everywhere as is made by it within this state[-]:

8 (A) Sales of tangible personal property are made in this state if the property is  
9 delivered or shipped to a purchaser, other than the United States government, within this state  
10 regardless of free on board point or other conditions of sale, or the property is shipped from an  
11 office, store, warehouse, factory or other place of storage in this state and [~~(A)~~] (i) the purchaser is  
12 the United States government, or [~~(B)~~] (ii) the business enterprise is not taxable in the state of the  
13 purchaser.

14 (B) Sales other than sales of tangible personal property are in this state if the  
15 ~~[revenue-producing activity is performed in this state, or the revenue-producing activity is~~  
16 ~~performed both in and outside this state and a greater proportion of the revenue-producing activity~~  
17 ~~is performed in this state than in any other state, based on costs of performance]~~ *business*  
18 *enterprise's market for the sales is in this state, as follows:*

19 (i) *In the case of sale, rental, lease, or license of real property, if and*  
20 *to the extent the property is located in this state;*

21 (ii) *In the case of rental, lease, or license of tangible personal*  
22 *property, if and to the extent the property is located in this state;*

23 (iii) *In the case of sale of a service, if and to the extent the service is*  
24 *delivered to a location in this state;*

25 (iv) *In the case of sale, rental, lease, or license of intangible property,*  
26 *if and to the extent the property is used in this state;*

27 (v) *In the case of interest income, if and to the extent the debtor or*  
28 *encumbered property is located in this state;*

29 (vi) *In the case of dividend income, if and to the extent the business*  
30 *enterprise's commercial domicile is in this state; and*

31 (vii) *In the case of other income, if and to the extent the income is*  
32 *derived from sources in this state.*

33 (C) *In the case of sales other than sales of tangible personal property, if*  
34 *the state or states of assignment cannot be determined, the state or states of assignment*  
35 *shall be reasonably approximated.*

36 (D) *In the case of sales other than sales of tangible personal property, if*  
37 *the taxpayer is not taxable in a state to which a sale is assigned, or if the state of*  
38 *assignment cannot be determined or reasonably approximated, such sale shall be*

1 *excluded from the denominator of the sales factor.*

2 282 Business Profits Tax; Apportionment; 2022. Amend RSA 77-A:3, I-III to read as follows:

3 I. A business organization which derives gross business profits from business activity both  
4 within and without this state, and which is subject to a net income tax, a franchise tax measured by  
5 net income, or a capital stock tax in another state or is subject to the jurisdiction of another state to  
6 impose a net income tax or capital stock tax upon it, whether or not such tax is actually imposed,  
7 shall apportion its gross business profits so as to allocate to this state a fair and equitable proportion  
8 of such business profits. Except as provided in this section, such apportionment shall be made ~~on~~  
9 ~~the basis of the following 3 factors]~~ *in the following manner:*

10 *(a) For taxable periods ending before December 31, 2022:*

11 *(1) The business organization's gross business profits shall be apportioned*  
12 *on the basis of the following 3 factors:*

13 ~~[(a)]~~ *(A)* The percentage of value of the total real and tangible personal property owned,  
14 rented and employed by the business organization everywhere as is owned, rented and employed by  
15 it in the operation of its business in this state. Property owned by the business organization shall  
16 be valued at its original cost. Property rented by the business organization shall be valued at 8  
17 times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the  
18 business organization less any annual rental rate received by the business organization from  
19 subrentals.

20 ~~[(b)]~~ *(B)* The percentage of total compensation paid by the business organization to  
21 employees everywhere as is paid by the business organization to employees for services rendered  
22 within this state. Such compensation is deemed to be disbursed for services in this state if the  
23 service is performed entirely within this state, or if the service is performed both within and  
24 without this state and the service performed without this state is incidental to the service within  
25 this state, or some of the service is performed in this state and ~~[(1)]~~ *(i)* the base of operations or, if  
26 there is no base of operations, the place from which the service is directed or controlled is in this  
27 state, or ~~[(2)]~~ *(ii)* the base of operations or the place from which the service is directed or controlled  
28 is not in any state in which some part of the service is performed, but the individual performing  
29 such service resides within this state.

30 ~~[(c)]~~ *(C)* The percentage of the total sales, including charges for services, made by the  
31 business organization everywhere as is made by it within this state:

32 ~~[(1)]~~ *(i)* Sales of tangible personal property are made in this state if the property is  
33 delivered or shipped to a purchaser, other than the United States government, within this state  
34 regardless of f.o.b. point or other conditions of sale, or the property is shipped from an office, store,  
35 warehouse, factory or other place of storage in this state and ~~[(A)]~~ the purchaser is the United  
36 States government, or ~~[(B)]~~ the business organization is not taxable in the state of the purchaser.

37 ~~[(2)]~~ *(ii)* Sales other than sales of tangible personal property are in this state if the  
38 business organization's market for the sales is in this state, as follows:

1           ~~[(A)]~~ **1.** In the case of sale, rental, lease, or license of real property, if and to the  
2 extent the property is located in this state;

3           ~~[(B)]~~ **2.** In the case of rental, lease, or license of tangible personal property, if  
4 and to the extent the property is located in this state;

5           ~~[(C)]~~ **3.** In the case of sale of a service, if and to the extent the service is  
6 delivered to a location in this state;

7           ~~[(D)]~~ **4.** In the case of sale, rental, lease, or license of intangible property, if and  
8 to the extent the property is used in this state;

9           ~~[(E)]~~ **5.** In the case of interest income, if and to the extent the debtor or  
10 encumbered property is located in this state;

11           ~~[(F)]~~ **6.** In the case of dividend income, if and to the extent the business  
12 organization's commercial domicile is in this state; and

13           ~~[(G)]~~ **7.** In the case of other income, if and to the extent the income is derived  
14 from sources in this state.

15           ~~[(3)]~~ **(iii)** In the case of sales other than sales of tangible personal property, if the  
16 state or states of assignment cannot be determined, the state or states of assignment shall be  
17 reasonably approximated.

18           ~~[(4)]~~ **(iv)** In the case of sales other than sales of tangible personal property, if the  
19 taxpayer is not taxable in a state to which a sale is assigned, or if the state of assignment cannot be  
20 determined or reasonably approximated, such sale shall be excluded from the denominator of the  
21 sales factor.

22           ~~[(H)(a)]~~ **(2)** A fraction, the numerator of which shall be the property factor in subparagraph  
23 ~~[(a)]~~ **I(a)(1)(A)** plus the compensation factor in subparagraph ~~[(b)]~~ **I(a)(1)(B)** plus 2 multiplied by  
24 the sales factor in subparagraph ~~[(c)]~~ **I(a)(1)(C)** and the denominator of which is 4, shall be  
25 applied to the total gross business profits (less foreign dividends) of the business organization to  
26 ascertain its gross business profits in this state.

27           **(b) For taxable periods ending on or after December 31, 2022, the business**  
28 **organization's gross business profits shall be apportioned by multiplying the total gross**  
29 **business profits (less foreign dividends) of the business organization by the sales factor in**  
30 **subparagraph I(a)(1)(C).**

31           **II.(a)** If ~~[this]~~ **the applicable** method of apportionment **in paragraph I** does not fairly  
32 represent the business organization's business activity in this state, the business organization may  
33 petition for, or the commissioner may require, in respect to all or any part of the business  
34 organization's business activity, if reasonable[;],

35           ~~(1) The exclusion of any one or more of the apportionment factors;~~

36           ~~(2) The inclusion of one or more additional apportionment factors which will fairly~~  
37 ~~represent the business organization's business activity in the state; or~~

38           ~~(3) the employment of any other method to effect an equitable apportionment of the~~

1 business organization's gross business profits.

2 (b) For foreign dividends from unitary sources, the following formula shall be used to  
3 modify factors relating to included dividends:

4 (1) Determine a percentage for each dividend payor consisting of dividends paid  
5 divided by taxable income which has been computed using United States standards.

6 (2) Apply this percentage to the dividend payor's foreign property, payroll, and sales  
7 **for taxable periods ending before December 31, 2022, or to the dividend payor's foreign**  
8 **sales for taxable periods ending on or after December 31, 2022.**

9 (3) Sum the results in subparagraph (2) for all dividend payors.

10 (4) Add the result in subparagraph (3) to the denominators of the combined water's  
11 edge group. The numerator will remain the New Hampshire numerator.

12 (5) Apply the resulting percentage to the foreign dividends.

13 (6) Add this amount to the amount of New Hampshire taxable business profits  
14 computed pursuant to RSA 77-A:3, I [~~and II(a)~~].

15 III. When 2 or more related business organizations are engaged in a unitary business, as  
16 defined in RSA 77-A:1, XIV, a part of which is conducted in this state by one or more members of  
17 the group, the income attributable to this state shall be determined by means of the **applicable**  
18 combined apportionment factors of the unitary business group in accordance with paragraphs I and  
19 II.

20 283 Business Profits Tax; Qualified Manufacturing Research and Development Expenditures.  
21 Amend the introductory paragraph of RSA 77-A:5, XIII(b)(1) to read as follows:

22 (1) The term "qualified manufacturing research and development expenditures"  
23 shall mean solely any wages paid or incurred to an employee of the business organization for  
24 services rendered by such employee within this state within the meaning of RSA [~~77-A:3;I(b)~~] **77-**  
25 **A:3, I(a)(1)(B)**, provided that:

26 284 Business Enterprise Tax; Application of Credit for Business Enterprise Tax Against  
27 Business Profits Tax. Amend RSA 77-E:13, I and II to read as follows:

28 I. Determine a combined nexus group denominator for the [~~property, payroll and sales~~]  
29 **applicable apportionment** factors by adding the [~~property, payroll and sales~~] **apportionment**  
30 factor numerators of the individual members of the combined group subject to tax under RSA 77-A.

31 II. Determine an individual apportionment percentage for each member of the combined  
32 group subject to tax under RSA 77-A by dividing such member's **applicable** individual New  
33 Hampshire [~~property, payroll and sales~~] **apportionment** factor numerators by the combined nexus  
34 group denominators determined in paragraph I.

35 285 New Paragraph; Business Profits Tax; Definition. Amend RSA 77-A:1 by inserting after  
36 paragraph XVIII the following new paragraph:

37 XVIII-a. "Foreign sales" as used in RSA 77-A:3, II means the sales data of overseas business  
38 organizations which have paid dividends to a member of the water's edge combined group.

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1       286 Applicability. Sections 280 and 281 of this act shall apply to taxable periods ending on or  
2 after December 31, 2021.

3       287 New Subparagraph; Business Profits Tax; Definition; Internal Revenue Code. Amend RSA  
4 77-A:1, XX by inserting after subparagraph (n) the following new subparagraph:

5               (o) For all taxable periods beginning on or after January 1, 2020, the United States  
6 Internal Revenue Code of 1986 in effect on December 31, 2018, subject to RSA 77-A:3-b.

7       288 Business Profits Tax; Adjustments; Internal Revenue Code Provisions. Amend RSA 77-A:3-  
8 b, II to read as follows:

9               II. The United States Internal Revenue Code shall be applied without section [199] **951A** of  
10 such code.

11       289 Communications Services Tax; Purpose; Basic Communications Services Deleted. Amend  
12 RSA 82-A:1 to read as follows:

13       82-A:1 Statement of Purpose. It is the intent of the general court to impose a tax on those who  
14 use 2-way communications services and to source mobile telecommunications services to the place of  
15 primary use. It is also the intent of the general court that Internet access service [~~and basic~~  
16 ~~communications services essential to public health, safety, and welfare~~] shall not be subject to the  
17 tax imposed by this chapter.

18       290 Definitions; Communications Services. Amend the introductory paragraph of RSA 82-A:2,  
19 III to read as follows:

20               III. "Communications services" means services for transmitting, emitting, or receiving  
21 signs, signals, writing, images, sounds or intelligence of any nature by any electromagnetic system  
22 capable of 2-way communication and includes, without limitation, messages or information  
23 transmitted through use of local, toll and wide area telephone service; private line services and  
24 networks, whether leased, rented or owned; channel services; telegraph services; teletypewriter  
25 services; cable television; computer exchange services; mobile telecommunications services;  
26 **prepaid wireless telecommunications services; VoIP**; facsimile services; specialized mobile  
27 radio; stationary 2-way radio; paging services; or any other form, whether stationary, portable or  
28 mobile, of 2-way communications; or any other transmission of messages or information by  
29 electronic or similar means, between or among points by wire, cable, fiber-optics, laser, microwave,  
30 radio, satellite or similar facilities. "Communications services" shall not include:

31       291 Definitions; Retailer. Amend RSA 82-A:2, X to read as follows:

32               X. "Retailer" means and includes every person engaged in the business of making sales at  
33 retail as defined in this chapter. The department may, in its discretion, upon application, authorize  
34 the collection of the tax hereby imposed by any retailer not maintaining a place of business within  
35 this state, who, to the satisfaction of the department, furnishes adequate security to insure  
36 collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect  
37 such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the  
38 gross charges for communications services in this state in the same manner and subject to the same

1 requirements as a retailer maintaining a place of business within this state. The permit may be  
2 revoked by the department at its discretion. *For purposes of the tax imposed by this chapter*  
3 *on prepaid wireless telecommunications service, “retailer” has the same meaning as*  
4 *“seller.”*

5 292 New Paragraphs; Definitions; Prepaid Wireless Telecommunications Service; VoIP. Amend  
6 RSA 82-A:2 by inserting after paragraph XXVI the following new paragraphs:

7 XXVII. “Prepaid wireless telecommunications service” means "prepaid commercial mobile  
8 radio service," as that term is defined in RSA 106-H:2, VIII-b.

9 XXVIII. “Retail transaction” means the purchase of prepaid wireless telecommunications  
10 service from a seller for any purpose other than resale.

11 XXIX. “Seller” means a person who sells prepaid wireless telecommunications service to  
12 another person.

13 XXX. “Voice over Internet Protocol” or “VoIP” means any service that:

14 (a) Enables real-time, 2-way voice communications that originate from or terminate to  
15 the user’s location in Internet Protocol or any successor protocol;

16 (b) Requires a broadband connection from the user’s location; and

17 (c) Permits users generally to receive calls that originate on the public switched  
18 telephone network and to terminate calls to the public switched telephone network.

19 293 Imposition of Tax; Reference Added. Amend RSA 82-A:4 to read as follows:

20 82-A:4 Imposition of Tax; Interstate Communications Services. Except as provided in RSA 82-  
21 A:4-b, ***RSA 82-A:4-d, and RSA 82-A:4-e***, a tax is imposed upon interstate communications services  
22 and private communications services furnished to a person in this state and purchased at retail  
23 from a retailer by such person, at the rate of 7 percent of the gross charge when such service  
24 purchased on a call-by call basis originates in this state and terminates outside this state or  
25 originates outside this state and terminates in this state and the service address is in this state, or  
26 when such service purchased on a basis other than a call-by-call basis is provided to a person with a  
27 place of primary use in this state or when such private communications services are apportioned to  
28 this state in accordance with RSA 82-A:4-c. Provided however, a tax is imposed upon interstate  
29 paid calling service furnished to a person in this state and purchased at retail from a retailer by  
30 such person, at the rate of 7 percent of the gross charge when the origination point of the  
31 communications signal (as first identified by either (a) the seller’s telecommunications system, or (b)  
32 information received by the seller from its service provider, where the system used to transport  
33 such signals is not that of the seller) is in this state. To prevent actual multi-state taxation of  
34 communications services that are subject to taxation under this section, any taxpayer, upon proof  
35 that the taxpayer has paid a tax in another state on such services, shall be allowed a credit against  
36 the tax imposed in this section to the extent of the amount of such tax properly due and paid in such  
37 other state. However, such tax is not imposed on communications services to the extent such  
38 services may not, under the Constitution and statutes of the United States, be made the subject of

1 taxation by the state.

2 294 New Sections; Special Rules for VOIP Services and Prepaid Wireless Telecommunications  
3 Service. Amend RSA 82-A by inserting after section 4-c the following new sections:

4 82-A:4-d Special Rules for VoIP Services. A tax is imposed on intrastate and interstate  
5 communications services that are VoIP services provided by a retailer to a person with a place of  
6 primary use in this state, regardless of where the VoIP services originate, terminate, or pass  
7 through. The tax shall be imposed on the gross charge at the rate specified in RSA 82-A:3 and RSA  
8 82-A:4. No tax shall be imposed on a person whose place of primary use is outside this state.

9 82-A:4-e Special Rules for Prepaid Wireless Telecommunications Service.

10 I. A tax is imposed on each retail transaction in this state of intrastate and interstate  
11 communications services that are prepaid wireless telecommunications services. The tax shall be  
12 imposed on the gross charge at the rate specified in RSA 82-A:3 and 82-A:4.

13 II. For purposes of paragraph I, a retail transaction is sourced to New Hampshire:

14 (a) If the retail transaction occurs in person at a seller's location in New Hampshire; or

15 (b) If subparagraph (a) does not apply, the prepaid wireless telecommunications service  
16 is evidenced by a physical item, such as a card, and the purchaser provides a New Hampshire  
17 delivery address for such item; or

18 (c) If subparagraphs (a) and (b) do not apply, the consumer gives a New Hampshire  
19 address during the consummation of the sale, including the address associated with the consumer's  
20 payment instrument if no other address is available, and the address is not given in bad faith; or

21 (d) If subparagraphs (a)-(c) do not apply, the consumer's mobile telephone number is  
22 associated with a postal zip code, telephone area code, or location within New Hampshire.

23 III. The tax imposed by this section shall be collected by the seller from the consumer with  
24 respect to each retail transaction sourced to New Hampshire, in accordance with RSA 82-A:6;  
25 provided, however, the amount of the tax shall be either separately stated on an invoice, receipt, or  
26 other similar document that is provided by the seller to the consumer, or otherwise disclosed to the  
27 consumer.

28 IV. If prepaid wireless telecommunications service is sold with one or more other products  
29 or services for a single, non-itemized charge, then the tax shall apply to the entire non-itemized  
30 charge except as provided in RSA 82-A:2, V(e).

31 V. If a minimal amount of prepaid wireless telecommunications service is sold with a  
32 prepaid wireless device for a single, non-itemized charge, then the seller may elect not to apply the  
33 tax to such transaction. For purposes of this subparagraph, an amount of service denominated as  
34 10 minutes or less, or \$5 or less, is minimal.

35 VI. The seller shall be liable to remit all taxes required by this section that are collected  
36 from consumers, including all such taxes that the seller is deemed to collect where the amount of  
37 the tax has not been separately stated on an invoice, receipt, or other similar document provided by  
38 the seller to the consumer, in accordance with RSA 82-A:7.





1 and at least one member shall be either a professional engineer or land surveyor. The members of  
2 the board shall be full-time employees and shall not engage in any other employment,  
3 appointments, or duties during their terms that is in conflict with their duties as members of the  
4 board.

5 679:2 Appointment; Term; Chair. The members of the board shall be appointed by the supreme  
6 court and commissioned by the governor for a term of 5 years and until their successors are  
7 appointed and qualified; provided, however, that any vacancy on the board shall be filled for the  
8 unexpired term. The initial members of the board shall serve staggered terms of 3, 4, and 5 years.  
9 The supreme court shall designate one member as chair to serve in that capacity for the duration of  
10 his or her term.

11 679:3 Removal. Any member may be removed by the same authority for inefficiency, neglect of  
12 duty, or malfeasance in office; but, before removal, the member shall be furnished with a copy of the  
13 charges and have an opportunity to be heard in defense.

14 679:4 Compensation. Each member of the board shall receive the annual salary prescribed by  
15 RSA 94:1-a and reasonable expenses, including transportation, subject to the approval of the  
16 governor and council.

17 679:5 Authority; Duties.

18 I. It shall be the duty of the board and it shall have power and authority to hear and affirm,  
19 reverse, or modify, in whole or in part, appeals of final decisions of municipal boards, committees,  
20 and commissions regarding questions of housing and housing development. This includes, but is  
21 not limited to:

22 (a) Planning board decisions on subdivisions or site plans.

23 (b) Board of adjustment decisions on variances, special exceptions, administrative  
24 appeals, and ordinance administration.

25 (c) The use of innovative land use controls.

26 (d) Growth management controls and interim growth management controls.

27 (e) Decisions of historic district commissions, heritage commissions, and conservation  
28 commissions.

29 (f) Other municipal permits and fees applicable to housing and housing developments.

30 (g) Matters subject to the board's authority may include mixed-use combinations of  
31 residential and nonresidential uses. Such different uses may occur on separate properties, provided  
32 such properties are all part of a common scheme of development.

33 II. In exercising its authority under this chapter, the board shall have the power to award  
34 all remedies available to the superior courts in similar cases, including permission to develop the  
35 proposed housing.

36 III. Relative to RSA 674:58 through RSA 674:61, the board shall have the power and  
37 authority to hear and determine appeals of decisions of local land use boards regarding proposals for  
38 workforce housing, including but not limited to whether the municipality's land use ordinances and

1 regulations provide a reasonable and realistic opportunity for the development of workforce  
2 housing; whether the local land use board has imposed conditions of approval that render the  
3 proposal economically unviable; and whether a denial by a local land use board was unreasonable or  
4 unlawful.

5 IV. After local remedies have been exhausted, appeals may be brought before the board by  
6 an applicant to the municipal board, committee, or commission, or by any other aggrieved or injured  
7 party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15. The  
8 municipality shall be a party to the action. If the applicant is not the party initiating the action  
9 before the board, then the applicant shall automatically be an intervenor. The board shall grant  
10 intervenor status to abutters and to any other aggrieved or injured party who can demonstrate legal  
11 standing to appeal pursuant to RSA 677:4 or RSA 677:15.

12 **679:6 Timing of Appeals and Board Proceedings.**

13 I. Appeals shall be filed with the board within 30 days of the final decision of a municipal  
14 board, committee, or commission. At the same time an appeal is filed with the board, the applicant  
15 shall notify the municipal board, committee, or commission of such appeal.

16 II. The municipal board, committee, or commission shall within 30 days of receipt of such  
17 notice submit to the board a certified record of its proceedings on the matter subject to the appeal.

18 III. The board shall hold a hearing on the merits within 90 days of its receipt of a notice of  
19 appeal.

20 IV. The board shall make a decision on an appeal within 60 days after conducting a hearing  
21 on the merits.

22 **679:7 Jurisdiction; Court Appeals.**

23 I. In matters within its authority the board shall have concurrent, appellate jurisdiction  
24 with the superior court. An election by any party to bring an action before the board shall be  
25 deemed a waiver of any right to bring an action in the superior court, but shall not abrogate any  
26 party's right to appeal decisions of the board to the supreme court; as such, the board shall retain  
27 jurisdiction of any matter originally brought before it. At any time during an appeal to the board, if  
28 the board determines that it does not have jurisdiction to hear the appeal, the appellant shall have  
29 30 days to file an appeal with the superior court.

30 II. In an appeal of a local decision on housing or housing development, any claim that is  
31 within the board's authority under RSA 679:5 and that has previously been or is subsequently  
32 included in an appeal in superior court by another party to the decision or by any other aggrieved or  
33 injured party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15  
34 shall automatically be stayed by the court to provide the party with standing the opportunity to  
35 intervene in the matter before the board. If intervenor status is granted, the stay of the court  
36 action regarding those claims shall continue during the pendency of the appeal to the board. After  
37 the board has decided the appeal, the court shall dismiss the matter before it to the extent the  
38 matter has been resolved by the board. Any claim included in an appeal to superior court that is

1 not within the board's authority shall not be subject to automatic stay by the court.

2 679:8 Quorum; Disqualification; Temporary Members.

3 I. In all matters a majority of the board shall constitute a quorum to transact business.

4 II. No member of the board shall represent a party or testify as an expert witness or render  
5 any professional service for any party or interest before the board, and any member having an  
6 interest in the subject matter shall be disqualified to act therein.

7 III. If, in the event of a disqualification or temporary disability of a member or members of  
8 the board, it shall become necessary to do so, the board, subject to the approval of the supreme  
9 court, shall appoint such number of temporary board members as shall be necessary to meet the  
10 requirements herein imposed. Such temporary board members shall serve with respect to such  
11 matter until the same has been fully disposed of before the board.

12 IV. Temporary board members shall have the same qualifications as regular board  
13 members in whose place they are acting.

14 V. A temporary board member shall be compensated at the rate of \$75 for each day devoted  
15 to the work of the board and shall be reimbursed the necessary and reasonable expenses incurred  
16 by him or her in the performance of his or her duties.

17 VI. In the event of a vacancy on the board, the appellant may elect to continue the  
18 proceedings while awaiting the appointment of a successor board member.

19 679:9 Hearing Procedure; Standard of Review.

20 I. Appeals to the board shall be consistent with appeals to the superior court pursuant to  
21 RSA 677:4 through RSA 677:16. Appeals shall be on the certified record, and except in such cases  
22 as justice may warrant, in the sole discretion of the board, no additional evidence will be introduced.  
23 Consistent with the contested case provisions of RSA 541-A, the rules of evidence shall not strictly  
24 apply. In addition to the provisions of RSA 91-A, the board shall record the proceedings of any  
25 hearing before it and shall make such recording available to the public for inspection and recording  
26 from the date of the hearing to a date which is 15 working days after the board has made a final  
27 decision on the matter which is the subject of the hearing, or, if an appeal is made from such  
28 decision, the date upon which the matter has been finally adjudicated, whichever date is later.

29 II. The board shall not reverse or modify a decision except for errors of law or if the board is  
30 persuaded by the balance of probabilities, on the evidence before it, that said decision is  
31 unreasonable.

32 679:10 Representation by Nonattorneys. Nonattorneys, including professional engineers,  
33 architects, and land surveyors, may represent any party before the board. Nothing in this section  
34 shall prevent the board from denying representation by any individual it deems to be improper,  
35 inappropriate, or unable to adequately represent the interests of the applicant to the municipal  
36 board, committee, or commission.

37 679:11 Board Meetings. The board's deliberative processes in adjudicatory proceedings held  
38 pursuant to RSA 541-A shall be exempt from the public meeting and notice provisions of RSA 91-A.

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1 Decisions and orders in adjudicatory proceedings shall be publicly available, but only after they  
2 have been reduced to writing, signed by a quorum of the board, and served upon the parties, and  
3 shall set forth the board's rulings of law and findings of fact in support of its decisions. Discussions  
4 and actions by the board concerning procedural, administrative, legal, and internal matters shall be  
5 exempt from the meeting and notice provisions of RSA 91-A:2.

6 679:12 Rules and Regulations. The board may adopt rules under RSA 541-A necessary for  
7 carrying out its functions including but not limited to rules of procedure to be followed in hearings  
8 conducted by it not inconsistent with the provisions of this chapter.

9 679:13 Administration of Oaths, Subpoenas, Etc.; Fees. The board shall have authority to  
10 administer oaths and to compel the attendance of witnesses to proceedings before it. The board  
11 shall have the power to subpoena and subpoena duces tecum. Witnesses compelled to appear shall  
12 be paid the same fee and mileage that are paid to witnesses in the superior court of the state. A  
13 subpoena or subpoena duces tecum of the board may be served by any person designated in the  
14 subpoena or subpoena duces tecum to serve it. Any testimony given by a person duly sworn shall be  
15 subject to the pains and penalties of perjury. All applications or petitions to the board for which no  
16 filing fee has been otherwise specified by statute shall be accompanied by a \$250 filing fee. Costs  
17 and attorney's fees may be taxed as in the superior court.

18 679:14 Notice. The board shall serve notice in writing of the time, place, and cause of any  
19 hearing upon all parties at least 20 days prior to the date of the hearing.

20 679:15 Appeal. Decisions of the board may be appealed to the supreme court by any party in  
21 accordance with the provisions of RSA 541 as from time to time amended.

22 679:16 Enforcement of Decisions. After a decision of the board becomes final, the board shall,  
23 at the request of any party, file a certified abstract thereof in the Merrimack county superior court.  
24 The clerk of said court shall forthwith enter judgment thereon and such judgment may be enforced  
25 as with any final judgment of the superior court.

26 679:17 Staff. The board shall have such clerical, administrative, and technical staff as may be  
27 necessary within the limits of the appropriation made therefor.

28 679:18 Office. The board shall be provided with an office in Concord in which its records,  
29 documents, and books shall be kept, and with a suitable room in which it may hold hearings.

30 679:19 Neglect to Comply With Board's Orders. Neglect or failure on the part of any  
31 municipality to comply with such orders shall be deemed willful neglect of duty, and it shall be  
32 subject to the penalties and damages provided by law in such cases.

33 298 Salaries Established; Amend RSA 94:1-a, I(b) by inserting in salary grade DD the following  
34 new positions:

35 DD	housing appeals board	member
36 DD	housing appeals board	chair

37 299 Appropriation; Housing Appeals Board. The sums of \$415,000 for the fiscal year ending  
38 June 30, 2020 and \$415,000 for the fiscal year ending June 30, 2021 are hereby appropriated to the

1 housing appeals board established pursuant to RSA 679 for the proper administration of said  
2 chapter. Said sums shall not lapse until June 30, 2021. The governor is authorized to draw a  
3 warrant for said sums out of any money in the treasury not otherwise appropriated.

4 300 Adequate Representation for Indigent Defendants in Criminal Cases; Repayment. RSA  
5 604-A:9, I, I-a, I-b, and I-c are repealed and reenacted to read as follows:

6 I.(a) Any adult defendant or juvenile respondent who has been assigned counsel or a public  
7 defender shall be subject to an order by the court, pursuant to this section, regarding payment to  
8 the state for counsel fees and expenses paid by the state on behalf of the defendant or juvenile, and  
9 regarding payment of an administrative service assessment. Any payment obligation shall apply  
10 only to a defendant who has been convicted or a juvenile who has been found delinquent.

11 (b) Upon entering a judgment of conviction or a finding of delinquency, and the  
12 issuance of sentence or disposition, the court shall enter a separate written order setting forth the  
13 reasons for the court's conclusion regarding the financial ability of the defendant or the juvenile,  
14 including any person liable for the support of the juvenile pursuant to RSA 604-A:2-a, to make  
15 payment of counsel fees and expenses, and administrative service assessment. In its discretion, the  
16 court may conduct an ability-to-pay hearing to assist in its determination. If the court finds that  
17 there is an ability to pay some or all of the counsel fees and expenses and the assessment, either  
18 presently or in the future, it shall order payment in such amounts and upon such terms and  
19 conditions it finds equitable; any payment obligation shall not commence until the conviction and  
20 sentence or the finding of delinquency and disposition has become final. If the court finds that  
21 there is no such ability to pay, it shall so order, and any payment obligation shall terminate.

22 (c) In assessing ability to pay upon or after the entering of a judgment of conviction and  
23 the issuance of a sentence, neither the court nor the office of cost containment shall consider income  
24 that is exempt from execution, levy, attachment, garnishment, or other legal process under any  
25 state or federal law, and shall be reduced only by the amount of expenses which are reasonably  
26 necessary for the maintenance of the defendant and his dependents.

27 (d) If the court determines that the defendant is financially unable to repay any fees  
28 and expenses to the state, the repayment obligation shall be waived. A copy of each order finding  
29 that the defendant has an ability to pay fees and assessments shall be forwarded to the  
30 commissioner of the department of administrative services and the office of cost containment. An  
31 order waiving the repayment obligation shall not be forwarded. Neither the commissioner of the  
32 department of administrative services nor the office of cost containment shall have the authority to  
33 alter the court's determination that a repayment obligation is waived.

34 (e) After the judgment of conviction is entered and a repayment order is issued, a  
35 defendant subject to a repayment order under this section may, if his or her circumstances have  
36 changed since the date of the court's order, petition the court for relief from the obligation imposed  
37 by this section, which may be granted upon a finding that the defendant is unable to comply with  
38 the terms of the court's order or any modification of the order by the court.

1 (f) The maximum payment amount for counsel fees and expenses shall be according to a  
2 schedule established by the administrator of the office of cost containment with the approval of the  
3 administrative justices of the courts. Any payment obligation for fees and expenses shall not exceed  
4 the amount of the state's flat rate payable to a contract attorney as established pursuant to RSA  
5 604-B. The administrative service assessment shall not exceed 10 percent of the counsel fees and  
6 expenses. Payment shall be made to the office of cost containment unless the defendant or juvenile  
7 is placed on probation or sentenced to a period of conditional discharge, in which case repayment  
8 shall be made to the state through the department of corrections. Any payment obligation  
9 attributable to a juvenile shall terminate when the juvenile reaches the age of majority, except  
10 when the juvenile has been certified and tried as an adult.

11 (g) In a case where counsel has been appointed, and a repayment order issued, the  
12 defendant shall be required to notify the clerk of the court and the office of cost containment of each  
13 change of mail address and actual street address. Whenever notice to the defendant is required,  
14 notice to the last mail address on file shall be deemed notice to and binding on the defendant.

15 301 Adequate Representation for Indigent Defendants in Criminal Cases; Repayment. Amend  
16 RSA 604-A:9, II to read as follows:

17 II. All petitions for court appointed counsel shall bear the following words in capital letters:  
18 I UNDERSTAND THAT I MAY BE REQUIRED TO REPAY THE SERVICES PROVIDED TO ME  
19 BY COURT APPOINTED COUNSEL IF I AM CONVICTED UNLESS THE COURT FINDS THAT I  
20 AM OR WILL BE FINANCIALLY UNABLE TO PAY.

21 302 Reference Change; Appointment of Counsel; Payment Obligation. Amend RSA 604-A:2-f,  
22 IV to read as follows:

23 IV. When the court appoints counsel to represent a defendant in a proceeding under this  
24 section, the court shall grant the defendant relief from the obligation to repay the state for  
25 appointed counsel fees under ~~[RSA 604-A:9, I-b]~~ **RSA 604-A:9, I(b)**, if the court determines that the  
26 defendant is financially unable to repay.

27 303 New Paragraph; Department of Justice; Bureau of Civil Law; Authority to Hire Additional  
28 Staff for Campaign Finance, Election Law, Inaugural Committee Oversight, and Lobbying Matters.  
29 Amend RSA 21-M:11 by inserting after paragraph III the following new paragraph:

30 IV. To assist the attorney general in his or her duty to exercise supervision of campaign  
31 finance, election law, inaugural committee oversight, and lobbying matters, the department of  
32 justice may hire:

33 (a) An unclassified full-time investigator assigned to the bureau, who shall work  
34 exclusively on, campaign finance, election law, inaugural committee oversight, and lobbying  
35 matters. Notwithstanding RSA 14:14-c, the salary for the full-time investigator position shall be  
36 established as a salary grade BB.

37 (b) A classified full-time investigative paralegal assigned to the bureau, who shall work  
38 exclusively on campaign finance, election law, inaugural committee oversight, and lobbying

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1 matters. The classification shall be a paralegal II, labor grade 19.

2 304 New Paragraph; FRM Victims' Contribution Recovery Fund. Amend RSA 359-P:2 by  
3 inserting after paragraph I the following new paragraph:

4 I-a. In addition to the funds contributed under paragraph I, the fund shall also consist of  
5 the amount contributed under RSA 421-B:6-601(j).

6 305 New Subparagraph; Uniform Securities Act; Administration of Chapter; Investor  
7 Education Fund. Amend RSA 421-B:6-601 by inserting after subparagraph (i) the following new  
8 subparagraph:

9 (j) Any excess of the funds credited to the general fund pursuant to paragraph (h) up to  
10 \$500,000 per fiscal year shall be contributed to the FRM victims' contribution recovery fund  
11 established in RSA 359-P:2.

12 306 Repeal. The following are repealed:

13 I. RSA 359-P:2, I-a, relative to funds contributed pursuant to RSA 421-B:6-601(j).

14 II. RSA 421-B:6-601(j), relative to moneys contributed to the FRM victims' contribution  
15 recovery fund.

16 307 Off Highway Recreational Vehicles and Trails; Regulations of Political Subdivisions.  
17 Amend RSA 215-A:15, V to read as follows:

18 V. Enforcement of ~~paragraph~~ **paragraphs IV and VII** shall be the joint responsibility of  
19 the city of Concord and the state of New Hampshire.

20 308 New Paragraph; Off Highway Recreational Vehicles and Trails; Regulations of Political  
21 Subdivisions. Amend RSA 215-A:15 by inserting after paragraph VI the following new paragraph:

22 VII. OHRVs shall be prohibited from traveling on Hoit Road Marsh in the city of Concord.

23 309 Statement of Findings and Purpose. The general court hereby finds that outdoor  
24 recreation is vital to a diverse economy, is a delineating asset for the state in competition for  
25 workforce and employer recruitment, represents an opportunity for communities of the state to  
26 connect to a statewide asset, and contributes to a healthy community. In furtherance of these  
27 objectives, the general court hereby establishes an office of outdoor recreation industry development  
28 in the department of business and economic affairs.

29 310 New Section; Department of Business and Economic Affairs; Outdoor Recreation Industry  
30 Development; Office and Position Established. Amend RSA 12-O by inserting after section 23 the  
31 following new section:

32 12-O:23-a Office of Outdoor Recreation Industry Development Established.

33 I. There is established in the department the office of outdoor recreation industry  
34 development. The office shall be under the supervision of a classified director of the office of  
35 outdoor recreation industry development, who shall serve under the supervision of the  
36 commissioner. The director shall provide administrative oversight and ensure that the  
37 responsibilities of the office described in this section are fulfilled.

38 II. The office of outdoor recreation industry development shall:



1 (a) Coordinate outdoor recreation policy, management, and promotion among state and  
2 federal agencies and local government entities.

3 (b) Promote economic development in the state by:

4 (1) Coordinating with outdoor recreation stakeholders.

5 (2) Using outdoor recreational infrastructure and industry to promote tourism and  
6 recruit members of the general workforce.

7 (3) Working with stakeholders and academic institutions to develop relevant  
8 training and curricula for members of the outdoor industry and manufacturing workforce.

9 (4) Improving motorized and nonmotorized recreational opportunities in cooperation  
10 with the department of natural and cultural resources.

11 (5) Recruiting outdoor recreation business and industry.

12 (c) Recommend policies and initiatives to enhance recreational amenities and  
13 experiences in the state and help implement those policies and initiatives.

14 (d) Develop outcome-driven data regarding the effect of outdoor recreation in the state.

15 (e) Promote the health and social benefits of outdoor recreation, especially to young  
16 people.

17 (f) Advance sustainable land stewardship initiatives recognizing the relationship  
18 between outdoor recreation and its economic benefit to the state.

19 III. Provided that any federally funded programs managed by the department of natural  
20 and cultural resources, division of parks on the effective date of this section shall continue to be  
21 managed by the division of parks, the office of outdoor recreation industry development may:

22 (a) Seek federal grants or loans.

23 (b) Seek private foundation partnerships.

24 (c) Seek to participate in federal programs.

25 (d) In accordance with applicable federal program guidelines, administer federally  
26 funded outdoor recreation programs.

27 311 New Paragraph; Community Recreation Service; Duties. Amend RSA 12-B:3 by inserting  
28 after paragraph X the following new paragraph:

29 XI. To serve as liaison to the office of outdoor recreation industry development established  
30 pursuant to RSA 12-O:23-a.

31 312 Appropriation; Department of Business and Economic Affairs. The sum of \$125,000 for the  
32 fiscal year ending June 30, 2020 and the sum of \$125,000 for the fiscal year ending June 30, 2021  
33 are hereby appropriated to the department of business and economic affairs for the purpose of  
34 supporting the small business development center and its programs. The governor is authorized to  
35 draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

36 313 Fill and Dredge in Wetlands; Excavating and Dredging Permits. Amend RSA 482-A:3, I(b)  
37 and (c) as follows:

38 (b) The application fee for shoreline structure projects shall be [~~\$200~~] **\$400** plus an

1 amount based on the area of dredge, fill, or dock surface area proposed, or a combination thereof,  
2 which shall be [~~\$2~~] **\$4** per square foot for permanent dock surface area; [~~\$1~~] **\$2** per square foot for  
3 seasonal dock surface area; and [~~\$.20~~] **\$.40** per square foot for dredge or fill surface area or both.  
4 For projects involving only the repair, reconstruction, or reconfiguration of an existing docking  
5 structure, the application fee shall be [~~\$200~~] **\$400**.

6 (c) The application fee shall be [~~\$200~~] **\$400** for minimum impact dredge and fill projects  
7 [~~under this chapter~~] **and for non-enforcement related publicly funded and supervised**  
8 **restoration projects as defined by rules, regardless of impact classification, if undertaken**  
9 **by other than the person or persons responsible for causing the restoration to be needed.**

10 The application fee for all projects under this chapter which are not covered by subparagraph (b) or  
11 (c) or paragraphs IV-a, V, X through XII, XV, XVI, or XVII through XIX shall be [~~\$.20~~] **\$.40** per  
12 square foot of proposed impact, with a minimum fee of [~~\$200~~] **\$400** for all such projects that impact  
13 fewer than [~~1,000~~] **600** square feet.

14 314 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Use of Fees. Amend RSA  
15 482-A:3, III to read as follows:

16 III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), XII(c), and X are  
17 continually appropriated to and shall be expended by the department for paying per diem and  
18 expenses of the public members of the council, hiring additional staff, reviewing applications and  
19 activities relative to [~~the~~] wetlands [~~of the state~~] **under RSA 482-A**, [~~and~~] protected shorelands  
20 under RSA 483-B, **alteration of terrain under RSA 485-A:17**, conducting field investigations,  
21 and holding public hearings. Such fees **and any monetary grants, gifts, donations, or interest**  
22 **generated by these funds** shall be **deposited with and** held by the treasurer in a nonlapsing  
23 fund identified as the [~~wetlands and shorelands review~~] **water resources fund**.

24 315 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certain Fees. Amend  
25 RSA 482-A:3, X(a) to read as follows:

26 (a) The maximum cash application fee for the New Hampshire department of  
27 transportation shall be [~~\$10,000~~] **\$30,000** per application plus provisions for technical or consulting  
28 services or a combination of such services as necessary to meet the needs of the department. The  
29 department may enter into a memorandum of agreement with the New Hampshire department of  
30 transportation to accept equivalent technical or consulting services or a combination of such  
31 services in lieu of a portion of their standard application fees.

32 316 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Review of Applications.  
33 Amend RSA 482-A:3, XIV(b)(1) to read as follows:

34 (1) The time limits prescribed by this paragraph shall supersede any time limits  
35 provided in any other provision of law. **The time limits prescribed by this paragraph shall not**  
36 **apply to applications submitted by the department of transportation, for which time limits**  
37 **shall be set by a memorandum of agreement between the commissioner of the department**  
38 **of environmental services and the commissioner of the department of transportation.** If

1 the department fails to act within the applicable time frame established in subparagraphs (a)(3),  
2 (a)(4), and (a)(5), the applicant may ask the department to issue the permit by submitting a written  
3 request. If the applicant has previously agreed to accept communications from the department by  
4 electronic means, a request submitted electronically by the applicant shall constitute a written  
5 request.

6 317 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Review of Applications.  
7 Amend RSA 482-A:3, XIV(e) to read as follows:

8 (e) **Any request for an amendment to an application or permit shall be**  
9 **submitted to the department on the appropriate amendment form.** Any request for a  
10 significant amendment to a pending application or an existing permit which changes the footprint  
11 of the permitted fill or dredge area shall be deemed a new application subject to the provisions of  
12 RSA 482-A:3, I and the time limits prescribed by this paragraph. "Significant amendment" means  
13 an amendment which changes the proposed or previously approved acreage of the permitted fill or  
14 dredge area by 20 percent or more, [~~relocates the proposed footprint of the permitted fill or dredge~~  
15 ~~area,~~] includes a prime wetland, or [~~surface waters of the state, includes a wetland of a different~~  
16 ~~classification as classified by the department, or includes non-wetland areas requiring permits for~~  
17 ~~filling and dredging]~~ **elevates the project's impact classification.** This meaning of "significant  
18 amendment" shall not apply to an application amendment that is in response to a request from the  
19 department.

20 318 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Permit Duration and  
21 Extensions. Amend RSA 482-A:3, XIV-a to read as follows:

22 XIV-a.(a) With the exception of permits issued under subparagraph (b) **or paragraph XIV-**  
23 **b,** all permits issued pursuant to this chapter shall be valid for a period of 5 years. Requests for  
24 extensions of such permits may be made to the department **by submitting the information**  
25 **required in rules adopted by the department.** The department shall grant one extension of up  
26 to 5 additional years, provided the applicant demonstrates all of the following:

27 (1) The permit for which extension is sought has not been revoked or suspended  
28 without reinstatement.

29 (2) Extension would not violate a condition of law or rule **other than that**  
30 **established in this paragraph relative to permit duration.**

31 (3) The project is proceeding towards completion in accordance with plans and other  
32 documentation referenced by the permit.

33 (4) The applicant proposes reasonable mitigation measures to protect the public  
34 waters of the state from deterioration during the period of extension.

35 (b) Any permit issued to repair or replace shoreline structures to maintain the integrity  
36 and safety of such structures including, but not limited to docks, sea walls, breakwaters, riprap,  
37 access ramps and stairs, that are damaged by storms or ice, shall expire 10 years from the date the  
38 permit was issued as long as any work performed after the initial permitted work complies with the

1 following:

2 (1) The work is not in violation of the original permit or subparagraphs (a)(1)-(4).

3 (2) All structures are repaired or replaced to the original permitted location and  
4 configuration.

5 (3) All significant work is reported to the department in accordance with the  
6 reporting requirements for the original permit.

7 (c) *After review, if the department determines that a request to extend a permit*  
8 *for a major project in public waters meets the stated criteria, the department shall submit*  
9 *the request to the governor and executive council with a recommendation that the request*  
10 *be approved. The department shall issue decisions on all other extension requests.*

11 319 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Utilities. Amend the  
12 introductory paragraph of RSA 482-A:3, XV(b):

13 (b) ~~[Appropriate]~~ *The utility provider shall provide an annual* notice to the  
14 department, *which* shall include the following information:

15 320 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Utilities. Amend RSA  
16 482-A:3, XV(d) to read as follows:

17 (d) A ~~[one-time annual]~~ *non-refundable* filing fee of ~~[\$200]~~ *\$400* per town ~~[, not to~~  
18 ~~exceed a maximum of \$10,000,]~~ per year shall accompany the notice to the department. Such fees  
19 shall be held in accordance with paragraph III.

20 321 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certified Culvert  
21 Maintainers. Amend RSA 482-A:3, XVIII and XIX to read as follows:

22 XVIII. The department shall develop ~~[an installer's]~~ *a certification program for culvert*  
23 *maintainers*, in accordance with paragraph XVII, and shall determine the educational  
24 requirements for certification, including continuing education requirements. Professional engineers  
25 who are duly licensed by the New Hampshire board of professional engineers are exempt from the  
26 program requirements of this section. All certified individuals who perform such work shall submit  
27 a quarterly report to the department fully identifying work that they performed during each  
28 quarter and documentation of continuing education requirements.

29 XIX. The department shall issue ~~[an installer's permit]~~ *a culvert maintainer certificate*  
30 to any individual who submits an application provided by the department, and has satisfactorily  
31 completed the program in accordance with paragraphs XVII and XVIII. ~~[Permits]~~ *Initial*  
32 *certificates* shall be ~~[issued]~~ *valid through December 31 of the year following the year of*  
33 *issue. Renewal certificates shall be valid* from January 1 ~~[and shall expire]~~ *through* December  
34 31 of every other year. *Permits* shall be renewable upon proper application, and documentation of  
35 compliance with the continuing education requirement of paragraph XVIII. The installer's permit  
36 may be suspended, revoked, or not renewed for just cause, including, but not limited to, the  
37 installation of culverts in violation of this chapter or the refusal by a permit holder to correct  
38 defective work. The department shall not suspend, revoke, or refuse to renew a permit except for

1 just cause until the permit holder has had an opportunity to be heard by the department. An  
2 appeal from such decision to revoke, suspend, or not renew a permit may be taken pursuant to RSA  
3 21-O:14.

4 322 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certified Application  
5 Preparer Program. Amend RSA 482-A:3, XX(d) to read as follows:

6 (d) The certification shall be valid for one year from the date of issuance and may be  
7 renewed every year. The initial fee for certification shall be \$200 and the fee for renewal shall be  
8 \$50. The department shall not issue a certification or a renewal certification if the required fee is  
9 not paid. All fees shall be deposited into the ~~[wetlands and shoreland review]~~ **water resources**  
10 **fund** established in RSA 482-A:3, III.

11 323 Aquatic Resources Fund. Amend RSA 482-A:29, II to read as follows:

12 II. A separate, non-lapsing account shall be established within the fund into which all  
13 administrative assessments collected under RSA 482-A:30, III and RSA 482-A:30-a, II shall be  
14 placed. Such account moneys shall ~~[only]~~ be used ~~[to support up to 2 full-time positions]~~ for  
15 administration of the fund, **including staff**, and **aquatic resource mitigation** related projects.  
16 ~~[No other fund moneys shall be used for state personnel costs.]~~

17 324 Shoreland Water Quality Protection; Permit Application Fees. Amend the introductory  
18 paragraph of RSA 483-B:5-b, VI:

19 VI. All permits issued pursuant to this chapter shall be valid for a period of 5 years.  
20 Requests for extensions of such permits may be made to the department **by providing such**  
21 **information as is required by rules adopted pursuant to RSA 541-A**. The department shall  
22 grant one extension of up to 5 additional years, provided the applicant demonstrates all of the  
23 following:

24 325 Shoreland Water Quality Protection; Permit Application Fees. Amend RSA 483-B:5-b, I(b)  
25 to read as follows:

26 (b) The permit application fee shall be ~~[\$100]~~ **the base fee specified in this**  
27 **subparagraph** plus **an impact fee of** ~~[\$-10]~~ **\$ .20** per square foot of area affected by the proposed  
28 activities and shall be deposited in the ~~[wetlands and shorelands review]~~ **water resources** fund  
29 established under RSA 482-A:3, III. ~~[Such fees shall be capped as follows:~~

30 (1) For projects that qualify for permit by notification under this paragraph or RSA  
31 483-B:17, X, ~~[\$100]~~, **the base fee shall be \$200** for restoration of water quality improvement  
32 projects, and ~~[\$250]~~ **the base fee shall be \$400** for all other permit by notification projects.

33 (2) ~~For projects of 0-9,999 square feet, that do not qualify for a permit by~~  
34 ~~notification, \$750.~~

35 (3) ~~For projects of 10,000-24,999 square feet, \$1,875.~~

36 (4) ~~For projects of 25,000 square feet or more, \$3,750.]~~

37 326 Shoreland Water Quality Protection; Other Required Permits and Approvals. Amend RSA  
38 483-B:6, II to read as follows:

1           II. In applying for approvals and permits, pursuant to paragraph I, applicants shall  
2 demonstrate that the proposal meets or exceeds the development standards of this chapter. The  
3 department shall develop minimum standards for information to be required on or with all  
4 applications under paragraph I. The department or municipality shall grant, deny, or attach  
5 reasonable conditions to approvals or permits listed in subparagraphs I(a)-(f) **and RSA 483-B:5-b**,  
6 to protect the public waters or the public health, safety, or welfare. Such conditions shall be related  
7 to the purposes of this chapter.

8           327 Terrain Alteration; Permit Application Fees. Amend RSA 485-A:17, II to read as follows:

9           II.(a) The department shall charge a fee for each review of plans, including project  
10 inspections, required under this section. The **plan review** fee shall be based on the [~~extent of~~  
11 ~~contiguous~~] **total** area to be disturbed. Except for **property subject to** RSA 483-B:9, the fee for  
12 **review of** plans encompassing an area of at least 100,000 square feet but less than 200,000 square  
13 feet shall be [~~\$1,250~~] **\$3,125**. For the [~~purposes of~~] **property subject to** RSA 483-B:9, the fee for  
14 **review of** plans encompassing an area of at least 50,000 square feet but less than 200,000 square  
15 feet shall be [~~\$1,250~~] **\$3,125**. An additional fee of [~~\$500~~] **\$1,250** shall be assessed for each additional  
16 area of up to 100,000 square feet to be disturbed. No [~~permit~~] **application** shall be [~~issued~~]  
17 **accepted** by the department until the fee required by this paragraph is paid. All fees required  
18 under this paragraph shall be paid when plans are submitted for review and shall be deposited in  
19 the [~~terrain alteration~~] **water resources** fund established in [~~paragraph II-a~~] **RSA 482-A:3, III**.

20           **(b) The department shall charge a non-refundable fee of \$500 plus a \$.10 per**  
21 **square foot fee for each request to amend a permit that requires plans to be reviewed.**

22           328 Wetlands and Shorelands Review Fund Renamed. Amend RSA 6:12, I(b)(131) to read as  
23 follows:

24                       (131) Moneys deposited in the [~~wetlands and shorelands review~~] **water resources**  
25 fund **established** under RSA 482-A:3, III.

26           329 Repeal. The following are repealed.

27           I. 2008, 5:27, I, relative to repealing permit application fees.

28           II. RSA 6:12, I(b)(256), relative to the terrain alteration fund.

29           III. RSA 482-A:3, XV(e), relative to the additional fee for amendments to the notification for  
30 maintenance to existing utility services.

31           IV. RSA 485-A:17, II-a, relative to the terrain alteration fund.

32           330 Appropriation; Department of Environmental Services; Ossipee Lake Dam Reconstruction.  
33 There is hereby appropriated the sum of \$1,500,000 for the fiscal year ending June 30, 2019 to the  
34 department of environmental services to supplement the capital appropriation in 2017, 228:1, VIII,  
35 H, for the purpose of reconstructing the Ossipee Lake Dam. This appropriation shall not lapse until  
36 June 30, 2021. The governor is authorized to draw a warrant for said sum out of any money in the  
37 treasury not otherwise appropriated.

38           331 New Paragraph; Pease Development Authority; Real Estate Transfer Tax Exemption for

1 Leases. Amend RSA 78-B:2 by inserting after paragraph XXII the following new paragraph:

2       XXIII. To a lease of any term by and between the Pease development authority and any  
3 other person, including any sales, transfers, or assignments of any interest in the leased property.

4       332 Hazardous Waste Clean Up; Civil Actions; Cost Recovery. Amend RSA 147-B:10, III(a) to  
5 read as follows:

6           (a) The attorney general may institute an action before the superior court for the  
7 county in which the facility is located against any person liable pursuant to paragraph I of this  
8 section to recover all costs incurred by the state. Costs recovered under this section shall be  
9 deposited into the fund *except that costs recovered to offset expenditures made from the*  
10 *drinking water and groundwater trust fund established in RSA 6-D:1 shall be deposited*  
11 *into the drinking water and groundwater trust fund.*

12       333 New Section; Deposits to Drinking Water and Groundwater Trust Fund. Amend RSA 485-  
13 F by inserting after section 5 the following new section:

14       485-F:6 Deposits to Drinking Water and Groundwater Trust Fund. Any money received by the  
15 state related to the contamination of drinking water or groundwater, other than fees, fines,  
16 penalties, oil or hazardous waste cost recovery, or any other money already allocated to a specified  
17 fund, shall be deposited into the drinking water and groundwater trust fund. This paragraph shall  
18 not be construed to limit any damages otherwise awarded in a related private cause of action.

19       334 New Paragraph; Recovered Costs; Deposited in Drinking Water and Groundwater Trust  
20 Fund. Amend RSA 485-F:3 by inserting after paragraph II the following new paragraph:

21       III. Costs paid from the drinking water and groundwater trust fund for the action described  
22 in paragraph I(a) and recovered by the state under RSA 147-B:10, shall be deposited to the drinking  
23 water and groundwater trust fund pursuant to RSA 147-B:10, III(b). In addition, upon payment  
24 from the trust fund for any costs for which a third party would otherwise be liable, the right to  
25 recover payment from such third party shall be assumed by the drinking water and groundwater  
26 advisory commission to the extent of payment made from the trust fund. Any money so recovered  
27 shall be repaid to the trust fund. No party shall receive multiple compensation for the same injury,  
28 and any such compensation shall be repaid to the trust fund.

29       335 Contingency; Drinking Water and Groundwater Trust Fund; SB 169. If SB 169 of the 2019  
30 regular legislative session becomes law, then sections 332-334 of this act shall not take effect.

31       336 Repeal. RSA 176:16-a, relative to liquor commission revenue shortfalls, is repealed.

32       337 Definition of Pet Vendor. Amend RSA 437:1, IV to read as follows:

33       IV. "Pet vendor" means any person, firm, corporation, or other entity [~~engaged in the~~  
34 ~~business of transferring~~] **that transfers 25 or more dogs, 25 or more cats, 30 or more ferrets,**  
35 **or 50 or more birds,** live animals or birds customarily used as household pets to the public, with or  
36 without a fee or donation required, and whether or not a physical facility is owned by the licensee in  
37 New Hampshire, when transfer to the final owner occurs within New Hampshire, **between July 1**  
38 **and June 30 of each year. Pet vendor also means any person, firm, corporation, or other**

1 *entity that transfers amphibians, reptiles, fish, or small mammals customarily used as*  
2 *household pets to the public in quantities set in rules adopted by the department, with or*  
3 *without a fee or donation required, and whether or not a physical facility is owned by the*  
4 *licensee in New Hampshire between July 1 and June 30 of each year. Nothing in this*  
5 *paragraph shall be construed to alter or affect the municipal zoning regulations that a*  
6 *pet vendor shall conform with under RSA 437:3.*

7 338 Exemptions; Commercial Kennel Deleted. Amend RSA 437:7 to read as follows:

8 437:7 Exceptions. The license provisions of this subdivision shall not apply to breeders of dogs  
9 that do not meet the definition of [~~commercial kennel~~] **pet vendor** in RSA 437:1, veterinarians, or  
10 the transfer of livestock or poultry.

11 339 New Paragraph; Health Certificates for Dogs, Cats, and Ferrets. Amend RSA 437:8 by  
12 inserting after paragraph V the following new paragraph:

13 VI. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual  
14 without first being protected against infectious diseases using a vaccine approved by the state  
15 veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual  
16 unless accompanied by an official health certificate issued by a licensed veterinarian. No transfer  
17 shall occur unless the transferred animal is accompanied by a health certificate issued within the  
18 prior 14 days. The certificate shall be in triplicate, one copy of which shall be retained by the  
19 signing veterinarian, one copy of which shall be for the licensee's records, and one copy of which  
20 shall be given to the transferee upon transfer as provided in paragraph III. If an official health  
21 certificate is produced, it shall be prima facie evidence of transfer. The signing veterinarian shall  
22 provide a copy of the health certificate to the department of agriculture, markets, and food upon  
23 request.

24 340 New Chapter; Cost of Care Fund. Amend RSA by inserting after chapter 437-A the  
25 following new chapter:

26 CHAPTER 437-B  
27 COST OF CARE FUND

28 437-B:1 Cost of Care Fund.

29 I. There is established in the department of agriculture, markets, and food a nonlapsing  
30 fund to be known as the cost of care fund which shall be kept distinct and separate from all funds.  
31 The cost of care fund is established to assist municipalities in covering the costs of care incurred  
32 from caring for animals pending the resolution of any action brought for animal cruelty under RSA  
33 644:8 or RSA 644:8-a.

34 II. The treasurer shall deposit in the cost of care fund court-ordered restitution for care in  
35 animal cruelty cases under RSA 644:8 or RSA 644:8-a as specified in paragraph VI.

36 III. The arresting officer or his or her designee may apply to the commissioner of the  
37 department of agriculture, markets, and food for a grant from the cost of care fund to reimburse  
38 costs incurred caring for animals in animal cruelty cases brought under RSA 644:8 or RSA 644:8-a



1 during pretrial care, for the period between when the animals are seized and until the final  
2 disposition of the case. The commissioner of the department of agriculture, markets, and food and  
3 the state veterinarian shall review such applications, respond to such applications within 15 days,  
4 and distribute no more than \$500,000 per application.

5 IV. The commissioner shall establish rules under RSA 541-A relative to:

6 (a) The administration and disbursement of the cost of care fund, including guidelines  
7 to ensure that multiple applicants would have equitable access to grants.

8 (b) The application process by an arresting officer or his or her designee for financial  
9 assistance to cover the cost of emergency veterinary treatment.

10 V. The commissioner may accept private gifts and donations of any kind for the purpose of  
11 supporting the cost of animal care which shall be deposited into the cost of care fund.

12 VI. If a person is convicted of animal cruelty and is ordered by the court to make  
13 restitution, the municipality shall report such restitution to the department of agriculture, markets,  
14 and food. If the restitution exceeds the costs incurred by the municipality in caring for the seized  
15 animals, that excess shall be remitted to the department and shall be deposited into the cost of care  
16 fund.

17 341 Department of Agriculture, Markets, and Food; Cost of Care Fund. The sum of \$100,000  
18 for the fiscal year ending June 30, 2020, and the sum of \$100,000 for the fiscal year ending June 30,  
19 2021 are hereby appropriated to the department of agriculture, markets, and food to fund the cost of  
20 care fund established in RSA 437-B:1. The governor is authorized to draw a warrant for said sums  
21 out of any money in the treasury not otherwise appropriated.

22 342 Repeal. RSA 437:1, II, relative to the definition of commercial kennel, is repealed.

23 343 New Paragraph; Cemetery Operations. Amend RSA 110-B:77 by inserting after paragraph  
24 III the following new paragraph:

25 IV. All federal funds received and income earned from internment fees shall be nonlapsing  
26 and continually appropriated for the sole purpose of supporting the New Hampshire state veterans  
27 cemetery.

28 344 New Subparagraph; Application of Receipts; Sunny Day Fund. Amend RSA 6:12, I(b) by  
29 inserting after subparagraph (343) the following new subparagraph:

30 (344) Moneys credited to the sunny day fund established in RSA 12-O:21-a.

31 345 General Fund Surplus Account; Transfer to Sunny Day Fund. On June 30, 2019, the state  
32 treasurer shall transfer the sum of \$3,000,000 from the general fund surplus account to the sunny  
33 day fund established in RSA 12-O:21-a.

34 346 New Section; Department of Business and Economic Affairs; Sunny Day Fund. Amend  
35 RSA 12-O by inserting after section 21 the following new section:

36 12-O:21-a Sunny Day Fund Established.

37 I. There is hereby established in the office of the state treasurer a fund to be known as the  
38 sunny day fund, which shall be kept distinct and separate from all other funds. The commissioner

1 shall administer the fund. The fund shall be nonlapsing and continually appropriated to the  
2 commissioner for the purpose of obtaining and disbursing grants for research and development,  
3 including any preliminary funding necessary to obtain grant funding, supporting the infrastructure  
4 necessary to address critical gaps in the state's ability to attract research and development projects,  
5 increasing commercialization of new technologies, leveraging federal funds, and supporting  
6 business development and expansion. Grants may be from federal, private, or other sources.

7 II. The New Hampshire Research and Industry Council ("council"), with the support of the  
8 New Hampshire Established Program to Stimulate Competitive Research (NH EPSCoR), shall  
9 administer the grant program application and approval process in consultation with the  
10 commissioner, manage the annual investment portfolio, and evaluate investment performance. An  
11 organization may apply for funding under this section pursuant to the procedures established by  
12 the council. The council shall assign preference to grant applications that:

- 13 (a) Increase New Hampshire's competitiveness through innovation.
- 14 (b) Attract talent to New Hampshire.
- 15 (c) Target existing industrial-cluster strength, potential growth, and research capacity.
- 16 (d) Target areas of strategic priority as determined by NH EPSCoR and the department  
17 of business and economic affairs.
- 18 (e) Qualify for available matching funds from federal, private, or other sources.

19 III. Beginning July 1, 2021, and annually thereafter, the council shall conduct a survey of  
20 all organizations which receive grants under this section to evaluate the return on investment from  
21 the state's funding support and to permit the general court to consider legislation for continued  
22 funding. The council shall, no sooner than 18 months after the effective date of this section, develop  
23 and distribute a survey instrument to all organizations that have received grant funding under this  
24 section. The survey shall, at a minimum, collect the following information for each organization  
25 that receives grant funds under this section:

- 26 (a) Number of grants obtained.
- 27 (b) Total funding from grants and other investments.
- 28 (c) Amount of federal funds obtained.
- 29 (d) Number of employees.
- 30 (e) Number of jobs created as a result of funding received under this section.
- 31 (f) Number of licensing agreements secured.
- 32 (g) Number of patents filed.

33 IV. An organization shall submit the completed survey to the council within 6 weeks of  
34 receipt. The council shall collect the completed surveys and submit them to the commissioner of the  
35 department of business and economic affairs. Any organization which fails to timely submit a  
36 completed survey shall not be eligible to obtain additional funding under this section.

37 V. Administrative costs shall not exceed 8 percent of annual fund expenditures.

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1           I. The sum of \$6,000,000 for the fiscal year ending June 30, 2019 is hereby appropriated to  
2 the department of environmental services for the purpose of studying, investigating, and testing for  
3 contamination caused by perfluorinated chemicals, and the preliminary design for a treatment  
4 system for such contamination. This appropriation shall not lapse until June 30, 2021. Such  
5 appropriation shall be a charge against the drinking water and groundwater trust fund established  
6 in RSA 6-D:1.

7           II. The department of environmental services, in coordination with the attorney general,  
8 shall report to the fiscal committee of the general court upon any significant developments relative  
9 to the state's lawsuit against companies for the manufacturing and dissemination of perfluorinated  
10 chemicals in New Hampshire.

11           348 New Paragraph; Organization of Executive Branch; Purpose. Amend RSA 21-G:2 by  
12 inserting after paragraph III the following new paragraph:

13           IV. The various scopes in the mission of the executive branch departments, agencies, and  
14 commissions require a delineation of their organization within the executive branch.

15           349 Organization of Executive Branch; Definitions. RSA 21-G:5 is repealed and reenacted to  
16 read as follows:

17           21-G:5 Definitions. In this chapter:

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

20           II. "Administrative head of the agency" means the individual, by whatever title conferred  
21 upon them by the relevant statute, who in charge of operations of an executive agency, executive  
22 commission, or administratively attached agency.

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

27           IV. "Agency" means any department, commission, board, institution, bureau, office, or other  
28 entity, by whatever name called, other than the legislative and judicial branches of state  
29 government, established in the state constitution, statute, session law, or executive order.

30           V. "Bureau" means the principal unit within a division, which is directly responsible to the  
31 division level and is concerned with individual program management.

32           VI. "Commissioner" means the individual in charge of the operations of an executive  
33 department, who is directly responsible to the governor.

34           VII. "Constitutional office" means an executive department that also comprises a  
35 constitutional office established by the state constitution and common law practice.

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

38           IX. "Executive agency" means an administrative unit within the executive branch of state

1 government, which is concerned with a specific objective or administrative function.

2 X. "Executive commission" means an administrative unit within the executive branch of  
3 state government established to provide a specific enterprise or regulatory function.

4 XI. "Executive department" means the principal administrative unit within the executive  
5 branch of state government, which is concerned with broad functional responsibilities.

6 XII. "Field operations" means district or area offices which may combine division, bureau,  
7 and section functions.

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

10 350 Structure of Executive Branch. Amend the section heading in RSA 21-G:6 to read as  
11 follows:

12 21-G:6 Structure of Executive Branch ***Departments.***

13 351 Repeal. RSA 21-G:6, II(d), relative to division into subsections, is repealed.

14 352 New Section; Organization of Executive Branch. Amend RSA 21-G by inserting after  
15 section 6-a the following new section:

16 21-G:6-b Organization of the Executive Branch.

17 I. Constitutional offices are as follows:

- 18 (a) The executive department, comprising the office of the governor.
- 19 (b) The department of state, comprising the office of the secretary of state.
- 20 (c) The state treasury, comprising the office of the state treasurer.
- 21 (d) The department of justice, comprising the office of the attorney general.

22 II. The executive departments are as follows:

- 23 (a) The department of administrative services.
- 24 (b) The department of agriculture, markets, and food.
- 25 (c) The department of banking.
- 26 (d) The department of business and economic affairs.
- 27 (e) The department of corrections.
- 28 (f) The department of education.
- 29 (g) The department of employment security.
- 30 (h) The department of environmental services.
- 31 (i) The department of health and human services.
- 32 (j) The department of information technology.
- 33 (k) The department of insurance.
- 34 (l) The department of labor.
- 35 (m) The department of military affairs and veteran services.
- 36 (n) The department of natural and cultural resources.
- 37 (o) The department of revenue administration.
- 38 (p) The department of safety.

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- 1 (q) The department of transportation.
- 2 III. The executive agencies are as follows:
- 3 (a) Council on developmental disabilities.
- 4 (b) Veterans' home.
- 5 (c) The office of professional licensure and certification.
- 6 (d) The police standards and training council.
- 7 (e) The public employee labor relations board.
- 8 (f) The board of tax and land appeals.
- 9 (g) The judicial council.

- 10 IV. The executive commissions are as follows:
- 11 (a) The fish and game commission.
- 12 (b) The public utilities commission.
- 13 (c) The state liquor commission.
- 14 (d) The state lottery commission.

15 353 New Subdivision; Component Units of State Government. Amend RSA 6 by inserting after  
16 section 43 the following new subdivision:

Component Units of State Government

18 6:44 Component Units of State Government.

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

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

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

38 354 General Fund Transfer to Highway Fund. The sum of \$6,463,000 for the fiscal year ending

1 June 30, 2019 is hereby appropriated to the highway fund. The governor is authorized to draw a  
2 warrant for said sum out of any money in the treasury not otherwise appropriated.

3 355 Administration of Motor Vehicle Laws; Road Tolls; Exception. Amend RSA 260:60 to read  
4 as follows:

5 260:60 Exception. Notwithstanding all other laws and rules to the contrary, annually, on or  
6 before June 1, the road toll administrator shall compare the number of gallons on which refunds  
7 have been made for the preceding calendar year for motor fuel used in the propulsion of boats on  
8 inland public waters of the state, with the number of gallons of such motor fuel sold and delivered  
9 directly into the fuel tanks, or supplementary fuel tanks, of boats or outboard motors upon the  
10 inland public waters for use in such boats or outboards, based on the number of boats registered in  
11 the state at 100 gallons usage per boat, and if there is any balance of unrefunded tolls so collected,  
12 the administrator shall report the same to the comptroller who shall, on July 1, next following,  
13 credit 1/2 of said balance to the general fund and credit 1/2 of said balance to the fish and game  
14 department. The funds credited to the fish and game department shall be used by said department  
15 to carry out its program and be accounted for as ***unrestricted revenue to*** the fish and game fund  
16 [~~is accounted for~~]. Any funds credited to the fish and game department as above provided shall not  
17 lapse at the end of the fiscal year. The department shall pay monthly to the state treasurer all  
18 revenue from the aircraft landing area toll.

19 356 Administration of Motor Vehicle Laws; Road Tolls; Credit Provided. Amend RSA 260:61, I  
20 to read as follows:

21 I. Annually, on or before June 30, the comptroller shall transfer, from road tolls collected,  
22 an amount equal to the number of licensed OHRVs and snowmobiles for the previous year times the  
23 average number of gallons consumed per year per OHRV and snowmobile times the gasoline road  
24 toll imposed under RSA 260:32, less any amount refunded for OHRV and snowmobile use for the  
25 previous year, to the fish and game department and the bureau of trails as follows. The road toll  
26 administrator shall report to the comptroller if there is a balance of unrefunded road tolls collected.  
27 The administrator shall certify the amount to the comptroller who shall credit 1/2 of such balance to  
28 the bureau of trails for use as provided in paragraph I-a, and 1/2 of such balance to the fish and  
29 game department ***as unrestricted revenue to the fish and game fund***. For the purposes of this  
30 section, "the average number of gallons consumed per year per OHRV or snowmobile" is 100.

31 357 Department of Safety Appropriations; Revenue from Motor Vehicle Fines; Exemption. For  
32 the fiscal year ending June 30, 2019, department of safety appropriations funded with agency  
33 income from restricted revenue collected under RSA 262:44, I, shall be exempt from 2017,  
34 155:1.08(I).

35 358 Department of Safety; Fund Transfer; Authorization. Notwithstanding the provisions of  
36 RSA 9:16-a, for the biennium ending June 30, 2021, the department of safety may transfer funds  
37 between accounting units in classes 027-transfers to the department of information technology, 028-  
38 transfers to general services, 064-retiree pension benefit-health insurance compensation, and 211-

1 property and casualty insurance, upon approval of the department of administrative services'  
2 budget office.

3 359 Substance Abuse Enforcement Program; Appropriations.

4 I. The sum of \$587,700 for the fiscal year ending June 30, 2019 is hereby appropriated to  
5 the department of safety. This sum shall be expended as follows:

6 (a) \$171,600 shall be expended for the purpose of funding overtime at the state forensic  
7 laboratory as a result of increased caseloads attributable to narcotics related enforcement and  
8 investigations with no more than 50 percent of the appropriation expended in each fiscal year of the  
9 biennium ending June 30, 2021.

10 (b) \$416,100 shall be expended for the purpose of funding overtime at the state police  
11 for narcotics related enforcement and investigations with no more than 50 percent of the  
12 appropriation expended in each fiscal year of the biennium ending June 30, 2021.

13 II. The sum of \$2,400,000 for the fiscal year ending June 30, 2019 is hereby appropriated to  
14 the department of safety to disburse grants to county and local law enforcement agencies for the  
15 purpose of funding overtime costs for county and local law enforcement officers performing law  
16 enforcement activities attributable to the substance abuse enforcement program established in RSA  
17 21-P:66. No more than 50 percent of the appropriation shall be expended in each fiscal year of the  
18 biennium ending June 30, 2021.

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

21 IV. No appropriation made in this section shall lapse until July 1, 2021.

22 360 Department of Safety; Appropriation. There is hereby appropriated to the department of  
23 safety the sum of \$195,000 for the fiscal year ending June 30, 2019, for the purpose of providing  
24 administrative support to the state building code review board. The governor is authorized to draw  
25 a warrant for said sums out of any money in the treasury not otherwise appropriated and said sums  
26 shall not lapse until June 30, 2021.

27 361 Public School Infrastructure Fund. Amend RSA 198:15-y, II to read as follows:

28 II. There is hereby established in the office of the state treasurer the public school  
29 infrastructure fund which shall be kept distinct and separate from all other funds and which shall  
30 be administered by the department of education. After transferring sufficient funds to the revenue  
31 stabilization reserve account to bring the balance of that account to \$100,000,000, the state  
32 treasurer shall transfer the remainder of the general fund surplus for fiscal year 2017, as  
33 determined by the official audit performed pursuant to RSA 21-I:8, II(a), to the fund. Any earnings  
34 on fund moneys shall be added to the fund. All moneys in the fund shall be continually  
35 appropriated [~~for the biennium ending June 30, 2019 and~~]. ***The department of education may***  
36 ***retain up to 3 percent of the total annual appropriation of the public school***  
37 ***infrastructure fund on or after July 1, 2019, to be used to administer the public school***  
38 ***infrastructure program.*** Any unexpended or unencumbered balance as of June 30, 2019 shall be

1 transferred to the general fund.

2 362 Public School Infrastructure Fund. Amend RSA 198:15-y, III(e) to read as follows:

3 (e) ***A school building or infrastructure proposal which is necessary to comply***  
4 ***with Americans with Disabilities Act (ADA) regulations.***

5 (f) Other school building or infrastructure needs the governor, in consultation with the  
6 public school infrastructure commission, may identify, except for school building aid projects that  
7 are otherwise prohibited by law.

8 363 Department of Education; Vocational Rehabilitation Programs or Services. For the  
9 biennium ending June 30, 2021, the department of education may request funds not otherwise  
10 appropriated for the purpose of funding unanticipated costs relative to vocational rehabilitation  
11 programs or services, with review and approval of the joint fiscal committee of the general court.

12 364 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, I to read as follows:

13 I. Each school board shall make [a] ***at least one*** meal available during school hours to  
14 every pupil under its jurisdiction. Such meals shall be served without cost or at a reduced cost to  
15 any [needy] child who [is unable to pay the full cost of said meals] ***meets federal income***  
16 ***eligibility guidelines.*** The state board of education shall [insure] ***ensure*** compliance with this  
17 section and shall establish minimum nutritional standards for such meals [and shall further  
18 establish] ***as well as*** income guidelines [setting forth] ***set for*** the [minimum] family size [annual  
19 income levels to be] used in determining eligibility for free and reduced price meals. Nothing in this  
20 section shall prohibit the operation of both a breakfast and lunch program in the same school.  
21 [Further any requirement of this section which conflicts with any federal statute or regulation may  
22 be waived by the state board of education.]

23 365 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, VII(b) to read as  
24 follows:

25 (b) Such school which demonstrates to the department of education that an approved  
26 school wellness policy, as required under the [Child Nutrition and WIC Reauthorization Act of 2004]  
27 ***Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296, and the Richard B. Russell***  
28 ***National School Lunch Act, 42 U.S.C. section 1758b*** is in effect, and that such school is  
29 providing breakfast meals to pupils that meet or exceed the United States Department of  
30 Agriculture's child nutrition criteria may apply for and receive a 3 cent reimbursement for each  
31 breakfast meal served to a pupil ***and an additional 27 cent reimbursement for each meal***  
32 ***served to students eligible for a reduced price meal.*** The department of education shall  
33 request biennial appropriations in an amount sufficient to meet projected school breakfast  
34 reimbursements ***to ensure students eligible for reduced price meals are offered breakfast at***  
35 ***no cost.*** The department of education shall prescribe forms as necessary under this paragraph.

36 366 New Section; Department of Education; New Position; School Nurse Coordinator. Amend  
37 RSA 21-N by inserting after section 6 the following new section:

38 21-N:6-a School Nurse Coordinator. There is established within the division of learner support



1 the position of school nurse coordinator who shall be a classified employee. The school nurse  
2 coordinator shall be a licensed RN eligible for New Hampshire school nurse certification under RSA  
3 200:29 and shall be qualified to hold such position by reason of education and experience. The  
4 position shall be subject to any other employment requirements as determined by the department.  
5 The school nurse coordinator shall coordinate and provide technical assistance to guide school  
6 nurses and other school personnel responsible for student health care in the areas of student health  
7 and wellness, safety, behavioral and mental health, and alcohol and substance use disorder. The  
8 school nurse coordinator shall also be a resource for administrators, educators, families, and  
9 policymakers across the state.

10 367 New Subdivision; Family and Medical Leave Coverage. Amend RSA 189 by inserting after  
11 section 72 the following new subdivision:

12 Family and Medical Leave Coverage

13 189:73 Family and Medical Leave Coverage. A school district employee who has been employed  
14 by the school district for at least 12 months and who has worked at least 900 hours in the previous  
15 12-month period shall be eligible for family and medical leave under the same terms and conditions  
16 as leave provided to eligible employees under the federal Family and Medical Leave Act of 1993  
17 (Pub. L. 103-3), 29 U.S.C. section 2611, et seq., as amended.

18 368 Heat and Hot Water System Purchase and Replacement; Appropriation. The sum of  
19 \$1,000,000 for the fiscal year ending June 30, 2020 is hereby appropriated to the department of  
20 administrative services to be disbursed to the Concord school district no later than September 1,  
21 2019, which shall be used for the purchase and replacement of all systems providing heat to those  
22 buildings in the Concord school district which previously obtained steam from the former Concord  
23 Steam corporation. The Concord school district is authorized to expend such appropriation for the  
24 purpose set forth in this section. The Concord school district shall advise the commissioner of the  
25 department of administrative services of cost and expenditure estimates relating to the project. The  
26 governor is authorized to draw a warrant for said sum out of any money in the treasury not  
27 otherwise appropriated.

28 369 Appropriation; Community College System of New Hampshire. In addition to funds  
29 otherwise appropriated, there is hereby appropriated to the community college system of New  
30 Hampshire the sum of \$3,200,000 in the fiscal year ending June 30, 2019, which shall not lapse.  
31 The governor is authorized to draw a warrant for said sum out of any money in the treasury not  
32 otherwise appropriated.

33 370 Department of Transportation; Appropriation. The sum of \$2,140,000 is hereby  
34 appropriated to the department of transportation for the fiscal year ending June 30, 2019, which  
35 shall be nonlapsing, for the purpose of providing a state aid construction program match for the  
36 project named Tilton project number 29753, to reconstruct and reclassify 1.97 miles of Calef Hill  
37 Road. The governor is authorized to draw a warrant for said sum out of any money in the treasury  
38 not otherwise appropriated.

1           371 Appropriation; Department of Education. The sum of \$500,000 for the fiscal year ending  
2 June 30, 2019 is hereby appropriated to the department of education for the purpose of providing  
3 funding to Granite State Independent Living to support the IMPACCT (Inspiring the Mastery of  
4 Post-Secondary Achievement in College, Career, and Training) program. This appropriation shall  
5 be in addition to any other funds appropriated to the department of education and shall not lapse.  
6 The governor is authorized to draw a warrant for said sum out of any money in the treasury not  
7 otherwise appropriated.

8           372 Department of Safety; Appropriation. The sum of \$2,100,000 is hereby appropriated to the  
9 department of safety for the biennium ending June 30, 2021, for the purpose of funding the  
10 reallocation, pursuant to a request made under RSA 21-I:54, of all sworn state police troopers from  
11 the rank of probationary trooper through the rank of executive major. In the event the reallocation  
12 request is not approved, said funds may be used to fund a collectively bargained trooper pay raise.  
13 The governor is authorized to draw a warrant for said sum out of any money in the treasury not  
14 otherwise appropriated and such funds shall not lapse until June 30, 2021.

15           373 Statement of Findings.

16           I. The general court hereby finds that:

17           (a) The ongoing mental health, substance misuse, and child protection crises have taken  
18 a significant toll on New Hampshire’s children and families, impacting all child-serving systems and  
19 placing increased pressure on the children’s behavioral health system;

20           (b) The New Hampshire department of health and human services recently released an  
21 Adequacy and Enhancement Assessment of New Hampshire’s child welfare system, which called for  
22 sweeping reforms including further integration of services with the children’s behavioral health  
23 system; immediate enhancements to the service array for children with significant emotional,  
24 behavioral and mental health needs; and transformation of New Hampshire’s child-serving system  
25 to one that is based on early intervention, evidence-based services, and accountability for outcomes;

26           (c) Recent changes to child welfare funding at the federal level with the passage of the  
27 federal Family First Prevention Services Act also drive the need to transform New Hampshire’s  
28 child-serving system;

29           (d) The state of New Hampshire faces a significant shortage in its capacity to provide  
30 children with early and effective home and community-based services and therefore must rely on  
31 expensive, residential and inpatient treatment that drain the state resources;

32           (e) Adoption of interventions that are proven to be effective such as mobile crisis and  
33 stabilization services will provide support and treatment to families in crisis and will in many cases  
34 avoid costly, restrictive, and often unnecessary institutional care;

35           (f) Increasing access to mobile crisis response and stabilization services for children can  
36 also help the state meet its legal obligations under the Early and Periodic Screening, Diagnostic and  
37 Treatment (“EPSDT”) provisions of the federal Medicaid Act and the integration mandate of the  
38 federal Americans with Disabilities Act. EPSDT is a federally mandated robust benefit for Medicaid-

1 eligible children under age 21, designed to address children's health concerns before they become  
2 advanced and treatment is more difficult and costlier;

3 II. Therefore, this act directs the department of health and human services to expand home  
4 and community-based behavioral health services for children to include mobile crisis response and  
5 stabilization services and make the following improvements to the child-serving system as  
6 recommended by the Adequacy and Enhancement Assessment and in alignment with the federal  
7 Family First Prevention Services Act and EPSDT.

8 374 System of Care for Children's Mental Health. Amend RSA 135-F:3, III(e) to read as  
9 follows:

10 (e) Services that are family-driven, youth-guided, community-based, ***trauma-***  
11 ***informed,*** and culturally and linguistically competent.

12 375 New Paragraph; System of Care for Children's Mental Health; Duties of the Department of  
13 Health and Human Services; Care Management Entities. Amend RSA 135-F:4 by inserting after  
14 paragraph II the following new paragraph:

15 III. Establish and maintain at least one care management entity to oversee and coordinate  
16 the care for children with complex behavioral health needs who are at risk for residential, hospital,  
17 or corrections placement or involved in multiple service systems. In this section, "care management  
18 entity" means an organizational entity that serves as a centralized entity to coordinate all care for  
19 youth with complex behavioral health challenges who are involved in multiple systems and their  
20 families.

21 (a) The care management entity shall oversee and manage residential treatment,  
22 psychiatric hospitalization, and the development of a continuum of community-based services and  
23 supports for children and youth with more complex needs.

24 (b) Beginning January 1, 2020, the care management entity shall coordinate behavioral  
25 health services in no less than 25 percent of cases involving referrals for residential treatment.  
26 Beginning January 1, 2021, the care management entity shall coordinate services in no less than 50  
27 percent of such cases, and, beginning January 1, 2022 and thereafter, the care management entity  
28 shall coordinate services in no less than 75 percent of such cases.

29 376 New Sections; Family Support Clearinghouse; System of Care Advisory Committee.  
30 Amend RSA 135-F by inserting after section 7 the following new sections:

31 135-F:8 Family Support Clearinghouse.

32 I. The department of health and human services shall establish and maintain an  
33 information clearinghouse for families seeking information regarding children's behavioral health  
34 services. The clearinghouse functions required by this section may be assigned to an entity that has  
35 responsibilities in addition to those required by this section.

36 II. The information provided shall be available on the department of health and human  
37 services website and shall include:

38 (a) Access to mobile crisis and stabilization services.

- 1 (b) Insurance coverage and other reimbursement sources.
- 2 (c) The results of assessments of the quality of service providers and whether they
- 3 utilize evidence-based practices.
- 4 (d) Referral information for legal service organizations.
- 5 (e) Referral information, including links to websites and contact telephone numbers, for
- 6 behavioral health service providers, organized by region.
- 7 (f) Advice and guidance regarding family navigation of the behavioral health system.

8 135-F:9 System of Care Advisory Committee. The department of education and the department  
9 of health and human services shall create a system of care advisory committee to improve the well-  
10 being of children and families; promote coordination across state agencies; identify cost-savings,  
11 opportunities to increase efficiency, and improvements to the service array and service delivery  
12 system and effectiveness; and assist and advise the commissioners of the department of education  
13 and the department of health and human services on the system of care principles and values and  
14 implementation of RSA 135-F. The committee shall include youth and families with relevant  
15 experience and members of child-serving public and private agencies, including experts in  
16 education, community-based and facility-based behavioral health services, and effective  
17 administration of private and public educational and health services. The committee shall meet at  
18 least 6 times per year and at such other times as the chairperson deems necessary.

19 377 Home and Community-Based Behavioral Health Services for Children; Mobile Crisis  
20 Response and Stabilization Services Included. Amend RSA 167:3-1 to read as follows:

21 167:3-1 Home and Community-Based Behavioral Health Services for Children.

22 **I.** The department shall establish a Medicaid home and community-based behavioral health  
23 services program for children with severe emotional disturbances whose service needs cannot be  
24 met through traditional behavioral health services. The department may establish such services  
25 through a state plan amendment as provided in Section 1915(i) of the Social Security Act or a  
26 waiver under other provisions of the Act, **as needed**. If the department proceeds with a waiver, it  
27 shall not limit the geographic availability of services.

28 **II.** Such services shall include the following services or their functional equivalent:

- 29 (a) Wraparound care coordination.
- 30 (b) Wraparound participation.
- 31 (c) In-home respite care.
- 32 (d) Out-of-home respite care.
- 33 (e) Customizable goods and services.
- 34 (f) Family peer support.
- 35 (g) Youth peer support.

36 **III. Mobile crisis response and stabilization services for children under 21 shall be**  
37 **provided and delivered using system of care values and principles in compliance with RSA**  
38 **135-F.**

1           (a) *The department shall contract with one or more third-party entities to*  
2 *ensure that all children in the state under 21 years of age have access to mobile crisis*  
3 *response and stabilization services, that such services are available with a response time*  
4 *of no more than one hour, and that such services are available in every part of the state.*

5           (b) *The department shall ensure the development of a performance*  
6 *measurement system for monitoring quality and access to mobile crisis response and*  
7 *stabilization services.*

8           (c) *All providers of mobile crisis response and stabilization services shall*  
9 *coordinate with the child's wraparound care coordinator, primary care physician, and*  
10 *any other care management program or other behavioral health providers providing*  
11 *services to the youth throughout the delivery of the service.*

12           (d) *Development and procurement of the mobile crises and stabilization*  
13 *services required under this section shall begin on the effective date of this section;*  
14 *implementation shall occur upon completion of the procurement process and approval by*  
15 *the governor and council.*

16           378 Delinquent Children; Arraignment. Amend RSA 169-B:13, I(f)(1)(C) to read as follows:

17                   (C) Identified as eligible for special education services[-]; **or**

18                   **(D) *Previously referred to a care management entity as defined in RSA***  
19 ***135-F:4, III.***

20           379 New Paragraph; Delinquent Children; Court Referrals; Referral to Care Management  
21 Entity. Amend RSA 169-B:13 by inserting after paragraph II the following new paragraph:

22           II-a. The court may, at the arraignment or at any time thereafter, with the consent of the  
23 minor and the minor's family, refer the minor and family to a care management entity, as defined in  
24 RSA 135-F:4, III, for evaluation and/or behavioral health services to be coordinated and supervised  
25 by that entity.

26           380 New Subparagraph; Delinquent Children; Disposition; Referral to Care Management  
27 Entity. Amend RSA 169-B:19, I by inserting after subparagraph (k) the following new  
28 subparagraph:

29                   (l) With the consent of the minor and the minor's family, refer the minor and family to a  
30 care management entity, as defined in RSA 135-F:4, III, for behavioral health services to be  
31 coordinated and supervised by that entity. Such referral may be accompanied by one or more other  
32 dispositions in this section, if otherwise authorized and appropriate.

33           381 New Paragraph; Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19 by  
34 inserting after paragraph I the following new paragraph:

35           I-a. In the case of a child for whom behavioral health services are being coordinated by a  
36 care management entity as defined in RSA 135-F:4, III, the court shall solicit and consider  
37 treatment and service recommendations from the entity. If the court orders a disposition which is  
38 not consistent with the care management entity's recommendations, it shall make written findings

1 regarding the basis for the disposition and the reasons for its determination not to follow the  
2 recommendations.

3 382 Children in Need of Services; Initial Appearance. Amend RSA 169-D:11, II(e)(2) and (3) to  
4 read as follows:

5 (2) Determined to have a mental illness, emotional or behavioral disorder, or  
6 another disorder that may impede the child's decision-making abilities; ~~or~~

7 (3) Identified as eligible for special education services~~[-]~~ ; **or**

8 (4) ***Previously referred to a care management entity as defined in RSA 135-***  
9 ***F:4, III.***

10 383 New Paragraph; Children in Need of Services; Initial Appearance; Referral to Case  
11 Management Entity. Amend RSA 169-D:11 by inserting after paragraph II-a the following new  
12 paragraph:

13 II-b. The court may, at the initial appearance or at any time thereafter, with the consent of  
14 the minor and the minor's family, refer the minor and family to a care management entity as  
15 defined in RSA 135-F:4 III for evaluation and/or behavioral health services to be coordinated and  
16 supervised by that entity.

17 384 New Paragraph; Children in Need of Services; Dispositional Hearing; Recommendations of  
18 Care Management Entity. Amend RSA 169-D:17 by inserting after paragraph I the following new  
19 paragraph:

20 I-a. In the case of a child for whom behavioral health services are being coordinated by a  
21 care management entity as defined in RSA 135-F:4, the court shall solicit and consider treatment  
22 and service recommendations from the entity. If the court orders a disposition which is not  
23 consistent with the entity's recommendations, it shall make written findings regarding the basis for  
24 the disposition and the reasons for its determination not to follow the recommendations.

25 385 New Paragraph; Children in Need of Services; Dispositional Hearing; Referral to Care  
26 Management Entity. Amend RSA 169-D:17 by inserting after paragraph III the following new  
27 paragraph:

28 III-a. In addition to any other disposition, the court may, with the consent of the minor and  
29 the minor's family, refer the minor and family to a care management entity as defined in RSA 135-  
30 F:4 III for behavioral health services to be coordinated and supervised by that entity. Such a  
31 referral may be accompanied by one or more other dispositions in this section, if otherwise  
32 authorized and appropriate.

33 386 New Paragraph; Services for Children Youth and Families; Definition of Evidence-Based  
34 Practice. Amend RSA 170-G:1 by inserting after paragraph V the following new paragraph:

35 V-a. "Evidence-based practice" means a practice that has been recognized as supported by  
36 research evidence by an evidence-based clearinghouse, such as the California Evidence-Based  
37 Clearinghouse for Child Welfare and the Title IV-E Prevention Services Clearinghouse. Other  
38 acceptable evidence-based practices shall include practices and programs evaluated using research

1 which utilizes methods that meet high scientific standards. Acceptable methods shall include:

2 (a) Systematic, empirical techniques that draw on observation or experiment.

3 (b) Rigorous data analyses that are adequate to test stated hypotheses and justify  
4 general conclusions.

5 (c) Measurements or observational methods that provide reliable and valid data across  
6 evaluators and observers, across multiple measurements and observations, and across studies by  
7 the same or different investigators.

8 (d) Randomized controlled trials when possible and appropriate.

9 387 New Paragraph; Services for Children, Youth, and Families; Duties of the Department of  
10 Health and Human Services. Amend RSA 170-G:4 by inserting after paragraph XX the following  
11 new paragraph:

12 XXI. Utilize, to the fullest permissible extent, available public reimbursement for  
13 behavioral health and other services provided pursuant to this chapter and RSA 169-B, 169-C, and  
14 169-D, in settings including the home, schools, and treatment facilities. Such reimbursement  
15 includes, but is not limited to, the federal Early and Periodic Screening, Diagnosis and Treatment  
16 Program under 42 U.S.C. section 1396d.

17 388 New Sections; Services for Children Youth and Families. Amend RSA 170-G by inserting  
18 after section 4-a the following new sections:

19 170-G:4-b Evidence-Based Practices.

20 I. On or before July 1, 2020, at least 10 percent of state funds received by the department  
21 for children's behavioral health services, whether or not they are subject to this chapter, shall be  
22 expended for evidence-based practices. Beginning July 1, 2022, the percentage of state funds  
23 expended for evidence-based practices shall be at least 25 percent; and beginning July 1, 2025, the  
24 percentage expended for evidence-based practices shall be at least 50 percent.

25 II. The department shall submit a biennial report containing:

26 (a) An assessment of each service provider on which the department expends funds,  
27 including but not limited to whether each service provided is an evidence-based practice, and  
28 whether the service provider is in compliance with the contract accountability requirements of RSA  
29 170-G:4-d.

30 (b) The percentage of state funds the department receives for behavioral health services  
31 that is being expended on evidence-based practices.

32 (c) The percentage of federal and other funds the department receives for behavioral  
33 health services that is being expended on evidence-based practices.

34 (d) A description of the efforts the department is making to increase the use of evidence-  
35 based practices for children's behavioral health and other services.

36 III. The department shall submit the report required under paragraph II no later than  
37 January 15 of each odd-numbered year to the governor, the administrative justice of the circuit  
38 court, and the house and senate finance committees. The report shall also be posted on the

1 department's website.

2 170-G:4-c Establishment of Resource Center for Children's Behavioral Health. The department  
3 shall establish and maintain a resource center for children's behavioral health, which shall:

4 I. Provide technical assistance to the department and to service providers to support the  
5 implementation and operation of evidence-based practices, along with the provision of services  
6 according to the system of care characteristics described in RSA 135-F:3.

7 II. Provide training on a statewide basis to persons employed in the children's behavioral  
8 health system, relating to:

9 (a) The use of evidence-based practices.

10 (b) The analysis of quality assurance protocols to determine whether service providers  
11 are utilizing evidence-based practices with fidelity.

12 III. Act as a clearinghouse for information and statewide resources on evidence-based  
13 practices for children receiving services pursuant to RSA 169-B, 169-C, 169-D, and 170-G.

14 IV. Facilitate collaboration among state and local agencies and service providers to increase  
15 access to such providers.

16 V. Provide support for the assessment of the implementation of evidence-based practices by  
17 such state and local agencies.

18 170-G:4-d Content of Provider Contracts.

19 I. All contracts between the department and providers of services under this chapter, or  
20 any behavior health service to children, shall include provisions addressing outcome measurement,  
21 incentives for the use of evidence-based practices, and accountability for high-quality services.  
22 Such provisions shall, at minimum, include the following:

23 (a) Required use of a uniform assessment instrument developed and/or approved by the  
24 department pursuant to RSA 170-G:4-e.

25 (b) In the case of providers of services to children pursuant to the dispositional  
26 authority of the circuit court under RSA 169-B and 169-D, outcome measurement which includes  
27 recidivism as measured by post-service arrests, violations of parole, conditional release, or other  
28 conditional liberty, and behavior meeting the definition of a child in need of service under RSA 169-  
29 D:2. Contracts with such providers shall also include incentives for recidivism reduction.

30 (c) Reporting to the department changes in assessment results following provision of  
31 the contracted service for each child served.

32 II. The department shall include substantially similar requirements in its standards for  
33 provider certification and other processes administered by the department to qualify providers to  
34 deliver services pursuant to this chapter.

35 170-G:4-e Assessment, Treatment, and Discharge Planning.

36 I. In every case in which a placement outside the home is being considered, the department  
37 shall require the completion of a written clinical assessment of the behavioral health and other  
38 treatment needs of the child.



1           II. A written treatment plan shall be required upon a child's placement in a residential or  
2 other treatment program. The plan shall have definable goals and strategies to achieve those goals  
3 and include concrete, outcome-oriented interventions with the objective of restoring, rehabilitating,  
4 or maintaining the child's capacity to successfully function in the community and diminish the need  
5 for a more intensive level of care.

6           III. The development of a written discharge plan for each child shall begin upon admission  
7 to any treatment program, and shall be available to the parents or guardians of the child no later  
8 than 10 days following admission to the program. Treatment and discharge plans shall be updated  
9 on an ongoing basis as treatment proceeds and a child's condition changes.

10          IV. All assessments conducted pursuant to this section shall include the use of a universal,  
11 strengths-based assessment tool which is adopted by the department and used throughout the  
12 system of care for children's mental health as defined in RSA 135-F.

13          V. The assessment of the child's behavioral health and other treatment needs shall be  
14 repeated upon discharge from any residential treatment program or commitment pursuant to RSA  
15 169-B:19, I(j).

16          VI. Assessments required by this section may not be conducted by employees of a  
17 residential treatment provider or commitment pursuant to RSA 169-B:19, I(j).

18          170-G:4-f Medical Assistance Screening. The department of health and human services shall  
19 establish a procedure to assess court-involved children for eligibility for private and public medical  
20 insurance, including the medical assistance program under RSA 167. This procedure shall apply to  
21 any child who is subject to proceedings under RSA 169-B or 169-D, or receives services pursuant to  
22 RSA 169-C. Children who may be eligible and their families shall be provided assistance by the  
23 department in making application for such assistance. The circuit court shall make any necessary  
24 adjustments to its arraignment and other procedures to facilitate such assessments.

25          389 Establishment of Resource Center for Children's Behavioral Health; RFP Required. On or  
26 before January 1, 2020, the department of health and human services shall issue a request for  
27 proposals to establish the resource center for children's behavioral health pursuant to RSA 170-G:4-  
28 c, as inserted by this act, and shall establish the resource center no later than July 1, 2020.

29          390 New Paragraph; Release and Discharge from the Youth Services Center. Amend RSA  
30 621:19 by inserting after paragraph III the following new paragraph:

31           III-a. In every case in which there is a diagnosis or other evidence that a minor at the  
32 center may have a serious emotional disturbance or other behavioral health disorder, the center  
33 shall, with the consent of the minor and the minor's family, refer the minor to a care management  
34 entity, as defined in RSA 135-F:4, III, for evaluation and recommendations for behavioral health  
35 services to be coordinated and supervised by that entity before and after discharge from the facility.  
36 Discharge plans shall incorporate the recommendations of the care management entity whenever  
37 appropriate. In any case where the recommendations of the care management entity are not  
38 incorporated into the discharge planning process, the minor, the minor's family, and counsel for the

1 minor shall be notified in writing of the decision and of the basis for the decision.

2 391 Appropriation; Department of Health and Human Services; Child Welfare Behavioral  
3 Health Services. The sum of \$6,084,000 for the fiscal year ending June 30, 2020, and the sum of  
4 \$13,164,000 for the fiscal year ending June 30, 2021, are hereby appropriated to the department of  
5 health and human services for the purposes of sections 374-390 of this act. Notwithstanding RSA  
6 14:30-a, VI, the department may accept and expend any federal fund match to the appropriation in  
7 this section without prior approval of this fiscal committee of the general court. The governor is  
8 authorized to draw a warrant for said sums out of any money in the treasury not otherwise  
9 appropriated.

10 392 Department of Health and Human Services; Medicaid Rate Increases. The commissioner of  
11 the department of health and human services shall increase all Medicaid provider rates, including  
12 all state plan services and waiver programs, excluding any provider rate increases for inpatient-  
13 only substance use disorder treatment services, by 3.1 percent in the fiscal year ending June 30,  
14 2020 and an additional 3.1 percent in the fiscal year ending June 30, 2021. The commissioner shall  
15 apply the rate increases to the Medicaid fee-for-service fee schedule for the purpose of determining  
16 payments for all services not delivered through managed care, and shall require the department's  
17 actuary to incorporate the rate increases into the capitation payment for all services provided in the  
18 care management program. Nothing in this section shall be construed to alter the traditional  
19 method of establishing the county contribution for the Medicaid federal medical assistance  
20 percentage.

21 393 Department of Health and Human Services; Appropriation.

22 I. The sum of \$60,000,000 for the biennium ending June 30, 2021 is hereby appropriated to  
23 the department of health and human services for the purposes of section 392 of this act. Said sums  
24 shall be charged as follows:

25 (a) The sum of \$52,128,000 shall be a charge against the state general fund, and the  
26 governor is authorized to draw a warrant for said sum out of any money in the treasury not  
27 otherwise appropriated;

28 (b) The sums of \$3,753,000 in the fiscal year ending June 30, 2020 and \$3,966,000 in the  
29 fiscal year ending June 30, 2021 shall be a charge against state general funds appropriated in  
30 account 05-95-93-930010-7100; and

31 (c) The sums of \$74,000 in the fiscal year ending June 30, 2020 and \$79,000 in the fiscal  
32 year ending June 30, 2021 shall be a charge against state general funds appropriated in account 05-  
33 95-48-482010-2152.

34 II. Notwithstanding RSA 14:30-a, VI, in addition to the amounts appropriated in paragraph  
35 I, the department of health and human services may accept and expend any matching federal funds  
36 available for the purposes of this section without the prior approval of the fiscal committee of the  
37 general court.

38 III. Nothing in this section shall be construed to provide a rate increase of an amount other

1 than 3.1 percent in each fiscal year to providers funded in accounts 05-95-93-930010-7100 and 05-  
2 95-48-482010-2152.

3 394 New Hampshire Granite Advantage Health Care Program. Amend RSA 126-AA:2, I(a) to  
4 read as follows:

5 I.(a) The commissioner shall apply for any necessary waivers and state plan amendments to  
6 implement a 5-year demonstration program beginning on January 1, 2019 to create the New  
7 Hampshire granite advantage health care program [~~which shall be funded exclusively from non-~~  
8 ~~general fund sources, including federal funds~~]. The commissioner shall include in an application for  
9 the necessary waivers submitted to the Centers for Medicare and Medicaid Services (CMS) a waiver  
10 of the requirement to provide 90-day retroactive coverage and a state plan amendment allowing  
11 state and county correctional facilities to conduct presumptive eligibility determinations for  
12 incarcerated inmates to the extent provided under federal law. To receive coverage under the  
13 program, those individuals in the new adult group who are eligible for benefits shall choose  
14 coverage offered by one of the managed care organizations (MCOs) awarded contracts as vendors  
15 under Medicaid managed care, pursuant to RSA 126-A:5, XIX(a). The program shall make coverage  
16 available in a cost-effective manner and shall provide cost transparency measures, and ensure that  
17 patients are utilizing the most appropriate level of care. Cost effectiveness shall be achieved by  
18 offering cash incentives and other forms of incentives to the insured by choosing preferred lower  
19 cost medical providers. Loss of incentives shall also be employed. MCOs shall employ reference-  
20 based pricing, cost transparency, and the use of incentives and loss of incentives to the Medicaid  
21 and newly eligible population. For the purposes of this subparagraph, "reference-based pricing"  
22 means setting a maximum amount payable for certain medical procedures.

23 395 New Hampshire Granite Advantage Health Care Program; Trust Fund. Amend RSA 126-  
24 AA:3, I to read as follows:

25 I. There is hereby established the New Hampshire granite advantage health care trust fund  
26 which shall be accounted for distinctly and separately from all other funds and shall be non-interest  
27 bearing. The fund shall be administered by the commissioner and shall be used solely to provide  
28 coverage for the newly eligible Medicaid population as provided for under RSA 126-AA:2, to pay for  
29 the administrative costs for the program, and reimburse the federal government for any over  
30 payments of federal funds. All moneys in the fund shall be nonlapsing and shall be continually  
31 appropriated to the commissioner for the purposes of the fund. The fund shall be authorized to pay  
32 and/or reimburse the cost of medical services and cost-effective related services, including without  
33 limitation, capitation payments to MCOs. No state general funds shall be deposited into the fund  
34 ***unless the commissioner has certified that a deficit is projected in the fund and the***  
35 ***federal match rate is at least 90 percent. If those conditions have been met, the***  
36 ***commissioner may seek approval from the fiscal committee of the general court to transfer***  
37 ***general funds from the department's budget into the trust fund to cover the amount of the***  
38 ***projected deficit.*** Deposits into the fund shall be limited exclusively to the following:

1           (a) Revenue transferred from the alcohol abuse prevention and treatment fund  
2 pursuant to RSA 176-A:1, IV;

3           (b) Federal Medicaid reimbursement for program costs and administrative costs  
4 attributable to the program;

5           (c) Surplus funds generated as a result of MCOs managing the cost of their services  
6 below the medical loss ratio established by the commissioner for the managed care program  
7 beginning on July 1, 2019;

8           (d) Taxes attributable to premiums written for medical and other medical related  
9 services for the newly eligible Medicaid population as provided for under this chapter, consistent  
10 with RSA 400-A:32, III(b);

11           (e) Funds received from the assessment under RSA 404-G;

12           (f) Funds recovered or returnable to the fund that were originally spent on the cost of  
13 coverage of the granite advantage health care program; ~~and~~

14           (g) Gifts, grants, and donations[-];

15           ***(h) Medicaid enhancement tax moneys necessary to pay for the portion of***  
16 ***provider rate increases pursuant to RSA 167:64, I(a)(2)(C) that is attributable to services***  
17 ***provided under this chapter; and***

18           ***(i) General funds.***

19           396 Appropriation; Department of Health and Human Services; Safe Stations. The sum of  
20 \$375,000 for the fiscal year ending June 30, 2020 and the sum of \$375,000 for the fiscal year ending  
21 June 30, 2021 is hereby appropriated to the department of health and human services for the  
22 purpose of funding existing Safe Stations located in Manchester and Nashua. The governor is  
23 authorized to draw a warrant for said sums out of any money in the treasury not otherwise  
24 appropriated.

25           397 Supported Housing. Amend 2017, 156:186, I as amended by 2018, 343:14 to read as  
26 follows:

27           I. The commissioner of the department of health and human services shall contract with  
28 programs that enable individuals with serious mental illness to attain and maintain integrated,  
29 affordable, supported housing. The department shall use funding not to exceed \$500,000 from  
30 existing appropriations for the biennium ending June 30, 2019. ***Such funds, not to exceed***  
31 ***\$500,000 from accounting unit 05-95-92-922010-4117, shall not lapse until June 30, 2021.***  
32 Eligibility for such funding shall include persons who are not eligible for existing housing subsidy  
33 programs. The department shall submit a monthly report to the fiscal committee of the general  
34 court regarding implementation of this section.

35           398 Department of Health and Human Services; Appropriation. Notwithstanding RSA 126-  
36 AA:2, I(a) and RSA 126-AA:3, the sum of \$5,000,000 for the biennium ending June 30, 2021 is  
37 hereby appropriated to the department of health and human services, which shall be nonlapsing,  
38 for the purpose of enhancing provider rates for mental health and substance use disorder inpatient

1 and outpatient services consistent with 2018, 342. The governor is authorized to draw a warrant  
2 for said sum out of any money in the treasury not otherwise appropriated. Notwithstanding RSA  
3 14:30-a,VI, the department may accept and expend any federal fund match to the appropriation in  
4 this section without prior approval of the fiscal committee of the general court.

5 399 Repeal. 2019, 41:1, relative to an appropriation to the department of health and human  
6 services for increasing diagnosis-related group (DRG) rates for designated receiving facilities (DRF)  
7 beds, is repealed.

8 400 Department of Health and Human Services; Designated Receiving Facilities Beds. 2019,  
9 41:3 is repealed and reenacted to read as follows:

10 41:3 Department of Health and Human Services; Designated Receiving Facilities; Residential  
11 Beds; Hospital Renovations.

12 I. The commissioner of the department of health and human services is authorized to enter  
13 into a signed agreement with a hospital in either Sullivan or Cheshire county to provide up to 10  
14 new designated receiving facility (DRF) beds to be operational by October 1, 2020. If such an  
15 agreement is reached by July 1, 2020, then the department shall be hereby appropriated the  
16 amounts provided in paragraph II. If an agreement is not reached by July 1, 2020, then no funds in  
17 paragraph II shall be appropriated.

18 II.(a) The sum of \$1,000,000 for the fiscal year ending June 30, 2019 for the purpose of  
19 renovating the designated receiving facility (DRF) under agreement in paragraph I. Such  
20 appropriation shall not lapse. The governor is authorized to draw a warrant for said sum out of any  
21 money in the treasury not otherwise appropriated.

22 (b) The sum of \$976,000 in the fiscal year ending June 30, 2021 for the purpose of  
23 increasing the diagnosis-related group (DRG) rates for all designated receiving facility (DRF) beds  
24 in New Hampshire. Such rate increases shall be effective October 1, 2020. For the amount  
25 appropriated, \$488,000 shall be state general funds and \$488,000 shall be federal funds. Such funds  
26 shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the  
27 treasury not otherwise appropriated. Notwithstanding RSA 14:30-a, VI, the department may accept  
28 and expend any matching federal funds without prior approval of the fiscal committee of the  
29 general court.

30 III. The commissioner of the department of health and human services shall allocate and  
31 disburse any funds appropriated in paragraph I through a request for applications (RFA) The RFA  
32 shall be issued no later than December 1, 2019 and the new DRF beds shall be operational by  
33 October 1, 2020. Any hospital receiving funds appropriated under subparagraph I(a) shall operate  
34 the new DRF beds for no less than 5 years.

35 401 Appropriation; Secure Psychiatric Unit Facility. The sum of \$17,500,000 for the fiscal year  
36 ending June 30, 2019 is hereby appropriated to the department of health and human services and  
37 shall be expended for the purpose of constructing a new 25-bed secure psychiatric unit facility on  
38 the New Hampshire Hospital grounds. The sum appropriated shall be nonlapsing, provided that

1 any unexpended amount following construction shall lapse to the general fund. The facility shall be  
2 built to house such persons that do not require continued joint commission accreditation. The  
3 department of administrative services shall prioritize this project in its workload. The department  
4 of administrative services and the department of health and human shall provide reports each  
5 quarter to the fiscal committee of the general court and the senate finance and house finance  
6 committees concerning the progress of the project. Appropriate persons housed in the secure  
7 psychiatric unit of the state prison shall be safely transferred to this facility no later than two weeks  
8 after it is operational. This facility shall be operated and managed by the department of health and  
9 human services. The state shall not enter into a contract with a private or for-profit prison  
10 company for the construction or operation of the secure psychiatric facility unit. The governor is  
11 authorized to draw a warrant for said sum out of any money in the treasury not otherwise  
12 appropriated.

13 402 Repeal. The following are repealed:

14 I. RSA 84-D, relative to the ICF quality assessment.

15 II. RSA 151-E:15-a, relative to expenditure of funds from ICF quality assessment.

16 403 Department of Health and Human Services; State Plan Amendment; Medicaid for Older  
17 Employed Adults with Disabilities (MOAD) Work Incentive Program. On or before January 15,  
18 2020, the commissioner of the department of health and human services shall apply to the Centers  
19 for Medicare and Medicaid Services for an amendment to the state Medicaid plan pursuant to 442  
20 C.F.R. section 430.12 to allow working persons with disabilities who are age 65 and older to receive  
21 medical assistance pursuant to 42 U.S.C. section 1396a(a)(10)(A)(ii)(XIII) and as permitted under  
22 the Balanced Budget Act of 1997, to be known as Medicaid for Older Employed Adults with  
23 Disabilities (MOAD). The state plan amendment shall be used to create a program similar to the  
24 state's Medicaid for Employed Adults with Disabilities (MEAD) program, established pursuant to  
25 RSA 167:3-i, which is currently limited to individuals between 18 and 64 years of age. Program  
26 eligibility under the state plan amendment shall be structured to provide the broadest range of  
27 Medicaid coverage consistent with federal eligibility criteria, and to utilize available income and  
28 asset disregards so that, to the extent possible, persons eligible for the MEAD program shall also be  
29 eligible for the MOAD program when they reach age 65.

30 404 New Paragraph; Definitions; MOAD Program. Amend RSA 167:6 by inserting after  
31 paragraph IX the following new paragraph:

32 IX-a. A person with a disability age 65 and older who is eligible to participate in the work  
33 incentive program, known as Medicaid for employed older adults with disabilities (MOAD), shall be  
34 eligible for medical assistance as medically needy or categorically needy but not to exclude Medicare  
35 coverage. The department of health and human services shall establish a sliding fee scale for  
36 participants to contribute to the cost of such medical assistance. Participants in the MOAD  
37 program shall be employed at the time of enrollment, and may remain enrolled during temporary  
38 unemployment for medical reasons or other good cause.

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1           405 New Section; MOAD Work Incentive Program. Amend RSA 167 by inserting after section  
2 3-1 the following new section:

3           167:3-m MOAD Work Incentive Program.

4           I. Pursuant to section 1902(a)(10)(A)(ii)(XIII) of the Social Security Act, 42 U.S.C. section  
5 1396a(a)(10)(A)(ii)(XIII), the department of health and human services shall establish and  
6 administer a work incentive program, known as Medicaid for employed older adults with disabilities  
7 (MOAD). The purpose of the program shall be to ensure the availability of long-term supports to  
8 workers age 65 and older with disabilities who are medically eligible for Medicaid, enabling them to  
9 maximize their employment potential and financial independence and prevent impoverishment and  
10 dependence upon cash assistance programs.

11           II. In addition to the requirements of RSA 167:6, IX-a, the MOAD program shall:

12           (a) Exclude from consideration resources accumulated from earnings, including interest  
13 earned by the resource, by a MOAD-eligible individual beginning on or after the date of eligibility  
14 through the period of MOAD eligibility and kept in a separate account from other resources, when  
15 determining future eligibility for other medical assistance programs.

16           (b) Provide continued eligibility during periods of temporary unemployment provided  
17 that the individual is unable to work for medical reasons but is likely to return to work, or the  
18 individual becomes unemployed for other good cause and is actively seeking employment.

19           (c) Define employment for eligibility purposes in a manner that permits a self-employed  
20 individual to earn less than the federal minimum wage.

21           (d) Permit individuals who are eligible for home and community-based care waiver  
22 services and who qualify for a special income limit, to receive medical assistance through the MOAD  
23 program, if they so choose.

24           (e) Provide notice and an opportunity for a fair hearing in the event of any adverse  
25 action affecting eligibility for or enrollment in the MOAD program.

26           (f) Establish oversight and enforcement procedures to prevent fraud and to assure that  
27 participants are consistently engaging in gainful employment.

28           III. Pursuant to section 1902(a)(10)(A)(ii)(XIII) of the Social Security Act, 42 U.S.C. section  
29 1396a(a)(10)(A)(ii)(XIII), individuals shall be eligible for MOAD if their income does not exceed 250  
30 percent of the federal poverty level, and they meet all criteria for receiving benefits under the  
31 Supplemental Security Income (SSI) program.

32           406 New Paragraph; Rulemaking; MOAD Program. Amend RSA 167:3-c by inserting after  
33 paragraph XII the following new paragraph:

34           XII-a. Administration of the MOAD work incentive program established pursuant to RSA  
35 167:6, IX-a and RSA 167:3-m.

36           407 Applicability; MOAD. Sections 404-406 of this act shall take effect on the date that the  
37 commissioner of the department of health and human services certifies to the secretary of state and  
38 the director of the office of legislative services that the state plan amendment submitted under

1 section 403 of this act has been approved by the Centers for Medicare and Medicaid Services.

2 408 Appropriation; Department of Health and Human Services; Child Protective Service  
3 Workers. The sum of \$1,998,005 for the fiscal year ending June 30, 2020, and the sum of \$4,119,845  
4 for the fiscal year ending June 30, 2021, are hereby appropriated to the department of health and  
5 human services for the purpose of hiring 27 child protective service workers in fiscal year 2020 and  
6 an additional 30 child protective service workers in fiscal year 2021. Of these amounts, \$1,398,604  
7 for the fiscal year ending June 30, 2020 and \$2,883,892 for the fiscal year ending June 30, 2021  
8 shall be state general funds, and the remainder shall be federal funds. The funds appropriated in  
9 this section shall only be used for the purposes of this section, and shall not be transferred or used  
10 for any other purpose. The governor is authorized to draw a warrant for the general fund share of  
11 said sums out of any money in the treasury not otherwise appropriated.

12 409 Appropriation; Department of Health and Human Services; Child Protective Service  
13 Supervisors. The sum of \$773,552 for the fiscal year ending June 30, 2020, and the sum of  
14 \$1,703,152 for the fiscal year ending June 30, 2021, are hereby appropriated to the department of  
15 health and human services for the purpose of hiring 9 child protective service supervisors in fiscal  
16 year 2020 and an additional 11 supervisors in fiscal year 2021. Of these amounts, \$541,487 for the  
17 fiscal year ending June 30, 2020 and \$1,192,207 for the fiscal year ending June 30, 2021 shall be  
18 state general funds, and the remainder shall be federal funds. The funds appropriated in this  
19 section shall only be used for the purposes of this section, and shall not be transferred or used for  
20 any other purpose. The governor is authorized to draw a warrant for the general fund share of said  
21 sums out of any money in the treasury not otherwise appropriated.

22 410 Contingent Applicability. If SB 6 of the 2019 general legislative session becomes law,  
23 sections 408 and 409 of this act shall not take effect. If SB 6 of the 2019 general legislative session  
24 does not become law, sections 408 and 409 of this act shall take effect on July 1, 2019.

25 411 Statement of Purpose. The purpose of sections 412-413 of this act is to set minimum  
26 training requirements for staff members working in facilities or programs regulated by the health  
27 facilities administration, department of health and human services which include persons with  
28 Alzheimer's disease or other dementias in the populations they serve. The dementia-specific  
29 training curriculum shall incorporate principles of person-centered dementia care including:  
30 thorough knowledge of the person and the person's abilities and needs; advancement of optimal  
31 functioning and a high quality of life; and use of problem-solving approaches to care. Staff members  
32 shall be trained adequately and appropriately to best address the needs of the population of care  
33 recipients they serve. Training shall be culturally competent both for the staff member and the care  
34 recipient.

35 412 New Subdivision; Dementia Training for Direct Care Staff in Residential Facilities and  
36 Community-Based Services. Amend RSA 151 by inserting after section 46 the following new  
37 subdivision:

38 Dementia Training for Direct Care Staff in Residential Facilities



and Community-Based Services

151:47 Definitions. In this subdivision:

I. "Covered administrative staff member" means the senior manager of the facility or program, including administrators, as well as managerial staff members that directly supervise covered direct service staff members.

II. "Covered direct service staff member" means a staff member whose work involves extensive contact with residents or program participants. Such staff members include: certified nursing assistants, nurse aides, personal care assistants, home health or personal care aides, licensed practical nurses, licensed vocational nurses, registered nurses, social workers, activity directors, and dietary staff.

III. "Department" means the department of health and human services.

IV. "Facilities or programs" means residential facilities or home and community-based programs, serving an adult population, licensed as appropriate under this chapter, that provide supportive services including, but not limited to, skilled care facilities, intermediate care facilities, assisted living facilities, residential care for the elderly, adult day programs, home health, in-home services, or adult family care homes or programs that advertise specialty memory care that have residents or program participants with Alzheimer's disease or other dementias.

V. "Other covered staff member" means a staff member who has incidental contact on a recurring basis with residents or program participants, including housekeeping staff, front desk staff, maintenance staff, other administrative staff, and other individuals who have such incidental contact.

VI. "Staff member" includes full and part-time employees, independent consultants, and staff of contractors and subcontractors.

151:48 Initial and Continuing Training in Dementia Required.

I. Facilities and programs shall provide initial training to:

(a) All covered staff members hired on or after July 1, 2019, who shall complete initial training within 6 months of the commencement of employment.

(b) All covered staff members who were employed prior to the date under subparagraph (a) and who have not received equivalent training; such training shall be completed within 6 months of that date.

II. Each facility or program shall establish a system for ongoing onsite support, supervision, and mentoring for its staff with regard to the treatment and care of persons with dementia.

III. For covered direct service staff members and covered administrative staff members, at a minimum, the curriculum used for the initial training shall adhere to the latest nationwide Alzheimer's Association Dementia Care Practice Recommendations and, at a minimum, cover the following topics:

(a) Alzheimer's disease and dementia;

(b) Person-centered care;

- 1 (c) Assessment and care planning;
- 2 (d) Activities of daily living; and
- 3 (e) Dementia-related behaviors and communication.

4 IV. For other covered staff members, training shall include, at a minimum, communication  
5 issues related to dementia.

6 V. Initial dementia training shall be considered complete only after the staff member has  
7 taken and passed an evaluation.

8 151:49 Portability.

9 I. The facility or staff shall issue a certificate to covered staff members upon completion of  
10 initial training, which shall be portable between settings. Provided that the covered staff member  
11 does not have a lapse of dementia related direct service or administration employment for 24  
12 consecutive months or more, the covered staff member shall not be required to repeat the initial  
13 dementia training.

14 II. Covered staff members shall be responsible for maintaining records of certificates  
15 received.

16 151:50 Continuing Education. In addition to initial training, the commissioner shall adopt  
17 rules to determine when and how often continuing education on dementia shall be required. Such  
18 continuing education shall include new information on best practices in the treatment and care of  
19 persons with dementia. The department shall require at least a minimum of 6 hours of initial  
20 continuing education for covered administrative staff members and covered direct service staff  
21 members and shall require at least a minimum of 4 hours of ongoing training each calendar year.  
22 Such continuing education shall include new information on best practices in the treatment and  
23 care of persons with dementia.

24 151:51 Requirements for Trainers; Training Costs. Persons responsible for conducting in-  
25 person dementia trainings shall meet minimum criteria including: 2 years of work experience  
26 related to Alzheimer's disease or other dementias or in health care, gerontology, or other related  
27 field; and have completed training equivalent to the requirements provided herein. Covered staff  
28 members shall not be required to bear any of the cost of training or to attend trainings and shall  
29 receive their normal compensation when attending required trainings.

30 151:52 Departmental Oversight.

31 I. The department shall exercise oversight of a facility's or program's dementia training  
32 program as part of its comprehensive regulatory responsibilities. Such oversight shall:

- 33 (a) Ensure that the facility or program provides continuing education opportunities.
- 34 (b) Ensure that the facility or program uses designated online training programs or  
35 facility-based training that meets the requirements for dementia training in the state.
- 36 (c) Ensure compliance with any other requirements specified in this subdivision.

37 II. The department may use all of its enforcement tools to ensure that facilities and  
38 programs comply with paragraph I.

1       413 Applicability; Dementia Training. Section 412 of this act is intended to address gaps in  
2 current dementia training requirements for covered staff and improve the quality of training. If  
3 prior-enacted laws or rules contain more rigorous training requirements for some covered staff  
4 members, those laws or rules shall apply. Where there is overlap between these provisions and  
5 other laws and rules, the department shall interpret this statute to avoid duplication of  
6 requirements while ensuring that the minimum requirements set forth in this act are met.

7       414 Repeal. 2017, 156:211, prohibiting reproductive health facilities from using state funds to  
8 provide abortion services, is repealed.

9       415 County Nursing Homes; Proportionate Share Payments. Amend RSA 167:18-h to read as  
10 follows:

11       167:18-h County Nursing Homes; Proportionate Share Payments.

12       I. Proportionate share payments to county nursing homes shall be made each state fiscal  
13 year in an amount equal to the maximum permissible by federal regulations. All payments shall be  
14 ~~[apportioned]~~ **specific** to each facility in ~~[a percentage equal to that facility's proportion of total~~  
15 ~~county nursing home medicaid utilization]~~ **accordance with the methodology in the approved**  
16 **Medicaid state plan amendment**. If the federal government makes adjustments to any  
17 proportionate share payments that have been made by the state, the amounts due under this  
18 section shall be amended accordingly and adjusted payments shall be made to or from the state as  
19 necessary.

20       II. ~~[Notwithstanding any provision of law to the contrary, each county government shall~~  
21 ~~reimburse the state for 50 percent of the total cost of proportionate share payments made to the~~  
22 ~~county pursuant to paragraph I.]~~

23       **(a) The certified public expenditure (CPE) nursing facilities group shall be**  
24 **financed on the basis of a CPE methodology and shall not require a transfer of funds from**  
25 **the respective county to the state to effectuate the federal match.**

26       **(b) Any intergovernmental transfers (IGT) specific to the IGT nursing facilities**  
27 **group that serve as the basis for generating the federal match shall originate from the**  
28 **county.**

29       416 Aid to Assisted Persons; Liability for Support and Reimbursement from the State;  
30 Suspension. RSA 165:20-c, relative to liability for support and reimbursement from the state, shall  
31 be suspended for the biennium ending June 30, 2021.

32       417 New Paragraph; Services for Children, Youth and Families; Department of Health and  
33 Human Services Funding for Juvenile Diversion Programs. Amend RSA 170-G:4 by inserting after  
34 paragraph XX the following new paragraph:

35       XXI. Encourage cities, towns, counties, and non-governmental organizations to develop and  
36 maintain court-approved diversion programs for juveniles. The amount to be distributed to the  
37 diversion programs shall be not more than \$600,000 for the biennium ending June 30, 2021, from  
38 which the sum of \$30,000 in each year of the biennium shall be reserved for newly approved

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1 programs, with the remainder divided equally among existing, approved programs that make  
2 application for such funding. The judicial branch family division shall establish requirements for  
3 court-approved diversion programs under this section and RSA 169-B:10.

4 418 Appropriation; Department of Health and Human Services; Juvenile Diversion Programs.  
5 The sum of \$300,000 annually, for the biennium ending June 30, 2021, is hereby appropriated to  
6 the department of health and human services for distribution to juvenile diversion programs  
7 developed and maintained by municipalities, counties, and non-governmental organizations  
8 pursuant to RSA 170-G:4, XXI, as inserted by this act. The governor is authorized to draw a  
9 warrant for said sum out of any money in the treasury not otherwise appropriated.

10 419 Department of Health and Human Services; Appropriation. The sum of \$450,000 in the  
11 fiscal year ending June 30, 2020 and the sum of \$450,000 in the fiscal year ending June 30, 2021  
12 are hereby appropriated to the department of health and human services for the purpose of funding  
13 existing supervised visitation centers in New Hampshire. The governor is authorized to draw a  
14 warrant for said sums out of any money in the treasury not otherwise appropriated.

15 420 Department of Health and Human Services; Rural Health and Primary Care Section;  
16 Positions Established. There is established within the department of health and human services,  
17 division of public health services, rural health and primary care section, 2 full-time, unclassified  
18 positions. The salary for such positions shall be as set forth in RSA 94:1-a, provided that the salary  
19 for such positions shall be determined after assessment and review of the appropriate temporary  
20 letter grade allocation in RSA 94:1-a, I(b) for the positions which shall be conducted pursuant to  
21 RSA 94:1-d and RSA 14:14-c.

22 421 Appropriations; Department of Health and Human Services; Rural Health and Primary  
23 Care Section.

24 I. State Loan Repayment Program. The sum of \$3,250,000 for the fiscal year ending June  
25 30, 2020 and the sum of \$3,250,000 for the fiscal year ending June 30, 2021 are hereby appropriated  
26 to the department of health and human services, division of public health services, rural health and  
27 primary care section to accounting unit 05-95-90-901010-7965, line 103, Contracts for Op Services,  
28 and to fund one of the positions established in section 420 of this act. This appropriation shall be  
29 nonlapsing. Of this appropriation, the sums of \$750,000 for the fiscal year ending June 30, 2020  
30 and \$750,000 for the fiscal year ending June 30, 2021 shall be expended by clinicians solely to  
31 deliver mental health and substance use disorder treatment services in Carroll, Cheshire, and Coos  
32 counties. The governor is authorized to draw a warrant for said sums out of any money in the  
33 treasury not otherwise appropriated.

34 II. Primary Care Workforce Program. The sum of \$120,000 for the fiscal year ending June  
35 30, 2020 and the sum of \$120,000 for the fiscal year ending June 30, 2021 are hereby appropriated  
36 to the department of health and human services, division of public health services, rural health and  
37 primary care section, for the purpose of funding one of the positions established in section 420 of  
38 this act. The commissioner of the department of health and human services may use up to \$20,000

1 of the appropriation in each fiscal year towards the upgrade of an existing position in the rural  
2 health and primary care section. The governor is authorized to draw a warrant for said sums out of  
3 any money in the treasury not otherwise appropriated.

4 422 Appropriation; Department of Business and Economic Affairs. The sum of \$100,000 for the  
5 fiscal year ending June 30, 2020 and the sum of \$100,000 for the fiscal year ending June 30, 2021  
6 are hereby appropriated to the department of business and economic affairs for the purpose of  
7 supporting the education and acceleration programs within New Hampshire's non-profit business  
8 technology incubators. The governor is authorized to draw a warrant for said sum out of any money  
9 in the treasury not otherwise appropriated.

10 423 New Subdivision; Lead Paint Hazard Remediation Fund. Amend RSA 204-C by inserting  
11 after section 87 the following new subdivision:

12 Lead Paint Hazard Remediation Fund

13 204-C:88 Definitions. In this subdivision:

14 I. "Multi-unit" means more than one dwelling unit.

15 II. "Property" means a rental or owner-occupied residential property, or a child care facility  
16 licensed under RSA 170-E.

17 III. "Unit" means a single dwelling unit within a structure that contains more than one  
18 dwelling unit. "Unit" may also include any dwelling unit within a structure that is otherwise used  
19 for non-residential purposes.

20 204-C:89 Lead Paint Hazard Remediation Fund Established.

21 I. There is hereby established within the authority a fund to be used for the purposes of  
22 remediating lead paint hazards in housing, to be known as the lead paint hazard remediation fund.  
23 The lead paint hazard remediation fund shall be composed of appropriations, gifts, grants,  
24 donations, bequests, or other moneys from any public or private source, but such revenues shall not  
25 be deemed to be money received from the state, and nothing in this subdivision shall be construed  
26 as pledging the faith and credit of the state.

27 II. The authority may use the lead paint hazard remediation fund to make loans to owners  
28 of properties for the costs of remediation of lead paint hazards. The authority may also make loans  
29 to owners of licensed child care facilities for remediation of lead in water. Loans may be made  
30 provided that such remediation is conducted in accordance with lead-safe practices under applicable  
31 laws and regulations.

32 III. The authority may use up to 5 percent of any funds deposited in the lead paint hazard  
33 remediation fund for program administration.

34 204-C:90 Eligibility. For a property to be eligible to use the funding under this subdivision, the  
35 property shall be:

36 I. An owner-occupied single family home occupied by a household with a child under 6  
37 years or a pregnant woman and where household income is no more than 100 percent of the median  
38 income adjusted for household size for the metropolitan area or county in which the housing is

1 located as published annually by the United States Department of Housing and Urban  
2 Development;

3 II. A unit in a multi-unit residential property or a renter-occupied single family home  
4 where household income is no more than 90 percent of the median income adjusted for household  
5 size for the metropolitan area or county in which the housing is located as published annually by  
6 the United States Department of Housing and Urban Development; or

7 III. A child care facility licensed under RSA 170-E.

8 204-C:91 Use of Federal Funds. The lead paint hazard remediation fund shall only be used to  
9 supplement, but not supplant, existing federal resources. If a property or unit is eligible for federal  
10 funding from a program in operation by the authority, or by any state agency or political  
11 subdivision, the owner of the property shall first apply to that program before applying to the lead  
12 paint hazard remediation fund.

13 204-C:92 Rulemaking. Pursuant to RSA 204-C:53, the authority shall adopt rules governing  
14 the distribution the lead paint hazard remediation fund.

15 424 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after  
16 subparagraph (343) the following new subparagraph:

17 (344) Moneys deposited in the lead paint hazard remediation fund established  
18 under RSA 204-C:89.

19 425 Repeal. Loans for Lead Hazard Remediation Projects. RSA 130-A:15-a, relative to loans  
20 for lead hazard remediation projects, is repealed.

21 426 Appropriation; Lead Paint Hazard Remediation Fund. The sum of \$3,000,000 for the fiscal  
22 year ending June 30, 2020 is hereby appropriated to the lead paint hazard remediation fund  
23 established in RSA 204-C:89. The governor is authorized to draw a warrant for said sum out of any  
24 money in the treasury not otherwise appropriated.

25 427 Appropriation; Division of Public Health Services. Notwithstanding the provisions of RSA  
26 485-F, \$500,000 in fiscal year 2020 shall be appropriated from the drinking water and groundwater  
27 trust fund established in RSA 6-D:1 to the department of health and human services, division of  
28 public health services to fund a study to determine the causes of high levels of pediatric cancer in  
29 New Hampshire. These funds shall not lapse until June 30, 2021.

30 428 New Hampshire Veterans' Home; Transfer Among Accounts and Classes. Notwithstanding  
31 any provision of law to the contrary, for the biennium ending June 30, 2021, the commandant of the  
32 New Hampshire veterans' home is authorized to transfer funds within and among all accounting  
33 units within the home and to create accounting units and expenditure classes as required and as  
34 the commandant deems necessary and appropriate to address present or projected budget deficits,  
35 or to respond to changes in federal law, regulations, or programs, and otherwise as necessary for  
36 the efficient management of the home, including funding of unfunded positions, provided that if a  
37 transfer does not include new accounting units or expenditure classes, only such transfers of  
38 \$100,000 or more shall require prior approval of the fiscal committee of the general court and the

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1 governor and council. The New Hampshire veterans' home shall be exempt from RSA 9:17-a, I and  
2 RSA 9:17-c, subject to approval by the fiscal committee of the general court of any transfer of  
3 appropriations from permanent personal services or employee benefits to any other use or purpose

4 429 Committee Established. There is established a committee to study the disparity in pay  
5 between independent case managers and case managers who are part of the Medicaid managed care  
6 program.

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

8 (a) Two members of the senate, one of whom shall be the chair of the senate health and  
9 human services committee and one of whom shall be from the senate finance committee, appointed  
10 by the president of the senate.

11 (b) Two members of the house of representatives, one of whom shall be the chair of the  
12 house health, human services and elderly affairs committee and one whom shall be from the house  
13 finance committee, appointed by the speaker of the house of representatives.

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

16 III.(a) The committee shall examine the extent of any disparity in pay between independent  
17 case managers and case managers who are part of the Medicaid managed care program, and the  
18 potential causes of and solutions to such disparity.

19 (b) The study shall include a comparison between all 1915(c) waiver case management  
20 reimbursement, including reimbursement for providers in the following programmatic areas:  
21 developmental services, choices for independence, in-home support, and acquired brain disorder  
22 services.

23 IV. The committee may solicit information from any person or entity the committee deems  
24 relevant to its study.

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

29 VI. The committee shall report its findings and any recommendations for proposed  
30 legislation to the president of the senate, the speaker of the house of representatives, the senate  
31 clerk, the house clerk, the governor, and the state library on or before November 1, 2019.

32 430 Statement of Purpose. The purpose of sections 431 and 432 this act is to assist lower  
33 income seniors with prescription drug costs when they reach the coverage limit for prescription  
34 drugs under the Medicare Part D program. Since most Medicare drug plans have a coverage gap,  
35 often called the "donut hole," the general court finds that there is a need for a state assistance plan  
36 to supplement or wrap around the benefit available under the federal program to ensure that low  
37 income seniors retain access to necessary medication during this gap in coverage.

38 431 New Subdivision; Department of Health and Human Services; New Hampshire

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1 Pharmaceutical Assistance Pilot Program for Seniors. Amend RSA 126-A by inserting after section  
2 77 the following new subdivision:

3           New Hampshire Pharmaceutical Assistance Pilot Program for Seniors  
4       126-A:78 New Hampshire Pharmaceutical Assistance Pilot Program for Seniors.

5           I. The commissioner of the department of health and human services shall establish a  
6 prescription drug assistance pilot program for seniors. The purpose of the pilot program shall be to  
7 wraparound or supplement the federal prescription drug benefit under Medicare Part D by paying  
8 the out-of-pocket costs for prescription drugs for eligible individuals who have reached the coverage  
9 gap, known as the donut hole, under Medicare Part D. The pilot program shall be the payer of last  
10 resort and shall cover all out-of-pocket prescription drug costs for which assistance is not otherwise  
11 available in the coverage gap, known as the donut hole. The pilot program shall be available to the  
12 first 1,000 individuals age 65 or older who apply for such assistance, who have a gross annual  
13 household income of 250 percent or less of the federal poverty level, and who otherwise meet the  
14 eligibility criteria established by the department. Assistance shall be available under the pilot  
15 program from January 1, 2020 to January 1, 2021. The commissioner shall make available an  
16 online application, a telephone number for applications and questions, and shall provide written  
17 applications upon request. Applications shall include information on income, household size,  
18 Medicare Part D enrollment and coverage information, the prescription drugs for which assistance  
19 is sought, the age of the applicant, and the location of the applicant. On or before November 1,  
20 2019, the commissioner shall adopt rules, under RSA 541-A, relative to pilot program enrollment,  
21 administration, and evaluation.

22           II. On or before March 1, 2021, the commissioner of the department of health and human  
23 services shall submit an evaluation report of the pilot program to the senate president, the speaker  
24 of the house of representatives, the governor, the senate finance committee, the house finance  
25 committee, the senate health and human services committee, and the house health, human services  
26 and elderly affairs committee. The report shall include information regarding the number of  
27 applications, age and location of applicants, prescription drugs for which assistance was provided,  
28 costs per eligible applicant, likely costs per non-eligible applicant, and descriptions regarding  
29 applicant ineligibility.

30           432 Appropriation; Department of Health and Human Services. For the purpose of funding the  
31 prescription drug assistance pilot program for seniors established in this act, the sum of \$2,000,000  
32 for fiscal year ending June 30, 2019, is hereby appropriated to the department of health and human  
33 services. Such appropriation shall not lapse. The governor is authorized to draw a warrant for said  
34 sum out of any money in the treasury not otherwise appropriated.

35           433 Appropriation. The sum of \$1,000,000 for the fiscal year ending June 30, 2019 is hereby  
36 appropriated to the department of health and human services for the purposes of upgrading  
37 existing substance use disorder treatment and recovery housing facilities and creating new  
38 substance use disorder treatment and recovery housing facilities. Funds appropriated under this



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1 section shall be used for upgrading or renovating existing facilities to ensure compliance with fire  
2 code and safety standards; expanding existing facilities to increase service capacity; and developing  
3 new substance use disorder treatment and recovery housing facilities. Facilities receiving funds  
4 under this section shall be in compliance with any state rules associated with the operation of such  
5 programs. The governor is authorized to draw a warrant for said sum out of any money in the  
6 treasury not otherwise appropriated. Funds appropriated in this section shall be nonlapsing.

7 434 Effective Date.

8 I. Sections 1, 36, 37, 63, 66, 72, 73, 191, 197, 230, paragraph I of section 233, 234-236, 251,  
9 paragraph II of section 252, 254-255, 257, 304-305, paragraph I of section 329, 330, 344-346, 347,  
10 354, 357, 359, 360, 367, 369-371, 372, 397, 399-401, and 430-433 of this act shall take effect June  
11 30, 2019.

12 II. Sections 261-273, 300-302, 309-311, and 411-413 of this act shall take effect 60 days after  
13 its passage.

14 III. Sections 133-140, 227, 289-294, and RSA 170-G:4-d, as inserted by section 388, of this  
15 act shall take effect January 1, 2020.

16 IV. Section 275 and RSA 91-A:7-b, 91-A:7-c, and 91-A:7-d as inserted by section 276 of this  
17 act shall take effect April 1, 2020.

18 V. Section 279 and RSA 170-G:4-b, as inserted by section 388 of this act shall take effect  
19 July 1, 2020.

20 VI. Sections 280 and 281 of this act shall take effect January 1, 2021.

21 VII. Sections 282-285 of this act shall take effect January 1, 2022.

22 VIII. Section 306 of this act shall take effect July 1, 2022.

23 IX. Sections 277 and 278 of this act shall take effect July 1, 2024.

24 X. Sections 332-334 of this act shall take effect as provided in section 335 of this act.

25 XI. Sections 404-406 of this act shall take effect as provided in section 407 of this act.

26 XII. Sections 408-409 of this act shall take effect as provided in section 410 of this act.

27 XIII. Section 5 of this act shall take effect as provided in section 6 of this act.

28 XIV. Sections 102-107 of this act shall take effect as provided in section 108 of this act.

29 XV. Section 110 of this act shall take effect as provided in section 111 of this act.

30 XVI. The remainder of this act shall take effect July 1, 2019.

LBAO  
19-1119  
3/1/19

**HB 2-FN-A- FISCAL NOTE  
AS INTRODUCED**

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

**FISCAL IMPACT:**

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, **as introduced**, at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.