

CHAPTER 79
HB 2-FN-A-LOCAL - FINAL VERSION

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2023 SESSION

23-1064
10/05

HOUSE BILL

2-FN-A-LOCAL

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

SPONSORS: Rep. Weyler, Rock. 14

COMMITTEE: Finance

AMENDED ANALYSIS

This bill:

1. Names the divisions of the department of information technology.
2. Authorizes the department of information technology to fill unfunded positions for the biennium ending June 30, 2025.
3. Broadens the community college system of New Hampshire's dual and concurrent enrollment program and makes an appropriation therefor.
4. Provides for optional retirement system membership for employees of the community college system of New Hampshire hired on or after July 1, 2023.
5. Makes an appropriation to the university system of New Hampshire for the renovation of the Whittemore Center Arena.
6. Authorizes the liquor commission to transfer funds for its employee incentive program.
7. Establishes new, unclassified positions within the department of corrections.

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8. Moves positions within the department of corrections from group I to group II status in the New Hampshire retirement system and removes the position of professional standards director from the department of corrections.

9. Authorizes the department of administrative services to conduct a reallocation of certified corrections officers and internal affairs investigators within the department of corrections and makes an appropriation therefor.

10. Makes certain organizational changes to the office of the commissioner of the department of environmental services.

11. Alters the hearing processes for the councils within the department of environmental services and establishes a committee to study such processes to identify areas within which to promote efficiency.

12. Removes the subsurface systems fund established in RSA 485-A:30, I-b and directs the revenues to the water resource fund.

13. Makes certain changes to, and continuously appropriates, the fees collected for excavating and dredging permits being deposited into the water resources fund.

14. Modifies the wastewater plant operator certification fund to be continuously appropriated.

15. Mandates that applications for aid to municipalities for water pollution control under RSA 486:7 be filed within one year of final completion of the eligible project and makes an appropriation to such program.

16. Clarifies the chargeable area for fees associated with terrain alternative disturbances.

17. Removes certain limitations to the Winnepesaukee River basin control program.

18. Establishes a new chapter regulating PCB assistance, a corresponding fund, and makes an appropriation therefor.

19. Establishes the InvestNH Program and makes an appropriation for this purpose.

20. Makes an appropriation for the affordable housing fund.

21. Repeals statutes related to the advanced manufacturing education advisory council, membership and terms, duties, and the advanced manufacturing education fund.

22. Creates the establishment of the bridges house special account.

23. Establishes a fund and appropriations for the New Hampshire state prison administered by the department of corrections.

24. Makes an appropriation for the department of corrections IT infrastructure

25. Makes an appropriation for the department of administrative services to purchase 2 Granite Place, Concord, New Hampshire.

26. Makes an appropriation to the department of administrative services for the acquisition of land, building, and other improvements located at 1 Granite Place, Concord, New Hampshire, conditioned upon the prior successful closing of a sale of the former Laconia state school campus property.

27. Makes an appropriation for the body-worn and dashboard camera fund.

28. Authorizes the Christa McAuliffe memorial and makes an appropriation therefor.

29. Establishes a commission on New Hampshire civics and makes an appropriation to the department of education and commission for the purpose of funding a New Hampshire civics textbook.

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30. Establishes a program in the department of education to provide stipends and grants to students to reduce financial barriers to entering the educator workforce.
31. Requires the board of tax and land appeals to have at least one member of the board be an attorney admitted to practice in New Hampshire.
32. Establishes a retirement benefits commission.
33. Makes an appropriation to the office of the child advocate for the purpose of enhancing the case management system.
34. Makes an appropriation to the department of business and economic affairs for the New Hampshire pulp and paper manufacture industry stabilization grant program.
35. Extends the repeal date for the division of personnel's program for recruitment and retention.
36. Makes an appropriation to the university system of New Hampshire for allocation to Keene state college and Plymouth state university.
37. Establishing the position of computer science administrator, the computer science educator program, and making an appropriation therefor.
38. Makes an appropriation to the public school infrastructure fund.
39. Moves the repeal of the interest and dividends tax from 2027 to 2025.
40. Redirects workers' compensation funds from the general fund to a department of labor restricted fund and makes changes to the employer insurance carrier reimbursement process.
41. Alters the nomination process to the labor commissioner penalty appeal board.
42. Authorizes the commissioner of labor to adopt administrative rules to facilitate administration and enforcement of family and medical leave insurance.
43. Alters the composition of the workers' compensation appeal board.
44. Changes the term of office, the process to fill vacancies, and scope of authority of the department of transportation appeals board.
45. Creates an over-length, over-width, over-height, and over-weight revolving fund credited to the department of transportation.
46. Authorizes highway surveillance for the security of the Little Bay Bridges in Dover and Newington.
47. Exempts department of transportation impacts associated with maintenance projects within existing rights of way and/or permanent easements to certain hearing, mitigation, and notification requirements under certain wetlands provisions.
48. Authorizes the department of transportation to charge a credit card use convenience fee for aircraft operating fee transactions.
49. Clarifies the requirements for eligibility for the E-Z Pass transponder road toll discount.
50. Alters the process of the development of the statewide transportation improvement program plan.
51. Alters the process to claim assets which have escheated to the state.
52. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2025.

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53. Transfers certain responsibilities of the department of environmental services and the public utilities commission to the department of energy.
54. Directs the department of energy to support offshore wind initiatives.
55. Changes the dates required to submit reports to the department of energy.
56. Increases staff and expenditures at the department of energy.
57. Changes the dates of the quarters for quarterly assessments by the public utilities commission.
58. Enables the commissioner of the department of energy to appoint a general counsel.
59. Changes the statutory fee for record requests from the division of motor vehicles.
60. Allows certain emergency medical care providers to administer Naloxone.
61. Reduces the appropriations to the department of education for education freedom accounts.
62. Changes the distribution schedule from the education trust fund.
63. Defines episode of treatment in court-ordered placement of children and addresses department of education payment for placement for an episode of treatment.
64. Makes an appropriation to the department of education for the renovation of the Sugar River Valley Regional Technical Center in Newport and to the Winnisquam Regional CTE project.
65. Revises the formula for calculating adequate education grants and increases the amount of such funding.
66. Increases chartered public school funding.
67. Repeals the grade 3 statewide education improvement and assessment program data.
68. Provides that appropriations to state agencies for bond insurance and property and casualty insurance shall not be transferred or expended for any other purpose.
69. Provides that funds appropriated for state employee medical and surgical benefits shall be nonlapsing.
70. Clarifies administration of the salary adjustment fund and employee benefit adjustment account.
71. Changes the name of the department of administrative services state budget director to the state budget officer.
72. Provides the department of administrative services authority to bill agencies for planning and design costs associated with capital construction projects.
73. Makes an appropriation to the department of administrative services for technology upgrades.
74. Revises the duties and authority of the state commission on aging.
75. Establishes the salary schedule applicable to certain corrections officers.
76. Authorizes the department of administrative services to expend funds appropriated for additional parking for state employees in downtown Concord.
77. Establishes salaries and salary schedules for certain state officers and unclassified employees.

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78. Increases the distribution of business profits and business enterprise tax revenues to the education trust fund.

79. Makes an appropriation to the department of health and human services for the Choose Love Program.

80. Allows the department of health and human services to fill unfunded positions.

81. Makes an appropriation to the foster grandparent's program.

82. Makes an appropriation to the congregate housing and services program.

83. Requires the department of health and human services to raise the income eligibility for elderly and adult clients under the social services block grant program.

84. Suspends the provision of direct and indirect graduate medical education payments to hospitals.

85. Suspends catastrophic aid payments to hospitals.

86. Allows for additional funding for Medicaid to schools.

87. Requires submission of health facility plans to the division of fire safety.

88. Moves the health care workplace violence protection program from the department of health and human services to the department of labor, and makes an appropriation to the department of labor to hire a program specialist.

89. Establishes unclassified positions in the department of health and human services.

90. Limitations on reimbursement of county funds.

91. Makes appropriations to the department of health and human services for programs and systems.

92. Makes appropriations to the department of health and human services for Medicaid provider rate increases.

93. Repeals the department of business and economic affairs programs for college graduate retention incentive partnership (NH GRIP), COVID-19 micro enterprise relief fund, and the package plan program.

94. Revises the workforce development program administration.

95. Reclassifies and renames positions in the department of justice to unclassified.

96. Establishes a handling charge for the division of charitable trusts.

97. Makes certain changes to the administration of programs within the department of justice.

98. Provides for continued retirement system administration of certain benefit payments to existing beneficiaries.

99. Increases the business finance authority unified contingent credit limit.

100. Appropriates from the education trust fund to the department of education for the purpose of providing kindergarten adequate education grants.

101. Revises or removes the regulation by the office of professional licensure and certification (OPLC) of several of the state's occupational regulatory boards and commissions.

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102. Grants a \$500 additional retirement allowance in 2023 to be paid to eligible retired members or beneficiaries. The cost of the additional allowance is paid from the state general fund.

103. Requires that the governor publicly post the budget trailer bill on the department of administrative services' website.

104. Requires that the department of administrative services provide reports to the general court on the current estimated general fund appropriation lapse for each fiscal year for the biennium ending June 30, 2025.

105. Modifies the state agency approval process for short term rentals of equipment for certain state trails, roads, bridges, and related maintenance and use of facilities.

106. Authorizes the governor to draw a warrant to supplement the department of revenue administration's revenue information management system's bond principal and interest payments.

107. Directs the department of agriculture, markets, and food to employ an electronic data processing system for all registrations under its purview and makes an appropriation therefor.

108. Prohibits the disposal of food waste into landfills under certain conditions, adds a new position of waste management specialist III to cover the new prohibited food waste disposal, and makes an appropriation for such position.

109. Changes the name of the PFAS loan fund to the PFAS response fund, and adds duties to the department of environmental services relative to investigating, testing, and monitoring for PFAS in soil, groundwater, surface water, wastewater, air, biota, and other media.

110. Makes an appropriation to the solid waste management fund and targets food waste reduction and diversion.

111. Establishes the land use review docket in the superior court and increases the amount of associate justices of the superior court to 22.

112. Modifies the department of military affairs and veterans services administration of certain fines and programs.

113. Directs the department of corrections to establish and administer an employee recruitment and retention program.

114. Allows the department of corrections to pay certain burial expenses of employees.

115. Requires the state police to establish a contact person notification program to assist law enforcement personnel who have contact with a person with mental or physical disabilities and makes an appropriation therefor.

116. Makes an appropriation to the department of education for the National Student Clearinghouse Student Tracker Program.

117. Requires the community college system of New Hampshire to submit a report regarding the math learning communities program and makes an appropriation to support that program.

118. Makes an appropriation to the community college system of New Hampshire for the implementation of the New Hampshire promise program.

119. Makes an appropriation to the community college system of New Hampshire to expand its workforce credential programs.

120. Modifies for the biennium the income eligibility for child care subsidies provided through programs administered by the department of health and human services.

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121. Authorizes the commissioner of the department of health and human services to use TANF funds to avoid a wait list for employment-related child care services.

122. Requires the department of health and human services to set all child care services reimbursement rates for the biennium to match the 75th percentile of market rate survey.

123. Alters the duties and authority of the prescription drug affordability board, and mandates the department of insurance issue a report on the elimination of governmental redundancies related to the collection, analysis, and reporting on prescription drug prices between itself and the prescription drug affordability board by October 1, 2024.

124. Reestablishes the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program and extends the New Hampshire granite advantage health care program.

125. Expands Medicaid to include certain postpartum health care services and makes an appropriation to the department of health and human services for this purpose.

126. Directs the department of health and human services to submit state plan amendments under Medicaid and CHIP to provide coverage to children and pregnant women lawfully residing in the United States, and makes an appropriation to the department of health and human services for this purpose.

127. Directs the department of health and human services to purchase a full body scanner from existing appropriations to the youth services center and authorizes the department to transfer funds among class lines within the Sununu youth services account.

128. Establishes a data privacy and information technology security governance board within the department of health and human services to oversee data privacy risk calculation and risk mitigation efforts, and makes an appropriation to the department for 2 classified employees to accomplish these objectives.

129. Makes an appropriation to the department of health and human services to fund the Merrimack, New Hampshire Kidney Incidence Phase 3 Feasibility Study.

130. Transfers funds from the general fund to the highway fund for the 2023 fiscal year.

131. Establishes the cyanobacteria mitigation loan and grant program and the cyanobacteria mitigation fund and makes an appropriation for the fund.

132. Requires the use of funds from the American Rescue Plan Act of 2021 to construct the youth detention center.

133. Makes appropriations to the department of health and human services to support family resource

134. Establishes a committee to study the impact of alterations to the eligibility of free and reduced-price school meals.

135. Appropriates money to the department of administrative services for the purpose of moving and fit up costs for state agencies.

136. Authorizes the purchase of land for the construction of a new seventh circuit court facility in Rochester and authorizes the sale of the old seventh circuit property upon the completion of a new facility.

137. Adjusts the source from which the department of health and human services provides reimbursement to the salary adjustment fund for certain salary review.

138. Makes an appropriation to the department of state for certain software updates and high speed scanners enabling additional Accuvote audits.

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139. Provides for the application of the reduction of a retiree's annuity at the member's full retirement age under the federal Social Security system.

140. Establishes a New Hampshire housing champion designation program, including a housing production municipal grant program, and a housing infrastructure municipal grant and loan program.

141. Establishes positions within the department of business and economic affairs and makes an appropriation for the program fund.

142. Establishes a commission to study tourism and hospitality in New Hampshire.

143. Directs the deposit of liquor commission revenue into the alcohol abuse prevention and treatment fund.

144. Makes an appropriation to the liquor commission for the purchase of handheld personal computers for use at retail stores.

145. Establishes a surcharge on annual registration for electric and plug-in hybrid electric vehicles.

146. Eliminates the cap on the number of auxiliary state police force members.

147. Creates the northern border alliance program.

148. Modifies the authority and duties of police employees acting within 25 air miles of the border with Canada.

149. Modifies New Hampshire state trooper differential pay.

150. Makes an appropriation to the department of safety for the purpose of purchasing and installing protective glass at division of motor vehicles customer counters.

151. Increases the limit on the DOJ consumer protection escrow account.

152. Expands consumer protection and antitrust bureau duties.

153. Revises criteria and procedures for settlement of claims arising from detention at the youth development center.

154. Establishes the health care consumer protection trust fund and health care consumer protection advisory commission.

155. Makes an appropriation to the department of justice to fund human trafficking prevention efforts.

156. Makes an appropriation to the department of justice for the purpose of funding the New Hampshire child advocacy centers.

157. Makes an appropriation to the internet crimes against children fund to support the work of the Internet Crimes Against Children Task Force.

158. Makes an appropriation to the police standards and training council for funding a court security officer training program and related part-time positions.

159. Makes appropriations to the judicial council to fund increase contract costs for the public defender program and for contract counsel and requires the judicial council to submit a report to the fiscal committee of the general court detailing its use of these funds.

160. Increases the cap on the cost of drug court or alternative drug offender programs offered by judicial districts based on county size.

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161. Directs the fish and game department to enable online payment of OHRV and snowmobile initial and renewal registration fees by September 1, 2025.

162. Makes an appropriation to the fish and game fund.

163. Adds limitations on grants-in-aid for OHRV trails administered by the department of natural and cultural resources, bureau of trails.

164. Makes an appropriation to the department of natural and cultural resources to conduct a feasibility study on improving accessibility for people with disabilities to Hampton Beach State Park.

165. Makes an appropriation to the department of natural and cultural resources to renovate and repair the Northwood Meadows Lake Dam.

166. Makes an appropriation to the department of natural and cultural resources for the maintenance and operation of the tramway at Cannon Mountain.

167. Makes an appropriation to the department of environmental services for wastewater infrastructure projects for the biennium ending June 30, 2027.

168. Makes an appropriation to the department of environmental services for the purpose of funding a new drinking water transmission main between Nashua and Litchfield.

169. Modifies the department of environmental services pollution prevention coordinator position.

170. Makes appropriations to the department of environmental services and the department of energy to support offshore wind energy development.

171. Appropriates \$10,000,000 to the department of transportation for municipal bridges, and \$10,000,000 to the department of transportation for additional "Apportionment A" local highway distributions.

172. Makes an appropriation to the department of transportation to fund a state operating match that enables rural and urban transit agencies to access additional federal funds.

173. Makes an appropriation for department of transportation for the purpose of vehicle and equipment replacements.

174. Makes an appropriation to the department of transportation to support the Eastern Slopes Regional Airport.

175. Provides for suspension of E-Z pass registration for unpaid tolls in other states.

176. Directs the department of health and human services to develop a public awareness campaign on brain health, Alzheimer's disease, and related dementias and makes an appropriation to the department for this purpose.

177. Makes an appropriation to the department of health and human services and establishes grant guidelines for the purpose of child care agency recruitment and retention.

178. Modifies the child care scholarship program by eliminating parent cost-sharing for families at or below 100 percent of the federal poverty level and establishes a reduced cost share for families between 100 and 138 percent of the federal poverty level.

179. Makes an appropriation to the department of health and human services for an audit of the integrated eligibility system.

180. Extends existing grants to, and makes an appropriation for, juvenile diversion services within the department of health and human services.

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181. Funds public health departments to administer vaccinations to persons when such vaccinations are ineligible for funding under certain federal programs.

182. Directs the department of health and human services to submit a report relative to implementing area health education centers and advanced training programs for rural health and primary care personnel.

183. Extends the nonlapsing timeframe of the transitional housing beds appropriation made to the department of health and human services in 2021.

184. Extends appropriations for the developmental services pilot program plan through fiscal year 2025.

185. Makes an appropriation to the department of health and human services for the purpose of helping family mutual support providers keep pace with the cost of service provision.

186. Makes an appropriation to the department of health and human services for the purpose of funding the maternal, infant, and early childhood home visiting program.

187. Amends an appropriation to the department of health and human services for hospital care coordination, and establishes positions for such purpose.

188. Makes an appropriation for funding juvenile peer-to-peer grief support programming.

189. Makes an appropriation to the department of health and human services for the purpose of reimbursing licensed nursing assistants for tuition, training, or other continuing education.

190. Makes an appropriation to the department of health and human services for the purpose of Granite United Way administering the recovery friendly workplace initiative.

191. Re-establishes the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Farmers Market Nutrition Program.

192. Makes appropriations to the department of health and human services to fund homeless and housing shelter programs.

193. Adds an exception from the moratorium on certain nursing home, skilled nursing facility, intermediate care facility, or rehabilitation facility capacity.

194. Expands the state's systems of care for healthy aging, increases access to home and community-based services, establishes person-centered counseling programs through aging and disability resource centers, and makes appropriations to the department of health and human services for these purposes.

195. Directs the department of health and human services, the housing finance authority, New Hampshire employment security, and the department of energy to study the creation, funding, and implementation of graduated public assistance programs to complement existing programs within the state, and appropriates funds to the department of health and human services.

196. Establishes a commission to study charitable gaming and the impact of historical horse racing on revenues for charities, and appropriates \$150,000 to the lottery commission for such purposes.

197. Modifies eligibility criteria for tuition waivers for children in guardianships after being in state foster care.

198. Establishes a first responder career development, recruitment, and retention program in the community college system, and makes an appropriation for the program.

199. Makes an annual appropriation to the business finance authority to provide grants to regional economic development corporations for a 10-year period.

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200. Makes an annual appropriation to the business finance authority to provide grants to regional economic development corporations for a 10-year period.

201. Removes the campaign contribution limit under RSA 664:4 for a candidate or candidate committee.

202. Authorizes the joint legislative historical committee to accept a gift of a portrait of Rogers Johnson and hang this portrait in the state house.

203. Establishes the early childhood mental health consultation pilot program and makes an appropriation therefor.

204. Makes an appropriation to the department of education for grants to adult education programs.

205. Revises the authority of the governor and general court to declare, renew, or terminate a state of emergency.

206. Makes an appropriation to the department of education for the purpose of establishing an incentive grant program to encourage transportation of students in career and technical education programs.

207. Requires a law enforcement agency to provide public notice of an immigration checkpoint.

208. Makes an appropriation to the department of education to perform the statutory duties related to the children's system of care system of care under RSA 135-F:5.

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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23-1064
10/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

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 79:1 Department of Information Technology; Divisions Established. Amend RSA 21-R:5 to read as
2 follows:

3 21-R:5 Divisions Established. The commissioner shall establish 4 divisions, ***business relationship***
4 ***management, user experience, infrastructure and operations, and user services***, which shall be in
5 alignment with the department's statewide strategic plan. Each division shall be under the supervision of
6 a division director appointed pursuant to RSA 21-R:3.

7 79:2 Department of Information Technology; Unfunded Positions; Authorization. Notwithstanding any
8 other provision of law to the contrary, the department of information technology may fill unfunded
9 positions during the biennium ending June 30, 2025, provided that the total expenditures for such
10 positions shall not exceed the amount appropriated for personnel services.

11 79:3 Career and Technical Education; Dual and Concurrent Enrollment Program. Amend RSA 188-
12 E:26 to read as follows:

13 188-E:26 Program Established. There is established a dual and concurrent enrollment program in
14 CCSNH. Participation in the program shall be offered to high school and career technical education
15 center students in grades 10 through 12. The program shall provide opportunities for qualified New
16 Hampshire high school students to gain access and support for dual and concurrent enrollment in [~~career
17 and technical education courses, STEM (science, technology, engineering, and mathematics) and STEM-
18 related~~] courses that are fundamental and necessary for success in postsecondary education, career path
19 opportunities, and to meet New Hampshire's emerging workforce needs.

20 79:4 Regional Career and Technical Education; Dual and Concurrent Enrollment Program. Amend
21 RSA 188-E:27, II to read as follows:

22 II. A student in the program shall be provided funding for enrollment in no more than [2] ~~4~~ dual or
23 concurrent enrollment courses taken in grade 10, no more than [2] ~~4~~ dual or concurrent enrollment
24 courses taken in grade 11, and no more than [2] ~~4~~ dual or concurrent enrollment courses taken in grade
25 12. A student may take more than [2] ~~4~~ dual or concurrent enrollment courses per year at his or her own
26 expense.

27 79:5 Dual and Concurrent Enrollment Program; Appropriation. The sums of \$2,500,000 for the fiscal
28 year ending June 30, 2024, and \$2,500,000 for the fiscal year ending June 30, 2025, are hereby
29 appropriated to the community college system of New Hampshire for the purpose of providing
30 scholarships and program support for the dual and concurrent enrollment program under RSA 188-E:26.
31 These appropriations shall be in addition to any other funds appropriated to the community college system
32 of New Hampshire. The governor is authorized to draw a warrant for said sums out of any money in the

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1 treasury not otherwise appropriated. Said appropriations shall not lapse.

2 79:6 Community College System of New Hampshire; Employment; Benefits; Retirement System
3 Status. Amend RSA 188-F:7, I and II to read as follows:

4 I. Any changes to the conditions of employment, compensation, and benefits of community
5 college system of New Hampshire employees covered by collective bargaining agreements shall be
6 negotiated through the collective bargaining process, *except that community college system employees*
7 *covered by collective bargaining agreements hired on or after July 1, 2023 shall have the option of*
8 *membership in the retirement system pursuant to RSA 100-A or a defined contribution plan as designated*
9 *by the board of trustees.*

10 II. The community college system of New Hampshire shall~~[, as of the effective date of this~~
11 ~~section,]~~ be considered an employer for the purposes of RSA 100-A:1, IV. Full-time employees of the
12 community college system of New Hampshire ~~[as of the effective date of this section]~~ *who are active*
13 *retirement system members or who elect membership in the retirement system* shall be considered
14 employees for the purposes of RSA 100-A:1, V.

15 79:7 New Hampshire Retirement System; Definitions; Employee. Amend RSA 100-A:1, V to read as
16 follows:

17 V. "Employee" shall mean any regular classified, nonclassified, or unclassified officer or
18 employee of the state or any department, commission, institution or agency of the state government by
19 which an employee is paid through the office of the state treasurer, or employees of the general court who
20 work on a full-time basis and are eligible for other state benefits, but whose salary is calculated on a per
21 diem basis, or any employee of the retirement system, or any full-time employee of the community college
22 system of New Hampshire *who is an active retirement system member or who elects membership in the*
23 *retirement system*, or of any of the groups authorized to participate under this chapter but excluding any
24 person who is a teacher, permanent policeman, or permanent fireman as defined in this section, or who is
25 a member or attache of the general court or member of the executive council.

26 79:8 Appropriation; University System of New Hampshire; Whittemore Center Arena. There is
27 hereby appropriated to the University of New Hampshire the sum of \$6,000,000 for the fiscal year ending
28 June 30, 2023, which shall be nonlapsing, and shall be expended for the purpose of renovating and
29 expanding the Whittemore Center Arena. The governor is authorized to draw a warrant for said sum out
30 of any money in the treasury not otherwise appropriated.

31 79:9 Effective Date. Section 8 of this act shall take effect June 30, 2023.

32 79:10 New Paragraph; The Liquor Commission; Funds; Authority for Employee Incentive Program.
33 Amend RSA 176:16 by inserting after paragraph V the following new paragraph:

34 VI. The commission is authorized to transfer funds for its employee incentive program from the
35 liquor commission fund to such accounts as required to compensate qualifying employees as provided in
36 the liquor commission rules, Liq 800.

37 79:11 Department of Corrections; Transfer Authority. The following classes within the department of
38 corrections shall be exempt from the transfer restrictions in RSA 9:17-a and 9:17-c: classes 10-personal
39 services-perm classified, 11-personal services unclassified, 12-personal services unclassified, 18-

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1 overtime, 19-holiday pay, 50-personal service-temp/appointed, and 60-benefits. The department is
2 authorized to transfer funding in these classes within and amongst all accounting units provided that any
3 transfer of \$100,000 or more shall require prior approval of the fiscal committee of the general court and
4 governor and council. The provisions in this paragraph shall remain in effect for the biennium ending
5 June 30, 2025.

6 79:12 Department of Corrections; Unclassified Positions Established.

7 I. The unclassified positions of deputy director of health services, deputy director of rehabilitative
8 services, and deputy warden are hereby established in the department of corrections and shall be
9 qualified for the positions by reason of education and experience, shall be appointed by the commissioner
10 of the department of corrections, and shall serve at the pleasure of the commissioner. The positions shall
11 be as follows:

12 (a) The deputy director of health services shall oversee the uniform integration of allied
13 healthcare, dental services, health information management, and contractual healthcare services into the
14 comprehensive medical and behavioral health system operated by the department of corrections, and
15 ensure adherence of licensed clinical staff to the laws, rules, standards, and policies of their respective
16 practices. In addition, the deputy director of health services will oversee the department's business
17 agreements to ensure compliance with the health insurance portability and accountability act and its
18 application within a correctional environment. This position shall also establish an organizational
19 reporting structure to ensure that all licensed clinical staff receive adequate and appropriate supervision.
20 Direct reports shall include the facility classified and contracted health administrators and all allied
21 healthcare and health information management staff.

22 (b) The deputy director of rehabilitative services shall oversee the uniform integration of
23 institutional rehabilitative programs, reentry services, faith-based services, educational and vocational
24 offerings, and family-based services operated by the department of corrections at all locations for those
25 incarcerated, and ensure adherence by certified professionals to the standards, rules, and policies of their
26 respective practices. In addition, this position will oversee and ensure compliance with applicable grants
27 and contractual agreements with external partners and seek out further resources to integrate into the
28 correctional setting to improve programmatic services for the incarcerated population. The deputy
29 director of rehabilitative services will also establish an organizational reporting structure to ensure all staff,
30 including certified educational professionals, receive adequate and appropriate supervision. Direct
31 reports shall include, but are not limited to, the facilities classified administrators of program services, the
32 education director, and institutional program management staff.

33 (c) The deputy warden of the New Hampshire state prison for men will work in close and
34 immediate contact with prisoners on a daily basis, having responsibility for security. This position will
35 administer and direct facility objectives by assessing needs and operational effectiveness, establishing
36 controls, and monitoring key performance measures and other quality improvement protocols related to
37 the identified organizational goals of the department and the New Hampshire state prison for men. This
38 position will assist the warden in management of the New Hampshire state prison for men and its security
39 force. This position will conduct post-incident reviews to determine the scope of actions taken and

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1 whether those actions comply with applicable state law, administrative rules, policies and procedures,
2 training, and proper use of force. This position will meet with incarcerated individuals and staff as
3 necessary to determine the validity of requests and report on outcomes and areas of improvement to the
4 warden. This position will oversee supervision of prison security operations, bureau of classifications and
5 client records, hobby craft/recreation staff, and related program activities. This position will work with the
6 warden on facility budget planning and development as it relates to equipment and operational costs.
7 This position will maintain its group II law enforcement classification in the retirement system due to its
8 being in close and immediate contact with incarcerated individuals on a daily basis.

9 II. The commissioner shall appoint a person to each position established pursuant to paragraph I.
10 Any vacancy shall be filled in the same manner as the original appointment.

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

14 IV. Upon completion of the appointment of the positions identified in paragraph I, the following
15 positions shall be abolished to allow for the transition of these classified positions with their available
16 appropriations into unclassified positions. Funding shall be transferred into expenditure class 011, within
17 accounting unit 02-46-46-465010-8234, 02-46-46-469010-8232, and 02-46-46-463510-3372. The
18 incumbents in the abolished classified positions shall be offered the opportunity to seek the
19 commissioner's appointment to the unclassified positions:

20 (a) Administrator IV (Deputy Director of Health Services) #12849.

21 (b) Administrator IV (Deputy Director of Rehabilitative Services) #19953.

22 (c) Administrator IV (Deputy Warden) #16320.

23 79:13 Department of Corrections; Authorization to Transfer to Group II of the New Hampshire
24 Retirement System. Pursuant to RSA 100-A:3, IX, the following positions in the department of corrections
25 classified as group I positions are deemed to have met the requirement of RSA 100-A:1, VII(b) and shall
26 be transferred to group II status in the New Hampshire retirement system:

27 I. Licensed Nursing Assistant III, #44273.

28 II. Licensed Nursing Assistant I, #44291.

29 III. Administrator - Secure Psychiatric Unit, #16849.

30 79:14 Department of Corrections; Qualifications and Compensation of Certain Officials. Amend RSA
31 21-H:7 to read as follows:

32 21-H:7 Qualifications and Compensation of Certain Officials.

33 I. The commissioner, assistant commissioner, [~~professional standards director,~~] director of
34 personnel and information, director of rehabilitative services, and the division directors of the department
35 shall be qualified to hold such positions by reason of education and experience.

36 II. The salaries of the commissioner, assistant commissioner, [~~professional standards director,~~]
37 director of personnel and information, director of rehabilitative services, and the division directors of the
38 department shall be as specified in RSA 94:1-a.

39 79:15 Department of Corrections; Position Reallocation; Appropriation.

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1 I. The department of administrative services is hereby authorized to conduct a reallocation of all
2 the certified corrections officer and internal affairs investigators from the rank of corrections officer trainee
3 through the rank of major at the department of corrections. The department of administrative services
4 shall conduct an assessment review of the reallocation request pursuant to personnel rule Per 303.

5 II. The governor is authorized to draw a warrant for said sums in this section out of any money in
6 the treasury not otherwise appropriated to fund the outcome of the reallocation. Such funds shall not
7 lapse until June 30, 2025.

8 79:16 Department of Environmental Services; Commissioner; Assistant Commissioner; Directors;
9 Chief Operations Officer; Compensation. Amend RSA 21-O:2, III-a and IV to read as follows:

10 III-a. The commissioner shall nominate for appointment by the governor and council a chief
11 operations officer of the commissioner's office who shall serve for a term of 4 years. The chief operations
12 officer shall oversee and coordinate the activities of the administrative services *unit* [~~geology, public~~
13 ~~information and permitting, and laboratory services units,~~] and shall be responsible for the following
14 functions:

15 (a) Preparing agency budget requests.

16 (b) [~~Developing and implementing procedures for assuring smooth operation of the various~~
17 ~~units within the commissioner's office.~~

18 (c) [~~Ensuring compliance with directives and procedures by the governor and general court.~~

19 (d) [~~Implementing audit recommendations concerning the commissioner's office units.~~

20 (e)] Carrying out the directives of the commissioner and assistant commissioner.

21 IV. *The commissioner, or assistant commissioner, as designated by the commissioner, shall be*
22 *responsible for the following functions:*

23 (a) *Developing and implementing procedures for assuring smooth operation of the various*
24 *units within the commissioner's office;*

25 (b) *Ensuring compliance with directives and procedures by the governor and general court;*
26 *and*

27 (c) *Implementing audit recommendations concerning the commissioner's office units.*

28 V. The salaries of the commissioner, the assistant commissioner, the chief operations officer, and
29 each division director shall be as specified in RSA 94:1-a.

30 79:17 Department of Environmental Services; Office of the Commissioner. Amend RSA 21-O:12 to
31 read as follows:

32 21-O:12 Office of the Commissioner. The commissioner of environmental services shall establish
33 units within [his] *the* office to be responsible for: administrative services, [geology] *geological survey,*
34 *human resources,* planning, public information and permitting, risk analysis and management, and
35 [laboratory services] *legal,* which shall include the following functions and such other functions as may be
36 assigned by the commissioner:

37 I. Administrative services shall include the following services to all divisions, to the greatest
38 extent possible:

39 (a) Accounting, purchasing, and budget control.

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1 (b) Personnel management.

2 (c) Property, contracts, and grants management.

3 ~~[(d) Data processing.~~

4 ~~(e) Compiling, indexing, and managing data collected by all divisions, which shall be used to~~
5 ~~establish a departmental data base for use by all divisions of the department, and which shall be a public~~
6 ~~record.]~~

7 II. Geology shall be under the direction of the state geologist, who shall be the director of the New
8 Hampshire geological survey. The geological survey shall collect data and perform research on the land,
9 mineral, and water resources of the state, and disseminate the findings of such research to the public
10 through maps, reports, and other publications. The state geologist shall: consult with the commissioner of
11 the department of natural and cultural resources relative to the issuance of mining permits under RSA 12-
12 E; assist the directors of the divisions of water and waste management as necessary; and perform such
13 other duties as may be assigned by the commissioner. The state geologist and all members of the New
14 Hampshire geological survey shall be staff members of the commissioner's office. The state geologist
15 shall advise the department, and all other branches of state and local government, concerning the
16 geologic character of the state and its implications for both economic and scientific needs in conjunction
17 with all existing and future environmental factors relating to the geology of the state. The state geologist
18 shall maintain liaison with federal and other state geologic agencies and with the state university. The
19 state geologist shall also serve as a voting member of the board of professional geologists.

20 III. Planning shall be under the direct supervision of the assistant commissioner and shall include
21 all department-level short- and long-range planning activities and the coordination and compilation of all
22 division-level planning activities.

23 IV. Public information and permitting shall assist members of the general public[,] whenever
24 possible by directing them to the appropriate person within the relevant division of the department; and
25 generally providing members of the general public with all of the information necessary for meeting permit
26 requirements.

27 V. The risk analysis and management function shall be the direct responsibility of the assistant
28 commissioner, in accordance with RSA 125-H:7. The commissioner may call on any personnel from any
29 division or any other state department to assist the assistant commissioner in the event of a crisis,
30 disaster, or other occurrence or condition requiring analysis and management of an actual or suspected
31 risk of damage to the environment. The unit, once assembled by the commissioner in the event of a
32 crisis, disaster, occurrence, or condition, shall work closely with the risk assessment bureau in the
33 department of health and human services under the direction of the assistant commissioner to:

34 (a) Make assessments of potential or actual risk of harm to the environment or, in
35 cooperation with the risk assessment bureau of the department of health and human services, to persons.

36 (b) Manage environmental risk hazards using the results of the assessment described above
37 or any other available information to develop and evaluate regulatory options, within a statutory
38 framework, to reduce or eliminate the risk of harm to the environment.

39 ~~VI. Laboratory services shall include such expert assistants and such facilities as are necessary~~

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1 to support the investigatory, analytical, and enforcement functions of the department of environmental
2 services. The commissioner shall provide the commissioner of the department of health and human
3 services with direct access to all raw data, test results, and other information and samples received or
4 generated by the laboratories in the department deemed necessary by the commissioner of the
5 department of health and human services in order to carry out his or her responsibilities to protect the
6 public health.]

7 79:18 Department of Justice; Attorney General; Deputy; Associates; Assistants. Amend RSA 21-M:3,
8 VIII-IX to read as follows:

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

14 (a) Be **an attorney** qualified by education and experience in the conduct of administrative
15 adjudicative hearings and the application of law to facts, **preferably a retired justice of the superior or**
16 **supreme court**, and

17 (b) Be fully screened by the attorney general from the outset of any such appeal from any
18 attorney representing the department.

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

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

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

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

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

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

35 (a) Regulate all procedural aspects of a proceeding, including presiding over the hearing and
36 any prehearing conferences;

37 (b) Subject to RSA 21-O:14, at the first prehearing conference order the parties and any
38 persons who have been allowed to intervene to participate in mediation if the hearing officer concludes

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1 that it is reasonably possible that mediation will result in the resolution of the issues in dispute in the
2 proceeding. No order to mediate shall stay the appeal proceeding;

3 (c) Adopt all findings of fact made by the council except to the extent any such finding is
4 without evidentiary support in the record;

5 (d) Deliberate with the council before reaching conclusions on mixed questions of law and
6 fact;

7 (e) Decide all questions of law presented during the pendency of the appeal; and

8 (f) Prepare and issue written decisions on all motions and on the merits of the appeal within
9 100 days of the conclusion of the hearing on the merits. The hearing officer shall provide the council with
10 a proposed written decision on the merits within 45 days of the conclusion of the hearing on the merits. If
11 requested to do so by the members of the council participating in the discussion, the hearing officer shall
12 meet with those members within the 100-day period to discuss the decision.

13 79:19 Department of Environmental Services; Duties of Commissioner. Amend RSA 21-O:3, VIII-X
14 to read as follows:

15 VIII. Provide all necessary clerical and technical support to any council established by this
16 chapter. At a minimum, the commissioner shall:

17 (a) ~~[For any appeal from a department decision before any such council provide all~~
18 ~~necessary clerical and support personnel and services in order to:~~

19 ~~(1) Prepare notices and other documents required under RSA 541-A and distribute such~~
20 ~~notices and documents as directed by the hearing officer appointed under RSA 21-M:3, VIII;~~

21 ~~(2) Schedule the conduct of all council administrative appeal proceedings, as directed by~~
22 ~~the hearing officer appointed under RSA 21-M:3, VIII so as to ensure timely and efficient conduct of such~~
23 ~~proceedings;~~

24 ~~(3) Prepare and maintain the record, required by RSA 541-A, of all such appeals, which~~
25 ~~shall include the decisions issued in such proceedings.~~

26 (b) Provide comfortable and adequate space for the use of all councils in performing their
27 official duties; and

28 [(e)] (b) Provide all necessary clerical and support personnel and services in order to:

29 (1) Prepare and distribute notices and other documents required under RSA 91-A for
30 council meetings; and

31 (2) Prepare and maintain as public records the official minutes of the meetings of all
32 councils supported by the department.

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

36 IX. [Repealed.]

37 X. [Repealed.]

38 79:20 Department of Environmental Services; Wetlands Council. Amend RSA 21-O:5-a, V to read as
39 follows:

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1 V. *A quorum of at least 3 members of* the wetlands council shall hear all administrative appeals
2 from department decisions made under RSA 482-A relative to wetlands, or under RSA 483-B relative to
3 shoreland protection and shall decide all disputed issues of fact in such appeals, in accordance with RSA
4 21-O:14.

5 79:21 Department of Environmental Services; Water Council. Amend RSA 21-O:7, IV to read as
6 follows:

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

11 79:22 Department of Environmental Services; Waste Management Council. Amend RSA 21-O:9, V
12 to read as follows:

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

17 79:23 Department of Environmental Services; Air Resources Council. Amend RSA 21-O:11, IV to
18 read as follows:

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

22 79:24 Department of Environmental Services; Administrative Appeals. Amend RSA 21-O:14, I-a(a)
23 to read as follows:

24 I-a.(a) Any person aggrieved by a department decision may, in addition to any other remedy
25 provided by law, appeal *such decision by submitting a notice of appeal* to the council having jurisdiction
26 over the subject matter of the appeal within 30 days of the date of the decision and shall set forth fully in a
27 notice of appeal every ground upon which it is claimed that the decision complained of is unlawful or
28 unreasonable. Only those grounds set forth in the notice of appeal shall be considered by the council. On
29 any such appeal, the council shall determine whether the department decision was unlawful or
30 unreasonable by reviewing the administrative record together with any evidence and testimony the parties
31 to the appeal may present.

32 79:25 Department of Environmental Services; Appeals Process Study Committee Established.

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

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

36 (a) Two members of the house of representatives, appointed by the speaker of the house of
37 representatives; and

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

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

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

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

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

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

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

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

15 79:26 Water Management and Protection; Water Pollution and Waste Disposal; Sewage Disposal
16 Systems; Fees. Amend RSA 485-A:30, I-b to read as follows:

17 I-b. ~~[There is hereby established the subsurface systems fund into which]~~ The fees collected
18 under paragraph I shall be deposited ***in the water resources fund established in RSA 482-A:3, III*** ~~[The~~
19 ~~fund shall be a separate, nonlapsing fund, continually appropriated to the department]~~ for the purpose of
20 paying all costs and salaries associated with the subsurface systems program ***and other land resources***
21 ***management programs***.

22 79:27 Repeal. RSA 6:12, I(b)(281), relative to the subsurface systems fund, is repealed.

23 79:28 Water Management and Protection; Fill and Dredge in Wetlands; Excavating and Dredging
24 Permit; Certain Exemptions. Amend RSA 482-A:3, III to read as follows:

25 III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), XII(c), and X are continually
26 appropriated to and shall be expended by the department for paying per diem and expenses of the public
27 members of the council, hiring additional staff, reviewing applications and activities relative to wetlands
28 under RSA 482-A, protected shorelands under RSA 483-B, alteration of terrain under RSA 485-A:17,
29 conducting field investigations, ***individual sewage disposal systems and subdivisions under RSA 485-***
30 ***A:30***, and holding public hearings. Such fees and any monetary grants, gifts, donations, or interest
31 generated by these funds shall be deposited with and held by the treasurer in a nonlapsing ***and***
32 ***continuously appropriated*** fund identified as the water resources fund.

33 79:29 Water Management and Protection; Water Pollution and Waste Disposal; Wastewater
34 Operator Certification; Application; Special Fund. Amend RSA 485-A:7-a, II to read as follows:

35 II. All applications shall be accompanied by a \$50 fee to cover department expenses for
36 conducting the certification program. All fees shall be deposited ~~[with the state treasurer and deposited]~~ in
37 a special, nonlapsing, ***and continuously appropriated*** wastewater plant operator certification fund to be
38 used by the department for the administration of this subdivision and for the operation of the department-
39 owned Wastewater Plant Operator Training Center.

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1 79:30 Water Management and Protection; Aid to Municipalities for Water Pollution Control;
2 Application for Funding. Amend RSA 486:7 to read as follows:

3 486:7 Application for Funding. Application for payments under the provisions of this chapter shall be
4 made in accordance with rules adopted by the department under RSA 541-A, and shall be based upon
5 reports filed with the department prior to January 31 in the calendar year for which payment is being
6 requested. *Final applications must be received within one year of final completion of project to be eligible*
7 *for funding.*

8 79:31 Appropriation; Department of Environmental Services; Municipal Water Pollution Control.
9 There is hereby appropriated to the department of environmental services the sum of \$27,900,000 for the
10 fiscal year ending June 30, 2023 for the purpose of administering payments pursuant to RSA 486:1-RSA
11 486:8. The sum appropriated shall be nonlapsing. Any remaining funds not used for making payments on
12 existing grants may be used to award new grants. The governor is authorized to draw a warrant for said
13 sum out of any money in the treasury not otherwise appropriated.

14 79:32 Effective Date. Section 31 of this act shall take effect June 30, 2023.

15 79:33 Water Management and Protection; Water Pollution and Waste Disposal; Enforcement; Terrain
16 Alteration. Amend RSA 485-A:17, II(b) to read as follows:

17 (b) The department shall charge a non-refundable fee of \$500 plus a \$.10 per square foot *of*
18 *disturbance associated with the amendment request* fee for each request to amend a permit that requires
19 plans to be reviewed.

20 79:34 Water Management and Protection; Water Pollution and Waste Disposal; Winnepesaukee River
21 Basin Control; Expenditures. Amend RSA 485-A:49, II to read as follows:

22 II. To provide funds for the municipal share of the costs involved pursuant to this subdivision, the
23 state treasurer is authorized to borrow upon the credit of the state not exceeding the sum of [~~\$3,000,000~~
24 **\$30,000,000** and for said purposes may issue bonds and notes in the name and on behalf of the state of
25 New Hampshire in accordance with the provisions of RSA 6-A.

26 79:35 Water Management and Protection; Water Pollution and Waste Disposal; Winnepesaukee River
27 Basin Control; Municipal Assessments. Amend RSA 485-A:50, III to read as follows:

28 III. The respective share of the assessments made in paragraphs I and II shall be paid to the
29 department by each municipality quarterly [~~on July fifteenth, October fifteenth, January fifteenth, and April~~
30 ~~fifteenth of that fiscal year~~], except for capital cost recovery assessments which shall be paid annually [~~on~~
31 ~~July fifteenth~~]. After the close of each fiscal year, the department shall ascertain its actual total expenses
32 in accordance with the foregoing provisions, and then shall adjust the assessment for the second
33 quarterly payment of the new fiscal year for each such municipality served for any under-payment or over-
34 payment by each such municipality served for the prior fiscal year.

35 79:36 New Chapter; PCB Assistance. Amend RSA by inserting after chapter 483-E the following new
36 chapter:

CHAPTER 483-F
PCB ASSISTANCE

37 483-F:1 Purpose Statement. The general court recognizes that polychlorinated bi-phenyl (PCB)

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1 contamination is widespread in New Hampshire and impacts both land and water. As a result of PCB
2 laden products used both as intended and inappropriately dumped from 1929-1977, over 100 waterways
3 have become impaired for fish consumption. In addition, waterfowl have been found to have high levels
4 of PCBs in their blood and in their eggs. The general court hereby declares that the purpose of this
5 chapter is to better understand the impact of PCBs on aquatic life and to ameliorate those impacts to the
6 greatest extent possible.

7 483-F:2 Definitions. In this chapter:

8 I. "Department" means the department of environmental services.

9 II. "Fund" means the PCB assistance fund established in this chapter.

10 483-F:3 PCB Assistance Fund.

11 I. There is hereby established in the department the PCB assistance fund which shall be
12 maintained in distinct and separate custody from all other funds, notwithstanding RSA 6:12. All moneys in
13 the fund shall be nonlapsing and continually appropriated to the department of environmental services for
14 the purposes of this chapter.

15 II. The commissioner may apply for and accept, from any source, gifts; donations of money;
16 grants; federal, local, private, and other matching funds and incentives; and interests in land for the
17 purposes of this chapter. The moneys collected under this paragraph shall be deposited in the fund
18 established under paragraph I of this section.

19 III. The commissioner shall adopt rules relative to the distribution of money from the fund, taking
20 into consideration ability to pay, natural disaster conditions and locations, requirements for repair,
21 replacement and treatment, and other factors as determined by the department.

22 79:37 Appropriation; Department of Environmental Services; PCB Contamination. The sum of
23 \$1,000,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the commissioner of the
24 department of environmental services for the purpose of assisting to fund studies, investigations and
25 remediation of PCB contamination. Such funds shall be nonlapsing to the commissioner of the
26 department of environmental services. The governor is authorized to draw a warrant for said sum out of
27 any money in the treasury not otherwise appropriated.

28 79:38 Effective Date. Section 37 of this act shall take effect June 30, 2023.

29 79:39 New Subdivision; InvestNH Program. Amend RSA 12-O by inserting the following new
30 subdivision after section 68:

InvestNH Fund and Program

31
32 12-O:69 Fund Established. There is hereby established in the office of the state treasurer a fund to
33 be known as the InvestNH fund. The fund shall be composed of appropriations, gifts, grants, donations,
34 bequests, or other moneys from any public or private source. The fund may be expended by the
35 commissioner to accomplish the purposes of RSA 12-O:70. The moneys in this fund shall be non-lapsing.

36 12-O:70 InvestNH Program. The department shall establish a program to make grants and loans for
37 the purpose of improving the ability to accelerate the approval of affordable workplace housing as defined
38 in RSA 674:58, IV, and other types of housing determined by the department to be important for the
39 economic development of the state. Grants and loans may be made by the department to municipalities

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1 and to housing developers in which at least 20 percent of the housing units to be developed will be
2 affordable for a period of at least 10 years. Such units will be affordable to and intended for occupancy by
3 households with incomes up to 80 percent of the area median income, as established by the U.S.
4 Department of Housing and Urban Development. The program shall be known as the InvestNH Program.
5 The department shall adopt rules pursuant to RSA 541-A to implement the provisions of this subdivision
6 no later than July 1, 2024.

7 79:40 New Subparagraph; Application of Receipts; InvestNH Program. Amend RSA 6:12, I(b) by
8 inserting after subparagraph (387) the following new subparagraph:

9 (388) Moneys deposited in the InvestNH fund as established in RSA 12-O:69.

10 79:41 Appropriation; InvestNH. The sum of \$10,000,000 for the fiscal year ending June 30, 2023 is
11 hereby appropriated to the InvestNH fund established in RSA 12-O:69 for the purposes set forth in RSA
12 12-O:70. The sum appropriated shall be nonlapsing. The governor is authorized to draw a warrant for
13 said sums out of any money in the treasury not otherwise appropriated.

14 79:42 Effective Date. Section 41 of this act shall take effect June 30, 2023.

15 79:43 Appropriation; Affordable Housing Fund. The sum of \$25,000,000 for the fiscal year ending
16 June 30, 2023 is hereby appropriated to the housing finance authority for deposit in the affordable housing
17 fund established by RSA 204-C:57, the purpose of providing financing or state matching funds for
18 affordable housing. The appropriation shall be in addition to any other funds appropriated to the housing
19 finance authority and shall be nonlapsing. The governor is authorized to draw a warrant for said sum out
20 of any money in the treasury not otherwise appropriated.

21 79:44 Effective Date. Section 43 of this act shall take effect June 30, 2023.

22 79:45 Repeals; Advanced Manufacturing Education. The following are repealed:

23 I. RSA 188-E:21, relative to the advanced manufacturing education advisory council.

24 II. RSA 188-E:22, relative to the advanced manufacturing education advisory council
25 membership and terms.

26 III. RSA 188-E:23, relative to the advanced manufacturing education advisory council duties.

27 IV. RSA 188-E:23-a, relative to the advanced manufacturing education fund.

28 79:46 New Subdivision; Bridges House Special Account. Amend RSA 4:9 by inserting after section
29 4:9-r the following new subdivision:

30 Bridges House Special Account

31 4:9-s Establishing the Bridges House Special Account Fund. There is hereby established in the state
32 treasury the bridges house special account fund. The funds may be comprised of public funds, gifts,
33 grants, donations or any other source of funds, and shall be used for the purposes of the care,
34 maintenance, repair of, and additions to, the bridges house, or for any other relevant purpose deemed
35 appropriate by the bridges house advisory board. The fund shall be non-lapsing and shall be continually
36 appropriated to the department.

37 79:47 New Subparagraph; Application of Receipts; Bridges House Special Account. Amend RSA
38 6:12, I(b) by inserting after subparagraph (387) the following new subparagraph:

39 (388) Moneys deposited in the bridges house special account fund under RSA 4:9-s.

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1 79:48 New Section; Department of Corrections; New Hampshire State Prison Fund Established.
2 Amend RSA 21-H by inserting after section 16 the following new section:

3 21-H:17 Department of Corrections; New Hampshire State Prison Fund Established. There is hereby
4 established in the state treasury a state prison fund, which shall be administered by the department of
5 corrections. The fund shall not lapse. The fund is established for the purpose of design and construction
6 of a new New Hampshire state prison.

7 79:49 New Subparagraph; Application of Receipts; New Hampshire State Prison Fund 2023. Amend
8 RSA 6:12, I(b) by inserting after subparagraph (387) the following new subparagraph:

9 (388) Moneys deposited in the New Hampshire state prison fund under RSA 21-H:17.

10 79:50 Appropriation; Department of Corrections; New Hampshire State Prison; 2023. There is
11 hereby appropriated to the department of corrections the sum of \$10,000,000 for the fiscal year ending
12 June 30, 2023 for deposit in the New Hampshire state prison fund under RSA 21-H:17, for the purpose of
13 preliminary design and complete site survey for a new state prison. The sum appropriated shall not lapse.
14 The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
15 appropriated.

16 79:51 Effective Date. Sections 48-50 of this act shall take effect June 30, 2023.

17 79:52 Appropriation; Department of Corrections; IT Infrastructure. There is hereby appropriated to
18 the department of corrections the sum of \$1,340,000 for the fiscal year ending June 30, 2023, which shall
19 be nonlapsing until June 30, 2025, for the purpose of replacing certain computers and information
20 technology infrastructure. The governor is authorized to draw a warrant for said sum out of money in the
21 treasury not otherwise appropriated.

22 79:53 Effective Date. Section 52 of this act shall take effect June 30, 2023.

23 79:54 Appropriation; Department of Administrative Services. There is hereby appropriated to the
24 department of administrative services the sum of \$21,000,000 for the fiscal year ending June 30, 2023 for
25 the purpose of purchasing 2 Granite Place, Concord, New Hampshire in order to provide office space for
26 the department of justice and other state agencies, or for any other purpose the commissioner of the
27 department of administrative services determines is necessary, provided that any unexpended amount
28 following the completion of the purchase shall lapse to the general fund. The governor is authorized to
29 draw a warrant for said sum out of money in the treasury not otherwise appropriated.

30 79:55 Effective Date. Section 54 of this act shall take effect June 30, 2023.

31 79:56 Appropriation; One Granite Place. The sum of \$13,000,000 is hereby appropriated for the
32 biennium ending June 30, 2025, to the department of administrative services for the acquisition of the
33 land, building, and other improvements located at 1 Granite Place, Concord, New Hampshire, such
34 building to be used for state government office space. The foregoing appropriation is conditioned upon
35 the prior successful closing of a sale of the former Laconia state school campus property. Such
36 appropriation includes the estimated total amount of \$2,000,000 for necessary upgrades to building
37 mechanical systems. The total appropriated amount shall remain subject to adjustment pending
38 completion of a comprehensive inspection of the building and its mechanical systems to be commissioned
39 by the department and paid for from the monies appropriated in 2022, 272:6. The sum hereby

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1 appropriated shall be a charge against the proceeds from any sale of the former Laconia state school
2 campus property. Any unexpended amount shall lapse to the general fund.

3 79:57 Appropriation; Body-Worn and Dashboard Camera Fund. There is hereby appropriated to the
4 department of safety for deposit in the body-worn and dashboard camera fund established in RSA 105-
5 D:3 the sum of \$1,005,000 for the fiscal year ending June 30, 2023. The sum appropriated shall not
6 lapse. The governor is authorized to draw a warrant for said sum out of money in the treasury not
7 otherwise appropriated.

8 79:58 Effective Date. Section 57 of this act shall take effect June 30, 2023.

9 79:59 Department of Natural and Cultural Resources; Christa McAuliffe Memorial.

10 I. The department of natural and cultural resources shall design, construct, and maintain a
11 permanent memorial to Christa McAuliffe on state house grounds, specifically at the front-facing area of
12 the state house.

13 II. The governor is authorized to accept for the department of natural and cultural resources, in
14 the name of the state, any gifts of money which are donated to construct and maintain the Christa
15 McAuliffe memorial. Notwithstanding any other provision of law, the department may accept donated in-
16 kind services, goods, and materials for the construction and maintenance of the memorial without
17 governor and council approval.

18 III. Any gifts of money donated to contract, construct, and maintain the memorial shall be placed
19 in the special nonlapsing account in the state treasury, to be expended for the purposes of the Christa
20 McAuliffe memorial. Any money remaining in the special account after construction of the memorial is
21 completed shall be used for the care, maintenance, and repair of and additions to the memorial, or for any
22 other purpose deemed appropriate.

23 IV. The memorial shall be permanently affixed to state house grounds, on the front-facing portion
24 of the state house, upon completion.

25 79:60 Appropriation; Christa McAuliffe Memorial. There is hereby appropriated to the department
26 of natural and cultural resources the sum of \$500,000 for the fiscal year ending June 30, 2023, which shall
27 be placed in a special nonlapsing account in the state treasury, for the purpose of designing, constructing,
28 and maintaining a permanent memorial to Christa McAuliffe on state house grounds, specifically the front-
29 facing area of the state house. The sum appropriated shall not lapse. The governor is authorized to draw
30 a warrant for said sum out of any money in the treasury not otherwise appropriated.

31 79:61 Effective Date. Sections 59 and 60 of this act shall take effect June 30, 2023.

32 79:62 New Section; Department of Education; The Commission on New Hampshire Civics;
33 Commission Established. Amend RSA 21-N by inserting after section 8-b the following new section:

34 21-N:8-c Commission Established; Department of Education; New Hampshire School Civics
35 Program. The commission on New Hampshire civics is hereby established to develop educational
36 materials to teach the state constitution in New Hampshire schools.

37 I. Notwithstanding RSA 14:49 the members of the commission shall be as follows:

38 (a) Three public members appointed by the governor, of which at least one shall be the
39 parent of a student in a qualified New Hampshire education program.

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- 1 (b) The chair of NH Civics, or designee.
2 (c) The chief justice of the New Hampshire supreme court, or designee.
3 (d) The secretary of state, or designee.
4 (e) The chief administrative judge of the New Hampshire superior court, or designee.
5 (f) The chief administrative judge of the New Hampshire circuit court, or designee.
6 (g) The commissioner of the department of education, or designee.
7 (h) Two New Hampshire civics teachers appointed by the commissioner of education.
8 (i) The executive director of the New Hampshire Historical Society, or designee.
9 (j) Two members of the house of representatives, appointed by the speaker of the house of
10 representatives.
11 (k) One member of the senate, appointed by the president of the senate.
12 (l) One member of the governor's office, appointed by the governor.

13 II. The commission shall create a textbook and related curriculum specifically designed for New
14 Hampshire students and teachers to help them explore the history, heritage and principles of the New
15 Hampshire Constitution and the government it established.

16 (a) A paper copy of the published textbook shall be available for each New Hampshire civics
17 classroom and an interactive electronic version shall be made available on the department of education's
18 website or in another form to all New Hampshire citizens at no charge.

19 (b) The commission shall meet as often as the chair determines and shall publish the book
20 on or before August 1, 2025.

21 III. The members of the commission shall elect a chairperson among the members. The first
22 meeting of the commission shall be called by the first-named governor appointee. The first meeting of the
23 commission shall be held within 30 days of the effective date of this section. A majority of the members of
24 the commission shall constitute a quorum.

25 79:63 Department of Education; Commission on New Hampshire Civics. There is hereby
26 appropriated to the department of education, commission on New Hampshire civics established in RSA
27 21-N:8-c, the sum of \$1,000,000 for the fiscal year ending June 30, 2023, which shall not lapse, for the
28 purpose of creating a New Hampshire civics textbook to be distributed to every New Hampshire civics
29 classroom. The governor is authorized to draw a warrant for said sum out of any money in the treasury
30 not otherwise appropriated.

31 79:64 Effective Date. Section 63 of this act shall take effect June 30, 2023.

32 79:65 New Section; Department of Education; Higher Education; Recruitment of Educators. Amend
33 RSA 21-N by inserting after section 8-c the following new section:

34 21-N:8-d Recruitment of Educators in New Hampshire.

35 I. In this section:

36 (a) "Academic residency" means participation in an approved educator preparation program
37 field-based experience under the supervision of a cooperating teacher or mentor.

38 (b) "Approved program" means an approved professional educator preparation program by
39 the state board of education.

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1 (c) "Educator" means a teacher or certified paraprofessional.

2 (d) "Eligible student" means a student who is enrolled in an approved program of preparation
3 and eligible for financial assistance because the student's expected family contribution does not exceed
4 200 percent of the maximum federal Pell-eligible expected family contribution.

5 (e) "Candidate" means an educator candidate who is participating in an academic residency
6 and placed in a school or community-based setting.

7 II. There is established an educator recruitment grant program administered by the department of
8 education. Stipends or grants shall be awarded for the purpose of reducing the financial barriers to
9 entering the educator workforce while eligible students gain clinical teaching experience either through a
10 student teaching program or pre-educator preparation program. The program shall:

11 (a) Provide grants to New Hampshire institutions of higher education that fund programs
12 designed to increase participation in the educator workforce.

13 (b) Provide grants to fund stipends for candidates during their clinical experience while
14 engaging in education career pathway programs designed to culminate in licensure as an educator.

15 (c) Stipends for a student teaching program shall be \$500 per week for not more than 16
16 weeks.

17 III. The higher education commission shall adopt any rules and guidelines to implement and
18 administer the program.

19 IV. In order to qualify to participate in the stipend program, a student must be an eligible student
20 and placed as student teacher in a public school or community agency as a candidate working toward an
21 initial teaching certificate.

22 V. The department shall report annually to the chairs of the senate education committee and the
23 house education committee, on:

24 (a) The number of students served by the program.

25 (b) The amounts of stipends received each year.

26 (c) The reported number of hours each eligible student works a second job to earn income.

27 VI. If the amount appropriated to the department for use in the educator recruitment grant
28 program in a state fiscal year is insufficient to fully fund the stipends and grants for the total number of
29 eligible students for that state fiscal year, the department shall reduce the amount distributed to each
30 approved program of preparation by the same percentage that the deficit bears to the amount required to
31 fully fund the total number of eligible students who qualify for the stipend program.

32 79:66 Department of Education; ARPA and ESSER Funds. The governor shall determine if any
33 discretionary American Rescue Plan Act (ARPA) funds, or Elementary and Secondary School Emergency
34 Relief Fund (ESSER) funds, can be used for the purpose funding the grants and stipends under RSA 21-
35 N:8-d. The department of education may request to accept and expend any such funds from the governor
36 and council and the fiscal committee of the general court pursuant to RSA 14:30-a, VI.

37 79:67 Board of Tax and Land Appeals. Amend RSA 71-B:1 to read as follows:

38 71-B:1 Board Established. There is hereby established a board of tax and land appeals, hereinafter
39 referred to as the board, which shall be composed of 3 members who shall be learned and experienced in

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1 questions of taxation or [øf] real estate valuation and appraisal, or [øf] both. *At least one member of the*
2 *board shall be an attorney admitted to practice in New Hampshire.* The members of the board shall be
3 full-time employees and shall not engage in any other employment during their terms that is in conflict
4 with their duties as members of the board.

5 79:68 New Section; Retirement Benefits Commission Established. Amend RSA 100-A by inserting
6 after section 57 the following new section:

7 100-A:58 Retirement Benefits Commission.

8 I. There is established a commission to study retirement benefits and retention of employees.

9 II. The members of the commission shall be as follows:

10 (a) Four members of the senate, at least one of whom shall be a member of the minority
11 party, appointed by the president of the senate.

12 (b) Four members of the house of representatives, at least one of whom shall be a member
13 of the minority party, appointed by the speaker of the house of representatives.

14 (c) One representative of the New Hampshire Municipal Association, appointed by the
15 association.

16 (d) One representative of the New Hampshire School Boards Association, appointed by the
17 association.

18 (e) One representative of the New Hampshire Association of Counties, appointed by the
19 association.

20 (f) One representative of the Professional Firefighters of New Hampshire, appointed by that
21 organization.

22 (g) One representative of the New Hampshire Troopers Association or New Hampshire
23 Police Association, appointed by mutual agreement.

24 (h) One teacher, appointed by the National Education Association - New Hampshire.

25 (i) One state employee, appointed by the New Hampshire State Employees Association.

26 III. Legislative members of the commission shall receive mileage at the legislative rate when
27 attending to the duties of the commission.

28 IV. The commission shall examine issues surrounding retirement benefits, including:

29 (a) The impact retirement benefits have on the retention of employees and the ability to
30 attract new employees.

31 (b) Whether changes to the current benefit structure are warranted, including the cost and
32 funding source of any proposed change.

33 (c) The report of the decennial retirement commission.

34 (d) Analyzing the financial status of the retirement system and performing a risk assessment
35 to the system.

36 (e) Whether cost of living adjustments (COLAs) or stipend are appropriate and could be
37 funded through employer and employee contributions.

38 (f) Making recommendations ensuring the long-term viability of the New Hampshire
39 retirement system.

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1 (g) Considering the effect that policy changes have on the state and political subdivisions.

2 (h) Consideration of a state employer match toward state employee contributions under the
3 state of New Hampshire public employees deferred compensation plan.

4 V. Members of the commission shall elect a chairperson from among the members. The first
5 meeting of the commission shall be called by the first-named senate member. The first meeting of the
6 commission shall be held within 45 days of the effective date of this section. Eight members of the
7 commission shall constitute a quorum.

8 VI. The commission shall report its findings and any recommendations for proposed legislation to
9 the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk,
10 the governor, and the state library on or before December 1, 2023.

11 79:69 Repeal. RSA 100-A:58, relative to the retirement benefits commission, is repealed.

12 79:70 Effective Date. Section 69 of this act shall take effect December 1, 2023.

13 79:71 Appropriation; Office of the Child Advocate; Case Management System. The sum of \$200,700
14 for the fiscal year ending June 30, 2023, is hereby appropriated to the office of the child advocate for the
15 purpose of enhancing the case management system. Such funds shall not lapse until June 30, 2025.
16 The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
17 appropriated.

18 79:72 Effective Date. Section 71 of this act shall take effect June 30, 2023.

19 79:73 New Hampshire Pulp and Paper Manufacturing Industry Stabilization Grant Program;
20 Appropriation.

21 I. The sum of \$1,500,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the
22 department of business and economic affairs for the New Hampshire pulp and paper manufacturing
23 industry stabilization grant program. This appropriation is in addition to any other funds appropriated to
24 the department of business and economic affairs. This appropriation shall lapse on June 30, 2025.

25 II. In this section, "New Hampshire pulp and paper manufacturer" means a New Hampshire-
26 based entity engaged in the processing or manufacturing of pulp, paper and paperboard products and
27 producing paper products.

28 III. With the approval of the joint legislative fiscal committee, the department of business and
29 economic affairs shall administer this grant program based on the following criteria:

30 (a) Applicants shall demonstrate and quantify the impact of COVID-19, infrastructure failures,
31 industry decline, workforce development, and other factors impacting the forest products manufacturing
32 industry in New Hampshire.

33 (b) Applicants shall demonstrate that jobs will be preserved or created as a result of receiving
34 grant funding under this act.

35 79:74 Effective Date. Section 73 of this act shall take effect on June 30, 2023.

36 79:75 Program for Recruitment and Retention; Effective Date of Repeal Extended. Amend 2022,
37 147:3 to read as follows:

38 147:3 Effective Date.

39 I. Section 2 of this act shall take effect July 1, [~~2023~~] **2024**.

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1 II. "Eligible industry recognized credential" or "IRC" refers to those industry recognized
2 credentials in computer science or related fields that are approved by the computer science administrator
3 to expand computer science education for participation in the below funds.

4 III. "Full time or equivalent" refers to the amount of time an individual engages in instruction in a
5 New Hampshire education program, which shall be considered full-time or equivalent if it includes
6 instruction of not less than 4 one-credit classes per semester or instruction of no less than 80 students
7 over the course of a semester.

8 200-O:3 Computer Science Professional Development.

9 I. The department shall determine, in coordination with the computer science administrator to
10 expand computer science education, industry recognized credentials eligible for reimbursement and the
11 amount of reimbursement. Any such reimbursements shall be based on the successful attainment of an
12 eligible IRC.

13 II. The department of education shall create an application process, which it shall publish on or
14 before 6 months from the effective date of this act, for New Hampshire certified educators to seek
15 reimbursement for all or a portion of the cost of obtaining an eligible industry recognized credentials in the
16 field of computer science. The process shall include a list of eligible industry recognized credentials and
17 the amount of reimbursement for successful attainment.

18 200-O:4 Computer Science Educator Credential.

19 I. The department of education shall adopt through rulemaking pursuant to RSA 541-A, a
20 computer science educator credential that permits individuals holding eligible industry recognized
21 credentials to receive a New Hampshire certified educator credential in the area of computer science.
22 Such individuals shall be qualified to teach in approved New Hampshire education programs.

23 II. Individuals teaching full time, or the equivalent, in an approved New Hampshire computer
24 science education program shall be eligible for a \$5,000 bonus for the first year of teaching, and \$2,500
25 each year for the next 2 years of teaching. Only completed years of teaching shall be eligible and there
26 shall be no proration for partial years.

27 200-O:5 Experiential Robotics Platform (XRP). As part of the STEM initiative for New Hampshire
28 schools, experiential robotics platform, 5,500 robotics kits shall be made available for all New Hampshire
29 classrooms for grades 6-12. The program shall consist of standards-based curriculum and hands-on
30 resources, designed to facilitate competency-based learning in the classroom.

31 79:81 Appropriations; Department of Education; Computer Science Professional Development.

32 I. There is hereby appropriated to the department of education the sum of \$500,000 for the fiscal
33 year ending June 30, 2023 for the purpose of encouraging New Hampshire certified educators to pursue
34 eligible industry recognized credentials in the field of computer science. This appropriation shall not
35 lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not
36 otherwise appropriated.

37 II. There is hereby appropriated to the department of education the sum of \$2,741,871 for the
38 fiscal year ending June 30, 2023 for the purpose of encouraging individuals holding an eligible industry
39 recognized credentials to teach computer science or related courses of study in New Hampshire approved

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1 education programs. This appropriation shall not lapse. The governor is authorized to draw a warrant for
2 said sum out of any money in the treasury not otherwise appropriated.

3 III. There is hereby appropriated to the department of education the sum of \$455,000 for the
4 fiscal year ending June 30, 2023 for the purpose of implementing the experiential robotics platform in all
5 New Hampshire classrooms for grades 6-12 including, but not limited to the purchase of robotics kits from
6 First New Hampshire Robotics, Experiential Robotics Platform, career and technical education of
7 community college fabrication sites, and professional development delivery and support. The sum
8 appropriated shall not lapse. The governor is authorized to draw a warrant for said sum out of any money
9 in the treasury not otherwise appropriated.

10 IV. The sum of \$303,129 in the fiscal year ending June 30, 2023, is hereby appropriated to the
11 department of education to be expended in biennium ending June 30, 2025, for the computer science and
12 STEM position established in this act. This appropriation shall not lapse until June 30, 2025. The
13 governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise
14 appropriated.

15 79:82 Effective Date. Section 81 of this act shall take effect June 30, 2023.

16 79:83 Appropriation; Public School Infrastructure Fund. There is hereby appropriated the sum of
17 \$10,000,000 from the education trust fund, in the fiscal year ending June 30, 2023, for deposit in the
18 public school infrastructure fund established in RSA 198:15-y. The governor is authorized to draw a
19 warrant for said sum out of any money in the education trust fund not otherwise appropriated. This
20 appropriation shall not lapse.

21 79:84 Effective Date. Section 83 of this act shall take effect June 30, 2023.

22 79:85 Taxation of Incomes; Rate. Amend RSA 77:1 to read as follows:

23 77:1 Rate.

24 I. The annual tax upon incomes shall be levied at the rate of 5 percent for all taxable periods
25 ending before December 31, 2023.

26 II. The annual tax upon incomes shall be levied at the rate of 4 percent for all taxable periods
27 ending on or after December 31, 2023.

28 III. The annual tax upon incomes shall be levied at the rate of 3 percent for all taxable periods
29 ending on or after December 31, 2024.

30 ~~IV. The annual tax upon incomes shall be levied at the rate of 2 percent for all taxable periods~~
31 ~~ending on or after December 31, 2025.~~

32 ~~V. The annual tax upon incomes shall be levied at the rate of 1 percent for all taxable periods~~
33 ~~ending on or after December 31, 2026.]~~

34 79:86 Returns for Interest and Dividends Taxes; 2027. Amend 2021, 91:100 to read as follows:

35 91:100 Returns for Interest and Dividends Taxes; ~~[2027]~~ **2025**. All persons who are liable for a tax
36 under RSA 77 as of December 31, ~~[2026]~~ **2024**, who thereafter are no longer liable for a tax under RSA 77
37 because of the passage of this act shall make a return of such taxes due the commissioner of revenue
38 administration in such manner and on such forms as the commissioner shall prescribe in rules adopted
39 under RSA 541-A. The administrative provisions of RSA 77 shall remain in effect to permit the audit and

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1 collection of taxes upon income taxable under RSA 77 which is received by persons subject to taxation
2 under that chapter through December 31, [2026] **2024**, and to permit the distribution of that revenue.
3 Persons who are liable for a tax under RSA 77 who do not report the payment of federal income taxes on
4 a calendar year basis are entitled to such proportion of the exemptions allowed in RSA 77 as the reporting
5 period bears to their taxable year.

6 79:87 Application; Repeal of RSA 77. Amend 2021, 91:101 to read as follows:

7 91:101 Application; Repeal of RSA 77. Paragraph II of section 99 shall apply to taxable periods
8 beginning after December 31, [2026] **2024**.

9 79:88 Amend Effective Date; Amend Repeal of Interest and Dividends Tax from 2027 to 2025.
10 Amend 2021, 91:102, II to read as follows:

11 II. Sections 90-100 of this act shall take effect January 1, [2027] **2025**.

12 79:89 Labor Commissioner; Civil Penalties. Amend RSA 273:11-a, I to read as follows:

13 I. In addition to any criminal penalty provided under this title, the commissioner may, after
14 hearing, impose a civil penalty not to exceed \$2,500, as determined by the commissioner, for any violation
15 of the provisions of, or any rule adopted pursuant to, this title, except RSA 273-A, RSA 273-C, and RSA
16 282-A. All moneys collected under this section shall be deposited [~~in the general fund~~] **into the**
17 **department of labor restricted fund established in RSA 273:1-b**.

18 79:90 Workers' Compensation; Liability of Employer Failing to Comply. Amend RSA 281-A:7, I(b) to
19 read as follows:

20 (b) An insurance carrier which insures an employer and fails to file with the commissioner a
21 notice of coverage within a reasonable period of time as prescribed by rule shall be assessed a civil
22 penalty of up to \$50 for each day of noncompliance. The commissioner shall deposit all moneys collected
23 under this subparagraph [~~with the state treasurer for deposit into the general fund~~] **into the department of**
24 **labor restricted fund established in RSA 273:1-b**.

25 79:91 Occupational Health and Safety Administration Certification. Amend RSA 277:5-a, III to read
26 as follows:

27 III. The labor commissioner shall adopt rules under RSA 541-A relative to implementation and
28 enforcement of this section. The commissioner may also assess a civil penalty of up to \$2,500; in
29 addition, such an employer shall be assessed a civil penalty of \$100 per employee for each day of
30 noncompliance. All funds collected under this section shall be deposited into the [~~general fund~~]
31 **department of labor restricted fund established in RSA 273:1-b**. The labor commissioner shall appoint as
32 many individuals as necessary to carry out the department's responsibilities under this section.

33 79:92 Penalty Appeal Board. Amend RSA 273:11-b to read as follows:

34 273:11-b Penalty Appeal Board.

35 I. There is hereby created a penalty appeal board which shall hear appeals from penalties
36 imposed by the commissioner.

37 II. The board shall be composed of 3 members, as follows:

38 (a) One person representing the interests of management, to be appointed by the governor
39 and council;

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1 (b) One person representing the interests of labor, to be appointed by the governor and
2 council; and

3 (c) One person to serve as chairman, who shall be an attorney and who shall be familiar with
4 the labor laws of this state. The chairman shall be ~~chosen and~~ appointed ~~jointly~~ by ***the governor and***
5 ***council*** ~~[the other 2 members of the board; provided, however, that, if such members are unable to agree~~
6 ~~on the appointment of the chairman within 30 days after the later of their appointments, the governor and~~
7 ~~council shall appoint the chairman].~~

8 III. At the time of making appointments pursuant to paragraph II, the governor and council ~~[or 2~~
9 ~~appointing members of the board, as applicable,]~~ shall also appoint an alternate member representing the
10 interests of management, an alternate member representing the interests of labor and an alternate
11 chairman, who shall serve whenever the corresponding member of the board is unable, because of a
12 conflict of interest or otherwise, to participate in the determination of a matter before the board.

13 IV. Members and alternate members shall be appointed for terms of 3 years and shall serve until
14 their successors are appointed and qualified. Vacancies shall be filled for the unexpired terms. ~~[Members~~
15 ~~and alternate members shall serve without compensation but shall receive mileage at the same rate paid~~
16 ~~to state employees.]~~

17 ***V. The attorney member of the board shall receive \$400 per diem and all other members of the***
18 ***board shall each receive \$250 per diem for each day devoted to the work of the board and shall be***
19 ***reimbursed for necessary travel expenses. Said per diems shall be prorated to an hourly basis using 7.5***
20 ***hours per day for other related work performed by board members.***

21 79:93 Family and Medical Leave Insurance. Amend RSA 275:37-d to read as follows:

22 275:37-d Family and Medical Leave Insurance. If an employer has 50 or more employees and
23 sponsors family and medical leave insurance pursuant to RSA 21-I:99, then any employee of that
24 employer who takes family or medical leave and accesses wage replacement benefits under such family
25 and medical leave insurance coverage shall be restored to the position she or he held prior to such leave
26 or to an equivalent position by her or his employer consistent with the job restoration provisions of the
27 federal Family and Medical Leave Act of 1993, Public Law 103-3, 29 U.S.C. section 2601 et seq. Such
28 employers shall continue to provide health insurance to employees during the leave. However,
29 employees shall remain responsible for any employee-shared costs associated with the health insurance
30 benefits. Such employers shall not discriminate or retaliate against any employee for accessing family or
31 medical leave wage replacement benefits. Employers of employees participating in the granite state paid
32 family leave plan may require that paid leave taken under this program be taken concurrently or otherwise
33 coordinated with leave allowed under the terms of a collective bargaining agreement or other established
34 employer policy or the Family and Medical Leave Act, as applicable. ***In addition, the commissioner may***
35 ***adopt rules under RSA 541-A to facilitate administration and enforcement of this section.***

36 79:94 Boiler and Pressure Vessels; Exceptions. Amend RSA 157-A:6, III(e) to read as follows:

37 (e) Pressure vessels that do not exceed (1) 5 cubic feet in volume ~~[or]~~ ***and*** 250 psig, (2) 1 1/2
38 cubic feet in volume or an inside diameter of 6 inches, and 3,000 psig.

39 79:95 Workers' Compensation; Appeals Board. Amend RSA 281-A:42-a, I to read as follows:

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1 I. There is established a compensation appeals board. *Until January 1, 2024*, the board shall
2 consist of a pool of 33 members, of which 11 members shall represent labor, 11 members shall represent
3 employers or workers' compensation insurers and 11 members shall be attorneys who shall be neutral.
4 *On January 1, 2024, the commissioner shall identify 2 seats from each of the 3 sectors that are vacant or*
5 *of an expired term, and eliminate those seats, reducing the entire pool to 27 members in total.* Members
6 of the board shall be appointed by the governor and council from a list of nominees submitted by the
7 commissioner. The commissioner shall submit at least 2 nominees for each vacancy to be filled. Any
8 person appointed by the governor and council who is not qualified or who ceases to be qualified in the
9 capacity in which such person is serving on the appeals board shall be replaced by the governor and
10 council. Terms of board members shall be 3 years, except the initial appointments shall be staggered so
11 that no more than 1/3 of the members' terms shall expire in the same year. Members of the board shall
12 have at least 5 years' experience in the area of workers' compensation or human resources or
13 administrative law. As a condition to maintaining eligibility to hear appeals, board members shall have at
14 least 10 hours annually of training and briefing in the area of workers' compensation and relevant
15 disciplines. The commissioner, or designee, with the assistance of the attorney general's staff shall
16 supervise and approve the training. The commissioner shall have the authority to suspend the eligibility of
17 any member of the board who is not in compliance with such annual training requirements, and to
18 reinstate such member's eligibility upon compliance. The commissioner may suspend from active
19 participation any board member who fails to render a decision or order within 30 days of the hearing as
20 required by RSA 281-A:43, I(b). The commissioner may rescind the suspension once the board member
21 is in compliance with RSA 281-A:43, I(b). Appeals from a decision of the commissioner or the
22 commissioner's representative shall be heard de novo by a 3-member panel, composed of an attorney
23 who shall serve as chair, one member representing labor and one member representing employers or
24 workers' compensation insurers. At least 2 like votes shall be necessary for a decision by the panel. The
25 board shall hear appeals, in accordance with RSA 281-A:43, I(b), from the decisions of the commissioner
26 made pursuant to RSA 281-A:43. No person who is an interested party or an employee of an interested
27 party shall participate as a member of the panel. The board shall conduct its proceedings in such a
28 manner as to ensure a fair and impartial hearing.

29 79:96 Department of Transportation; Appeals Board. Amend RSA 21-L:14, I to read as follows:

30 I. There is established an appeals board consisting of 3 members. One member shall be a
31 registered professional engineer, one member shall be a person admitted to the practice of law in this
32 state, and one member shall be a person skilled in the field of public works and construction who shall
33 represent the general public. There shall be 2 alternate board members, who shall meet at least one of
34 the qualification categories set forth for board members. Each board member and alternate board
35 member shall be appointed by the governor with the consent of the council to a term of 3 years, [provided
36 that of the initial members appointed under this section one member shall be appointed to a term of one
37 year, one member to a term of 2 years, and one member to a term of 3 years. Vacancies shall be filled in
38 a like manner for the unexpired term] *or until a successor is appointed and qualified, whichever is later.*
39 The governor shall designate one member to serve as board chairman, and the board shall elect one

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1 member to serve as vice-chairman. In the event of illness or disqualification of a member as set forth in
2 RSA 673:14, the chairman shall designate an alternate member to act in his *or her* place.

3 79:97 Appeals Board; Powers and Duties. Amend RSA 21-L:15, I to read as follows:

4 I. The board shall hear and decide appeals from decisions of the commissioner relative to
5 contract interpretation or other decisions affecting persons not employed by the department,
6 municipalities, or private property, except condemnations of property for public uses, and the assessment
7 of damages therefor. Decisions of division directors shall be appealed to the commissioner. Decisions of
8 the commissioner may be appealed to the appeals board, except decisions relative to aeronautical
9 matters, which may be appealed to the aviation users advisory board established under RSA 21-L:8~~[-~~and
10 ~~decisions relative to common carriers by rail, which may be appealed to the railroad appeals board~~
11 ~~established under RSA 21-L:16].~~

12 79:98 Repeal. RSA 21-L:16, relative to the railroad appeals board, is repealed.

13 79:99 New Paragraph; Weight; Permit Fees. Amend RSA 266:22 by inserting after paragraph V the
14 following new paragraph:

15 VI. There is hereby established an over-length, over-width, over-height, and over-weight
16 revolving fund from revenue received under this section. All revenue received by the department of
17 transportation for permit fees shall be credited to the fund and are hereby appropriated to the department
18 of transportation. Funds shall be nonlapsing and continually appropriated for the operation and
19 administration of the permit section at the department.

20 79:100 New Subparagraph; Application of Receipts; Over-length, Over-width, Over-height, and Over-
21 weight Revolving Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (387) the following new
22 subparagraph:

23 (388) Moneys deposited in the over-length, over-width, over-height, and over-weight
24 revolving fund under RSA 266:22.

25 79:101 Highway Surveillance Prohibited. Amend RSA 236:130, III(f) to read as follows:

26 (f) Is undertaken for the security of the following bridges and approach structures: I-95
27 Piscataqua River Bridge, Sarah Mildred Long Bridge, and the Memorial Bridge, all in Portsmouth, *as well*
28 *as the Little Bay Bridges in Dover and Newington.*

29 79:102 New Subparagraph; Local Option; Prime Wetlands. Amend RSA 482-A:11, IV by inserting
30 after subparagraph (c) the following new subparagraph:

31 (d) Department of transportation impacts associated with maintenance projects within the
32 limits of existing rights of way and/or permanent easements shall not be subject to the hearing
33 requirements, nor to provide mitigation, provided the project otherwise adheres to the requirements of
34 RSA 482-A:11, IV(a). The issuance of permits for such projects shall not require prior notification of the
35 conservation commission or local governing body.

36 79:103 Agreements for Telecommunications-Related Uses of the State Highway System and State-
37 Owned Railroad Rights-of-Way. Amend RSA 228:31-a to read as follows:

38 228:31-a Agreements for Telecommunications-Related Uses of the State Highway System and State-
39 Owned Railroad Rights-of-Way. The commissioner may, with the approval of the governor and council,

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1 execute contracts, leases, licenses, and other agreements relating to the use or occupation of state-
2 owned rights-of-way, whether easement or fee-owned, for purposes of allowing the installation and
3 maintenance of commercial mobile radio service devices. Such agreements, which shall be for
4 commercially reasonable value, shall not extend for a period of more than 10 years. Any leases executed
5 pursuant to this section shall be subject to the requirements of RSA 72:23 with regard to properly
6 assessed real estate taxes and subject to local zoning and planning requirements. Said devices shall
7 take into consideration the scenic beauty of the landscape. There shall be no advertising signs on these
8 devices. The provisions of *RSA 4:39-c and* RSA 4:40 shall not apply to this section.

9 79:104 State Highways; Notice of Finding. Amend RSA 230:55 to read as follows:

10 230:55 Notice of Finding. Whenever the commissioner of transportation shall alter or relocate any
11 portion of any class I or class II highway, and finds that there is no further occasion to use such portion for
12 class I or class II highway purposes for property acquired by the state in 1945 or earlier, the commissioner
13 shall post notice of such finding in 2 public places in the town in which land is situate and give notice in
14 writing to the selectmen of such town. Notwithstanding any provision of law to the contrary, the
15 commissioner may discontinue *any right-of-way, or portion thereof, that was laid out by the state* and
16 declare property acquired after 1945 as surplus and dispose of it in accordance with RSA [4:39] *4:39-c*.

17 79:105 New Paragraph; New Hampshire Aeronautics Act; Revenue; Fees. Amend RSA 422:31 by
18 inserting after paragraph IX the following new paragraph:

19 X. A credit card use convenience fee may be charged in addition to the required aircraft operating
20 fee for each transaction, which the department is authorized to use towards the credit card fees incurred.

21 79:106 Turnpike System; Toll Criteria. Amend RSA 237:11, V to read as follows:

22 V. Notwithstanding any other provision of law to the contrary, the discount on the established tolls
23 on any of the New Hampshire turnpikes in the system for vehicles listed on a *funded* New Hampshire E-Z
24 Pass account and using the regional electronic toll collection system with a *working and properly mounted*
25 New Hampshire E-Z Pass transponder shall be 30 percent for passenger vehicles, including motorcycles,
26 and 10 percent for commercial vehicles.

27 79:107 Statewide Transportation Improvement Program. Amend RSA 228:99 to read as follows:

28 228:99 Statewide Transportation Improvement Program (STIP). The governor shall develop a
29 statewide transportation improvement program as required by 23 U.S.C. sections 134 and 135, as
30 amended. The governor shall revise and update the program every 2 years. Adoption of the STIP and
31 revised STIP shall be as follows:

32 I. Each metropolitan planning organization and rural regional planning commission shall reach
33 agreement with the department of transportation relative to funding unified planning work programs
34 consistent with 23 U.S.C. sections 134 and 135 no later than December 1 of each even-numbered year.
35 Each metropolitan planning organization and rural regional planning commission shall provide a regional
36 transportation improvement program (TIP) *priorities* to the department of transportation no later than April
37 1 of each odd-numbered year. Such plans shall include [a] public involvement [plan] and education
38 [initiative] to ensure early and adequate input from residents, municipalities and any other interested
39 parties in New Hampshire.

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1 II. The commissioner shall submit the tentative STIP in accordance with the state planning
2 process as required in 23 U.S.C. section 135 to the governor's advisory commission on intermodal
3 transportation no later than ~~[July]~~ **September** 1 of each odd-numbered year.

4 III. The governor's advisory commission on intermodal transportation shall conduct at least one
5 public hearing in each executive council district to present the tentative STIP to the public and to receive
6 the public's comments and recommendations regarding the program. The governor's advisory
7 commission on intermodal transportation shall submit such program along with the commission's
8 recommendations to the governor no later than December 1 of each odd-numbered year. Each
9 metropolitan planning organization and rural regional planning commission should conduct an
10 informational meeting after the commission submits its recommendations to receive the public's final
11 comments and recommendations regarding the proposed programs before adoption by the governor.

12 IV. The governor shall submit the STIP to the general court to be acted on no later than January
13 15 of each even-numbered year. ~~[After an enactment]~~ **The STIP shall be enacted** by the general court ~~[of~~
14 ~~the STIP or]~~ by June 1 of each even-numbered year~~[, whichever is earlier, each metropolitan planning~~
15 ~~organization and rural regional planning commission should continue its public involvement program by~~
16 ~~conducting at least one informational meeting concerning the STIP].~~

17 ***V. Each metropolitan planning organization and the department of transportation shall continue***
18 ***its public involvement program by conducting public comment periods and public hearings as required by***
19 ***23 U.S.C. sections 134 and 135, as amended for the regional TIP and statewide STIP.***

20 ***VI. Each metropolitan planning organization shall approve the regional TIP and the department of***
21 ***transportation shall incorporate the TIPs into the STIP in whole, and submit the STIP for federal approval***
22 ***as required by 23 U.S.C. sections 134 and 135, as amended.***

23 ***VII. Three times per year, the STIP and TIPs shall be amended to make adjustments to projects***
24 ***whose scopes, schedules or budgets need to be adjusted. The department of transportation will prepare***
25 ***and release STIP/TIP amendments to the metropolitan planning organizations and rural regional planning***
26 ***commissions.***

27 ***VIII. The metropolitan planning organizations shall have 60 days from the receipt of each***
28 ***amendment to prepare, receive public comments, approve and transmit the updated TIPs to the***
29 ***department of transportation. The department of transportation shall incorporate the TIP amendments***
30 ***into the STIP in whole, and submit the STIP for federal approval as required by 23 U.S.C. sections 134***
31 ***and 135, as amended.***

32 79:108 Unclaimed and Abandoned Property; Subsequent Claims. Amend RSA 471-C:31-a to read
33 as follows:

34 471-C:31-a Subsequent Claims. For periods after January 1, 1985, any owner who comes forward to
35 make a claim for assets which have escheated to the state ***or counties*** may petition ~~[the governor and~~
36 ~~council]~~ for payment of those assets. Upon ~~[providing]~~ ***receiving*** sufficient proof of the validity of such
37 owner claim ~~[and receiving the approval of governor and council]~~, the administrator shall pay such claim to
38 the owner in accordance with the provisions of this chapter. ***For funds requested and approved, the***
39 ***governor is authorized to draw a warrant from any money in the treasury not otherwise appropriated.***

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1 79:109 Revenue Sharing; Suspension. RSA 31-A, relative to revenue sharing with cities and towns
2 shall be suspended for the biennium ending June 30, 2025.

3 79:110 Electric Utility Restructuring; Implementation. Amend RSA 374-F:4, VIII(f) to read as follows:

4 (f) The ~~[department of environmental services and the]~~ department of energy shall submit a
5 report to the house science, technology, and energy committee, and the senate energy and natural
6 resources committee by October 1 of each year. The report shall concern the results and effectiveness of
7 the system benefits charge.

8 79:111 Disclosure of Electric Service Energy Sources and Environmental Characteristics. Amend
9 RSA 378:49, II(c) to read as follows:

10 (c) Provide such information to electric customers at least annually in conjunction with billing,
11 whether distributed through the mail or online, or other mailed or online communication to customers, as
12 approved by the ~~[commission]~~ **department**, including the ~~[commission's]~~ **department's** estimated cost on a
13 per kilowatt-hour basis for compliance with the electric renewable portfolio standard under RSA 362-F for
14 the prior compliance year. The estimated cost for the compliance year shall be calculated once per year
15 and provided in the customer's December bill, whether distributed through the mail or online. Each
16 customer's bill shall identify the cost as an estimate and provide a link to information about the electric
17 renewable portfolio standard, including its benefits, at the ~~[public utilities commission's]~~ **department's**
18 website. The costs for a utility to provide this information shall be recovered from electric customers
19 through the distribution rates of the respective electric distribution utility.

20 79:112 Electric Renewable Portfolio Standard; Renewable Energy Fund. Amend RSA 362-F:10, I to
21 read as follows:

22 I. There is hereby established a renewable energy fund. This nonlapsing special fund shall be
23 continually appropriated to the department of energy to be expended in accordance with this section;
24 provided that at the start of the period in which there is no adopted state operating budget, the department
25 of energy shall in a timely manner seek the approval of the fiscal committee of the general court to
26 continue using moneys from the renewable energy fund to support renewable energy rebate and grant
27 programs in order to ensure there are no interruptions to the programs. The state treasurer shall invest
28 the moneys deposited therein as provided by law. Income received on investments made by the state
29 treasurer shall also be credited to the fund. All payments to be made under this section shall be deposited
30 in the fund. Any remaining moneys paid into the fund under paragraph II of this section, excluding class II
31 moneys, shall be used by the department of energy to support thermal and electrical renewable energy
32 initiatives **and offshore wind initiatives, including the office of offshore wind industry development**. Class II
33 moneys shall primarily be used to support solar energy technologies in New Hampshire. All initiatives
34 supported out of these funds shall be subject to audit by the department of energy as deemed necessary.
35 All fund moneys including those from class II may be used to administer this chapter, but all new
36 employee positions shall be approved by the fiscal committee of the general court. No new employees
37 shall be hired by the department of energy due to the inclusion of useful thermal energy in class I
38 production.

39 79:113 Information Collection. Amend RSA 362-F:8, I to read as follows:

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1 I. [~~By July 1~~] ***No earlier than July 1 and no later than July 15*** of each year, each provider of
2 electricity shall submit a report to the department of energy, in a form approved by the department of
3 energy, documenting its compliance with the requirements of this chapter for the prior year. The
4 department of energy may investigate compliance and collect any information necessary to verify and
5 audit the information provided to the department of energy by providers of electricity.

6 79:114 Phase-In for Existing Supply Contract Load. Amend RSA 362-F:14 to read as follows:

7 362-F:14 Phase-In for Existing Supply Contract Load. The increases in the annual purchase
8 percentages in RSA 362-F:3 as compared to those in effect as of January 1, 2012 shall apply to the
9 electrical load under any electrical power supply contracts for a term of years entered into by providers of
10 electricity prior to or on July 1, 2012, upon the expiration of the term of any such contract. Providers of
11 electricity shall inform the department of energy [~~by July 1~~] ***no earlier than July 1 and no later than July 15***
12 of each year of all such contracts and their terms, including, but not limited to the execution date and
13 expiration date of the contract and the annual volume of electrical energy supplied.

14 79:115 Duties of Commissioner; Department of Energy. Amend RSA 12-P:5, VI to read as follows:

15 VI. Collect and account for all fees, funds, taxes, or assessments levied upon any person subject
16 to the jurisdiction of the department of energy and the public utilities commission. ***Notwithstanding any***
17 ***other provision of law, if the expenditure of additional funds over budget estimates is necessary for the***
18 ***proper functioning of the department of energy, the governor and council, with the prior approval of the***
19 ***fiscal committee of the general court, upon request from the department of energy, may authorize an***
20 ***additional assessment pursuant to RSA 363-A for such purpose.***

21 79:116 Public Utilities Commission; Office of the Consumer Advocate. Amend RSA 363:28, I(d) to
22 read as follows:

23 (d) [~~Two~~] ***Three*** additional staff people appointed by the consumer advocate. When filling
24 these positions, the consumer advocate should consider appointing rate analysts or economists.

25 79:117 New Paragraph; Public Utilities Commission; Office of the Consumer Advocate. Amend RSA
26 363:28 by inserting after paragraph VI the following new paragraph:

27 VII. Notwithstanding any other provision of law, if the expenditure of additional funds over budget
28 estimates is necessary for the proper functioning of the office of the consumer advocate, the governor and
29 council, with the prior approval of the fiscal committee of the general court, upon request from the
30 consumer advocate, may authorize an additional assessment pursuant to RSA 363-A for such purpose.

31 79:118 Office of the Consumer Advocate; Transfer Authority. The following expenditure classes
32 within the Office of the Consumer Advocates shall be exempt from the transfer restrictions in RSA 9:17-a
33 and 9:17-c; and class 10- personal services-perm classified and class 60-benefits. The Office of the
34 Consumer Advocate is authorized to transfer funding attributable to vacant positions from these classes
35 into class 046 consultants and class 233 litigation provided that any such transfers shall be limited to
36 \$75,000 in each fiscal year. The provisions in this paragraph shall remain in effect for the biennium
37 ending June 30, 2025.

38 79:119 Public Utilities; Assessment. Amend the introductory paragraph of RSA 363-A:2, I to read as
39 follows:

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1 I. The expenses thus ascertained shall be assessed against the public utilities and other entities
2 described in this section in the manner provided in this chapter. The assessment shall be calculated by
3 using the following revenue percentages, *based on the prior calendar year*:

4 79:120 Public Utilities; Certification of Assessment. Amend RSA 363-A:3 to read as follows:

5 363-A:3 Certification of Assessment. It shall be the duty of the department of energy to calculate the
6 amount to be assessed against each such public utility and each other entity subject to assessment in
7 accordance with RSA 363-A:1 and RSA 363-A:2. At the beginning of each fiscal year, the department of
8 energy shall estimate the total expenses for the fiscal year, and then, based on such estimate, shall
9 calculate the amount to be assessed quarterly on [~~August 10, October 15, January 15~~] **September 15,**
10 **November 15, February 15,** and April 15 of that fiscal year[, ~~against each such public utility and other~~
11 ~~assessed entity in accordance with RSA 363-A:1 and RSA 363-A:2~~]. **For entities with assessments less**
12 **than \$10,000, the department may bill those entities the entire amount on September 15 of that fiscal**
13 **year.** The department of energy shall then make a list showing the amount [~~due on August 10, October~~
14 ~~15, January 15~~] **assessed September 15, November 15, February 15,** and April 15 of that fiscal year [~~from~~]
15 **to** each of the several public utilities and other entities assessed under the provisions hereof, and,
16 together with a statement of the full name and mailing address of each such public utility and other
17 assessed entity, shall certify the same. After the close of each fiscal year, the department of energy shall
18 ascertain the actual total expenses in accordance with RSA 363-A:1 and RSA 363-A:2, and then shall
19 adjust the assessment for the first [~~quarterly~~] **or only** payment of the new fiscal year for each such public
20 utility or other assessed entity for any underpayment or overpayment by each such public utility or other
21 assessed entity for the prior fiscal year.

22 79:121 Expenses of Public Utilities Commission; Collections. Amend RSA 363-A:4 to read as
23 follows:

24 363-A:4 Collection. Upon the completion of each such list, [~~on or before August 10, October 10,~~
25 ~~January 10, and April 10~~] **within 10 business days of September 15, November 15, February 15, and April**
26 **15** of each fiscal year, the department of energy shall bill each public utility and each other entity subject
27 to assessment [~~for the quarterly amount assessed against it within 10 working days~~]. Such bill shall be
28 sent [~~registered~~] **first-class or electronic** mail, and shall constitute notice of assessment and demand for
29 payment. Payment shall be made to the department of energy [~~within 30 days after the receipt of the bill.~~
30 ~~After the expiration of 30 days from the receipt of an original bill;~~] **by the due date stated on the bill, which**
31 **shall be set no sooner than 30 days after the date the bill is sent. If payment is not made by the due date,**
32 the department of energy may add to the assessment a late penalty fee and may commence an action at
33 law for the recovery of the assessment. Within 30 days of the **date that the bill** assessment for the first
34 [~~quarterly~~] **or only** payment **is sent,** each public utility or other assessed entity which has any objection to
35 the amount assessed against it for the prior fiscal year shall file with the department its objection in
36 writing, setting out in detail the grounds upon which it is claimed that said assessment is excessive,
37 erroneous, unlawful, or invalid. If such objections are filed, the department, after reasonable notice to the
38 objecting public utility or other assessed entity, shall hold a hearing on such objections, and if the
39 department finds that said assessment or any part thereof is excessive, erroneous, unlawful, or invalid,

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1 the department shall reassess the amount to be paid by such public utility or other assessed entity, and
2 shall order that an amended bill be sent to such public utility or other assessed entity in accordance with
3 such reassessment. The department of energy shall not commence an action at law for recovery of any
4 assessment for the first [~~quarterly~~] **or only** payment until any such objection has been resolved.

5 79:122 Expenses of Public Utilities Commission; Exemption from Assessment. Amend RSA 363-A:5
6 to read as follows:

7 363-A:5 Exemption From Assessment. Any public utility or other assessed entity that is not an entity
8 to which RSA 363-A:2, I(c) or (d) applies, and that earned less than \$10,000 in gross revenue during the
9 preceding [~~fiscal~~] **calendar** year shall not be liable for any assessment pursuant to this chapter.

10 79:123 Appropriation; Department of Energy; Establishment of the Regional Energy Advocacy Fund.
11 There is hereby appropriated to the department of energy the sum of \$250,000 for the fiscal year ending
12 June 30, 2023 to be placed in a regional energy advocacy fund. This fund shall be nonlapsing and
13 continually appropriated to the department to be expended to hire consultants and attorneys and related
14 expenses to support the regional advocacy issues specified in RSA 374-F:8. The governor is authorized
15 to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

16 79:124 Effective Date. Section 123 of this act shall take effect June 30, 2023.

17 79:125 Department of Energy; Commissioner; Deputy Commissioner; Directors; General Counsel.
18 Amend RSA 12-P:4 to read as follows:

19 12-P:4 Commissioner; Deputy Commissioner; Directors; ***General Counsel***.

20 I. The commissioner of the department of energy shall be appointed by the governor, with the
21 consent of the council, and shall serve for a term of 4 years. The commissioner shall be qualified to hold
22 that position by reason of education and experience. Directors of departmental divisions ***and the general***
23 ***counsel*** shall be subject to the supervisory authority of the commissioner, which authority shall include
24 power to establish department and divisional policy as well as to control the actual operations of the
25 department and all divisions therein. The commissioner is authorized to establish any advisory
26 committees and programs which the commissioner may deem necessary to carry out the mission and
27 operations of the department.

28 II. The commissioner of energy shall nominate a deputy commissioner of energy for appointment
29 by the governor and council. The deputy commissioner shall hold office for 4 years and until a successor
30 has been appointed and qualified. The deputy commissioner shall be qualified to hold that position by
31 reason of education and experience. The deputy commissioner shall perform such duties as the
32 commissioner may assign. The deputy commissioner shall perform the duties of the commissioner if for
33 any reason the commissioner is unable to do so.

34 III. Division directors shall be appointed to initial terms as stated below, and then subsequently to
35 terms of 4 years. Terms notwithstanding, each division director shall serve until a successor has been
36 appointed and qualified.

37 ***III-a. The commissioner shall appoint a general counsel, who shall serve at the pleasure of the***
38 ***commissioner. The general counsel shall perform such duties and exercise such powers as the***
39 ***commissioner may authorize.***

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1 (a) The commissioner shall nominate for appointment by the governor and council a director
2 of the division of policy and programs for an initial term of one year. All subsequent terms shall be 4
3 years. The director of the division of policy and programs shall be qualified to hold that position by reason
4 of education and experience.

5 (b) The commissioner shall nominate for appointment by the governor and council a director
6 of the division of administration for an initial term of 2 years. All subsequent terms shall be 4 years. The
7 director of the division of administration shall be qualified to hold that position by reason of education and
8 experience.

9 (c) The commissioner shall nominate for appointment by the governor and council a director
10 of the division of enforcement for an initial term of 3 years. All subsequent terms shall be 4 years. The
11 director of the division of enforcement shall be qualified to hold that position by reason of education and
12 experience.

13 (d) The commissioner shall nominate for appointment by the governor and council a director
14 of the division of regulatory support for an initial term of 3 years. All subsequent terms shall be 4 years.
15 The director of the division of regulatory support shall be qualified to hold that position by reason of
16 education and experience.

17 IV. The salaries of the commissioner, the deputy commissioner, and each division director shall
18 be as specified in RSA 94:1-a.

19 79:126 Motor Vehicles; Copies of Certificates and Motor Vehicle Records. Amend RSA 260:15 to
20 read as follows:

21 260:15 Copies of Certificates and Motor Vehicle Records.

22 I. The department may issue a certified copy of any certificate of registration, or of any license to
23 drive motor vehicles which may have been lost or mutilated, upon the written request of the person
24 entitled thereto and the payment of the prescribed fee, and such certified copy shall have the same force
25 and effect as the original.

26 II. The department may issue a copy of any motor vehicle record upon the request of an
27 insurance company or any other authorized agent, and notwithstanding RSA 91-A shall require payment
28 by the insurance company or authorized agent of a fee of [~~\$13 for email or other computer-generated~~
29 ~~requests where payment is debited against an account established with the department, or \$15 for all~~
30 ~~other requests]~~ **\$17**, which shall be deposited in the fire standards and training and emergency medical
31 services fund established in RSA 21-P:12-d.

32 79:127 New Paragraph; Motor Vehicles; Provision for Federal Identification Database Prohibited.
33 Amend RSA 260:14-a by inserting after paragraph VII the following new paragraph:

34 VIII. Notwithstanding any law to the contrary, the department may provide driver history records
35 to a federal entity for uses authorized in RSA 260:14, IV, RSA 260:14, IV-a, and RSA 260:14, V.

36 79:128 Department of Safety; Appropriation; Position Created. There is hereby established in the
37 department of safety, division of fire safety, one full-time classified program assistant II position. The sum
38 of \$72,000 for the fiscal year ending June 30, 2024 and \$74,000 for the fiscal year ending June 30, 2025
39 is hereby appropriated to the division of fire safety. The governor is authorized to draw a warrant for said

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1 sums out of any money in the treasury not otherwise appropriated.

2 79:129 Department of Safety; Unfunded Positions; Authorization. Notwithstanding any other
3 provision of law to the contrary, the department of safety may fill unfunded positions during the biennium
4 ending June 30, 2025, provided that the total expenditure for such positions shall not exceed the amount
5 appropriated for personal services.

6 79:130 Department of Safety; Transfer Funds and Establish Positions; Authorization.
7 Notwithstanding any other provision of law to the contrary, the department of safety may create full-time
8 temporary positions for any positions on military deployment and transfer funds from class 010 into class
9 059 with approval from the department of administrative services.

10 79:131 Department of Safety; Substance Abuse Enforcement Program; Appropriations.

11 I. The sum of \$408,297 for the fiscal year ending June 30, 2024 is hereby appropriated to the
12 department of safety. This sum shall be expended as follows:

13 (a) \$119,217 shall be expended for the purpose of funding overtime at the state forensic
14 laboratory as a result of increased caseloads attributable to narcotics related enforcement and
15 investigations, with no more than 50 percent of the appropriation expended in each fiscal year of the
16 biennium ending June 30, 2025.

17 (b) \$289,080 shall be expended for the purpose of funding overtime at the state police for
18 narcotics related enforcement and investigations, with no more than 50 percent of the appropriation
19 expended in each fiscal year of the biennium ending June 30, 2025.

20 II. The sum of \$833,684 for the fiscal year ending June 30, 2024 and \$833,684 for the fiscal year
21 ending June 30, 2025 is hereby appropriated to the department of safety to disburse grants to county and
22 local law enforcement agencies for the purpose of funding overtime costs for county and local law
23 enforcement officers performing law enforcement activities attributable to the substance abuse
24 enforcement program established in RSA 21-P:66.

25 III. The governor is authorized to draw a warrant for said sums out of any money in the treasury
26 not otherwise appropriated.

27 IV. No appropriation made in this section shall lapse until June 30, 2025.

28 79:132 Public Safety and Welfare; Definitions; Emergency Medical Care Provider. Amend RSA 153-
29 A:2, V to read as follows:

30 V. "Emergency medical care provider" means an employee or volunteer member of a public or
31 private organization having responsibility for the delivery of health services to individuals experiencing
32 illness or injury at a location other than a hospital or other medical facility. The term shall not include
33 lifeguards at swimming facilities or members of ski patrols, or New Hampshire fish and game department
34 conservation officers, *or those individuals administering Naloxone* unless said individuals are performing
35 invasive patient care procedures.

36 79:133 Public Safety and Welfare; Licensure of Emergency Medical Care Providers. Amend RSA
37 153-A:11, I to read as follows:

38 I. Except for automated external defibrillation pursuant to RSA 153-A:28-31, *or the administration*
39 *of Naloxone*, a person shall not provide emergency medical services as a paid or volunteer member of a

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1 public or private emergency medical services unit in this state, or as a paid or volunteer member of any
2 police or fire department who, as a condition of employment, may be expected to routinely provide
3 emergency medical services in the line of duty, without being licensed by the commissioner.

4 79:134 Department of Safety; Appropriation; State and Local Cybersecurity Grant Program. The sum
5 of \$1,255,500 for the fiscal year ending June 30, 2024 and the sum of \$1,614,215 for the fiscal year
6 ending June 30, 2025 are hereby appropriated to the commissioner of the department of safety for the
7 state and local cybersecurity grant program. Such funds shall be nonlapsing and continually appropriated
8 to the commissioner of the department. The governor is authorized to draw a warrant for said sum out of
9 any money in the treasury not otherwise appropriated.

10 79:135 Department of Safety; Appropriation. There is hereby appropriated to the department of
11 safety the sum of \$3,510,000 for the fiscal year ending June 30, 2023 for the purpose of purchasing 52
12 state police cruisers. This appropriation shall not lapse until June 30, 2025, provided that any
13 unexpended amount following the purchases shall lapse to the general fund. The governor is authorized
14 to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

15 79:136 Effective Date. Section 135 of this act shall take effect June 30, 2023.

16 79:137 Education Trust Fund Appropriations Reductions; Education Freedom Accounts. The
17 education trust fund appropriations to the department of education, in account 06-56-56-560040-3043,
18 class line 652, for education freedom accounts, shall be reduced by \$10,000,000 for the fiscal year ending
19 June 30, 2024, and by \$10,000,000 for the fiscal year ending June 30, 2025. The department shall report
20 to the fiscal committees of the general court on such reductions.

21 79:138 Education Trust Fund Created and Invested. RSA 198:39 is repealed and reenacted to read
22 as follows:

23 198:39 Education Trust Fund Created and Invested.

24 I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund
25 shall not be used for any purpose other than:

26 (a) To distribute adequate education grants to municipalities' school districts pursuant to RSA
27 198:42.

28 (b) To distribute grants to municipalities school districts and to approved chartered public
29 schools pursuant to RSA 194-B:11.

30 (c) To distribute kindergarten grants to municipalities' and school districts pursuant to RSA
31 198:48-c.

32 (d) To provide low and moderate income homeowners property tax relief under RSA 198:56-
33 198:61.

34 (e) To distribute funds to scholarship organizations approved under RSA 77-G, that
35 administer and implement RSA 194-F.

36 (f) To distribute phase-out grants to school districts under RSA 194-F:10.

37 (g) To fund costs necessary to provide the statewide assessment program required under
38 RSA 193-C.

39 (h) To fund department of education operating costs for a state student data collection and

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1 reporting system, within budgeted appropriations.

2 (i) To fund department of education costs for administering programs funded by the
3 education trust fund, within budgeted appropriations, plus any additional funding authorized pursuant to
4 paragraph III.

5 (j) To distribute school building aid to school districts pursuant to RSA 198:15-b.

6 (k) To distribute tuition and transportation funds to school districts for students attending
7 career and technical education programs pursuant to RSA 188-E:9.

8 (l) To distribute special education aid to school districts pursuant to RSA 186-C:18.

9 (m) To distribute payments to education service providers on behalf of school districts for
10 children with disabilities in certain court ordered placements or placements for an episode of treatment
11 pursuant to RSA 186-C:19-b.

12 (n) To distribute grants for leased space to approved chartered public schools pursuant to
13 RSA 198:15-hh.

14 II. The state treasurer shall deposit into the education trust fund immediately upon receipt:

15 (a) Funds certified to the state treasurer by the commissioner of revenue administration
16 pursuant to RSA 77-A:20-a, relative to business profits taxes.

17 (b) Funds certified to the state treasurer by the commissioner of revenue administration
18 pursuant to RSA 77-E:14, relative to business enterprise tax.

19 (c) Funds collected and paid over to the state treasurer by the commissioner of revenue
20 administration pursuant to RSA 78-A:26, II, relative to the tax on motor vehicle rentals.

21 (d) Funds collected and paid over to the state treasurer by the department of revenue
22 administration pursuant to RSA 78:24, relative to tobacco taxes.

23 (e) Funds certified to the state treasurer by the commissioner of revenue administration
24 pursuant to RSA 78-B:13, relative to real estate transfer taxes.

25 (f) Funds collected and paid over to the state treasurer by the department of revenue
26 administration pursuant to RSA 83-F:7, I, relative to the utility property tax.

27 (g) All moneys due the fund in accordance with RSA 284:21-j, relative to sweepstakes and
28 the lottery.

29 (h) Tobacco settlement funds in the amount of \$40,000,000 or, for any year in which the total
30 tobacco settlement funds received by the state is less than \$40,000,000, the total amount of tobacco
31 settlement funds received by the state.

32 (i) The school portion of any revenue sharing funds distributed pursuant to RSA 31-A:4 which
33 were apportioned to school districts in the property tax rate calculations in 1998.

34 (j) Funds collected and paid over to the state treasurer by the lottery commission pursuant to
35 RSA 284:44, RSA 284:47, and RSA 287-I.

36 (k) Any other moneys appropriated from the general fund.

37 III. If required expenditures to administer programs funded by the education trust fund, pursuant
38 to paragraph I, exceed amounts appropriated, the commissioner of education may request the fiscal
39 committee of the general court authorize additional funding. Amounts requested under this paragraph

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1 shall be a charge to the education trust fund. For funds requested and approved, the governor is
2 authorized to draw a warrant from any money in the treasury not otherwise appropriated.

3 IV. The education trust fund shall be nonlapsing. The state treasurer shall invest that part of the
4 fund which is not needed for immediate distribution in short-term interest-bearing investments. The
5 income from these investments shall be returned to the fund.

6 79:139 New Paragraph; Education of Children Placed in Homes for Children, Health Care Facilities,
7 or State Institutions; Episode of Treatment. Amend RSA 193:27 by inserting after paragraph VI the
8 following new paragraph:

9 VII. "Episode of treatment" means when a child needs to be placed by the department of health
10 and human services (DHHS) in a DHHS-contracted and/or certified program to receive more intensive
11 treatment and supports and has the objective of helping children in crisis avoid or reduce the use of
12 psychiatric hospitals or emergency rooms.

13 79:140 Court Ordered Placements; Purpose and Application of Chapter. Amend RSA 169-F:1 to
14 read as follows:

15 169-F:1 Purpose and Application of Chapter. This chapter shall apply to any court ordered
16 placement *or placement for an episode of treatment as defined in RSA 193:27, VII*, of any minor pursuant
17 to RSA 169-B or any child pursuant to RSA 169-C or RSA 169-D, for the purposes of the effective
18 implementation of any such placement.

19 79:141 Special Education; State Aid. Amend RSA 186-C:18, III(a) to read as follows:

20 III.(a) The state board of education through the commissioner, department of education, shall
21 distribute aid available under this paragraph as entitlement to such school districts as have a special
22 education pupil for whose costs they are responsible, for whom the costs of special education in the fiscal
23 year exceed 3 1/2 times the estimated state average expenditure per pupil for the school year preceding
24 the year of distribution. If in any year, the amount appropriated for distribution as special education aid in
25 accordance with this section is insufficient therefor, the appropriation shall be prorated proportionally
26 based on entitlement among the districts entitled to a grant. If there are unexpended funds appropriated
27 under this paragraph at the end of any fiscal year, such funds shall be distributed for court-ordered
28 placements *and episodes of treatment* under RSA 186-C:19-b. The state may designate up to \$250,000
29 of the funds which are appropriated as required by this paragraph, for each fiscal year, to assist those
30 school districts which, under guidelines established by rules of the state board of education, may qualify
31 for emergency assistance to mitigate the impact of special education costs. The state may designate up
32 to an additional \$250,000 of the funds which are appropriated under this paragraph for each fiscal year for
33 any community of 1,000 or fewer residents to mitigate the impact of special education costs when
34 emergency assistance is necessary to prevent significant financial harm to such district or community.
35 Upon application to the commissioner of education, and approval by the commissioner, such funds may
36 be accepted and expended by school districts in accordance with this chapter; provided, however, that if a
37 school district has received emergency assistance funds for certain children with disabilities, it shall not
38 receive special education aid for those same children with disabilities. If any of the funds designated for
39 emergency assistance under this paragraph are not used for such emergency assistance purposes, the

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1 funds shall be used to assist school districts in meeting special education cost increases in their special
2 education programs as provided by this paragraph.

3 79:142 New Paragraph; Special Education; State Aid; Rulemaking by State Board of Education.
4 Amend RSA 186-C:18,V by inserting after subparagraph (f) the following new subparagraph:

5 (g) Administering and distributing payment for episode of treatment costs as defined in RSA
6 193:27, VII.

7 79:143 Liability for Children with Disabilities in Certain Court Ordered Placements. Amend RSA 186-
8 C:19-b to read as follows:

9 186-C:19-b Liability for Children With Disabilities in Certain Court Ordered Placements.

10 I.(a) As used in this section "children in placement for which the department of health and human
11 services has financial responsibility" means all children receiving special education or special education
12 and related services whose placements were made pursuant to RSA 169-B, 169-C, or 169-D, except
13 children at the youth development center and children placed at the youth services center maintained by
14 the department of health and human services while awaiting disposition of the court following arraignment
15 pursuant to RSA 169-B:13.

16 (b) In the case of an out-of-district placement *or placement for an episode of treatment*, the
17 appropriate court shall notify the department of education on the date that the court order is signed, *or the*
18 *need for an episode of treatment is determined*, stating the initial length of time for which such placement
19 is made. This subparagraph shall apply to the original order *or determination* and all subsequent
20 modifications of that order *or determination*.

21 II. The school district liability for expenses for special education or for special education and
22 related services for a child with a disability in placement for which the department of health and human
23 services has financial responsibility shall be limited to 3 times the estimated state average expenditure
24 per pupil, for the school year preceding the year of distribution. The liability of a school district under this
25 section shall be prorated if the placement is for less than a full school year and the district shall be liable
26 for only the prorated amount. This section shall not limit a school district's financial liability for children
27 who receive special education or special education and related services in a public school or program
28 identified in RSA 186-C:10.

29 (a) Any costs of special education or special education and related services in excess of 3
30 times the estimated state average expenditure per pupil for the school year preceding the year of
31 distribution shall be the liability of the department of education. Costs for which the department of
32 education is liable under this section shall be paid to education service providers by the department of
33 education. The department of education shall develop a mechanism for allocating the funds appropriated
34 for the purposes of this section. *Any costs of special education or special education and related services*
35 *related to an episode of treatment and the determination of placement by the department of health and*
36 *human services shall be covered in full for students with disabilities by the department of education.*

37 (b) The department of health and human services shall be liable for all court-ordered *and*
38 *episode of treatment* costs pursuant to RSA 169-B:40, 169-C:27, and 169-D:29 other than for special
39 education or special education and related services.

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1 (c) The department of education shall distribute special education payments under
2 subparagraph II(a) within 60 days of receipt of invoice from the school district. School districts shall
3 submit education service providers costs to the department within 30 days of receipt of such costs. The
4 department shall then verify the cost and distribute the appropriate amounts to the education service
5 provider.

6 III. The department of education shall by rules adopted under RSA 541-A establish the rates
7 charged by education service providers to the department of education or to school districts for children
8 with disabilities in placement for which the department of health and human services has financial
9 responsibility.

10 IV. The department of education is authorized to receive and take appropriate action on
11 complaints regarding the failure to provide necessary special education or special education and related
12 services to children with disabilities in placement for which the department of health and human services
13 has financial responsibility.

14 V. ~~[All appropriations made for the purposes of funding court-ordered placements shall be~~
15 ~~nonlapsing.]~~ ***If the total amount required for court ordered placements or placements for an episode of***
16 ***treatment exceeds the amount appropriated to the department for such payments, the governor is***
17 ***authorized to draw a warrant from the education trust fund for such sum to satisfy the state's obligation***
18 ***under this section.***

19 79:144 Appropriation; Court Ordered Placements. There is hereby appropriated the sum of
20 \$9,200,000 from the education trust fund under RSA 198:39, in the fiscal year ending June 30, 2023, to
21 the department of education for the purpose of paying costs associated with placements for an episode of
22 treatment under RSA 186-C:19-b. This appropriation shall not lapse.

23 79:145 Effective Date. Section 144 of this act shall take effect June 30, 2023.

24 79:146 Education; Funding for Renovation and Expansion; CTE. Amend RSA 188-E:10 to read as
25 follows:

26 188-E:10 Funding for Renovation and Expansion.

27 I. The department of education is responsible for maintaining a statewide system of regional
28 career and technical education centers to provide and allow for a variety of career and technical education
29 programs funded within state budget appropriations. The treasurer of the state of New Hampshire is
30 hereby authorized to make funds available to the department of education for the construction, renovation,
31 expansion, or replacement of qualified regional career and technical education centers or regional career
32 and technical education programs authorized in the ~~[capital]~~ budget, provided that:

33 (a) The commissioner of the department of education shall ensure that all requests submitted
34 are both educationally and financially appropriate within the state ~~[capital project]~~ authorization process;

35 (b) The commissioner of the department of education submits on a biennial basis in a
36 ~~[capital]~~ budget request a priority list of facilities and programs eligible for construction, renovation,
37 expansion, or replacement provided that priority shall be given to programs that have been certified by an
38 approved standard or that need additional funds to become certified by an approved standard;

39 (c) Each request for funding follows the ~~[capital]~~ budget procedure ~~[pursuant to RSA 9:3-a],~~

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1 provided that no qualified project funded in a state capital budget as required in this section shall have
2 additional funds for the same project included in a subsequent proposal for [~~capital~~] appropriation [~~under~~
3 ~~RSA 9:3-a~~] unless directed by the priority list of the department of education;

4 (d) Each school district requesting funds from the department of education establishes and
5 funds a construction, renovation, expansion, and replacement reserve fund, which shall be used by the
6 school district to pay construction, renovation, expansion, and replacement costs not funded by the state,
7 and which may include funding for the replacement of equipment; and

8 (e) The state shall fund not less than 50 percent nor more than 75 percent of the cost of a
9 qualified project approved pursuant to this section.

10 (f) In this section, "qualified" means the project:

11 (1) Demonstrates need connected to the labor market.

12 (2) Demonstrates adequate numbers of students through enrollment figures based on 3-
13 year averages.

14 (3) Demonstrates alignment with program competencies and academic competencies
15 required by the department of education.

16 (4) Allows for matriculation into a postsecondary venue.

17 (5) Meets all industry and building standards.

18 (6) Meets the procedural requirements for requests under this section and any other
19 requirements in rules of the department of education.

20 (7) Is a regional career and technical education center within a public school, or a public
21 academy as defined in RSA 194:23, II, in the state of New Hampshire.

22 (8) Has the capacity to provide academic courses for students from the sending districts
23 who are approved for full-time attendance at the center.

24 II. The renovation and expansion reserve funding required by subparagraph I(d) may be funded
25 through local community funds, career and technical education tuition payments, gifts, contributions, and
26 bequests of unrestricted funds from individuals, foundations, corporations, organizations, or institutions.
27 School districts shall consider priority funding for programs certified or needing additional funds to
28 become certified as set forth in subparagraph I(b).

29 III. Public academies receiving funds through the [~~capital~~] budget process shall comply with all
30 contracts or agreements required by department of education rules adopted pursuant to RSA 541-A.

31 79:147 Department of Education; Appropriation; CTE Renovation Projects; Sugar River Valley
32 Regional Technical Center. Notwithstanding the provisions of RSA 198:39, I, the department of education
33 shall be appropriated \$12,514,533 in the fiscal year ending June 30, 2023, from the education trust fund
34 for career and technical education renovation projects. Such funding shall be nonlapsing. The governor
35 is authorized to draw a warrant for said sum out of any money in the education trust fund not otherwise
36 appropriated. Any unexpended funds after the completion of the project shall be returned to the education
37 trust fund. Such funds shall be expended to renovate the Sugar River Valley Regional Technical Center
38 in Newport.

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1 79:148 Appropriation. Department of Education; Winnisquam Regional CTE Renovation Project;
2 Contingency for HB 25 Funding.

3 I. For the fiscal year ending June 30, 2023, the department of education is appropriated
4 \$7,649,663 from the education trust fund for the purpose of the Winnisquam regional career and technical
5 education renovation project. The governor is authorized to draw a warrant for said sum out of any money
6 in the education trust fund not otherwise appropriated. The appropriation shall be nonlapsing and any
7 unexpended funds after the completion of the project shall be returned to the education trust fund.

8 II. If HB 25-A of the 2023 regular session becomes law, the appropriation for the approved
9 Winnisquam regional career and technical education renovation project section 1, paragraph III, of HB 25
10 shall not take effect, and shall be replaced by the funding in paragraph I of this section. The amount of
11 such appropriation shall be deducted from the total of capital appropriations in section 1 of HB 25 and
12 from the total authorized bonded amount in section 5 of HB 25.

13 79:149 Effective Date. Sections 147 and 148 of this act shall take effect June 30, 2023.

14 79:150 Cost of an Opportunity for an Adequate Education. Amend RSA 198:40-a to read as follows:

15 198:40-a Cost of an Opportunity for an Adequate Education.

16 I. For the biennium beginning July 1, [2015] **2023**, the annual cost of providing the opportunity for
17 an adequate education as defined in RSA 193-E:2-a shall be as specified in paragraph II. The
18 department shall adjust the rates specified in this paragraph in accordance with RSA 198:40-d.

19 II.(a) A cost of [~~\$3,561.27~~] **\$4,100** per pupil in the ADMR, plus differentiated aid as follows:

20 (b) An additional [~~\$1,780.63~~] **\$2,300** for each pupil in the ADMR who is eligible for a free or
21 reduced price meal anytime during the determination year; plus

22 (c) An additional [~~\$697.77~~] **\$800** for each pupil in the ADMR who is an English language
23 learner anytime during the determination year; plus

24 (d) An additional [~~\$1,915.86~~] **\$2,100** for each pupil in the ADMR who is receiving special
25 education services anytime during the determination year[; plus

26 ~~(e) An additional \$697.77 for each third grade pupil in the ADMR with a score below the~~
27 ~~proficient level on the reading component of the state assessment administered pursuant to RSA 193-C:6~~
28 ~~or the authorized, locally administered assessment as provided in RSA 193-C:3, IV(i), provided the pupil~~
29 ~~is not eligible to receive differentiated aid pursuant to subparagraphs (b)-(d). A school district receiving~~
30 ~~aid under this subparagraph shall annually provide to the department of education documentation~~
31 ~~demonstrating that the district has implemented an instructional program to improve non-proficient pupil~~
32 ~~reading].~~

33 III. The sum total calculated under paragraph II shall be the cost of an adequate education. The
34 department shall determine the cost of an adequate education for each municipality based on the ADMR
35 of pupils who reside in that municipality.

36 79:151 Annual Adjustment; Relief Funding. RSA 198:40-d is repealed and reenacted to read as
37 follows:

38 198:40-d Annual Adjustment. Beginning July 1, 2024 and every year thereafter, the department of
39 education shall adjust the following with an increase of 2 percent annually:

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- 1 I. Per pupil costs in RSA 198:40-a, II;
- 2 II. Extraordinary need grant “grant floor,” “grant ceiling,” “factor,” and “max grant” as defined in
3 RSA 198:40-f, II, (a)-(d); and
- 4 III. Chartered public school additional grants under RSA 194-B:11, I(b)(1)(A) and (B).
- 5 79:152 Repeal. RSA 198:40-e, relative to relief funding, is repealed.
- 6 79:153 Extraordinary Need Grants; 2023. Amend RSA 198:40-f to read as follows:
7 198:40-f Extraordinary Need Grants.

8 I. In addition to aid for the cost of the opportunity for an adequate education provided under RSA
9 198:40-a, each year the commissioner shall calculate an extraordinary need grant for schools and provide
10 that amount of aid to a municipality's school districts as follows:

11 (a) A municipality with an equalized valuation per pupil eligible to receive a free or reduced-
12 priced meal of [~~\$1,000,000~~] **\$1,600,000** or less shall receive [~~\$650~~] **\$8,500** per pupil eligible to receive a
13 free or reduced-price meal in the municipality's ADMR.

14 (b) A municipality with an equalized valuation per pupil eligible to receive a free or reduced-
15 price meal between [~~\$1,000,001~~] **\$1,600,001** and [~~\$5,999,999~~] **\$6,599,999** shall receive a grant equal to
16 [~~\$0.00013~~] **\$0.0017** for each dollar of difference between its equalized valuation per pupil eligible to
17 receive a free or reduced-price meal and [~~\$6,000,000~~] **\$6,600,000**, per pupil eligible to receive a free or
18 reduced-price meal in the municipality's ADMR.

19 (c) A municipality with an equalized valuation per pupil eligible to receive a free or reduced-
20 price meal of [~~\$6,000,000~~] **\$6,600,000** or more shall not receive an extraordinary need grant.

21 II. [~~In order to receive an extraordinary need grant, the eligible school district shall provide a plan
22 to the department of education outlining how the district intends to use grant award funds to improve the
23 educational achievement and growth of students. The extraordinary need grant plan shall include an
24 accountability component designed to generate data that measures student academic achievement and
25 growth of knowledge and skills in reading and language arts and/or mathematics at what grade levels
26 funds will be used. The school district shall develop and administer its own grant accountability
27 assessment that identifies a pupil's range of learning and yields objective data to use in improving
28 instruction and learning, or use the statewide assessment. The school district shall submit to the
29 department an annual grant accountability progress report that includes evidence of satisfactory program
30 implementation and progress toward grant accountability improvement targets. The primary goal of this
31 grant is to improve student achievement and growth and to help the school district to have funding for
32 successful, best practice student learning approaches.] *In this section:*~~

33 (a) *The \$1,600,000 in equalized valuation per free or reduced-price meal pupil referenced in
34 RSA 198:40-f, I(a) shall be called the “grant floor.”*

35 (b) *The \$6,600,000 in equalized valuation per free or reduced-price meal pupil referenced in
36 RSA 198:40-f, I(b) and RSA 198:40-f, I(c) shall be called the “grant ceiling.”*

37 (c) *The \$0.0017 for each dollar difference between equalized valuation per pupil eligible to
38 receive a free or reduced-price meal referenced in RSA 198:40-f, I(b) shall be called the “factor.”*

39 (d) *The \$8,500 per pupil eligible to receive a free or reduced-price meal referenced in RSA*

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1 *198:40-f, I(a) shall be called the "max grant."*

2 III. Extraordinary need grants shall be distributed pursuant to RSA 198:42.

3 IV. In this section, "equalized valuation per pupil eligible to receive a free or reduced-price meal"
4 means a municipality's equalized valuation[~~excluding properties subject to taxation under RSA 82 and~~
5 ~~equalized payments in lieu of taxes,~~] as determined by the department of revenue administration, that was
6 the basis for the local tax assessment in the determination year, divided by the school district's
7 kindergarten through grade 12 ADMR in the determination year eligible to receive a free or reduced-price
8 meal.

9 79:154 Extraordinary Need Grants; 2025. Amend RSA 198:40-f, I and II to read as follows:

10 I. In addition to aid for the cost of the opportunity for an adequate education provided under RSA
11 198:40-a, each year the commissioner shall calculate an extraordinary need grant for schools and provide
12 that amount of aid to a municipality's school districts as follows:

13 (a) A municipality with an equalized valuation per pupil eligible to receive a free or reduced-
14 priced meal of [~~\$1,600,000~~] **\$1,664,640** or less shall receive [~~\$8,500~~] **\$11,500** per pupil eligible to receive
15 a free or reduced-price meal in the municipality's ADMR.

16 (b) A municipality with an equalized valuation per pupil eligible to receive a free or reduced-
17 price meal between [~~\$1,600,001~~] **\$1,664,641** and [~~\$6,599,999~~] **\$6,866,639** shall receive a grant equal to
18 [~~\$0.00170~~] **\$0.00221** for each dollar of difference between its equalized valuation per pupil eligible to
19 receive a free or reduced-price meal and [~~\$6,600,000~~] **\$6,866,640**, per pupil eligible to receive a free or
20 reduced-price meal in the municipality's ADMR.

21 (c) A municipality with an equalized valuation per pupil eligible to receive a free or reduced-
22 price meal of [~~\$6,600,000~~] **\$6,866,640** or more shall not receive an extraordinary need grant.

23 II. In this section:

24 (a) The [~~\$1,600,000~~] **\$1,664,640** in equalized valuation per free or reduced-price meal pupil
25 referenced in RSA 198:40-f, I(a) shall be called the "grant floor."

26 (b) The [~~\$6,600,000~~] **\$6,866,640** in equalized valuation per free or reduced-price meal pupil
27 referenced in RSA 198:40-f, I(b) and RSA 198:40-f, I(c) shall be called the "grant ceiling."

28 (c) The [~~\$0.00060~~] **\$0.00221** for each dollar difference between equalized valuation per pupil
29 eligible to receive a free or reduced-price meal referenced in RSA 198:40-f, I(b) shall be called the
30 "factor."

31 (d) The [~~\$8,500~~] **\$11,500** per pupil eligible to receive a free or reduced-price meal referenced
32 in RSA 198:40-f, I(a) shall be called the "max grant."

33 79:155 Effective Date. Section 154 shall take effect on July 1, 2025.

34 79:156 Determination of Education Grants. Amend RSA 198:41 to read as follows:

35 198:41 Determination of Education Grants.

36 I. Except for municipalities where all school districts therein provide education to all of their pupils
37 by paying tuition to other institutions, the department of education shall determine the total education
38 grant for the municipality as follows:

39 (a) Add the per pupil cost of providing the opportunity for an adequate education for which

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1 each pupil is eligible pursuant to RSA 198:40-a, I-III, and from such amount;

2 (b) Subtract the amount of the education tax warrant to be issued by the commissioner of
3 revenue administration for such municipality reported pursuant to RSA 76:8 for the next tax year; and

4 (c) ~~[[Repealed.]]~~

5 (d) ~~Add the municipality's additional aid for relief funding pursuant to RSA 198:40-e.~~

6 (e) Add the municipality's extraordinary need grant pursuant to RSA 198:40-f.

7 ~~II. For municipalities where all school districts therein provide education to all of their pupils by~~
8 ~~paying tuition to other institutions, the department of education shall determine the total education grant~~
9 ~~for each municipality as the lesser of the 2 following calculations:~~

10 (a) ~~The amount calculated in accordance with paragraph I of this section; or~~

11 (b) ~~The total amount paid for items of current education expense as determined by the~~
12 ~~department of education minus the amount of the education tax warrant to be issued by the commissioner~~
13 ~~of revenue administration for such municipality reported pursuant to RSA 76:8 for the next tax year.~~

14 ~~III.(a) For the biennium ending June 30, 2013, the department of education shall not distribute a~~
15 ~~total education grant on behalf of all pupils who reside in a municipality that exceeds that municipality's~~
16 ~~total education grant in the second year of the previous biennium.~~

17 (b) ~~[Repealed.]~~

18 ~~IV.(a) For fiscal year 2012, the department of education shall identify all municipalities in which~~
19 ~~the fiscal year 2012 total education grant will be less than the fiscal year 2011 total education grant. The~~
20 ~~department shall distribute a stabilization grant to each of those municipalities equal to 100 percent of the~~
21 ~~decrease.~~

22 (b) ~~For fiscal year 2013, the department of education shall identify all municipalities in which~~
23 ~~the fiscal year 2013 total education grant, including any stabilization grant distributed pursuant to~~
24 ~~subparagraph (a), will be less than the fiscal year 2011 total education grant. The department shall~~
25 ~~distribute funds to each of those municipalities equal to 100 percent of the decrease.~~

26 (c) ~~For fiscal year 2014 through fiscal year 2016, the department of education shall distribute~~
27 ~~a total education grant to each municipality in an amount equal to the total education grant for the fiscal~~
28 ~~year in which the grant is calculated plus the amount of the fiscal year 2012 stabilization grant, if any,~~
29 ~~distributed to the municipality.~~

30 (d) ~~For fiscal year 2024 and each fiscal year thereafter, the department of education shall~~
31 ~~distribute a total education grant to each municipality in an amount equal to the total education grant for~~
32 ~~the fiscal year in which the grant is calculated plus a percentage of the municipality's fiscal year 2012~~
33 ~~stabilization grant, if any, distributed to the municipality; the percentage shall be 96 percent for fiscal year~~
34 ~~2017, 92 percent for fiscal year 2018, 88 percent for fiscal year 2019, and 100 percent for fiscal year 2020~~
35 ~~and each fiscal year thereafter. No stabilization grant shall be distributed to any municipality for any fiscal~~
36 ~~year in which the municipality's education property tax warrant pursuant to RSA 76:8 exceeds the total~~
37 ~~cost of an adequate education or to any municipality for any fiscal year in which the municipality's ADMR~~
38 ~~is zero.]~~

39 *II. For fiscal year 2024 and fiscal year 2025, the department of education shall distribute a hold*

1 *harmless grant equal to any amount in which a municipality's adequacy grant is less than 104 percent of*
2 *the fiscal year 2024 preliminary estimate for the adequacy grant as of November 15, 2022. No*
3 *municipality with a current adequacy grant amount that exceeds the fiscal year 2024 preliminary estimate*
4 *shall receive a hold harmless grant. No hold harmless grant shall be distributed to any municipality in*
5 *which the municipality's education property tax warrant pursuant to RSA 76:8 exceeds the total cost of an*
6 *adequate education.*

7 *III. Beginning in fiscal year 2026, the hold harmless grant calculated under paragraph II shall*
8 *decrease as a percent of the amount awarded under the following schedule:*

9 *(1) 80 percent of the calculated fiscal year 2025 hold harmless grant shall be awarded for*
10 *fiscal year 2026 and fiscal year 2027.*

11 *(2) 60 percent of the calculated fiscal year 2025 hold harmless grant shall be awarded for*
12 *fiscal year 2028 and fiscal year 2029.*

13 *(3) 40 percent of the calculated fiscal year 2025 hold harmless grant shall be awarded for*
14 *fiscal year 2030 and fiscal year 2031.*

15 *(4) 20 percent of the calculated fiscal year 2025 hold harmless grant shall be awarded for*
16 *fiscal year 2032 and fiscal year 2033.*

17 *(5) No hold harmless grant shall be awarded for fiscal year 2034 and each year*
18 *thereafter.*

19 ~~[V.]~~ *IV.* The department shall use the best available data and methods to estimate ADMR and
20 education grants by November 15 of the year preceding the school year for which aid is determined.

21 ~~[V.]~~ *V.* The department shall produce a revised estimate of grants using actual determination
22 year data for the purpose of settling municipal tax rates. A municipality's grant estimate shall not be less
23 than 95 percent of the estimate reported pursuant to paragraph ~~[V]~~ *IV*. The commissioner of the
24 department of education shall provide the estimate for the current fiscal year to the commissioner of the
25 department of revenue administration no later than October 1 of each year.

26 ~~[VII.]~~ *VI.* When final determination year data is available, but not later than April 1, the department
27 shall make a final determination of grant amounts. A municipality's grant estimate shall not be less than
28 95 percent of the estimate reported pursuant to paragraph ~~[V]~~ *IV*. The department shall adjust the April
29 grant disbursement required pursuant to RSA 198:42 so that the total amount disbursed for the fiscal year
30 shall match the final grant determination.

31 ~~[VIII.]~~ *VII.* Reports of grant determinations for municipalities required pursuant to paragraphs ~~[V-~~
32 ~~VII]~~ *IV- VI* shall be available to the public by the date specified in paragraphs ~~[V-VII]~~ *IV- VI*, and the
33 department shall make available a report for multi-town school districts and municipalities with multiple
34 school districts. The department of education shall provide the department of revenue administration the
35 information needed to set tax rates.

36 79:157 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b)(1)(A) to read as follows:

37 (A) Except as provided in subparagraph (2), for a chartered public school authorized
38 by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition amounts pursuant to
39 RSA 198:40-a, II(a)-(c) and (e) plus an additional grant of ~~[\$3,286 to all chartered public schools for the~~

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1 ~~fiscal year ending June 30, 2018, and \$3,411 to all chartered public schools for the fiscal year ending~~
2 ~~June 30, 2019] **\$4,900 to all chartered public schools for the fiscal year ending June 30, 2024** and each~~
3 ~~fiscal year thereafter, except for the Virtual Learning Academy Charter School, directly to the chartered~~
4 ~~public school for each pupil who is a resident of this state in the chartered public school's ADMA.~~
5 ~~Beginning July 1, [2017] **2024** and every [biennium] **fiscal year** thereafter, the department of education~~
6 ~~shall adjust the per pupil amount of the additional grant [based on the average annual change in the~~
7 ~~Consumer Price Index for All Urban Consumers, Northeast Region, using the "services less medical care~~
8 ~~services" special aggregate index, as published by the Bureau of Labor Statistics, United States~~
9 ~~Department of Labor] **pursuant to RSA 198:40-d.** The state shall pay amounts required pursuant to RSA~~
10 ~~198:40-a, II(d) directly to the resident district.~~

11 (B) For the Virtual Learning Academy Charter School authorized pursuant to RSA
12 194-B:3-a, the state shall pay tuition amounts pursuant to RSA 198:40-a, II(a)-(c) and (e), plus an
13 additional grant of \$2,036 directly to the Virtual Learning Academy Charter School for each eligible full-
14 time enrolled pupil in the chartered public school's ADMA. The state shall pay amounts required pursuant
15 to RSA 198:40-a, II(d) directly to the resident district. The state shall also pay tuition amounts pursuant to
16 RSA 198:40-a, II(a) plus an additional grant of \$2,036 directly to the Virtual Learning Academy Charter
17 School for each full-time equivalent pupil. Beginning July 1, 2017 and every July 1 thereafter, the
18 department of education shall adjust the per pupil amount of the additional grant [~~based on the average~~
19 ~~annual change in the Consumer Price Index for All Urban Consumers, Northeast Region, using the~~
20 ~~"services less medical care services" special aggregate index, as published by the Bureau of Labor~~
21 ~~Statistics, United States Department of Labor. The average change shall be calculated using the 3~~
22 ~~calendar years ending 18 months before the beginning of the fiscal year for which the calculation is to be~~
23 ~~performed] **pursuant to RSA 198:40-d.**~~

24 79:158 Repeal; Third Grade Reading Accountability. RSA 193-C:3, IV(i), relative to grade 3
25 statewide education improvement and assessment program data, is repealed.

26 79:159 State Maintenance of Equity. Amend 2021, 91:58, III to read as follows:

27 III. Any state aid distributed under this section shall be an education grant in addition to the state
28 grant calculated under RSA 198:41 **and RSA 194-B:11** and shall be distributed to school districts **and**
29 **chartered public schools** accordingly. Depending on how the United States Department of Education
30 allows states to define "pupil" as it relates to determining state aid per pupil under Section 2004(b) of the
31 American Rescue Plan Act of 2021, the department of education may experience delays in accurately
32 collecting pupil data to meet the definition as defined by the United States Department of Education,
33 thereby delaying the calculation of the grant award. If such delay occurs, the department of education
34 may issue the grants described in this section up to 120 days after the end of the applicable fiscal year
35 being assessed for compliance with federal law.

36 79:160 Budget and Appropriations; Transfers Authorized. Amend RSA 9:16-a, II-a(c) to read as
37 follows:

38 (c) The appropriations budgeted in class 027-transfers to DoIT, class 028-transfers to
39 general services, **class 040-indirect costs**, class 041-audit funds set aside, class 042-additional fringe

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1 benefits, class 049-transfers, class 061-unemployment compensation, class 062-workers compensation,
2 [and] class 064-retiree pension benefit-health insurance, **class 210-bond insurance, and class 211-**
3 **property and casualty insurance**, shall not be transferred or expended for any other purpose, except that
4 agencies may transfer any portion of funds in class 027 transfers to OIT not related to IT shared services
5 upon consultation with and approval from the CIO.

6 79:161 New Paragraph; Budget and Appropriations. Amend RSA 9:16-a, II-a by inserting after
7 subparagraph (d) the following new subparagraph:

8 (e) The following classes shall not lapse in the first year of the operating budget: class 028-
9 transfers to general services, class 040-indirect costs, class 041-audit funds set aside, class 042-
10 additional fringe benefits, class 061-unemployment compensation, class 062-workers compensation,
11 class 064-retiree pension benefit-health insurance, class-210 bond insurance, and class-211 property
12 casualty insurance.

13 79:162 Medical and Surgical Benefits. Amend RSA 21-I:30, XV to read as follows:

14 XV. Funds appropriated for the purposes of this section shall not be transferred or used for any
15 other purpose **and shall be nonlapsing**.

16 79:163 Salary Adjustment Fund. Amend RSA 99:4 to read as follows:

17 99:4 Salary Adjustment Fund. Whereas the appropriations for personal services in state departments
18 and institutions include an annual increment for each position, and whereas upon occasion due to
19 vacancies and personnel turnover, salaries, increment increases and longevity as provided by the
20 appropriations are not needed for said positions, each quarter the department of administrative services
21 shall **review accounts and** transfer said amount, **if needed**, from the departmental or institutional
22 appropriation to a special account to be known as the salary adjustment fund. This fund shall lapse at the
23 end of each fiscal year and revert to the appropriate fund. Under no circumstances will this fund be used
24 for temporary positions or new positions. Upon the certification of the ~~[director of personnel]~~
25 **commissioner of the department of administrative services**, subject to the approval of governor and
26 council, the salary adjustment fund shall be available for transfer to departments and institutions in
27 amounts that are ~~[deemed necessary to comply with RSA 98]~~ **necessary to pay any legally authorized**
28 **salaries for employees in the classified system, followed by an annual informational report to the governor**
29 **and council after fiscal year end**.

30 79:164 Employee Benefit Adjustment Account. Amend RSA 9:17-c to read as follows:

31 9:17-c Employee Benefit Adjustment Account. Whereas the appropriations for employee benefits in
32 state departments and institutions may upon occasion not be totally needed for each position due to
33 vacancies and personnel turnover, the department of administrative services shall **review accounts and**
34 transfer said amount, **if needed**, quarterly from the departmental or institutional appropriation to a special
35 account to be known as the employee benefit adjustment account. This fund shall lapse at the end of
36 each fiscal year and revert to the appropriate fund. Upon the certification of the commissioner of
37 administrative services, ~~[subject to the approval of governor and council,]~~ the employee benefit account
38 shall be available for transfer to departments and institutions in amounts that are deemed necessary to
39 pay the state's required proportionate share of any legally authorized employee benefit, **followed by an**

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1 *annual informational report to the governor and council after fiscal year end.* Notwithstanding the
2 provisions of RSA 9:17, no transfer shall be made from any appropriation for employee benefits to any
3 other appropriation for any other use or purpose except as provided in this section.

4 79:165 Department of Administrative Services; State Budget Office. Amend the introductory
5 paragraph of RSA 21-I:6 to read as follows:

6 21-I:6 Budget Office. There is hereby established within the office of the commissioner of
7 administrative services a state budget office under the supervision of an unclassified budget [~~director~~]
8 *officer* who shall:

9 79:166 Department of Administrative Services; Planning and Design Costs. Amend RSA 21-I:85 to
10 read as follows:

11 21-I:85 Planning and Design Costs. [~~The division of public works design and construction shall not~~
12 ~~perform any design and planning work for any non-general fund state agency unless the division is~~
13 ~~reimbursed for such work by the agency.] *The department of administrative services shall bill state*
14 *agencies for any design, planning, project management, and/or inspection work for all capital construction*
15 *projects administered through the department, and for any operating projects that are funded in full or in*
16 *part with federal funds, agency income, or funding sources other than general funds.*~~

17 79:167 Appropriation; Department of Administrative Services; Technology Upgrades. There is
18 hereby appropriated to the department of administrative services the sum of \$7,800,000 for the fiscal year
19 ending June 30, 2023, for the purpose of technology upgrades to ensure the sustainability of the state's
20 financial, payroll and budgeting system. The sum appropriated shall be nonlapsing, provided that any
21 unexpended amount following completion of the project shall lapse to the general fund. The governor is
22 authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

23 79:168 Effective Date. Section 167 of this act shall take effect June 30, 2023.

24 79:169 New Paragraph; State Commission on Aging. Amend RSA 19-P:1 by inserting after
25 paragraph III the following new paragraph:

26 III-a. The commission shall elect a chairperson, vice-chairperson, and a recorder.

27 79:170 State Commission on Aging. Amend RSA 19-P:1, IV to read as follows:

28 IV. The members appointed pursuant to subparagraph II(j) shall serve 2-year terms; provided
29 that initially such members shall serve staggered terms and no such member shall serve more than 2
30 consecutive terms, *with the exception of the chairperson, vice-chairperson, and recorder, who may*
31 *service an additional term for a total of 3 terms. A council member whose term of office is expiring may*
32 *continue beyond the end of the term until reappointed or until a successor is nominated.* Legislative
33 members shall receive mileage at the legislative rate when attending to the duties of the commission. The
34 first named member of the house of representatives shall convene the organizational meeting of the
35 commission on or before 45 days of passage of this chapter for the purpose of electing officers serving on
36 the commission. [~~Thirteen~~] *A majority of the* members shall constitute a quorum. If any member is absent
37 without previously being excused by the chairperson for 3 or more regular meetings, the member may be
38 removed upon a majority vote of the commission.

39 79:171 State Commission on Aging. Amend RSA 19-P:1, V to read as follows:

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1 V. The commission shall be authorized to select and hire select an executive director by a vote of
2 a majority of the members. The executive director shall be in the classified service of the state and shall
3 perform such duties as the commission may require. ~~[The governor is authorized to draw a warrant for~~
4 ~~the amount necessary to pay for the executive director position and related office expenditures authorized~~
5 ~~in this paragraph out of any money in the treasury not otherwise appropriated.]~~ The commission shall
6 hold no fewer than 9 regular meetings per year.

7 79:172 New Paragraph; State Commission on Aging. Amend RSA 19-P:1 by inserting after
8 paragraph V the following new paragraph:

9 VI. The commission on aging shall be an independent agency, administratively attached to the
10 department of administrative services pursuant to RSA 21-G:10.

11 79:173 New Paragraph; Duties of the State Commission on Aging. Amend RSA 19-P:2 by inserting
12 after paragraph XIV the following new paragraph:

13 XV. Accepting and utilizing for its purposes, functions, and duties as set forth in this chapter
14 public and private grants, gifts, donations, and contributions of money and other assets and properties,
15 real and personal, of all types and kinds, without limitations.

16 79:174 Corrections Officers' Salaries.

17 I. Effective July 14, 2023, part-time corrections officers and corrections officer corporals shall be
18 compensated in accordance with the salary schedule applicable to full-time corrections officers and
19 corrections officer corporals.

20 II. Effective July 14, 2023, corrections officer majors shall be compensated in accordance with
21 the salary schedule applicable to corrections officer lieutenants, sergeants, and captains.

22 79:175 Parking; Concord. The department of administrative services is authorized to spend such
23 funding as appropriated for additional parking for full-time and part-time employees who are assigned to
24 the downtown Concord area and who are not provided a state-provided parking space for their personal
25 vehicle.

26 79:176 Compensation for Certain State Officers; Unclassified State Employees; July 14, 2023. RSA
27 94:1-a, I (a) is repealed and reenacted to read as follows:

28 I.(a) The following salary ranges shall apply to the following grades:

29	GRADE	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07
30	AA	62,406	66,467	70,557	74,618	78,679	82,740	86,830
31	BB	64,894	69,127	73,359	77,592	81,825	86,058	90,291
32	CC	67,897	72,330	76,763	81,196	85,629	90,062	94,495
33	DD	71,500	76,162	80,824	85,514	90,176	94,838	99,500
34	EE	75,705	80,652	85,629	90,577	95,524	100,472	105,449
35	FF	80,938	86,258	91,549	96,869	102,160	107,451	112,770
36	GG	87,373	93,093	98,842	104,562	110,282	116,031	121,751
37	HH	95,153	101,387	107,622	113,886	120,120	126,384	132,619
38	II	100,587	107,193	113,800	120,406	127,042	133,648	140,255
39	JJ	106,049	112,999	119,977	126,956	133,934	140,913	147,891

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1	KK	108,738	115,888	123,066	130,216	137,366	144,516	151,666
2	LL	0	0	0	0	0	0	156,500
3	MM	0	0	0	0	0	0	161,791
4	NN	0	0	0	0	0	0	167,997
5	OO	0	0	0	0	0	0	175,233
6	PP	0	0	0	0	0	0	183,927
7	QQ	0	0	0	0	0	0	194,366

8 79:177 Salary Wages for Councilors and Commissioners; July 14, 2023. RSA 94:1-a, II is repealed
9 and reenacted to read as follows:

10 II. The salary wages for the positions set forth below shall be as follows commencing July 14,
11 2023:

12		Maximum
13	Governor's councilors	\$19,734
14	Racing and charitable gaming commissioners	\$15,301
15	Sweepstakes commission, chairman	\$22,251
16	Sweepstakes commission, members	\$12,527

17 79:178 Compensation for Certain State Officers; Unclassified State Employees; July 12, 2024. RSA
18 94:1-a, I (a) is repealed and reenacted to read as follows:

19 I.(a) The following salary ranges shall apply to the following grades:

20	GRADE	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07
21	AA	63,655	67,797	71,969	76,111	80,253	84,395	88,567
22	BB	66,192	70,510	74,827	79,144	83,462	87,780	92,097
23	CC	69,255	73,777	78,299	82,820	87,342	91,864	96,385
24	DD	72,930	77,686	82,441	87,225	91,980	96,735	101,490
25	EE	77,220	82,266	87,342	92,389	97,435	102,482	107,558
26	FF	82,557	87,984	93,380	98,807	104,204	109,601	115,026
27	GG	89,121	94,955	100,819	106,654	112,488	118,352	124,187
28	HH	97,057	103,415	109,775	116,164	122,523	128,912	135,272
29	II	102,599	109,337	116,076	122,815	129,583	136,321	143,061
30	JJ	108,170	115,259	122,377	129,496	136,613	143,732	150,849
31	KK	110,913	118,206	125,528	132,821	140,114	147,407	154,700
32	LL	0	0	0	0	0	0	159,630
33	MM	0	0	0	0	0	0	165,027
34	NN	0	0	0	0	0	0	171,357
35	OO	0	0	0	0	0	0	178,738
36	PP	0	0	0	0	0	0	187,606
37	QQ	0	0	0	0	0	0	198,254

38 79:179 Salary Wages for Councilors and Commissioners; July 12, 2024. RSA 94:1-a, II is repealed
39 and reenacted to read as follows:

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1 II. The salary wages for the positions set forth below shall be as follows commencing July 12,
2 2024:

	Maximum
3	
4 Governor's councilors	\$20,129
5 Racing and charitable gaming commissioners	\$15,608
6 Sweepstakes commission, chairman	\$22,697
7 Sweepstakes commission, members	\$12,778

8 79:180 Department of Justice; Attorney Salaries; July 14, 2023. RSA 94:1-a, I(c) is repealed and
9 reenacted to read as follows:

10 I.(c) For attorney positions in the department of justice, except for the attorney general and
11 deputy attorney general, the following shall apply commencing on July 14, 2023:

	Minimum	Market anchor	Maximum
12	\$60,778		\$140,802
13			
14 Attorney		\$73,264	
15 Assistant attorney general		\$99,796	
16 Senior assistant attorney general		\$123,208	
17 Associate attorney general		\$135,695	

18 79:181 Legislative Employees; July 14, 2023. Legislative employees shall receive 10 percent salary
19 increases effective July 14, 2023, if such increases are approved by the appointing authority.

20 79:182 Legislative Employees; July 12, 2024. Legislative employees shall receive 2 percent salary
21 increases effective July 12, 2024 if such increases are approved by the appointing authority.

22 79:183 Judicial Salaries; July 14, 2023. RSA 491-A:1 is repealed and reenacted to read as follows:

23 491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

24 Chief justice, supreme court	\$204,076
25 Associate justices, supreme court	\$197,937
26 Chief justice, superior court and administrative judges	
27 appointed pursuant to supreme court rule 54	\$197,937
28 Associate justices, superior court	\$185,638
29 District court justices prohibited from practice	
30 pursuant to RSA 502-A:21	\$185,638
31 Probate judges prohibited from practice	
32 pursuant to RSA 547:2-a	\$185,368

33 79:184 Judicial Salaries; July 12, 2024. RSA 491-A:1 is repealed and reenacted to read as follows:

34 491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

35 Chief justice, supreme court	\$208,157
36 Associate justices, supreme court	\$201,895
37 Chief justice, superior court and administrative judges	
38 appointed pursuant to supreme court rule 54	\$201,895
39 Associate justices, superior court	\$189,350

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1 District court justices prohibited from practice
2 pursuant to RSA 502-A:21 \$189,350
3 Probate judges prohibited from practice
4 pursuant to RSA 547:2-a \$189,350

5 79:185 Judicial Employees; July 14, 2023. All unrepresented judicial employees shall receive 10
6 percent salary increases effective July 14, 2023.

7 79:186 Judicial Employees; July 12, 2024. All unrepresented judicial employees shall receive 2
8 percent salary increases effective July 12, 2024.

9 79:187 Salary Adjustment for Recruitment or Retention. All employees listed in RSA 94:3-b II, shall
10 receive a 10 percent salary increases effective July 14, 2023.

11 79:188 Salary Adjustment for Recruitment or Retention. All employees listed in RSA 94:3-b II, shall
12 receive a 2 percent salary increases effective July 12, 2024.

13 79:189 Appropriations.

14 I. The following sums are appropriated from the following sources for the purposes of salary and
15 compensation adjustments in this act for the fiscal year ending June 30, 2024:

16 **FY 2024**

17 All	18 General	19 Liquor	20 Federal	21 Highway	22 Turnpike	23 Fish and	24 Other
						Game	
19 \$101,554,000	\$44,900,000	\$3,394,000	\$16,702,000	\$9,262,000	\$1,826,000	\$875,000	\$24,595,000

20 II. The following sums are appropriated from the following sources for the purposes of salary and
21 compensation adjustments in this act for the fiscal year ending June 30, 2025:

22 **FY 2025**

23 All	24 General	25 Liquor	26 Federal	27 Highway	28 Turnpike	29 Fish and	30 Other
						Game	
25 \$123,896,000	\$54,778,000	\$4,140,000	\$20,377,000	\$11,300,000	\$2,228,000	\$1,067,000	\$30,006,000

26 III. The department of administrative services is authorized to make any rounding adjustments of
27 up to +\$.01 per hour as needed to properly process the employee's payroll within the currently designed
28 human resources/payroll system (NH FIRST).

29 IV. The governor is authorized to draw a warrant to the general fund portion of said sums out of
30 any money in the treasury not otherwise appropriated.

31 79:190 Effective Date.

32 I. Sections 176, 177, 180, and 183 of this act shall take effect July 14, 2023.

33 II. Sections 178, 179, and 184 of this act shall take effect July 12, 2024.

34 79:191 Business Profits Tax; Distribution to Education Trust Fund. Amend RSA 77-A:20-a to read as
35 follows:

36 77-A:20-a Distribution of Funds.

37 I. The commissioner shall determine ~~[the additional amounts of]~~ **41 percent of the** revenue
38 produced by ~~[an increase of 1.5 percent in the rate of]~~ **the** tax imposed by RSA 77-A:2 for each fiscal year

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1 and shall certify such amounts to the state treasurer by October 1 of that year for deposit in the education
2 trust fund established by RSA 198:39.

3 II. The commissioner shall make quarterly estimates of the amount of ~~[additional revenues]~~
4 **revenue** that will be produced ~~[by the increase in tax rate]~~ for the next fiscal year and shall certify such
5 amounts to the state treasurer for deposit in the education trust fund established by RSA 198:39. Such
6 estimates shall be certified on June 1, September 1, December 1, and March 1 of each year.

7 79:192 Business Enterprise Tax; Distribution to Education Trust Fund. Amend RSA 77-E:14 to read
8 as follows:

9 77-E:14 Distribution of Funds.

10 I. The commissioner shall determine ~~[the additional amounts of]~~ **41 percent of the** revenue
11 produced by ~~[an increase of .50 percent in the rate of]~~ **the** tax imposed by RSA 77-E:2 for each fiscal year
12 and shall certify such amounts to the state treasurer by October 1 of that year for deposit in the education
13 trust fund established by RSA 198:39.

14 II. The commissioner shall make quarterly estimates of the amount of ~~[additional revenues]~~
15 **revenue** that will be produced ~~[by the increase in tax rate]~~ for the next fiscal year and shall certify such
16 amounts to the state treasurer for deposit in the education trust fund established by RSA 198:39. Such
17 estimates shall be certified on June 1, September 1, December 1, and March 1 of each year.

18 79:193 Department of Health and Human Services, Division of Public Health Services, Choose Love
19 Program. There is hereby appropriated to department of health and human services, division of public
20 health services the sums of \$250,000 for the fiscal year ending June 30, 2024, and \$250,000 for the fiscal
21 year ending June 30, 2025, for the purpose of operating the choose love program and funding 2 classified
22 positions as determined by the director of public health services. The governor is authorized to draw a
23 warrant for said sums out of any money in the treasury not otherwise appropriated.

24 79:194 New Paragraph; Department of Health and Human Services; Authorization to Fill Unfunded
25 Positions. Amend RSA 126-A:4 by inserting after paragraph VI the following new paragraph:

26 VII. The department of health and human services shall have the authority to fill unfunded
27 positions, provided that the total expenditure for such positions shall not exceed the amount appropriated
28 to the department for personal services.

29 79:195 Department of Health and Human Services; Foster Grandparent Program. The sum of
30 \$200,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the department of health and
31 human services for the purpose of funding reimbursements to the foster grandparent program through the
32 senior volunteer grant program established in RSA 161-F:40. Said funds shall not lapse until June 30,
33 2025. The governor is authorized to draw a warrant for said sum out of any money in the treasury not
34 otherwise appropriated.

35 79:196 Congregate Housing; Appropriation. The sum of \$1,500,000 for the fiscal year ending June
36 30, 2023 is hereby appropriated to the department of health and human services for the purpose of
37 funding congregate housing provided for under the Medicaid waiver pursuant to RSA 151-E and
38 congregate services provided for in RSA 161-F:37. Said funds shall not lapse until June 30, 2025. The

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1 governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
2 appropriated.

3 196-a Effective Date. Sections 195 and 196 shall take effect June 30, 2023.

4 79:197 Department of Health and Human Services; Social Services Block Grant Cost of Living
5 Adjustment to Income Levels. Notwithstanding any other provision of law, for the biennium ending June
6 30, 2025, the department of health and human services shall raise the income eligibility for elderly and
7 adult clients under the social services block grant program each January, by the percentage amount of
8 the cost of living increase in social security benefits on a yearly basis, provided such amount is consistent
9 with federal law and regulations relative to the social services block grant income eligibility.

10 79:198 Prospective Repeal Regarding Eligibility for Services Extended. Amend 2011, 209:6, I, as
11 amended by 2013, 140:1, I, as amended by 2015, 276:41, I, as amended by 2017, 156:85, I, as amended
12 by 2019, 346:61, I, as amended by 2021, 91:404 to read as follows:

13 I. Section 5 of this act shall take effect July 1, [~~2023~~] **2025**.

14 79:199 Graduate Medical Education Payments Suspended. The commissioner of the department of
15 health and human services shall submit a Title XIX Medicaid state plan amendment to the federal Centers
16 for Medicare and Medicaid Services to suspend the provision of direct and indirect graduate medical
17 education payments to hospitals as provided in 42 C.F.R. section 413.75 for the biennium ending June
18 30, 2025. Upon approval of the state plan amendment, and as of the effective date of the state plan
19 amendment, any obligations for payment of direct and indirect graduate medical education shall be
20 suspended for the biennium ending June 30, 2025.

21 79:200 Health and Human Services; Suspension of Catastrophic Aid Payment to Hospitals. The
22 commissioner of the department of health and human services shall submit a Title XIX Medicaid state
23 plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all catastrophic
24 aid payments to hospitals effective for the biennium ending June 30, 2025.

25 79:201 Medicaid to Schools Program; Fiscal Committee Approval of Supplemental Funding. For the
26 biennium ending June 30, 2025, in the event funds appropriated in accounting unit 05-95-47-0010-7207
27 Medicaid to schools, are insufficient, the department of health and human services may accept and
28 expend additional federal funds with the prior approval of the fiscal committee of the general court. Any
29 request to the fiscal committee shall include a detailed explanation of the types of assistance the
30 department is providing to school districts to ensure eligibility for reimbursement under the Medicaid to
31 schools program.

32 79:202 Department of Health and Human Services; Division of Medicaid Services. Any funds
33 appropriated to activity 05-95-47-470010, division of Medicaid services, for the biennium ending June 30,
34 2023 shall not lapse until June 30, 2025, and shall be treated as restricted revenue for the purpose of
35 funding expenditures in account 05-95-47-470010-7948, Medicaid care management. The department of
36 health and human services is authorized to accept and expend any matching federal funds for the
37 purposes of this section without prior approval of the fiscal committee of the general court.

38 202-a Effective Date. Section 202 of this act shall take effect June 30, 2023.

39 79:203 Department of Health and Human Services; Preventative Health Care Benefits; Medicaid

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1 Program. The commissioner of the department of health and human services shall, if necessary, submit a
2 Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to
3 establish and provide preventative health care benefits under the state Medicaid program, including but
4 not limited to nicotine cessation, transitional care management, chronic care management, diabetes
5 prevention program, and screening, brief intervention, and referral to treatment (SBIRT) services. In
6 addition, the commissioner may adopt rules under RSA 541-A, relative to the preventative health care
7 benefits described in this section.

8 79:204 Department of Health and Human Services; Transfer Between Certain Classes.
9 Notwithstanding any other provision of law, the department of health and human services is hereby
10 authorized to transfer funds between classes 072, 074, 102, and 103, and create new class lines for
11 classes 072, 074, 102, and 103, in order to comply with federal Uniform Administrative Requirements,
12 Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200).

13 79:205 Health Facility Licensing; Inspection. Amend RSA 151:6, II to read as follows:

14 II. The department of health and human services may require by rule that any licensee or
15 prospective applicant desiring to make specified types of alterations or additions to its facilities or to
16 construct new facilities shall, before commencing such alteration, addition or new construction, submit
17 plans and specifications therefor to the [~~department of health and human services~~] ***department of safety,***
18 ***division of fire safety*** for preliminary inspection and approval or recommendations.

19 79:206 Repeal. RSA 151:53, relative to the workplace violence prevention program, is repealed.

20 79:207 New Chapter; Health Care Workplace Violence Prevention Program. Amend RSA by
21 inserting after chapter 277-B the following new chapter:

22 CHAPTER 277-C

23 HEALTH CARE WORKPLACE VIOLENCE PREVENTION PROGRAM

24 277-C:1 Definitions. In this chapter:

25 I. "Health facility" means an acute care, rehabilitation, psychiatric, or substance abuse treatment
26 hospital, or an urgent care center licensed under RSA 151; provided that a facility with more than one
27 physical location shall be considered a single health facility; and provided that "health facility" shall not
28 include state-operated medical facilities, and voluntary compliance by a state-operated facility shall not
29 subject such facility to the requirements of this section. The term "health facility" shall not include any
30 non-hospital affiliated urgent care with less than 3 clinics in New Hampshire.

31 II. "Workplace violence" means any act or threat of physical violence, harassment, intimidation,
32 or other threatening behavior.

33 III. "Hostile words" means aggressive and belligerent verbal abuse in which the recipient
34 reasonably believes that the speaker intends to injure or create excessive stress, or in which the recipient
35 suffers actual psychological trauma.

36 277-C:2 Health Care Workplace Violence Prevention Program.

37 I. Except as provided in paragraph II, health facilities shall implement and maintain a workplace
38 violence prevention program. Said program shall consider the size and complexity of the health facility
39 and shall address the following topics, and others deemed appropriate by the health facility, the goal of

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1 which is to encourage participation and address prevention, recognition, response, and reporting of
2 workplace violence:

3 (a) Policies and procedures to prevent and respond to workplace violence and hostile words.

4 (b) Appropriate training, education, and resources to employees based on their roles and
5 responsibilities. Said training, education, and resources shall include:

6 (1) Education on what constitutes workplace violence and hostile words.

7 (2) Education on the roles and responsibilities of leadership, clinical staff, security
8 personnel, if applicable, and external law enforcement.

9 (3) Training in de-escalation, nonphysical intervention skills, response to emergency
10 incidents, and at the discretion of the health facility, physical intervention techniques.

11 (4) The reporting process for workplace violence and hostile words incidents.

12 (c) A process to report workplace violence and hostile words incidents internally and
13 externally in order to analyze incidents and trends.

14 (d) A process for follow-up and to support victims and witnesses affected by workplace
15 violence or hostile words, including information about available counseling.

16 (e) A process to conduct an annual facility-specific risk assessment, which shall:

17 (1) Examine all existing and potential workplace violence and hostile words risks,
18 including environmental and patient-specific risk factors, the health facility's workplace violence and
19 hostile words incidents, and how the program's policies and procedures, training, education, and
20 environmental design reflect best practices and conform to applicable laws and regulations; and

21 (2) Be used to develop recommendations to reduce the risk of workplace violence and
22 hostile words.

23 II. A health facility accredited by the Joint Commission on the accreditation of healthcare
24 organizations may give proof of compliance with Joint Commission standards on workplace violence
25 prevention to the health care workplace safety commission established in RSA 151-J, in lieu of paragraph
26 I.

27 III. The commissioner of the department of labor shall monitor participation in the workplace
28 violence prevention program so that participation status is proactively known and that this status is
29 properly reported in the annual report described in RSA 151-J:7.

30 IV. Each health facility shall prepare and submit to the health care workplace safety commission
31 established in RSA 151-J an annual report containing all workplace violence and hostile words incidents
32 reported to the health facility directed at an employee by a patient, coworker, supervisor, manager, or
33 other individuals who have a personal relationship with a patient. The chair of the health and human
34 services oversight committee, established in RSA 126-A:13, with the advice of the health care workplace
35 safety commission, may recommend updates to New Hampshire statutes or recommend updates to the
36 rules adopted for the implementation of this section. The commissioner of the department of labor, in
37 consultation with the health care workplace safety commission and the health and human services
38 oversight committee, shall adopt rules pursuant to RSA 541-A deemed necessary for the implementation
39 of this section, including a common reporting form.

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1 V.(a) The annual report required under paragraph IV shall include but not be limited to, for each
2 workplace violence or hostile words incident, a description of:

3 (1) The incident, including environmental and patient-specific risk factors present at the
4 time of the incident, as well as the appropriate categorization of the incident as workplace violence and/or
5 hostile words.

6 (2) The date, time, and location of the incident.

7 (3) The nature and extent of injuries to employees.

8 (4) A classification, but not any identifiable personal information, of each perpetrator who
9 committed the violence, including whether the perpetrator was:

10 (A) A patient;

11 (B) An individual who has or is known to have had a personal relationship with a
12 patient;

13 (C) A coworker, supervisor; or manager; or

14 (D) Any other appropriate classification.

15 (5) How the incident was abated, including any incident response and post-incident
16 investigation.

17 (6) If the incident involves a patient, the patient's name or other similar identifier shall not
18 be included in the report, provided that the report may include the patient's diagnosis code and whether or
19 not behavioral health or disability were a factor.

20 (7) The percentage of employees that have participated in the workplace violence
21 prevention program in the reporting year immediately preceding the incident. This percentage shall be an
22 annual point in time percentage and is not intended to be a rolling number calculated upon each incident.

23 (b) The report shall preserve the reporting distinction between workplace violence and hostile
24 words incidents. There shall not be any identifiable personal information included in any report unless
25 contained within an attached police report or other official report of a governmental entity. No person or
26 health care facility shall retaliate in any manner against any reporting individual acting in good faith, or
27 otherwise discriminate against, a person, employee, or subordinate who exercises any rights under this
28 section or rules adopted pursuant to this section, or by any policy or procedure promulgated under this
29 section or RSA 151-J, including but not limited to reporting of a workplace violence or hostile words
30 incident or otherwise providing notice to the health facility regarding the occupational health and safety of
31 the employee or their fellow employees exposed to workplace violence or hostile words risk factors.
32 Nothing in this section shall be construed to authorize an employee to refuse to discharge his or her
33 ordinary and customary duties in the workplace.

34 (c) The confidentiality provisions contained within RSA 151-J:5 shall apply to records
35 collected pursuant to this chapter.

36 VI. The commissioner of the department of labor shall be responsible for maintaining, in an easily
37 navigable, searchable, distinct page on the department's website, a database to share information on the
38 activities of the New Hampshire health care workplace safety commission. Topics included on the page
39 shall include, but not be limited to:

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1 (a) A listing of all health care facilities by name, with their business address included, which
2 are subject to the provisions of the workplace violence prevention program.

3 (b) The participation status of each facility as active, inactive, or unknown.

4 (c) The dates of each meeting of the New Hampshire health care workplace safety
5 commission.

6 (d) Annually, a press release shall be issued within 60 days of the end of the calendar year,
7 highlighting the active participation of health care facilities and any major findings or recommendations.

8 VII. Notwithstanding the requirements of this chapter, a health facility that is an urgent care
9 center shall not be required to comply with this chapter before July 1, 2024.

10 79:208 Duties; Health Care Workplace Safety Commission. Amend RSA 151-J:2, I(c) to read as
11 follows:

12 (c) Propose changes to the health and human services oversight committee, established in
13 RSA 126-A:13, *the commissioner of the department of labor*, and [tø] the commissioner of the department
14 of health and human services that will improve the safety of the health care workplace.

15 79:209 Confidentiality; Health Care Workplace Safety Commission. Amend RSA 151-J:5, I to read
16 as follows:

17 I. All information, other than police reports, submitted to or collected by the commission,
18 including, but not limited to, written, oral, and electronic information; records and proceedings of the
19 commission, including, but not limited to, oral testimony and discussions, notes, minutes, summaries,
20 analyses, and reports; and information disseminated by the commission or its members to hospitals and
21 urgent care centers shall be confidential and privileged, *shall be exempt from RSA 91-A*, and shall be
22 protected from direct or indirect means of discovery, subpoena, or admission into evidence in any judicial,
23 administrative, or other type of proceeding. The provision of information to the commission and the
24 dissemination of information by the commission shall not be deemed to void, waive, or impair in any
25 manner the confidentiality protection of this section or which the information may have under any other
26 law or regulation.

27 79:210 Administration; Health Care Workplace Safety Commission. Amend RSA 151-J:6 to read as
28 follows:

29 151-J:6 Administration. The commission may delegate to the department of [~~health and human~~
30 ~~services~~] *labor* the functions of collecting, analyzing, and disseminating workplace violence information,
31 organizing and convening meetings of the commission, and other substantive and administrative tasks as
32 may be incident to these activities or directed by the commission. The activities of the department of
33 [~~health and human services~~] *labor* and its employees or agents shall be subject to the same confidentiality
34 provisions and data privacy as those that apply to the commission.

35 79:211 Rulemaking; Health Care Workplace Safety Commission. Amend RSA 151-J:8 to read as
36 follows:

37 151-J:8 Rulemaking. The commissioner of the department of [~~health and human services~~] *labor*, with
38 the advice of members of the commission, shall adopt rules pursuant to RSA 541-A, to assure de-
39 identification of all individuals and facilities involved in the incidents received.

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1 79:212 Appropriation; New Hampshire Health Care Workplace Safety Commission. The sum of
2 \$100,000 for the fiscal year ending June 30, 2024, and \$100,000 for the fiscal year ending June 30, 2025,
3 is hereby appropriated to the department of labor for the purpose of establishing and hiring one program
4 specialist IV position at labor grade 25 within the department of labor, office of administration, to
5 implement the department's responsibilities relative to the New Hampshire health care workplace safety
6 commission established in RSA 151-J. Such appropriations shall be funded 10 percent as a charge
7 against the restricted fund established pursuant to RSA 273:1-b and 90 percent as a charge against the
8 workers' compensation administration fund established under RSA 281-A:59.

9 79:213 Prospective Repeal; 2034. RSA 277-C, relative to the health care workplace violence
10 prevention program, is repealed.

11 79:214 Effective Date. Section 213 of this act shall take effect March 1, 2034.

12 79:215 Department of Health and Human Services; Prospective Repeal Regarding the Exemption
13 from Certain Transfer Procedures Extended. Amend 2018, 163:11, IV, as amended by 2019, 346:64 and
14 2021, 91:27 to read as follows:

15 IV. Section 10 of this act shall take effect June 30, ~~[2023]~~ **2025**.

16 79:216 Effective Date. Section 215 of this act shall take effect June 30, 2023.

17 79:217 Department of Health and Human Services; Unclassified Positions Established.

18 I. The following unclassified positions are established in the department of health and human
19 services:

20 (a) Medicaid pharmacy director.

21 (b) Pharmaceutical service specialist.

22 II. The salary of the unclassified positions established in paragraph I shall be determined after
23 assessment and review of the appropriate letter grade allocation in RSA 94:1-a, I for positions which shall
24 be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

25 III. The following classified positions are abolished upon completion of the salary and letter
26 appointment for the unclassified positions as required by paragraph II, or June 30, 2025, whichever is
27 sooner: #30278; #12433 .

28 IV. The incumbents in the classified positions abolished in paragraph III shall be offered the
29 opportunity to transfer into the unclassified positions established in paragraph I.

30 79:218 Department of Health and Human Services; Unclassified Positions Established;
31 Appropriation.

32 I. The following unclassified positions are established in the department of health and human
33 services:

34 (a) Twenty four staff attorney positions.

35 (b) Five supervisory staff attorney positions.

36 (c) Three supervising attorney positions.

37 II. The salary of the unclassified positions established in paragraph I shall be determined after
38 assessment and review of the appropriate letter grade allocation in RSA 94:1-a, I, for positions which shall
39 be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

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1 III. The following classified positions are abolished upon completion of the salary and letter
2 appointment for the unclassified positions as required by paragraph II, or June 30, 2025, whichever is
3 sooner:

4 (a) Attorney II:

5	#11677	#15803	#16212	#16248	#19145
6	#40083	#40084	#40085	#40086	#40087
7	#40088	#40089	#40090	#40091	#40092
8	#40093	#40095	#40096	#40396	#43485
9	#44216	#44217	#44355	#44380	#44539
10	#44560	#44561	#TMPPT5726	#TMPPT5779	

11 (b) Attorney III:

12 #15402 #19766 #44562

13 IV. The incumbents in the classified positions abolished in paragraph III shall be offered the
14 opportunity to transfer into the newly established unclassified positions.

15 V. There is hereby appropriated to the department of health and human services the sums of
16 \$141,000 for the fiscal year ending June 30, 2024, and \$140,000 for the fiscal year ending June 30, 2025,
17 for the purpose of compensating the newly established unclassified positions in this section. The sum
18 appropriated shall be nonlapsing. The governor is authorized to draw a warrant for said sums out of any
19 money in the treasury not otherwise appropriated.

20 79:219 County Reimbursement of Funds; Limitations on Payments. Amend RSA 167:18-a, II(a) to
21 read as follows:

22 (a) The total billings to all counties made pursuant to this section shall not exceed the
23 amounts set forth below for state fiscal years [~~2022-2023~~] **2024-2025**:

24 (1) State fiscal year [~~2022~~] **2024**, [~~\$129,362,411~~] **\$131,849,659**

25 (2) State fiscal year [~~2023~~] **2025**, [~~\$131,849,659~~] **\$131,849,659**,

26 79:220 Appropriation; Department of Health and Human Services; Choices for Independence. The
27 sums of \$4,750,000 in the fiscal year 2024 and \$10,350,000 in the fiscal year 2025 are hereby
28 appropriated to the department of health and human services for the purpose of funding Choices for
29 Independence, a Medicaid-funded program that provides a wide range of service choices that enable
30 eligible adults to stay in their own homes and communities. The funds shall be nonlapsing until June 30,
31 2025. The department may accept and expend matching federal funds without prior approval of the fiscal
32 committee. The governor is authorized to draw a warrant for said sums out of any money in the treasury
33 not otherwise appropriated.

34 79:221 Appropriation; Department of Health and Human Services; Medicaid Management
35 Information System. The sum of \$20,531,625 for the fiscal year ending June 30, 2023, is hereby
36 appropriated to the department of health and human services for the purpose of funding the Medicaid
37 management information system. Said sum shall be nonlapsing until June 30, 2025. The department
38 may accept and expend matching federal funds without prior approval of the fiscal committee. The

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1 governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
2 appropriated.

3 79:222 Effective Date. Section 221 of this act shall take effect June 30, 2023.

4 79:223 Appropriation; Department of Health and Human Services; Medicaid Unwind. In the event
5 that expenditures from 05-95-47-470010-7948 or 05-95-47-470010-7051 are greater than the amounts
6 appropriated, due to the Medicaid unwinding process and continuous eligibility requirements, the
7 commissioner may request, with prior approval of the fiscal committee of the general court, that the
8 governor and council authorize additional funding. The department may accept and expend matching
9 federal funds without prior approval of the fiscal committee. The governor is authorized to draw a warrant
10 for said sum out of any money in the treasury not otherwise appropriated.

11 79:224 Appropriation; Department of Health and Human Services; Moving One District Office. There
12 is hereby appropriated the sum of \$533,000 for the fiscal year ending June 30, 2023, which shall be
13 nonlapsing until June 30, 2025, to the department of health and human services for the purpose of moving
14 one district office. The governor is authorized to draw a warrant for said sum out of any money in the
15 treasury not otherwise appropriated.

16 79:225 Effective Date. Section 224 of this act shall take effect June 30, 2023.

17 79:226 Appropriation; Department of Health and Human Services; Vehicles and Equipment at New
18 Hampshire Hospital. There is hereby appropriated the sum of \$200,000 to the department of health and
19 human services for the fiscal year ending June 30, 2023, which shall be nonlapsing until June 30, 2025,
20 for the purpose of replacing vehicles and clinical equipment at New Hampshire hospital. The governor is
21 authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

22 79:227 Effective Date. Section 226 of this act shall take effect June 30, 2023.

23 79:228 Appropriation; Department of Health and Human Services; IT Consultants; Analysis. The
24 sum of \$1,500,000 for the fiscal year ending June 30, 2023, which shall be nonlapsing until June 30,
25 2025, is hereby appropriated to the department of health and human services for the purpose of hiring IT
26 consultants to manage projects and perform analysis to support IT building automated solutions to
27 streamline business processes. The department of health and human services may accept and expend
28 any matching federal funds for the purposes of this section without prior approval of the fiscal committee
29 of the general court. The governor is authorized to draw a warrant for said sum out of any money in the
30 treasury not otherwise appropriated.

31 79:229 Effective Date. Section 228 of this act shall take effect June 30, 2023.

32 79:230 Appropriation; Department of Health and Human Services; IT Consultants; Automated
33 Solutions. The sum of \$1,950,000 for the fiscal year ending June 30, 2023, which shall be nonlapsing
34 until June 30, 2025, is hereby appropriated to the department of health and human services for the
35 purpose of hiring IT consultants to develop and implement automated solutions to streamline business
36 processes. The governor is authorized to draw a warrant for said sum out of any money in the treasury
37 not otherwise appropriated.

38 79:231 Effective Date. Section 230 of this act shall take effect June 30, 2023.

39 79:232 Appropriation; Department of Health and Human Services; Food Stamp Eligibility. There is

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1 hereby appropriated the sum of \$125,000 for the fiscal year ending June 30, 2023, which shall be
2 nonlapsing until June 30, 2025, to the department of health and human services, for the purpose of
3 replacing a legacy database used for pulling quality samples for food stamp eligibility reviews. The
4 governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
5 appropriated.

6 79:233 Effective Date. Section 232 of this act shall take effect June 30, 2023.

7 79:234 Appropriation; Department of Health and Human Services; DHHS Offices. There is hereby
8 appropriated the sum of \$410,100 to the department of health and human services for the fiscal year
9 ending June 30, 2023, which shall be nonlapsing until June 30, 2025, for the purpose of replacing aging
10 switches, routers, and wireless access points at department offices. The department may accept and
11 expend matching federal funds without prior approval of the fiscal committee. The governor is authorized
12 to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

13 234-a Effective Date. Section 234 of this act shall take effect June 30, 2023.

14 79:235 Appropriation; Department of Health and Human Services; Temporary Assistance For Needy
15 Families; Maintenance of Effort. There is hereby appropriated to the department of health and human
16 services the sums of \$3,000,000 for the fiscal year ending June 30, 2024, and \$3,000,000 for the fiscal
17 year ending June 30, 2025, to ensure maintenance of effort funding is sufficient to meet the federal
18 temporary assistance for needy families maintenance of effort levels. The governor is authorized to draw
19 a warrant for said sums out of any money in the treasury not otherwise appropriated.

20 79:236 Appropriation; Department of Health and Human Services; Nutrition and Transportation
21 Services. There is hereby appropriated to the department of health and human services the sums of
22 \$3,404,991 for the fiscal year ending June 30, 2024, and \$3,404,991 for the fiscal year ending June 30,
23 2025, for the purpose of funding Title XX service rates for nutrition and transportation service rates. The
24 governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise
25 appropriated.

26 79:237 Appropriation; Department of Health and Human Services; Foster Care Rates. There is
27 hereby appropriated to the department of health and human services the sums of \$870,481 for the fiscal
28 year ending June 30, 2024, and \$957,529 for the fiscal year ending June 30, 2025, for the purpose of
29 increasing foster care rates. The department may accept and expend matching federal funds without
30 prior approval of the fiscal committee. The governor is authorized to draw a warrant for said sums out of
31 any money in the treasury not otherwise appropriated.

32 79:238 Appropriation; Department of Health and Human Services; Medicaid Provider Rate Increases.
33 There is hereby appropriated to the department of health and human services the sums of \$12,000,000
34 for the fiscal year ending June 30, 2024, and \$12,000,000 for the fiscal year ending June 30, 2025, for the
35 purpose of increasing Medicaid provider rates, excluding rates for hospital inpatient and hospital
36 outpatient services. The department shall utilize such funds to increase rates pursuant to section 1902
37 (a)(30)(A) of the Social Security Act, to promote efficiency, economy, and quality of care within New
38 Hampshire's Medicaid program. The department may accept and expend any federal funds available for
39 the purposes of this section without the prior approval of the fiscal committee of the general court. The

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1 governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise
2 appropriated.

3 79:239 Appropriation; Department of Health and Human Services; Targeted Medicaid Rate
4 Increases. In addition to any other sums appropriated, there is hereby appropriated to the department of
5 health and human services the following amounts for the purpose of increasing rates paid to service
6 providers. The governor is authorized to draw a warrant for said sums out of any money in the treasury
7 not otherwise appropriated. Said rate increases shall go into effect no later than January 1, 2024. If
8 feasible, the department shall implement any of the rate increases prior to that date, with priority given to
9 those the commissioner has deemed most critical. For all appropriations below, the department may
10 accept and expend matching federal funds without prior approval of the fiscal committee of the general
11 court. For each appropriation, the department shall report to the fiscal committee of the general court, by
12 October 1, 2023, the accounting units in the state operating budget to which funds will be or have been
13 allocated, along with the rate increases that will be provided from the funds appropriated:

14 I. \$4,677,979 in the fiscal year ending June 30, 2024 and \$9,355,958 in the fiscal year ending
15 June 30, 2025 for the purpose of increasing rates paid to nursing homes.

16 II. \$2,154,309 in the fiscal year ending June 30, 2024 and \$4,308,618 in the fiscal year ending
17 June 30, 2025 for the purpose of increasing rates for all Choices for Independence providers not provided
18 rate increases elsewhere in this section.

19 III. \$708,678 in the fiscal year ending June 30, 2024 and \$1,417,355 in the fiscal year ending
20 June 30, 2025 for the purpose of increasing rates paid to assisted living facilities.

21 IV. \$483,000 in the fiscal year ending June 30, 2024 and \$966,000 in the fiscal year ending June
22 30, 2025 for the purpose of increasing rates paid to home health aides.

23 V. \$70,691 in the fiscal year ending June 30, 2024 and \$141,382 in the fiscal year ending June
24 30, 2025 for the purpose of increasing rates for home delivered meals paid to Meals on Wheels providers.

25 VI. \$736,954 in the fiscal year ending June 30, 2024 and \$1,473,908 in the fiscal year ending
26 June 30, 2025 for the purpose of increasing rates for private duty nursing providers.

27 VII. \$169,658 in the fiscal year ending June 30, 2024 and \$339,317 in the fiscal year ending June
28 30, 2025 for the purpose of increasing rates paid for section 1915(c) waiver case management services.

29 VIII. \$3,969,301 in the fiscal year ending June 30, 2024 and \$7,938,602 in the fiscal year ending
30 June 30, 2025 for the purpose of increasing rates and/or wages paid to providers of community mental
31 health services.

32 IX. \$623,848 in the fiscal year ending June 30, 2024 and \$1,247,697 in the fiscal year ending
33 June 30, 2025 for the purpose of increasing housing reimbursement rates for those receiving community
34 mental health services.

35 X. \$3,000,000 in the fiscal year ending June 30, 2024 and \$6,000,000 in the fiscal year ending
36 June 30, 2025 for the purpose of rebasing rates for community health centers to ensure that Medicaid
37 rates are sufficient to cover the cost of service provision.

38 XI. \$1,133,707 in the fiscal year ending June 30, 2024 and \$2,267,415 in the fiscal year ending
39 June 30, 2025 for the purpose of bringing Medicaid rates for community health centers up to the levels of

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1 Medicare reimbursement.

2 XII. \$8,221,367 in the fiscal year ending June 30, 2024 and \$16,442,733 in the fiscal year ending
3 June 30, 2025 for the purpose of increasing rates paid to providers of early supports and services,
4 developmental services, acquired brain disorder services, and children's in-home support services.

5 XIII. \$1,374,940 in the fiscal year ending June 30, 2024 and \$2,749,881 in the fiscal year ending
6 June 30, 2025 for the purpose of increasing rates paid to providers of opioid treatment programs. Said
7 amounts are intended to cover the cost of rate increases for both the traditional Medicaid population and
8 granite advantage program population.

9 XIV. \$113,106 in the fiscal year ending June 30, 2024 and \$226,211 in the fiscal year ending
10 June 30, 2025 for the purpose of increasing rates paid to residential treatment providers serving those
11 experiencing substance use disorders.

12 XV. \$169,858 in the fiscal year ending June 30, 2024 and \$339,317 in the fiscal year ending June
13 30, 2025 for the purpose of increasing rates paid to providers of medication assisted treatment for those
14 experiencing substance use disorders.

15 XVI. \$255,371 in the fiscal year ending June 30, 2024 and \$510,743 in the fiscal year ending
16 June 30, 2025 for the purpose of increasing rates paid to providers of outpatient services for those
17 experiencing substance use disorders.

18 XVII. \$50,000 in the fiscal year ending June 30, 2024 and \$100,000 in the fiscal year ending June
19 30, 2025 for the purpose of increasing rates paid to midwives providing Medicaid births in nonhospital
20 environments.

21 XVIII. \$125,000 in the fiscal year ending June 30, 2024 and \$250,000 in the fiscal year ending
22 June 30, 2025 for the purpose of increasing rates paid to birthing centers.

23 XIX. \$1,944,003 in the fiscal year ending June 30, 2024 and \$3,888,007 in the fiscal year ending
24 June 30, 2025 for the purpose of increasing rates paid for providers of ambulance/EMT services.
25 Notwithstanding any other provisions, the rates for the following ambulance codes shall be as follows:

Ambulance Codes	Rate
A0425	13.00
A0427	700
A0428	325
A0429	450

31 If the department determines that the appropriations contained in this paragraph are insufficient to set
32 rates at the specified levels, it may delay implementation until such time as the rate increases can be
33 provided.

34 XX. \$1,500,000 in the fiscal year ending June 30, 2024 and \$3,000,000 in the fiscal year ending
35 June 30, 2025 for the purpose of increasing rates for state plan personal care assistant services.

36 XXI. \$15,740,786 for the biennium ending June 30, 2025 for the purpose of increasing any of the
37 rates in this section prior to January 1, 2024, if feasible, where the department has given priority to those
38 increases the commissioner has deemed most critical. Any portion of this appropriation not expended by
39 January 1, 2024 may be used for rate increases authorized elsewhere in this section and section 238 of

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1 this act.

2 79:240 Department of Health and Human Services; Medicaid Rate Increases. The department shall
3 utilize the funds appropriated in sections 238 and 239 of this act to increase rates pursuant to section
4 1902(a)(30)(A) of the Social Security Act, and to promote efficiency, economy, and quality of care within
5 New Hampshire's Medicaid program. The department shall have the authority to make adjustments to
6 sections 238 and 239 of this act in order to address:

7 (a) During implementation, that the percentage of RSA 126-AA funds shall be a proportional
8 credit to the amount implemented;

9 (b) Impacts to established contracts;

10 (c) Changes that result in reductions to federal match levels;

11 (d) Cost-based rate methodologies that cannot accommodate a percentage-based increase
12 as defined under the Medicaid state plan;

13 (e) Prohibitions regarding the use of general funds;

14 (f) Parity among rates, including non-Medicaid rates;

15 (g) Rates paid to out-of-state providers; and

16 (h) Any rate methodology actively under review and development.

17 II. Amounts available for the purposes of sections 238 and 239 of this act may be increased by
18 the amounts of any funds unable to be implemented in this section as a result of a technical assistance
19 finding by the Centers for Medicare and Medicaid Services that a proposed state plan amendment or
20 waiver must be modified in order to be approved.

21 III. Notwithstanding any other provision of law, rate parity among the same or similar services
22 within existing waiver services shall be a priority.

23 79:241 Department of Health and Human Services; Adult Medical Day Services. The department of
24 health and human services shall reimburse all adult medical day services at the same payment rate
25 irrespective of whether the service is covered under the Choices for Independence waiver or the Medicaid
26 state plan.

27 79:242 Repeals; Department of Business and Economic Affairs. The following are hereby repealed:

28 I. RSA 12-O:46 through 12-O:50, relative to the New Hampshire college graduate retention
29 incentive partnership (NH GRIP).

30 II. RSA 12-O:64, relative to the COVID-19 micro enterprise relief fund.

31 III. RSA 6:12,I(b)(365), relative to the COVID-19 micro enterprise relief fund.

32 IV. RSA 12-O:19, relative to the package plan program.

33 79:243 Department of Business and Economic Affairs; Bureaus. Amend RSA 12-O:2, I to read as
34 follows:

35 I. There shall be a department of business and economic affairs under the executive direction of
36 a commissioner of business and economic affairs, consisting of but not limited to a division of economic
37 development [~~which shall include but not be limited to a bureau of workforce development~~] and a division
38 of travel and tourism [~~development which shall include but not be limited to a bureau of visitor service~~].

39 The department's purpose shall be to ensure the efficient coordinated function of the department,

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1 economic development policies of the state of New Hampshire and the collaborative participation of all
2 related state departments, agencies, and authorities.

3 79:244 Workforce Development. Amend RSA 12-O:42 to read as follows:

4 12-O:42 Workforce Development. The commissioner of business and economic affairs shall work
5 with the [~~workforce development~~] director *of the office of workforce opportunity* to plan, develop, and
6 administer workforce investment activities, programs, and grants under the federal *Workforce Innovation*
7 *and Opportunity Act of 2014* [~~Workforce Investment Act of 1998, 29 U.S.C. section 2801 et seq.~~], as such
8 may be amended, reauthorized, and in effect from time to time, and shall discharge the day-to-day
9 operational responsibilities and obligations of the State Workforce Innovation Board established under
10 RSA 12-O:44. The commissioner shall coordinate with the State Workforce Innovation Board to promote
11 state and local investment systems that increase the employment, retention, and earnings of participants,
12 and increase occupational skill attainment by participants, and, as a result, improve the quality of the
13 workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the nation.

14 79:245 Workforce Development Director. Amend RSA 12-O:43 to read as follows:

15 12-O:43 Workforce Development Director. There is established within the [~~bureau~~] *office* of
16 workforce [~~development~~] *opportunity* the position of [~~workforce development coordinator~~] *director*, which
17 shall be an administrator [~~II~~] *IV* position, classified at labor grade [~~29~~] *33*. The [~~workforce development~~]
18 director shall lead the *office of workforce opportunity* [~~workforce development bureau~~]. The [~~workforce~~
19 ~~development~~] director shall perform all duties which the commissioner may assign.

20 79:246 State Workforce Innovation Board; Duties Removed. RSA 12-O:44 is repealed and
21 reenacted to read as follows:

22 12-O:44 State Workforce Innovation Board.

23 I. There is established a State Workforce Innovation Board within the Office of Workforce
24 Opportunity.

25 II. Membership of the board shall be as set forth in the Workforce Innovation and Opportunity Act
26 of 2014 as such may be amended, reauthorized, and in effect from time to time. Members of the board
27 shall be appointed by the governor and shall serve at the pleasure of the governor. The governor shall
28 select a chairperson for the board from among the members of the board.

29 III. The board shall meet no less frequently than semi-annually, shall have the powers and
30 responsibilities of the state workforce investment board under the Workforce Innovation and Opportunity
31 Act of 2014.

32 79:247 Broadband Infrastructure Bonds. Amend RSA 33:3-g, IV to read as follows:

33 IV. The [~~office of planning and development~~] *department of business and economic affairs* shall
34 maintain a list by town of all providers interested in receiving requests for information. The list shall
35 include physical and electronic address information for interested providers and shall be updated as
36 needed, but at least annually. For purposes of issuing requests for information pursuant to paragraph III,
37 a municipality, county, or communications district shall reference the interested provider list maintained by
38 the [~~office of planning and development~~] *department* and shall issue requests for information to all
39 interested providers in that municipality, county, or communications district, both electronically and by

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1 United States mail.

2 79:248 Tax on Meals and Rooms; Population Figures. Amend RSA 78-A:25, III to read as follows:

3 III. On or before April 30 of each year, the office of planning and development shall notify the
4 chief administrative officer in each community of all the data components which will be used as the basis
5 for the estimate of population. Municipalities believing that such data components are incorrect shall file
6 their specific objections and evidence in support thereof with the office of planning and development on or
7 before May 30 of the same year. After due consideration of such evidence, the director of [~~energy and~~
8 ~~planning~~] *the office of planning and development* shall determine the final components and resulting
9 estimates.

10 79:249 Reference Deleted. Amend RSA 126-A:4, V(b)(1) to read as follows:

11 (1) May request and shall receive the assistance of all other state agencies, including
12 [~~the office of planning and development, and~~] the departments of transportation, administrative services,
13 and business and economic affairs.

14 79:250 Assistant Deputy Medical Examiners. Amend RSA 611-B:5 to read as follows:

15 611-B:5 Assistant Deputy Medical Examiners. The chief medical examiner shall [~~appoint~~] *employ*
16 assistant deputy medical examiners to perform the duties of medical examiner under this chapter.
17 Assistant deputy medical examiners shall serve without geographic restriction. An assistant deputy
18 medical examiner shall be a person educated in the science of medicine and shall serve under the
19 direction and supervision of the chief medical examiner. An assistant deputy medical examiner shall
20 possess all the powers granted to medical examiners under this chapter and be sworn in the same
21 manner. Assistant deputy medical examiners shall *be appointed by the attorney general pursuant to RSA*
22 *21-M:3, XIV and shall* serve at the pleasure of the chief medical examiner.

23 79:251 Department of Justice; Assistant Deputy Medical Examiners Established. There is
24 established within the department of justice unclassified positions of assistant deputy medical examiners.
25 The assistant deputy medical examiners shall be qualified to hold the position by reason of education and
26 experience and shall be appointed to serve at the pleasure of the chief medical examiner pursuant to RSA
27 611-B:5. The salary of the assistant deputy medical examiners shall be determined after assessment and
28 review of the appropriate letter grade allocation in RSA 94:1-a, I for positions which shall be conducted
29 pursuant to RSA 94:1-d and RSA 14:14-c. Funding shall be appropriated from expenditure class 014
30 within accounting unit 02-20-20-202010-1037.

31 79:252 New Paragraphs; Department of Justice; Permanent Assistant Deputy Medical Examiners;
32 Deputy Chief Forensic Investigator. Amend RSA 21-M:3 by inserting, after paragraph XIII, the following
33 new paragraphs:

34 XIV. The attorney general, subject to the approval of the governor and council, may appoint
35 permanent assistant deputy medical examiners within the limits of the appropriation made for the
36 appointment, each of whom shall serve at the pleasure of the chief medical examiner pursuant to RSA
37 611-B:5.

38 XV. The attorney general, subject to the approval of the governor and council, may appoint a
39 permanent chief forensic investigator and/or a deputy chief forensic investigator, within the limits of the

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1 appropriation made for the appointment, who shall hold office for a term of 5 years. Any vacancy in such
2 position may be filled for the unexpired term. The chief forensic investigator and deputy chief forensic
3 investigator may be removed only as provided by RSA 4:1.

4 79:253 Department of Justice; Planning Analyst/Data Systems; Reclassified and Established; Deputy
5 Chief Forensic Investigator. The planning analyst/data systems position number 9T3175, within the
6 department of justice shall be designated as an unclassified position. There is established within the
7 department of justice an unclassified position of deputy chief forensic investigator. The deputy chief
8 forensic investigator shall be qualified to hold the position by reason of education and experience and
9 shall be appointed to serve for a term of 5 years. The salary of the deputy chief forensic investigator shall
10 be determined after assessment and review of the appropriate letter grade allocation in RSA 94:1-a, I for
11 positions which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Funding shall be
12 appropriated from expenditure class 014 within accounting unit 02-20-20-202010-1033. Upon completion
13 of this action and appointments to the unclassified position, classified position number 9T3175 shall be
14 abolished to allow for the transition of the available appropriations to the unclassified position. Funding
15 shall be transferred into the proper unclassified expenditure class in the chief medical examiner general
16 accounting unit. The incumbent in the abolished classified position shall be offered the opportunity to
17 seek the attorney general's nomination for the unclassified deputy chief forensic investigator position.

18 79:254 Chief Medical Examiner; Reference Deleted. Amend RSA 611-B:10 to read as follows:

19 611-B:10 Administrative and Technical Assistance. The chief medical examiner may employ
20 adequate administrative, clerical, and technical assistants to carry out the purposes of this chapter~~[- all of~~
21 ~~whom shall be in the classified service of the state].~~

22 79:255 Office of the Solicitor General. Amend RSA 21-M:12-a, I to read as follows:

23 I. There is established [~~in~~] *within* the [~~division of legal counsel~~] *department* an office of the
24 solicitor general. The office shall be supervised by the solicitor general who shall be a senior assistant
25 attorney general appointed by the attorney general in accordance with the provisions of RSA 21-M:3, and
26 who shall carry out the duties imposed by the section under the supervision of the attorney general and
27 perform such other work as the attorney general may assign. The attorney general shall appoint such
28 other assistant attorneys general pursuant to the provisions of RSA 21-M:3 and such support staff as may
29 be necessary to carry out the provisions of this section within the limits of the appropriations made for the
30 [~~office~~] *department*.

31 79:256 Division of Legal Counsel. Amend RSA 21-M:7, II to read as follows:

32 II. The division of legal counsel shall consist of the following units:

33 (a) A bureau of civil law.

34 (b) A [~~transportation and construction~~] *public safety and infrastructure* bureau.

35 [~~(c) An office of the solicitor general.~~]

36 79:257 Department of Justice; Name Change; Public Safety and Infrastructure Bureau. Amend the
37 section heading of RSA 21-M:12 and RSA 21-M:12, I to read as follows:

38 21-M:12 [~~Transportation and Construction~~] *Public Safety and Infrastructure Bureau*.

39 I. There is established in the division of legal counsel a bureau of [~~transportation and~~

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1 construction] *public safety and infrastructure*. The bureau shall be supervised by a senior assistant
2 attorney general who shall be appointed by the attorney general in accordance with the provisions of RSA
3 21-M:3 and who shall carry out the duties imposed by this section under the supervision of the attorney
4 general and do such other work as the attorney general may assign. The attorney general shall appoint
5 such other assistant attorneys general pursuant to the provisions of RSA 21-M:3 and such additional
6 clerical, stenographic, and other staff as may be necessary to carry out the provisions of this section
7 within the limits of the appropriations made for the bureau.

8 79:258 Department of Justice; Positions Transferred. The attorney general shall transfer national
9 violent death reporting system positions 9T2789 and 9T2644 to the department of health and human
10 services effective July 1, 2023. The department of justice appropriation 02-20-20-20-201510-59390000,
11 national violent death reporting system, shall be repealed effective September 30, 2023.

12 79:259 New Section; Charitable Trusts. Amend RSA 7 by inserting after section 28-f the following
13 new section:

14 7:28-g Handling Charges. If the attorney general collects a fee electronically for any registration, any
15 annual report, any notice, any document, or any other purpose related to the duties of the director of
16 charitable trusts, the attorney general shall collect a handling charge for each fee paid electronically. The
17 amount of the handling charge shall be equal to the amount charged to the attorney general for
18 processing the fee by credit card, electronic check, or other electronic means.

19 79:260 Charitable Trusts; Investigations. Amend RSA 7:24 to read as follows:

20 7:24 Investigation. The attorney general may investigate at any time charitable trusts, charitable
21 solicitations, and charitable sales promotions for the purpose of determining and ascertaining whether
22 they are administered in accordance with law and with the terms and purposes thereof. For the purposes
23 of such investigation the attorney general may require any person, agent, trustee, fiduciary, beneficiary,
24 institution, association, corporation, or political agency administering a trust, charitable solicitation, or
25 charitable sales promotion or having an interest therein, or knowledge thereof, to appear [~~at the state~~
26 ~~house~~] at such time and place as the attorney general may designate then and there under oath to
27 produce for the use of the attorney general any and all books, memoranda, papers of whatever kind,
28 documents of title or other evidence of assets or liabilities which may be in the ownership or possession or
29 control of such person, agent, trustee, fiduciary, beneficiary, institution, association, corporation, or
30 political agency and to furnish such other available information relating to said trust, charitable solicitation,
31 or charitable sales promotion as the attorney general may require.

32 79:261 Victim Assistance Programs. Amend RSA 21-M:8-i, IV to read as follows:

33 IV. No more than [~~15~~] **30** percent of the money in the victims' assistance fund shall be used by
34 the attorney general for the costs of administration of the victims' assistance fund and the administrative
35 costs of the victims' assistance commission.

36 79:262 New Hampshire Retirement System. Administration of Benefit Payments to Existing
37 Beneficiaries; Appropriation.

38 I. For each person receiving an annual allowance under the former RSA 100-A:19 as of the
39 effective date of this section, the retirement system shall continue to pay the annual allowance to each

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1 such person as had been provided under RSA 100-A:19 prior to its repeal in 2014.

2 II. There hereby is appropriated the amount of \$40,000 to fund the benefit for the remaining
3 surviving beneficiaries. The governor is hereby authorized to draw a warrant for said sum out of any
4 money in the treasury not otherwise appropriated. Such amount shall be transferred from the state's
5 general fund to the New Hampshire retirement system, which shall maintain such funds in a segregated
6 account exclusively for payment of the call firefighter benefits.

7 III. The New Hampshire retirement system shall be reimbursed from available funds a reasonable
8 annual fee for administration of the benefit until payments under paragraph I have terminated.

9 IV. Funds shall be nonlapsing until termination of all benefit payments under paragraph I and any
10 remaining funds held by the New Hampshire retirement system in this segregated account at that time,
11 shall be returned to the state's general fund.

12 79:263 Business Finance Authority; Unified Contingent Credit Limit Increased. Amend RSA 162-
13 A:22 to read as follows:

14 162-A:22 Unified Contingent Credit Limit. The total amount of state guarantees in force under RSA
15 162-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, and RSA
16 162-I:9-b shall not exceed in the aggregate at any time \$50,000,000 plus interest, provided that such
17 amount shall be increased to \$80,000,000 plus interest on January 1, 1993, to \$95,000,000 plus interest
18 on January 1, 1994, and to \$115,000,000 plus interest on May 1, 2015, **and to \$200,000,000 plus interest**
19 **on June 1, 2023.**

20 79:264 Appropriation; Department of Education; Kindergarten Adequate Education Grants. There is
21 hereby appropriated the sum of \$315,700 from the education trust fund, in the fiscal year ending June 30,
22 2023, to the department of education for the purpose of providing kindergarten adequate education grants
23 under RSA 198:48-b, for new full-day kindergarten programs in the 2023-2024 school year. This
24 appropriation shall not lapse until June 30, 2024.

25 79:265 Effective Date. Section 264 of this act shall take effect June 30, 2023.

26 79:266 Assessing Certification Board; Rulemaking and Implementation. To reduce workforce
27 barriers and provide state supervision over regulatory bodies comprised of active market participants, the
28 responsibility for implementation of RSA 310-C, relative to assessing standards, shall be transferred to
29 the executive director of the office of professional licensure and certification effective September 1, 2023.
30 The executive director shall consult with the assessing certification advisory board when implementing
31 RSA 310-C. Rules in effect upon the effective date of this section shall remain in effect until repealed by
32 the executive director of the office of professional licensure and certification or until the rules expire,
33 whichever occurs first.

34 79:267 Assessing Certification Board; Advisory Board Established. RSA 310-C:1 is repealed and
35 reenacted to read as follows:

36 310-C:1 Assessing Certification Advisory Board.

37 I. There is established an assessing certification advisory board ("board") within the office of
38 professional licensure and certification, that shall advise the executive director of the office of professional
39 licensure and certification on the implementation of this chapter.

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1 II. The board shall be composed of the following members:

2 (a) The commissioner of the department of revenue or designee;

3 (b) One certified assessor supervisor appointed by the executive director of the office of
4 professional licensure and certification; and

5 (c) One member who shall be a municipal governing body official who shall not be an
6 assessor, and who is appointed by the executive director of the office of professional licensure and
7 certification.

8 III. The members shall be appointed for 3-year terms and shall not serve more than 2 full terms.

9 79:268 Assessing Certification Board; Rulemaking Authority. Amend the introductory paragraph of
10 RSA 310-C:17, I to read as follows:

11 I. The *executive director in consultation with the advisory* board shall adopt rules pursuant to
12 RSA 541-A, relative to:

13 79:269 Assessing Certification Board Repeal. The following are repealed:

14 I. RSA 310-C:9, relative to the term of certification.

15 II. RSA 310-C:12, I, relative to the assessing certificate.

16 III. RSA 310-C:13, relative to disciplinary proceedings.

17 IV. RSA 310-C:14, relative to hearings and investigations.

18 V. RSA 310-C:16, relative to summons and oaths.

19 79:270 Repeal. RSA 332-J, relative to athlete agents, is repealed.

20 79:271 Repeal. RSA 311-B:2, III and IV, relative to the members of the state board of auctioneers, is
21 repealed.

22 79:272 Auctioneers; State Board of Auctioneers; Transfer. To promote efficiency and economy,
23 eliminate redundancies in licensure requirements, reduce administrative costs, and facilitate customer
24 service, the responsibility for administration of the state board of auctioneers shall be transferred to the
25 office of professional licensure and certification effective September 1, 2023.

26 79:273 Auctioneers; Rulemaking Authority. RSA 311-B:3 is repealed and reenacted to read as
27 follows:

28 311-B:3 Rulemaking Authority.

29 I. The board, with the approval of the executive director of the office of professional licensure and
30 certification, shall adopt rules, pursuant to RSA 541-A, relative to:

31 (a) The qualifications of applicants for initial, renewal, and reinstatement licensure in addition
32 to those requirements set by statute, and the means to be used by applicants to demonstrate good
33 professional character;

34 (b) Ethical and professional standards required to be met by each holder of a license under
35 this chapter;

36 (c) How disciplinary actions by the board shall be implemented for violations of these
37 standards and for misconduct by licensees; and

38 (d) Establishing eligibility for certificates of authorization issued under RSA 311-B:4, III.

39 II. The board may adopt rules, pursuant to RSA 541-A, relative to:

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- 1 (a) Required maintenance of competence including requirements for continuing education;
2 (b) Board approval of auctioneering educational programs; and
3 (c) Standards governing auctioneering apprenticeships.

4 79:274 Auctioneers; Qualifications; Application. Amend RSA 311-B:5 to read as follows:

5 311-B:5 Qualifications; Application. The ~~[board]~~ **executive director** shall grant licensure to any
6 applicant who:

7 I. Shall have attained the age of 18 years by the date the board receives the application;

8 II. Submits professional references or recommendations that comply with other standards
9 specified by rule, certifying that the applicant is trustworthy and competent to auction real, personal, and
10 mixed property in such a manner as to safeguard the interests of the public. Each such recommendation
11 shall set forth the writer's name, address, and occupation, the extent of the writer's acquaintanceship with
12 the applicant, the writer's familiarity with the applicant's past business experience and dealings, and any
13 additional knowledge of the applicant's background upon which the writer bases the recommendation;

14 III. Pays the initial licensure fee;

15 IV. ~~[Repealed.]~~

16 V. Has good professional character;

17 VI. Meets the eligibility standards established by the board through rulemaking;

18 VII. Pays the examination fee ~~[specified by the board through rulemaking]~~ if the examination is
19 one developed or administered by the board; and

20 VIII. Passes an examination ~~[administered by the board or an examination]~~ administered by
21 another entity and approved by the board through rulemaking.

22 79:275 Auctioneers; Repeals. The following are repealed:

23 I. RSA 311-B:4-a, relative to cease and desist orders for auctioneering without a license.

24 II. RSA 311-B:6, relative to nonresidents.

25 III. RSA 311-B:10, relative to renewals and reinstatement.

26 IV. RSA 311-B:11, relative to disciplinary action.

27 V. RSA 311-B:11-a, relative to hearings.

28 79:276 Auctioneers; Disposition of Revenue. Amend RSA 311-B:14 to read as follows:

29 311-B:14 Disposition of Revenue. All moneys collected under this chapter shall be paid into the
30 ~~[general fund and are appropriated therefrom to the secretary of state for the purpose of carrying out the~~
31 ~~provisions of this chapter]~~ **office of professional licensure and certification fund.**

32 79:277 Allied Health Professionals; Governing Boards Established. Amend RSA 328-F:3 as follows:

33 328-F:3 Governing Boards Established~~[- Board of Directors; Office of Licensed Allied Health~~
34 ~~Professionals].~~

35 ~~[I.]~~ There shall be established governing boards of athletic trainers, occupational therapists,
36 physical therapists, speech-language pathologists and hearing care providers, and genetic counselors. ***In***
37 ***order to eliminate a redundant regulatory framework and promote efficiency and economy, and as set***
38 ***forth in RSA 310, the responsibility for administration of the governing boards shall be with the office of***
39 ***professional licensure and certification, and the authority of the board of directors of allied health***

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1 *professionals is repealed.*

2 ~~II. The governing boards' chairpersons or their appointees shall make up the board of directors~~
3 ~~of the office of licensed allied health professionals. The board of directors shall have the authority to~~
4 ~~delegate to the person in the supervisory position matters of administrative and personnel management.~~

5 ~~III. There shall be an office of licensed allied health professionals established in Concord within~~
6 ~~the office of professional licensure and certification.]~~

7 79:278 Allied Health Professionals; Completion of Survey; Rulemaking. Amend RSA 328-F:11-a as
8 follows:

9 328-F:11-a Completion of Survey; Rulemaking. The *governing* board shall adopt rules, pursuant to
10 RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey or opt-
11 out form provided by the office of rural health, department of health and human services, for the purpose
12 of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission
13 established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written
14 notice of his or her opportunity to opt-out from participation in the survey.

15 79:279 Allied Health Professionals; Criminal History Record Checks. Amend RSA 328-F:18-a as
16 follows:

17 328-F:18-a Criminal History Record Checks.

18 I. The ~~[board of directors]~~ *governing boards* shall require ~~[one of the following types of criminal~~
19 ~~background checks]~~ from applicants for initial licensure or certification, reinstatement of licensure or
20 certification, or conditional licensure or certification[:

21 ~~(a) An original criminal offender record report issued by each state where the applicant has~~
22 ~~resided or been licensed within the past 6 years; or~~

23 ~~(b) A]~~ *a* criminal history record release form, as provided by the New Hampshire division of
24 state police which authorizes the release of his or her criminal history record, if any, to the office of
25 ~~[licensed allied health professionals]~~ *professional licensure and certification*.

26 [(1)] *(a)* The applicant shall submit with the release form a complete set of fingerprints
27 taken by a qualified law enforcement agency or an authorized employee of the department of safety. In
28 the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints
29 shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of
30 fingerprints is invalid due to insufficient pattern, the office of ~~[licensed allied health professionals]~~
31 *professional licensure and certification* may, in lieu of the criminal history records check, accept police
32 clearances ~~[described in subparagraph (a)].~~

33 [(2)] *(b)* The office of ~~[licensed allied health professionals]~~ *professional licensure and*
34 *certification* shall submit the criminal history records release form and fingerprint form to the division of
35 state police which shall conduct a criminal history records check through its records and through the
36 Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall
37 release copies of the criminal history records to the office of ~~[licensed allied health professionals]~~
38 *professional licensure and certification*.

39 II. The office of ~~[licensed allied health professionals]~~ *professional licensure and certification* shall

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1 review the criminal record information prior to the respective governing board making a decision on
2 licensure or certification and shall maintain the confidentiality of all criminal history records received
3 pursuant to this section.

4 III. The applicant shall bear the cost of all criminal history record checks.

5 IV. The [board] *office of professional licensure and certification* shall consider military security
6 clearance for an individual actively serving in any component of the Department of Defense in lieu of
7 criminal background checks.

8 V. Pending the results of a criminal history record check, an applicant for licensure may be
9 employed in a profession of the allied health field on a conditional basis for up to 90 calendar days before
10 the office of [~~licensed allied health professionals~~] *professional licensure and certification* receives the
11 results of a criminal history record check required for licensure, if the conditional employee:

12 (a) Is under the direct supervision of a licensee;

13 (b) Has provided a written attestation to the employer and the [board] *office of professional*
14 *licensure and certification* that no disqualifying criminal history exists; and

15 (c) The [~~allied health~~] governing board is not a member of an interstate licensure compact.

16 79:280 Recreational Therapists; Eligibility for Licensure. Amend RSA 326-J:5, II to read as follows:

17 II. The executive director may, upon notice and opportunity for a hearing, deny an application for
18 reinstatement of a license or reinstate the license with conditions. Conditions imposed may include a
19 requirement for continuing education, practice under the supervision of a licensed recreational therapist[
20 ~~or any other conditions set forth in RSA 328-F:18, III~~].

21 79:281 Repeals; Allied Health. The following are repealed:

22 I. RSA 328-F:1, relative to allied health professionals purpose.

23 II. RSA 328-F:2, relative to allied health professionals definitions.

24 III. RSA 328-F:5, I-V, relative to allied health professionals governing board authority.

25 IV. RSA 328-F:7, relative to allied health professionals removal of members and vacancies.

26 V. RSA 328-F:8, relative to allied health professionals organization and meetings.

27 VI. RSA 328-F:9, relative to allied health professionals records of the boards.

28 VII. RSA 328-F:10, relative to allied health professionals records of disciplinary history.

29 VIII. RSA 328-F:11-b, relative to allied health professionals telemedicine.

30 IX. RSA 328-F:12, relative to allied health professionals the board of directors.

31 X. RSA 328-F:13, relative to allied health professionals board of directors' rulemaking authority.

32 XI. RSA 328-F:15, relative to allied health professionals fees.

33 XII. RSA 328-F:18, relative to allied health professionals issuance of licenses.

34 XIII. RSA 328-F:19, relative to allied health professionals renewal.

35 XIV. RSA 328-F:20, relative to allied health professionals reinstatement of lapsed licenses.

36 XV. RSA 328-F:21, II, relative to allied health professionals notification of stolen licenses.

37 XVI. RSA 328-F:23, relative to allied health professionals disciplinary action and hearings.

38 XVII. RSA 328-F:24, relative to allied health professionals investigations.

39 XVIII. RSA 328-F:25, relative to allied health professionals obligation to report.

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1 XIX. RSA 328-F:26, relative to allied health professionals temporary suspension.

2 XX. RSA 328-F:27, relative to allied health professionals unauthorized practice.

3 XXI. RSA 328-F:29, relative to allied health professionals revocation of licensure.

4 79:282 Boxing and Wrestling Commission; Transfer. To promote efficiency and economy, reduce
5 administrative costs, and facilitate customer service, the responsibility for administration of the boxing and
6 wrestling commission shall be transferred to the office of professional licensure and certification effective
7 September 1, 2023.

8 79:283 Boxing and Wrestling Commission; Members; Removal; Conflicts of Interest. Amend RSA
9 285:3, I as follows:

10 I. The commission shall consist of [3] **5** members appointed by the governor and council.
11 Members appointed by the governor and council shall have had some experience in the fighting sports
12 and shall be residents of the state. Members shall have no financial interest, direct or indirect, in
13 professional fighting sports regulated by the commission.

14 79:284 Boxing and Wrestling Commission; Establishment of Commission. Amend RSA 285:7 as
15 follows:

16 285:7 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to:

17 I. The conduct of amateur and professional fighting sports competitions;

18 II. Requirements and qualifications for licenses, permits and amateur cards for persons involved
19 in fighting sports competitions;

20 III. The grounds for revocation or suspension of a license or permit, and the reinstatement of
21 suspended licenses and permits;

22 ~~[IV. A fee schedule for permits and amateur cards and for the renewal of amateur cards;~~

23 ~~∨] IV.~~ Promoters' bonds; and

24 ~~[∨] V.~~ Insurance coverage required by the commission.

25 79:285 Office of Professional Licensure and Certification; Boxing and Wrestling Commission;
26 Cooperation With Amateur Local Boxing Committee Required. Amend RSA 285:9-a, VI as follows:

27 VI. The ~~[commission]~~ **office of professional licensure and certification** shall collect 5 percent of
28 the gross receipts of paid admissions to all amateur bouts, as mandated by RSA 285:14.

29 79:286 Boxing and Wrestling Commission; Licenses Required. Amend RSA 285:11 as follows:

30 285:11 Licenses Required. No person shall participate in a professional fighting sports competition
31 as a contestant, manager, referee, judge, second or timekeeper without a license from the commission.

32 ~~[The fee for all licenses issued by the commission shall be \$20. Licenses granted by the commission~~
33 ~~shall be valid for one year from the date of issue unless revoked or suspended by the commission. The~~
34 ~~commission shall, upon application, renew any license unless good cause is shown that the license~~
35 ~~should not be renewed. The fee for all license renewals issued by the commission shall be \$20.]~~

36 79:287 Boxing and Wrestling Commission; Suspension or Revocation; Appeals. Amend RSA 285:12
37 as follows:

38 285:12 Suspension or Revocation; Appeals.

39 ~~[+]~~ The commission may revoke or suspend any permit or license for cause.

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1 ~~II. Rehearings and appeals from any decision of the commission shall be in accordance with~~
2 ~~RSA 541.~~]

3 79:288 Office of Professional Licensure and Certification; Boxing and Wrestling Commission; Permit
4 and License Fees; Amateur Cards. Amend RSA 285:14, II as follows:

5 II. The promoter also shall, at the same time, pay to the ~~[commission]~~ ***office of professional***
6 ***licensure and certification*** by certified check a tax of 5 percent of the gross receipts of paid admissions
7 after deduction of any federal taxes. ***Payments made pursuant to this section shall be deposited into a***
8 ***dedicated fund, which shall lapse annually at the close of each fiscal year to the general fund.***

9 79:289 Boxing and Wrestling Commission; Deputy Inspectors. Amend RSA 285:19 as follows:

10 285:19 Deputy Inspectors. A member of the commission is not required to be present at all fighting
11 sports competitions. If a member of the commission is not present at a fighting sports competition held
12 under this chapter, the commission shall appoint a deputy inspector who shall, for the duration of the
13 contest, have the full duties and powers of a member of the commission. Deputy inspectors shall be
14 entitled to compensation as the commission, ***with the approval of the executive director,*** may deem
15 proper.

16 79:290 Repeals; Boxing and Wrestling Commission. The following are repealed:

17 I. RSA 285:5, relative to boxing and wrestling commission chairperson, treasurer, and quorum.

18 II. RSA 285:6, relative to boxing and wrestling commission compensation.

19 III. RSA 285:8, relative to boxing and wrestling commission report.

20 79:291 Electricians; Definitions. Amend RSA 319-C:2, IV as follows:

21 IV. "Journeyman electrician" means a person doing work of installing electrical wires, conduits,
22 apparatus, fixtures and other electrical equipment. A journeyman electrician shall be employed by a
23 master electrician~~[-except as provided in RSA 319-C:10].~~ Each journeyman electrician shall work under
24 the direction and supervision of a master electrician.

25 79:292 Electricians; Inspectors. Amend RSA 319-C:5, I as follows:

26 I. The ~~[board]~~ ***office of professional licensure and certification*** shall be empowered to appoint
27 such inspectors as may be necessary to carry out the purposes of this chapter. Any person so employed
28 shall be under the administration and supervisory direction of the ~~[board]~~ ***office of professional licensure***
29 ***and certification.***

30 79:293 Electricians; Licensing Requirements. Amend RSA 319-C:7, II, as follows:

31 II. ~~[After June 30, 1976,]~~ The board shall issue a license as a master or journeyman electrician to
32 any person who files an application and meets the following qualifications:

33 (a) Completion of 8,000 hours of service as an apprentice electrician. The board may give
34 credit toward such service for the satisfactory completion of a course of instruction in the field at a school
35 recognized by the board ***or experience in the field received in military service, in accordance with rules***
36 ***adopted by RSA 541-A;*** and

37 (b) Satisfactory passing of an examination ~~[conducted]~~ ***approved*** by said board as provided
38 in RSA 319-C:8 to determine ~~[his]~~ ***the person's*** fitness to receive such license.

39 79:294 Repeals. The following are repealed:

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- 1 I. RSA 319-C:6-a, VI, relative to electricians rulemaking for investigations.
- 2 II. RSA 319-C:6-a, VII, relative to electricians procedural rules for hearings.
- 3 III. RSA 319-C:6-b, relative to electricians fees.
- 4 IV. RSA 319-C:9, relative to electricians renewal of licenses.
- 5 V. RSA 319-C:12, relative to electricians disciplinary action.
- 6 VI. RSA 319-C:12-a, relative to electricians hearings.
- 7 VII. RSA 319-C:12-b, relative to electricians appeals.
- 8 VIII. RSA 319-C:14, relative to electrician nonresidents.

9 79:295 Genetic Counselors; Provisional License. Amend RSA 326-K:4 to read as follows:

10 326-K:4 Provisional License.

11 I. A provisional license may be issued by the [board] *office* to an applicant who meets all of the
12 requirements for licensure except for the certification component and has been granted active candidate
13 status by ABGC.

14 II. A provisional license shall be valid for the ABGC examination cycle for which active candidate
15 status by the ABGC has been granted. Such provisional license shall expire automatically upon the
16 earliest of the following:

- 17 (a) Issuance of a full license;
- 18 (b) Thirty days after the applicant fails to pass the certification examination; or
- 19 (c) Two years from the issuance of a provisional license.

20 III. A provisional license may only be extended upon approval of the [board] *office* for good cause
21 shown.

22 IV. A provisional licensed genetic counselor shall work under the general supervision of a
23 licensed genetic counselor or a licensed physician at all times during which the provisional licensed
24 genetic counselor performs genetic counseling. An application for extension of the provisional license
25 shall be signed by the supervising licensed genetic counselor or supervising licensed physician.

26 V. The [board] *office* is authorized to issue conditional provisional licenses in accordance with
27 *governing board* rules adopted pursuant to RSA 541-A.

28 79:296 Genetic Counselors; Prohibition on Unlicensed Practice. Amend RSA 326-K:5, I to read as
29 follows:

30 I. No person shall practice or represent himself or herself as a genetic counselor in this state
31 without first applying for and receiving a license or provisional license from the [board] *office* to practice as
32 a licensed genetic counselor.

33 79:297 Genetic Counselors; Privileged Communications. Amend RSA 326-K:8, II to read as follows:

34 II. Information and results may be made available to the board *or the office* for use in an
35 investigation or disciplinary proceeding under RSA 328-F concerning a licensed genetic counselor only if
36 the results are coded to maintain confidentiality of the client.

37 79:298 Repeal; Genetic Counselors. RSA 326-K:6, relative to reciprocity is repealed.

38 79:299 Hawkers and Peddlers; Repeal. RSA 320, relative to hawkers and peddlers, is repealed.

39 79:300 Itinerant Vendors; Repeal. RSA 321, relative to itinerant vendors, is repealed.

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1 79:301 Board of Manufactured Housing; Repeals. The following are repealed:

- 2 I. RSA 205-A:25, relative to board establishment.
- 3 II. RSA 205-A:26, relative to quorum.
- 4 III. RSA 205-A:27, relative to jurisdiction.
- 5 IV. RSA 205-A:28, relative to decisions.
- 6 V. RSA 205-A:29, relative to meetings and records.
- 7 VI. RSA 205-A:29-a, relative to administrative and business processing functions.
- 8 VII. RSA 205-A:30, relative to notification and cooperation.
- 9 VIII. RSA 205-A:31, relative to rulemaking.

10 79:302 State Board of Fire Control; Mechanical Licensing Board. Amend RSA 153:27-a to read as
11 follows:

12 153:27-a Mechanical Licensing Board. There is hereby established as a unit within the office of
13 professional licensure and certification. The term of office for the members appointed to the board shall
14 be 3 years and until a successor is appointed. The initial appointed members of the board shall serve
15 staggered terms. Vacancies shall be filled in the same manner and for the unexpired terms. No member
16 of the board shall be appointed to more than 2 consecutive terms. ~~[A member of the board shall serve as~~
17 ~~the board secretary.]~~

18 I.(a) No member of the board may be associated with the formal education for licensing, and/or
19 be provider or an employee of a provider for continuing education for any profession or trade licensed
20 under this subdivision.

21 (b) A public member of the board shall be a person who is not, and never was, a member of
22 the fuel gas fitting or plumbing trade or the spouse of any such person, and who does not have, and never
23 has had, a material financial interest in either the provision of plumbing and/or fuel gas services or an
24 activity directly related to plumbing and/or fuel gas, including the representation of the board or trade for a
25 fee at any time during the 5 years preceding appointment.

26 II. The board shall:

27 (a) Adopt rules as provided for in this subdivision.

28 (b) ~~[Implement the licensing program under this subdivision.~~

29 ~~(c)]~~ Review and approve educational programs and providers.

30 ~~(d)]~~ **(c)** Conduct hearings for disciplinary actions.

31 ~~(e)]~~ **(d)** Review and recommend adoptions, exceptions, or omissions to technical standards
32 as adopted under RSA 153:28.

33 ~~(f)]~~ **(e)** Develop and recommend for the legislature future changes to this subdivision.

34 III. The members of the board shall be appointed by the governor and council as follows:

35 (a) Two licensed journeymen or master plumbers, who are actively working in the trade as
36 plumbers.

37 (b) ~~[Two]~~ **One** licensed fuel gas ~~[fitters]~~ **fitter**, ~~[both of whom are]~~ actively working in the trade
38 as **a** fuel gas ~~[fitters, and one of whom shall represent the propane fuel industry]~~ **fitter**.

39 (c) One certified heating equipment installer or heating equipment service person under RSA

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1 153:16-b.

2 (d) ~~[One licensed master plumber who is also a licensed fuel gas fitter and a certified heating~~
3 ~~equipment installer or servicer, actively working in the trade.~~

4 (e) One public member who is not, and never was, a member of the plumbing trade or the
5 spouse of any such person, and who does not have, and never has had, a material financial interest in
6 either the provision of plumbing services or an activity directly related to plumbing, including the
7 representation of the board or trade for a fee at any time during the 5 years preceding appointment.

8 ~~[(f) One certified water treatment technician, who shall be a nonvoting member of the board.]~~

9 IV. ~~[The board shall hold at least 8 regular meetings each year, and may hold special meetings at~~
10 ~~such times as the business of the board may require. Notice of all meetings shall be given in such a~~
11 ~~manner as rules adopted by the board may provide and in accordance with New Hampshire state law. A~~
12 ~~quorum of the board shall consist of 4 members.~~

13 V.] The board shall annually elect a chairman ~~[and a vice chairman]~~ from among its members.

14 ~~[VI. The secretary of the board shall receive at least monthly an accounting from the department~~
15 ~~of all moneys derived under the provisions of this subdivision.]~~

16 79:303 State Board of Fire Control; Mechanical Licensing Board; Repeals. The following are
17 repealed:

18 I. RSA 153:28, II, relative to rulemaking regarding fees.

19 II. RSA 153:30, relative to expiration and renewal of licensure.

20 III. RSA 153:32, relative to disciplinary action.

21 IV. RSA 153:33, relative to appeals from board decisions.

22 V. RSA 153:37, relative to penalties.

23 VI. RSA 153:38, relative to voluntary certification of water treatment technicians.

24 79:304 Pharmacy; Board. Amend RSA 318:2 to read as follows:

25 318:2 Board. There shall be a pharmacy board consisting of ~~[7]~~ **5** members; including ~~[6]~~ **4** practicing
26 pharmacists, at least one of whom shall be a full-time hospital pharmacist, and one public member, each
27 to be appointed by the governor, with the approval of the council, to a term of 5 years. No member shall
28 be appointed to more than 2 consecutive terms and no member shall serve for more than 10 consecutive
29 years. Only board members provided for in this section shall have the authority to vote in board
30 determinations.

31 79:305 Pharmacy; Rulemaking Authority. Amend RSA 318:5-a, IX to read as follows:

32 IX. ~~[Procedures]~~ **Standards** for the inspection of licensees;

33 79:306 Repeal; Pharmacy Rulemaking. The following are repealed:

34 I. RSA 318:5-a, VIII, relative to procedures for the conduct of hearings consistent with the
35 requirements of due process.

36 II. RSA 318:5-a, X(e), relative to the establishment of the effective period of registration or
37 certification for pharmacy technicians.

38 III. RSA 318:5-a, XI-a(e), relative to the establishment of the effective period of registration or
39 certification for pharmacy interns.

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1 IV. RSA 318:5-a, XI-c(e), relative to the establishment of the effective period of registration or
2 certification for advanced pharmacy technicians.

3 79:307 Pharmacy Inspectional Services. Amend RSA 318:9-a to read as follows:

4 318:9-a Inspectional Services. The ~~[pharmacy board through the]~~ office of professional licensure and
5 certification shall provide inspectional services under this chapter and RSA 318-B:25 to the board of
6 medicine, the board of veterinary medicine, the board of podiatry, the board of registration in optometry,
7 the board of dental examiners, the board of nursing, and the naturopathic board of examiners. Pharmacy
8 board inspections shall be provided by pharmacists or pharmacy technicians licensed by the New
9 Hampshire board of pharmacy who have training and experience regarding pharmacy statutes and rules.

10 79:308 Pharmacy; Pharmacy Interns. Amend RSA 318:15-b to read as follows:

11 318:15-b Pharmacy Interns. No person shall perform the functions or duties of a pharmacy intern
12 unless such person is registered by the ~~[board]~~ ***office of professional licensure and certification*** to perform
13 certain functions, and does so under standards of supervision established by rules of the board adopted
14 pursuant to RSA 541-A.

15 79:309 Pharmacy Examinations and Licenses; Pharmacists. Amend RSA 318:18, I(b)(3) to read as
16 follows:

17 (3) File proof satisfactory to the ~~[board]~~ ***office of professional licensure and certification***,
18 substantiated by proper affidavits, of a minimum of one year (1,500 hours) internship activity in a
19 community or institutional pharmacy in the United States or Canada or an equivalent program which has
20 been approved by the board of pharmacy; and shall pass the national examination administered by the
21 National Association of Boards of Pharmacy (NABP) to establish his or her fitness to practice the
22 profession of pharmacy. The internship required in this section shall be service and experience in a
23 community or institutional pharmacy under the supervision of a licensed pharmacist and shall be
24 predominantly related to the selling of drugs and medical supplies; interpreting, compounding, preparing
25 and dispensing of prescriptions; preparing of pharmaceutical products; keeping records and making
26 reports required under federal and state statutes; and otherwise practicing pharmacy under the immediate
27 supervision and direction of a licensed pharmacist.

28 79:310 Pharmacists; Examinations and Licenses; Pharmacists. Amend RSA 318:18, II to read as
29 follows:

30 II. The ~~[board]~~ ***office of professional licensure and certification*** may deny licensure as a
31 pharmacist for grounds which include, but which shall not be limited to, prior conviction of a felony; or of a
32 misdemeanor resulting from a violation of a federal, state or local drug or pharmacy-related law, rule, or
33 regulation.

34 79:311 Pharmacy; Change in Name, Employment, or Residence. Amend RSA 318:26-a to read as
35 follows:

36 318:26-a Change in Name, Employment, or Residence. Any pharmacist, licensed advanced
37 pharmacy technician, or pharmacy technician who changes his or her name, place or status of
38 employment, or residence shall notify the ~~[board]~~ ***office of professional licensure and certification*** in writing
39 within 15 days. For failure to report such a change within 15 days, the board may suspend the

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1 pharmacist's license, the advanced pharmacy technician's license, or the pharmacy technician's
2 registration. Reinstatement shall be made only upon payment of a reasonable fee as established by the
3 board.

4 79:312 Pharmacy; Impaired Pharmacist Program. Amend RSA 318:29-a to read as follows:
5 318:29-a Impaired Pharmacist Program.

6 I. Any pharmaceutical peer review committee may report relevant facts to the board *or office of*
7 *professional licensure and certification* relating to the acts of any pharmacist in this state if they have
8 knowledge relating to the pharmacist which, in the opinion of the peer review committee, might provide
9 grounds for disciplinary action as specified in RSA 318:29, II.

10 II. Any committee of a professional society comprised primarily of pharmacists, its staff, or any
11 district or local intervenor participating in a program established to aid pharmacists impaired by substance
12 abuse or mental or physical illness may report in writing to the board *or office of professional licensure*
13 *and certification* the name of the impaired pharmacist together with the pertinent information relating to his
14 impairment. The board *or office of professional licensure and certification* may report to any committee of
15 such professional society or the society's designated staff information which it may receive with regard to
16 any pharmacist who may be impaired by substance abuse or mental or physical illness.

17 ~~III. [Upon a determination by the board that a report submitted by a peer review committee or~~
18 ~~professional society committee is without merit, the report shall be expunged from the pharmacist's~~
19 ~~individual record in the board's office. A pharmacist or his authorized representative shall be entitled on~~
20 ~~request to examine the pharmacist's peer review or the pharmaceutical organization committee report~~
21 ~~submitted to the board and to place into the record a statement of reasonable length of the pharmacist's~~
22 ~~view with respect to any information existing in the report.~~

23 ~~IV.]~~ Notwithstanding the provisions of RSA 91-A, the records and proceedings of the board,
24 compiled in conjunction with an impaired pharmacist peer review committee, shall be confidential and are
25 not to be considered open records unless the affected pharmacist so requests; provided, however, the
26 board may disclose this confidential information only:

27 (a) In a disciplinary hearing before the board or in a subsequent trial or appeal of a board
28 action or order;

29 (b) To the pharmacist licensing or disciplinary authorities of other jurisdictions; or

30 (c) Pursuant to an order of a court of competent jurisdiction.

31 ~~IV.] IV.(a)~~ No employee or member of the board, peer review committee member, pharmaceutical
32 organization committee member, pharmaceutical organization district or local intervenor furnishing in
33 good faith information, data, reports, or records for the purpose of aiding the impaired pharmacist shall by
34 reason of furnishing such information be liable for damages to any person.

35 (b) No employee or member of the board or such committee, staff, or intervenor program
36 shall be liable for damages to any person for any action taken or recommendations made by such board,
37 committee, or staff unless he is found to have acted recklessly or wantonly.

38 ~~IV.(a)] V.~~ The [board] *office of professional licensure and certification* may contract with other
39 organizations to operate the impaired pharmacist program for pharmacists who are impaired by drug or

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1 alcohol abuse or mental or physical illness. This program shall include, but is not limited to, education,
2 intervention and post-treatment monitoring.

3 ~~[(b) The board may allocate an amount determined by the board from each pharmacist~~
4 ~~biennial license renewal fee it collects to provide funding for the impaired pharmacist program as set forth~~
5 ~~in subparagraph VI(a).]~~

6 79:313 Pharmacy; Required; Compliance. Amend RSA 318:37 to read as follows:

7 318:37 Required; Compliance.

8 I. No person shall conduct or operate a pharmacy for the sale at retail of drugs and medicines
9 unless such pharmacy is registered with and a permit therefor has been issued by the *office of*
10 *professional licensure and certification in accordance with rules adopted by the* pharmacy board, except
11 as provided in this chapter.

12 II.(a) No person shall conduct or operate a mail-order pharmacy located outside of this state by
13 shipping, mailing, or delivering prescription drugs into this state unless such pharmacy is registered in
14 New Hampshire and a permit has been issued by the New Hampshire pharmacy board.

15 (b) To obtain a permit, a mail-order pharmacy shall comply with each of the following:

16 (1) Maintain a license in good standing from the state in which the mail-order pharmacy
17 is located;

18 (2) Submit to the New Hampshire [~~pharmacy board~~] *office of professional licensure and*
19 *certification* an application for registration [~~as provided by the office of professional licensure and~~
20 ~~certification~~];

21 (3) Pay all appropriate registration fees;

22 (4) Submit to the New Hampshire [~~pharmacy board~~] *office of professional licensure and*
23 *certification* a copy of the state pharmacy license from the state in which the mail-order pharmacy is
24 located;

25 (5) Submit to the New Hampshire [~~pharmacy board~~] *office of professional licensure and*
26 *certification* a copy of the state and federal controlled substance registrations from the state in which it is
27 located, if controlled substances are to be shipped into this state.

28 (c) When requested to do so by the New Hampshire pharmacy board, each mail-order
29 pharmacy shall supply the New Hampshire pharmacy board with any inspection reports, warning notices,
30 disciplinary actions, notice of deficiency reports, or any other related reports from the state in which it is
31 located concerning the operation of a mail-order pharmacy for review of compliance with state and federal
32 drug laws.

33 (d) Except in emergencies that constitute an immediate threat to the public health and require
34 expedited action by the board, the New Hampshire pharmacy board shall file a complaint with the
35 licensing board of the state in which the mail-order pharmacy is located when known or suspected
36 violations of the laws of the state in which the pharmacy is located are uncovered. If the licensing board in
37 the state in which the mail-order pharmacy is located initiates disciplinary action, the New Hampshire
38 pharmacy board may request the appropriate documents involved in the action for consideration of
39 discipline against the pharmacy registration of the mail-order pharmacy. If no action is taken against the

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1 mail-order pharmacy by the licensing board of the state in which it is located, the New Hampshire
2 pharmacy board may request copies of any investigation reports available from that state.

3 (e) The New Hampshire pharmacy board shall extend reciprocal cooperation to any state that
4 licenses and regulates mail-order pharmacies for the purpose of investigating complaints against
5 pharmacies located in New Hampshire or the sharing of information and investigative reports, as long as
6 the other state shall extend the same reciprocal cooperation to the New Hampshire pharmacy board.

7 79:314 Pharmacy; Licensing of Limited Retail Drug Distributors Required. Amend RSA 318:51-b, I to
8 read as follows:

9 I. No person shall operate as a limited retail drug distributor, as defined in RSA 318:1, VII-a,
10 without first having obtained a license to do so from the [~~board. Such license shall expire biennially on~~
11 ~~June 30 of each odd-numbered year. An application together with a reasonable fee as established by the~~
12 ~~board shall be filed biennially by midnight June 15 of every odd-numbered year.~~] ***office of professional***
13 ***licensure and certification according to the eligibility requirements set forth in rule by the pharmacy board.***

14 79:315 Pharmacy; Licensing of Outsourcing Facilities Identified as Section 503B Facilities by the
15 United States Food and Drug Administration. Amend RSA 318:51-c, I-II to read as follows:

16 I. No person shall compound legend drugs or controlled drugs, as defined in RSA 318-B:1, VI,
17 and no person acting as or employed by an outsourcing facility shall supply such drugs, without first
18 having obtained a license from the [~~board. Such license shall expire biennially on June 30 of each odd-~~
19 ~~numbered year. An application together with a fee established by the board shall be filed biennially by~~
20 ~~June 15 of every odd-numbered year]~~ ***office of professional licensure and certification according to the***
21 ***eligibility requirements set forth in rule by the pharmacy board.***

22 II. No license shall be issued under this section unless the applicant has furnished proof
23 [~~satisfactory to the pharmacy board~~]:

24 (a) That the applicant is of good moral character or, if that applicant is an association or
25 corporation, that the managing officers are of good moral character.

26 (b) That the applicant has sufficient land, buildings, and security equipment as to properly
27 carry on the business described in the application.

28 79:316 Pharmacy; Licensure of Research Organizations. Amend RSA 318:51-f, I-II to read as
29 follows:

30 I. No research organization shall procure or conduct research operations with prescription drugs
31 by researchers without first having obtained a license from the [~~board. Such license shall expire biennially~~
32 ~~on June 30 of each odd-numbered year. An application together with a reasonable fee as established by~~
33 ~~the board shall be filed biennially by June 15 of every odd-numbered year]~~ ***office of professional licensure***
34 ***and certification according to the eligibility requirements set forth in rule by the pharmacy board.***

35 II. No license shall be issued under this section unless the applicant has furnished proof
36 [~~satisfactory to the board of pharmacy~~]:

37 (a) That the applicant is of good moral character or, if that applicant is an association or
38 corporation, that the managing officers are of good moral character.

39 (b) That the applicant has sufficient space and security equipment as to properly carry on the

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1 research operations described in the application.

2 79:317 Pharmacy; Licensure of Drug or Device Distribution Agents. Amend RSA 318:51-g, I to read
3 as follows:

4 I. No person shall act as a prescription drug or device distribution agent, which includes
5 controlled drugs as the term is defined in RSA 318-B:1, VI, without first having obtained a license to do so
6 from the *office of professional licensure and certification according to the eligibility requirements set forth*
7 *in rule by the pharmacy* board.

8 79:318 Repeal; Pharmacists. The following are repealed:

- 9 I. RSA 318:5, relative to officers and duties.
- 10 II. RSA 318:6-a, relative to fees.
- 11 III. RSA 318:16-e, relative to telemedicine.
- 12 IV. RSA 318:21, relative to applicants from out of state.
- 13 V. RSA 318:23, relative to application fee.
- 14 VI. RSA 318:25, relative to renewal of license.
- 15 VII. RSA 318:26, relative to neglect to renew.
- 16 VIII. RSA 318:29, relative to disciplinary action.
- 17 IX. RSA 318:29-b, relative to denial of a license.
- 18 X. RSA 318:29-c, relative to immunity.
- 19 XI. RSA 318:30, relative to investigatory powers of the board.
- 20 XII. RSA 318:30-a, relative to temporary suspension.
- 21 XIII. RSA 318:31, relative to hearings.
- 22 XIV. RSA 318:33, relative to attendance.
- 23 XV. RSA 318:35, relative to association.
- 24 XVI. RSA 318:36, relative to information.
- 25 XVII. RSA 318:38, relative to permits and fees.
- 26 XVIII. RSA 318:55, relative to fines.
- 27 XIX. RSA 318:56, relative to unused prescription program.
- 28 XX. RSA 318:57, relative to definitions.
- 29 XXI. RSA 318:58, relative to donating unused drugs.
- 30 XXII. RSA 318:59, relative to rulemaking.
- 31 XXIII. RSA 318:60, relative to limited immunity.

32 79:319 Physical Therapy; Powers and Duties. RSA 328-A:3 is repealed and reenacted to read as
33 follows:

34 328-A:3 Powers and Duties of the Board. The board shall:

35 I. Provide for the examinations for physical therapists and physical therapist assistants and adopt
36 passing scores for these examinations.

37 II. Regulate the practice of physical therapy by interpreting and enforcing this chapter.

38 III. Elect officers from its members necessary for the operations and obligations of the board.

39 Terms of office shall be one year.

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1 79:320 Physical Therapy; Rulemaking. Amend RSA 328-A:4, VIII to read as follows:

2 VIII. Regarding the establishment, criteria, [~~fees,~~] and renewal of, and disciplinary proceedings
3 for certified animal physical therapists under RSA 328-A:15-b.

4 79:321 Physical Therapy; Examination. Amend RSA 328-A:7, I to read as follows:

5 I. The [~~board~~] **office** shall conduct, ***through a third party***, examinations within the state at least
6 quarterly [~~at a time and place prescribed by the board~~]. The passing score shall be determined by the
7 board.

8 79:322 Repeals; Physical Therapy. The following are repealed:

9 I. RSA 328-A:15, II, relative to physical therapy, rights of consumers to privacy.

10 II. RSA 328-A:12, relative to unlawful practice of physical therapy.

11 III. RSA 328-A:13, relative to reporting violations.

12 79:323 State Licensed or Certified Real Estate Appraisers; Real Estate Appraiser Board. Amend
13 RSA 310-B:4 as follows:

14 310-B:4 Real Estate Appraiser Board.

15 I. There is established [~~an independent~~] **a** real estate appraiser board [~~which shall be~~
16 ~~administratively attached to the office of state~~] ***within the office of professional licensure and certification***.
17 The board shall be composed of the following [~~7~~] **5** members, appointed by the governor with the consent
18 of council:

19 (a) Three real estate appraisers with a minimum of 5 years' experience, consisting of one
20 New Hampshire certified residential appraiser, one New Hampshire certified general appraiser, and one
21 New Hampshire certified appraiser who is a broker licensed under RSA 331-A; provided that no 2
22 appraiser members shall be members of the same private appraisal organization.

23 (b) One representative from a New Hampshire lending institution.

24 (c) [~~The banking executive director or designee.~~

25 (d) [~~Two members~~] **One member** of the general public not associated directly or indirectly with
26 banking, brokerage, real estate appraisal, insurance, or any other affected industry.

27 II. All appointments shall be made within 90 days after the effective date of this chapter.

28 III. On or before July 1, 1991, each real estate appraiser member of the board shall be certified or
29 licensed are a real estate appraiser under this chapter. One such member shall hold the residential
30 license and one such member shall hold a general appraiser certificate.

31 IV. The term of each member shall be 3 years, except that, of the members first appointed, 3
32 shall serve for 3 years, 2 shall serve for 2 years, and 2 shall serve for one year.

33 V. Upon expiration of their terms, members of the board shall continue to hold office until the
34 appointment and qualification of their successors. No person[~~, except the executive director or designee,~~]
35 shall serve as a member of the board for more than 2 consecutive terms. The appointing authority may
36 remove a member for cause.

37 [~~VI. The board shall meet at least once each calendar quarter to conduct its business and more~~
38 ~~often on call of the chair, or when the chair is requested to do so by 4 or more members of the board. The~~
39 ~~action of the majority of the members of the board present and voting shall be deemed the action of the~~

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1 board, and at least 4 members shall be present and voting on every vote of the board. Places of future
2 meetings shall be decided by the vote of members at meetings or, in the event of a special meeting, by
3 the chair. Written notice shall be given by the chair to each member of the time and place of each
4 meeting of the board at least 10 days in advance.]

5 ~~[VII.]~~ VI. The chairman of the board shall be elected from the board's members. ~~[Neither the] banking~~
6 executive director nor his designee shall serve as chairman.

7 VIII. ~~No board member shall be entitled to a per diem allowance. Board members shall be~~
8 reimbursed for actual travel in the performance of official duties at the usual state employee rate.

9 IX. ~~The members of the board shall be immune from any civil action or criminal prosecution for~~
10 actions taken in their capacity as members of the board, provided that such action is taken in good faith
11 and in the reasonable belief that the action was taken pursuant to the powers and duties of the board
12 under this chapter.

13 X. ~~All administrative, clerical, and business processing functions of the board shall be transferred~~
14 ~~to the office of professional licensure and certification established in RSA 310-A:1 through RSA 310-A:1-~~
15 ~~e.]~~

16 79:324 State Licensed or Certified Real Estate Appraisers; Licensure or Certification Process.
17 Amend RSA 310-B:5 as follows:

18 310-B:5 Licensure or Certification Process.

19 I. Applications for original license or certification, renewal license or certification and
20 examinations shall be made in writing ~~[to the board on forms approved by the board].~~

21 II. Appropriate fees, ~~[as fixed by the board under rules established pursuant to RSA 541-A];~~ shall
22 accompany all applications for original license, certification, renewal license, renewal certification,
23 reciprocal license, and reciprocal certification. An annual federal registration fee shall be collected by the
24 ~~[board]~~ **office** for transmittal to the federal government under Title XI.

25 III. At the time of filing an application for certification or licensure, each applicant shall sign a
26 pledge to comply with the standards set forth in this chapter and state that he understands the types of
27 misconduct for which disciplinary proceedings may be initiated against a certified or licensed real estate
28 appraiser, as set forth in this chapter.

29 79:325 State Licensed or Certified Real Estate Appraisers; Prohibited Conduct. Amend RSA 310-
30 B:5-a as follows:

31 310-B:5-a Prohibited Conduct. A person licensed or certified ~~[by the board]~~ under this chapter, shall,
32 after a hearing, be subject to disciplinary action as provided in RSA 310-B:18 for being convicted in a
33 court of competent jurisdiction of this or any other state, or federal court, of forgery, embezzlement,
34 obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, sexual crimes,
35 drug distribution, arson, physical violence, or any similar offense or offenses; provided that, for the
36 purposes of this section being convicted shall include all instances in which a plea of guilty or nolo
37 contendere is the basis for the conviction, and all proceedings in which the sentence has been deferred or
38 suspended.

39 79:326 State Licensed or Certified Real Estate Appraisers; Criminal History Records Checks. Amend

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1 RSA 310-B:6-a as follows:

2 310-B:6-a Criminal History Record Checks.

3 I. Every applicant for initial licensure shall submit to the [board] *office* a criminal history record
4 release form, as provided by the New Hampshire division of state police, office of safety, which authorizes
5 the release of his or her criminal history record, if any, to the [board] *office*.

6 II. The applicant shall submit with the release form a complete set of fingerprints taken by a
7 qualified law enforcement agency or an authorized employee of the office of safety. The [board] *office*
8 shall submit the criminal history records release form and fingerprint form to the division of state police
9 which shall conduct a criminal history records check through its records and through the Federal Bureau
10 of Investigation. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second
11 set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2
12 attempts, a set of fingerprints is invalid due to insufficient pattern, the [board] *office* may, in lieu of the
13 criminal history records check, conduct the national background check based on personal information.

14 III. Upon completion of the records check, the division of state police shall release copies of the
15 criminal history records to the [board] *office*. The [board] *office* shall maintain the confidentiality of all
16 criminal history records information received pursuant to this section.

17 IV. The applicant shall bear the cost of a criminal history record check.

18 79:327 State Licensed or Certified Real Estate Appraisers; Examination Prerequisites. Amend RSA
19 310-B:8 as follows:

20 310-B:8 Examination Prerequisites.

21 I. As prerequisites to taking the examination for certification as a certified general real estate
22 appraiser, an applicant shall present evidence~~[, satisfactory to the board,]~~ of having completed the
23 required classroom hours in subjects related to real estate appraisal, including instruction related to the
24 Uniform Standards of Professional Appraisal Practice, from an educational source approved by the board,
25 *in accordance with rules adopted by the board pursuant to RSA 541-A*.

26 II. As prerequisites to taking the examination for certification as a certified residential real estate
27 appraiser, an applicant shall present evidence~~[, satisfactory to the board,]~~ of having completed the
28 required classroom hours in subjects related to real estate appraisal, including instruction related to the
29 Uniform Standards of Professional Appraisal Practice, from an educational source approved by the board,
30 *in accordance with rules adopted by the board pursuant to RSA 541-A*.

31 III. As prerequisites to taking the examination for licensure as a licensed residential real estate
32 appraiser, an applicant shall present evidence~~[, satisfactory to the board,]~~ of having completed the
33 required classroom hours in subjects related to real estate appraisal, including instruction related to the
34 Uniform Standards of Professional Appraisal Practice, from an educational source approved by the board,
35 *in accordance with rules adopted by the board pursuant to RSA 541-A*.

36 79:328 State Licensed or Certified Real Estate Appraisers; Experience Requirements. Amend RSA
37 310-B:9, II as follows:

38 II. Each applicant for license or certification shall furnish a signed, detailed listing of the real
39 estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant.

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1 Upon request, the applicant shall make available to the board *or office* for examination a sample of
2 appraisal reports which the applicant has prepared in the course of his or her appraisal practice.

3 79:329 State Licensed or Certified Real Estate Appraisers; Registration of Appraisal Management
4 Companies. Amend RSA 310-B:12-b, I as follows:

5 I. It is unlawful for a person to directly or indirectly engage in or attempt to engage in business as
6 an appraisal management company or to advertise or hold itself out as engaging in or conducting
7 business as an appraisal management company in this state without first obtaining a registration issued
8 by the [board] *office* under the provisions of this chapter.

9 (a) An applicant for registration as an appraisal management company in this state shall
10 submit to the [board] *office* an application using the method prescribed and furnished by the office of
11 professional licensure and certification.

12 (b) In the event a registration process is unavailable upon the effective date of this chapter,
13 an appraisal management company already conducting business in this state may continue to conduct
14 business in accordance with this chapter until the 120th day after a registration process becomes
15 available.

16 79:330 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company
17 Appraiser Credentials. Amend the introductory paragraph of RSA 310-B:12-h, I to read as follows:

18 I. An appraisal management company that applies to the [board] *office* for a registration to do
19 business in this state as an appraisal management company shall not:

20 79:331 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company
21 Appraiser Credentials. Amend the introductory paragraph of RSA 310-B:12-h, III to read as follows:

22 III. Each appraisal management company seeking to be registered in this state shall certify to the
23 [board] *office* on an annual basis on a form prescribed by the [board] *office* that the appraisal
24 management company has systems in place to verify that:

25 79:332 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company;
26 Appraisal Review. Amend RSA 310-B:12-i as follows:

27 310-B:12-i Appraisal Management Company; Appraisal Review. Any employee of, or independent
28 contractor to, an appraisal management company that performs a USPAP Standard 3 review of an
29 appraisal report on property located in this state shall be an appraiser with the proper level of licensure
30 issued by the [board] *office*. Quality control examinations are exempt from this requirement as they are
31 not considered a Standard 3 review.

32 79:333 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company;
33 Registration Number. Amend RSA 310-B:12-m as follows:

34 310-B:12-m Appraisal Management Company; Registration Number.

35 I. The [board] *office* shall issue a unique registration number to each appraisal management
36 company registered in this state pursuant to this chapter.

37 II. The [board] *office* shall maintain a list of the appraisal management companies registered in
38 this state and the registration numbers assigned to such persons.

39 III. An appraisal management company registered in this state shall disclose the registration

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1 number provided to it by the [board] *office* on the engagement documents presented to an appraiser.

2 79:334 State Licensed or Certified Real Estate Appraisers; License or Certificate. Amend RSA 310-
3 B:16, I as follows:

4 I. A license or certificate issued under authority of this chapter shall bear a license or certificate
5 number assigned by the [board] *office*.

6 79:335 State Licensed or Certified Real Estate Appraisers; Repeals. The following provisions of RSA
7 chapter 310-B are hereby repealed:

8 I. RSA 310-B:3-a, relative to penalty.

9 II. RSA 310-B:10, relative to term of licensure.

10 III. RSA 310-B:12, relative to nonresident licensure.

11 IV. RSA 310-B:12-a, relative to temporary practice.

12 V. RSA 310-B:12-e, relative to appraisal management company fee.

13 VI. RSA 310-B:13, relative to renewal.

14 VII. RSA 310-B:13-a, relative to lapse.

15 VIII. RSA 310-B:14, I relative to continuing education.

16 IX. RSA 310-B:18, relative to disciplinary proceedings.

17 X. RSA 310-B:18-b, relative to reissuance of license.

18 XI. RSA 310-B:19, relative to hearings.

19 XII. RSA 310-B:20, relative to fees.

20 XIII. RSA 310-B:21, relative to receipts.

21 XIV. RSA 310-B:23-a, relative to summons.

22 XV. RSA 310-B:24, VII, relative to rulemaking authority.

23 XVI. RSA 310-B:24, IX, relative to the requirements for public information requests.

24 79:336 New Hampshire Real Estate Practice Act; Repeals. The following provisions of RSA chapter
25 331-A are hereby repealed:

26 I. RSA 331-A:7, II relative to fees.

27 II. RSA 331-A:7, IV, relative to fees.

28 III. RSA 331-A:7, V, relative to orders.

29 IV. RSA 331-A:12-a, relative to inactive license status.

30 V. RSA 331-A:15, relative to issuance of licenses.

31 VI. RSA 331-A:17, relative to license amendments.

32 VII. RSA 331-A:18, relative to lapse of license.

33 VIII. RSA 331-A:19, relative to renewal of license.

34 IX. RSA 331-A:24, relative to fees.

35 X. RSA 331-A:25, IV, relative to rulemaking regarding fees.

36 XI. RSA 331-A:25, VII, relative to license certificates.

37 XII. RSA 331-A:25, X, relative to procedures.

38 XIII. RSA 331-A:25, XI, relative to conduct of hearings.

39 XIV. RSA 331-A:25, XIII, relative to procedures for renewal licenses.

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- 1 XV. RSA 331-A:28, relative to disciplinary actions.
2 XVI. RSA 331-A:29, relative to disciplinary procedures.
3 XVII. RSA 331-A:30, relative to hearing procedures.
4 XVIII. RSA 331-A:31, relative to payment by the state.
5 XIX. RSA 331-A:33, relative to immunity.
6 XX. RSA 331-A:34, relative to unlawful practice.
7 XXI. RSA 331-A:35, relative to prosecution.

8 79:337 Professional Bondsmen; Approval and Registration. Amend RSA 598-A:1, as follows:

9 598-A:1 Approval and Registration. *To promote efficiency and economy, eliminate redundancies in*
10 *licensure requirements, reduce administrative costs, and facilitate customer service, the responsibility for*
11 *registration of professional bondsmen shall be transferred to the office of professional licensure and*
12 *certification effective July 1, 2023.* No person proposing to become bail or surety in a criminal case for
13 hire or reward, either received or to be received, shall be accepted as such unless ~~[he]~~ *the person* shall
14 have been approved and registered as a professional bondsman by the ~~[secretary of state or his~~
15 ~~designee]~~ *executive director of the office of professional licensure and certification*; provided, however, no
16 person proposing to become bail or surety in a criminal case in any calendar year after having become
17 bail or surety in criminal cases on 5 separate occasions in said year shall be accepted thereafter during
18 that year as bail or surety unless ~~[he]~~ *the person* shall have been approved and registered as a
19 professional bondsman as provided in this section.

20 79:338 Professional Bondsmen; Fees. Amend RSA 598-A:1-a to read as follows:

21 598-A:1-a Fees.

22 ~~[I.]~~ A person proposing to become bail or surety and registered as a professional bondsman shall
23 pay to the ~~[secretary of state or his designee]~~ *executive director of the office of professional licensure and*
24 *certification* an initial application fee. ~~[of \$400;]~~ The fee shall be deposited in the ~~[general fund by the state~~
25 ~~treasurer as unrestricted revenue]~~ *office of professional licensure and certification fund*.

26 ~~[II. Thereafter, an annual renewal fee of \$100 for the registration in each county of the state~~
27 ~~where a professional bondsman seeks to post bail shall be due and payable to the secretary of state or~~
28 ~~his designee on December 30 for the ensuing year. The fee shall be deposited in the general fund by the~~
29 ~~state treasurer as unrestricted revenue.]~~

30 79:339 Professional Bondsmen; Revocation. Amend RSA 598-A:2 as follows:

31 598-A:2 Revocation. A person who has been accepted as bail or surety, contrary to the provisions of
32 this chapter, shall nevertheless be liable on his obligation as such bail or surety. Approval and registration
33 under this chapter may be revoked at any time by the ~~[secretary of state or his designee]~~ *executive*
34 *director of the office of professional licensure and certification* and shall be revoked in case such a
35 bondsman fails for 30 days after demand to satisfy in full a judgment recovered under RSA 597:33. The
36 county attorney or prosecuting officer obtaining any such judgment which is not satisfied in full within 30
37 days after demand shall immediately notify the ~~[secretary of state or his designee]~~ *executive director of*
38 *the office of professional licensure and certification* or ~~[his]~~ designee in writing.

39 79:340 Professional Bondsmen; List of Professional Bondsmen. Amend RSA 598-A:3, as follows:

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1 598-A:3 List of Professional Bondsmen. The ~~[secretary of state or his designee]~~ ***executive director of***
2 ***the office of professional licensure and certification*** shall furnish all superior court clerks, all district courts
3 having authority to accept bail, all jails, and all police stations with a list of the names of all persons
4 registered as professional bondsmen and shall notify such clerks, courts, jails, and police stations of any
5 change in a bondsman's status. The ~~[secretary of state or his designee]~~ ***executive director of the office of***
6 ***professional licensure and certification*** shall update the list as necessary, but not less than once per year.
7 The list shall include the following statement in bold type: "You are encouraged to contact more than one
8 bail bondsman because not all bail bondsmen charge the same fees or provide the same services." The
9 unaltered list shall be displayed prominently and visibly to defendants in all courts, jails, and police
10 stations. No other list shall be displayed, furnished, or provided.

11 79:341 Professional Bondsmen; Rules. Amend RSA 598-A:4 as follows:

12 598-A:4 Rules of the ~~[Secretary of State or His Designee]~~ ***Executive Director***. All professional
13 bondsmen shall be governed by rules which shall be adopted under RSA 541-A by the ~~[secretary of state~~
14 ~~or his designee]~~ ***executive director of the office of professional licensure and certification***.

15 79:342 Refund of Fees; Repealed License Requirements. Any holder of an active license for a
16 profession whose license requirement is repealed by this act shall be refunded their license fee for their
17 current active license.

18 79:343 Effective Date. Sections 266-341 of this act shall take effect September 1, 2023.

19 79:344 Retirement System; Additional Allowance; Appropriation.

20 I. An additional one-time allowance of \$500 shall be paid during state fiscal year 2024 to retired
21 members of the retirement system receiving an allowance, or any beneficiary of such a member who is
22 receiving a survivorship pension benefit, who are eligible as follows:

23 (a) The member retired with at least 20 years of creditable service;

24 (b) The member retired and has been receiving an allowance for at least 5 years prior to or
25 on July 1, 2023.

26 (c) The annual retirement allowance of the member on June 30, 2023 is not greater than
27 \$40,000.

28 II. The additional allowance shall not become a permanent addition to the member's base
29 retirement allowance.

30 III. The total cost of the additional allowances, as determined by the actuary and certified by the
31 board of trustees of the retirement system, shall be funded from the state general fund in the fiscal year
32 ending June 30, 2023. The sum necessary is hereby appropriated to the board of trustees. The governor
33 is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

34 79:345 Effective Date. Section 344 of this act shall take effect June 30, 2023.

35 79:346 Budget Trailer Bill; Transmission to the Legislature; Changes to Statutory Law. Amend RSA
36 9:2-a to read as follows:

37 9:2-a Transmission to the Legislature; Changes to Statutory Law. Not later than February 15 of the
38 first year of each biennial legislative session, the governor shall transmit to the legislature a document to
39 be known as the trailer bill containing any changes to statutory law deemed necessary for the ensuing

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1 biennium. This document shall be separate from the document known as the budget as provided in RSA
2 9:2 and shall not be considered a budget bill as provided in part II, article 18-a of the New Hampshire
3 constitution. This document shall be available in printed format and at least one electronic computer file
4 format in common use at the time ***and shall be publicly posted on the department of administrative***
5 ***services' website on the date of the transmittal.***

6 79:347 Department of Administrative Services; General Fund Appropriation Lapse; Report. For the
7 biennium ending June 30, 2025, the department of administrative services shall provide a report to the
8 fiscal committee of the general court on the current estimated general fund appropriation lapse for each
9 fiscal year. Said reports shall be due on the 15th day of December, February, April, and June of each
10 fiscal year.

11 79:348 Administrative Services; Public Works Design and Construction; Definition of Project. Amend
12 RSA 21-I:78, IX to read as follows:

13 IX. "Project" means any construction, reconstruction, alteration, or maintenance in any building,
14 plant, fixture, or facility.

15 (a) The term shall include those projects relating to buildings, plants, fixture, or facilities
16 formerly administered through the department of transportation, division of public works.

17 (b) ***The term shall include projects relating to state trails, roads, bridges, and related***
18 ***maintenance and use of facilities under fish and game provisions in title XVIII, public recreation provisions***
19 ***in title XIX, and forestry provisions in title XIX-A. The commissioner may waive requirements for approval***
20 ***by governor and council for short term rentals of equipment contracted for or acquired for the purposes of***
21 ***projects under this subparagraph, provided such projects are reported quarterly to the fiscal committee of***
22 ***the general court.***

23 (c) The term shall not include construction, reconstruction, alteration, or maintenance of
24 highways, bridges, or other items directly related to transportation, which matters shall be managed by the
25 department of transportation.

26 79:349 Revenue Information Management System Account. Amend RSA 21-J:1-b, I to read as
27 follows:

28 I. There is hereby established a nonlapsing revenue information management system account.
29 The state treasurer shall credit the additional revenue from existing taxes collected by the department
30 attributable to implementation of the department's revenue information management system (RIMS), as
31 calculated by the commissioner of the department of revenue administration, to the revenue information
32 management system account from which the treasurer shall pay principal and interest on bonds and notes
33 issued to fund the RIMS project. ***If the revenue information management systems account revenue is not***
34 ***sufficient to cover the principal and interest on the bonds and notes to fund the RIMS project, the governor***
35 ***is authorized to draw a warrant from funds not otherwise appropriated.*** Said funds shall not be used for
36 any other purpose.

37 79:350 New Section; Electronic Licensing, Certification, and Registration System; Department of
38 Agriculture, Markets, and Food. Amend RSA 425 by inserting after section 12 the following new section:

39 425:12-a Electronic Licensing, Certification, and Registration System. The department of agriculture,

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1 markets, and food shall design, establish, and contract with a third party for the implementation and
2 operation of an electronic system to facilitate the handling of all departmental licensing, certification, and
3 registration duties. Such system shall be capable of receiving electronically transmitted product
4 registrations, license applications, certificate applications, and related materials. Authorized users shall
5 be capable of working in offline mode when an Internet connection is not available. The commissioner
6 shall adopt rules under RSA 541-A to govern methods of obtaining, compiling, and maintaining such
7 information it deems necessary to manage such database. The commissioner shall also ensure that the
8 database is secure from unauthorized access or use.

9 79:351 Appropriation; Department of Agriculture, Markets, and Food; Electronic Licensing,
10 Certification, and Registration System. For the purpose of developing an electronic licensing, certification,
11 and registration system under RSA 425:12-a, there is hereby appropriated the sum of \$360,000, for the
12 fiscal year ending June 30, 2024, to the commissioner of the department of agriculture, markets, and food.
13 The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
14 appropriated.

15 79:352 Refuse Reduction; Disposal Prohibited. Amend the section heading of RSA 149-M:27 to read
16 as follows:

17 149-M:27 [~~Refuse Reduction~~] ***Disposal Prohibited***.

18 79:353 New Paragraph; Food Waste Disposal. Amend RSA 149-M:27 by inserting after paragraph IV
19 the following new paragraph:

20 V.(a) Beginning February 1, 2025, any person generating one ton of food waste per week or
21 greater shall not dispose of such waste in a landfill or incinerator provided that:

22 (1) An alternative facility authorized to manage food waste consistent with the provisions
23 of subparagraph (b) is located within 20 miles of the point of generation; and

24 (2) The alternative facility has adequate capacity to accept the food waste.

25 (b) Food waste prohibited from disposal under subparagraph (a) shall be separated from
26 other types of solid waste and managed in accordance with one or more of the following methods, in order
27 of preference:

28 (1) Reduction of the amount generated at the source;

29 (2) Consumption by humans;

30 (3) Consumption by animals;

31 (4) Composting, digestion, or land application as appropriate; and

32 (5) Energy recovery not involving combustion.

33 79:354 Definitions; Food Waste. Amend RSA 149-M:4, IX-a to read as follows:

34 IX-a. ***"Food waste" means the organic residues generated by the handling, preparation, storage,***
35 ***sale, and serving of foods and beverages. "Food waste" includes pre-consumer and post-consumer***
36 ***organic residues, food scraps, and non-petroleum oil used for food preparation provided it does not***
37 ***contain sanitary wastewater.***

38 IX-b. "General permit" means a permit which contains terms and conditions applicable to a
39 specific category of facility, which applies to any facility in that category which has submitted the required

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1 information and agreed to abide by the stated terms and conditions.

2 79:355 Solid Waste; Definitions; Source Reduction. RSA 149-M:4, XXIV is repealed and reenacted
3 to read as follows:

4 XXIV. "Source reduction" means the practice of reducing the quantity or toxicity of waste
5 generated at the source, before recycling, processing, disposal or treatment, by changing the processes
6 that first generated the waste. Source reduction includes waste reduction.

7 79:356 Department of Environmental Services; New Position; Waste Management Specialist III.
8 There is established the position of Waste Management Specialist III to administer the provisions of RSA
9 149-M:27, V. The position shall be funded from the solid waste management fund established under RSA
10 149-R:3.

11 79:357 Effective Date. Sections 352-356 of this act shall take effect January 1, 2024.

12 79:358 Definitions; PFAS Fund and Programs. Amend RSA 485-H:2, IV to read as follows:

13 IV. "PFAS [~~loan~~] **response** fund" means the PFAS [~~remediation loan~~] **response** fund established
14 in RSA 485-H:10.

15 79:359 Implementation of Drinking Water Protection Program; PFAS Response Fund. Amend RSA
16 485-H:3, III-IV to read as follows:

17 III. The department shall adopt rules, and include conditions in loan and grant documents, to
18 ensure that the applicant has made and will make reasonable efforts to obtain and use funds from any
19 liable or potentially liable third party prior to and after taking a loan from the PFAS [~~loan~~] **response** fund or
20 receiving a grant, and that any money received from a liable or potentially liable third party after the loan is
21 provided is applied to early repayment of such loan to the extent reasonable. In addition, the department
22 shall adopt rules establishing criteria to ensure that an applicant shall not be eligible for loans or grants for
23 any project or portion of a project to the extent the negligence of the applicant caused the contamination
24 that resulted in the exceedance of a PFAS drinking water standard.

25 IV. If the department forgives any part of a loan or provides a grant related to costs for a project
26 for which a third party might otherwise be liable, the right to recover payment from such third party shall
27 be subrogated to the department to the extent of such forgiveness or grant. Any money recovered by the
28 department from such third party shall be deposited in the PFAS [~~loan~~] **response** fund.

29 79:360 Implementation of Groundwater, Surface Water and Aquatic Life Protection; PFAS Response
30 Fund. Amend RSA 485-H:4, III-IV to read as follows:

31 III. The department shall adopt rules, and include conditions in loan and grant documents, to
32 ensure that the applicant has made reasonable efforts to obtain and use funds from any liable or
33 potentially liable third party prior to and after taking a loan from the PFAS [~~loan~~] **response** fund or
34 receiving a grant, and that any money received from a liable or potentially liable third party at a later time
35 is applied to early repayment of the loan from the PFAS [~~loan~~] **response** fund to the extent reasonable. In
36 addition, the department shall adopt rules establishing criteria to ensure that an applicant shall not be
37 eligible for loans or grants for any project or portion of a project to the extent the negligence of the
38 applicant caused the contamination that resulted in the exceedance of an applicable PFAS standard.

39 IV. If the department forgives any part of a loan or provides a grant related to costs for a project

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1 for which a third party might otherwise be liable, the right to recover payment from such third party shall
2 be subrogated to the department to the extent of such forgiveness. Any money recovered by the
3 department from such third party shall be deposited in the PFAS [~~loan~~] **response** fund.

4 79:361 New Subparagraph; Duties of the Department; PFAS Response. Amend RSA 485-H:8, I by
5 inserting after subparagraph (d) the following new subparagraphs:

6 (e) Investigating, testing, and monitoring PFAS in soil, groundwater, surface water,
7 wastewater, air, biota, and other media.

8 (f) Conducting scientific investigation to support development of appropriate regulatory
9 standards for PFAS, and development and implementation of treatment and remediation methods for
10 PFAS in air, water, soil and other media.

11 79:362 PFAS Response Fund Established. Amend RSA 485-H:10 to read as follows:

12 485-H:10 PFAS [~~Remediation Loan~~] **Response** Fund Established. There is hereby established in the
13 department the PFAS [~~remediation loan~~] **response** fund which shall be maintained [~~by the state treasurer~~
14 ~~in~~] **as** distinct and separate [~~custody~~] from all other funds[~~, notwithstanding RSA 6:12~~]. The [~~state~~
15 ~~treasurer may invest the~~] PFAS [~~remediation loan~~] **response** fund **shall be invested** in accordance with
16 RSA 6:8. Any earnings on PFAS [~~remediation loan~~] **response** fund moneys shall be added to the PFAS
17 [~~remediation loan~~] **response** fund. All moneys in the PFAS [~~remediation loan~~] **response** fund shall be non-
18 lapsing and shall be continually appropriated to the department. The PFAS [~~remediation loan~~] **response**
19 fund shall be used to fund **departmental duties as outlined in RSA 485-H:8, including loans, grants,** and
20 reimbursements in accordance with this chapter. Funds from any bond proceeds, grants, loan
21 repayments, legislative appropriations, donations, and other funds related to the PFAS [~~remediation loan~~]
22 **response** fund shall be credited to the PFAS [~~remediation loan~~] **response** fund.

23 79:363 Application of Receipts; PFAS Response Fund. Amend RSA 6:12, I(b)(361) to read as
24 follows:

25 (361) Moneys deposited in the PFAS [~~remediation loan~~] **response** fund established in
26 RSA 485-H:10.

27 79:364 PFAS Response Fund. Amend 2022, 326:10 to read as follows:

28 326:10 Appropriation; PFAS [~~Remediation Loan~~] **Response** Fund. The sum of \$25,000,000 for the
29 fiscal year ending June 30, 2022 is hereby appropriated to the PFAS [~~remediation loan~~] **response** fund
30 established under RSA 485-H:10 to fund grants and reimbursements in accordance with RSA 485-H:11.
31 The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
32 appropriated. **Up to 10 percent of the moneys appropriated under this section may be used to fund the**
33 **duties of the department outlined in RSA 485-H:8, I.**

34 79:365 Department of Environmental Services; Appropriation; PFAS Response Fund. The sum of
35 \$2,000,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the PFAS response fund
36 established under RSA 485-H:10 to fund grants and reimbursements in accordance with RSA 485-H:11.
37 The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise
38 appropriated.

39 79:366 Effective Date. Sections 358 -364 of this act shall take effect upon its passage.

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1 79:367 Effective Date. Section 365 shall take effect June 30, 2023.

2 79:368 Purpose and Use; Solid Waste Management Fund. Amend RSA 149-R:4, III to read as
3 follows:

4 III. The department is authorized to solicit funds from ~~[the United States Environmental Protection~~
5 ~~Agency or other agencies that are targeted for making grants consistent with this section]~~ ***any source,***
6 ***including the United States Environmental Protection Agency and other federal agencies, gifts, donations***
7 ***of money, grants, legislative appropriations, or any matching funds and incentives.*** ~~[Such funds, when~~
8 ~~received, may be deposited into the fund, and shall be used for the purposes described in this~~
9 ~~chapter.]~~ ***Notwithstanding RSA 4:8 and RSA 14:30, VI, the commissioner may accept and deposit such***
10 ***funds directly into the solid waste management fund to be used for the purpose described in RSA 149-***
11 ***R:4.***

12 79:369 Appropriation; Solid Waste Management Fund. The sum of \$1,000,000 for the fiscal year
13 ending June 30, 2023 is hereby appropriated to the solid waste management fund established under RSA
14 149-R:3. Of this appropriation, 50 percent shall be used to give priority to projects associated with the
15 reduction and diversion of food, food waste, and other organic wastes until June 30, 2027. The governor
16 is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

17 79:370 Effective Date. Section 369 of this act shall take effect June 30, 2023.

18 79:371 New Section; Superior Court; Land Use Review Docket. Amend RSA 491 by inserting after
19 section 7-a the following new section:

20 491:7-b Land Use Review Docket.

21 I. Without limiting the jurisdiction vested in any court in the state, and subject to the appointment
22 of a presiding justice by the governor with the consent of the executive council as provided in this section,
23 the supreme court may establish by court order not inconsistent with this section, a land use review
24 docket in the superior court which shall have jurisdiction to hear appeals from decisions of local land use
25 boards, including, but not limited to decisions of municipal planning boards, zoning boards, historic district
26 commissions, and conservation commissions. The jurisdiction of this docket shall not include appeals of
27 decisions by state agencies.

28 II. The governor with the consent of the executive council may appoint the first presiding justice
29 of the land use review docket, who shall be qualified by reason of such person's knowledge and
30 experience in land use and real property law. The first presiding justice of the land use review docket
31 shall be an additional justice of the superior court, which shall increase by one the number of authorized
32 justices of the superior court as provided in RSA 491:1. The chief justice of the superior court, following
33 the appointment or designation of the initial presiding justice, may designate such additional justices to
34 preside over cases assigned to the land use review docket, as necessary, based upon caseload,
35 disqualification of the presiding justice, or efficient allocation of judicial resources.

36 III. The presiding justice of the land use review docket shall be an associate justice of the
37 superior court and shall be entitled to the compensation and benefits provided to all such justices under
38 applicable law, including, but not limited to, RSA 491-A:1 and RSA 100-C.

39 IV. The workload of the presiding justice of the land use review docket shall be the matters before

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1 that docket. The presiding justice may be assigned to any other matter within the jurisdiction of the
2 superior court or sit by designation on any other court in the same manner as any other associate justice
3 of the superior court, as determined to be necessary by the chief justices of the superior and supreme
4 courts.

5 V. Subject to the provisions of this section, all appeals to superior court filed pursuant to RSA 677
6 and all proceedings for such appeals, shall be assigned to the land use review docket, including motion
7 practice, discovery, injunctive relief, alternative dispute resolution, and hearing on the merits. Nothing in
8 this section shall affect the concurrent jurisdiction of the housing appeals board to hear appeals within its
9 jurisdiction brought pursuant to RSA 679.

10 VI. The court shall hold a structuring conference within 30 days of its receipt of the notice of
11 appeal. At the structuring conference the court shall set a deadline for the filing with the court of the
12 certified record and shall schedule a hearing on the merits to be held within 60 days of receipt of the
13 certified record. The court shall issue a decision on the merits within 60 days of the hearing. The court
14 may extend any of the deadlines established in this paragraph upon agreement of the parties or for other
15 good cause shown, but if the extension is based upon good cause, the court shall articulate in its order
16 granting the extension the specific facts and circumstances that warrant the extension.

17 79:372 Superior Court; Justices. Amend RSA 491:1 to read as follows:

18 491:1 Justices. The superior court shall consist of a chief justice, appointed by the governor and
19 council to a 5-year term, and [24] **22** associate justices. Said justices shall be appointed and
20 commissioned as prescribed by the constitution and shall exercise the powers of the court unless
21 otherwise provided. The chief justice shall be appointed from among the associate justices. In the event
22 that the chief justice resigns as chief justice or is not reappointed at the expiration of the 5-year term, he or
23 she may return to the position of associate justice, whether or not an associate justice vacancy then
24 exists.

25 79:373 Department of Military Affairs and Veterans Services; Execution of Sentences. Amend RSA
26 110-B:55, I to read as follows:

27 I. Fines may be paid to a military court or to an officer executing its process. The amount of any
28 fine imposed may be noted upon any state roll or account for pay of the delinquent and deducted from any
29 pay or allowance due or thereafter to become due them, until said fine is liquidated; or the same may be
30 collected with lawful costs of collection, as in the case of executions issued in action founded upon torts.

31 ***Fines collected shall be paid over to the state treasurer and credited to the New Hampshire national guard***
32 ***enlistment incentive fund under RSA 110-B:60.***

33 79:374 Department of Military Affairs and Veterans Services; New Hampshire National Guard
34 Enlistment Incentive Program Established. Amend RSA 110-B:60 to read as follows:

35 110-B:60 New Hampshire National Guard Enlistment Incentive Program Established. For the
36 purpose of encouraging enlistment in the national guard there is hereby established a New Hampshire
37 national guard enlistment incentive program. This program authorizes a cash incentive up to [~~\$500~~]
38 ***\$1,000*** to current members of the New Hampshire national guard in the pay grades of E-1 to O-3 or any
39 former member of the New Hampshire national guard for each new or prior service recruit that they bring

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1 into the New Hampshire national guard.

2 79:375 Department of Military Affairs and Veterans Services; Revenue for Enlistment Incentive
3 Program. Amend RSA 110-B:61, I to read as follows:

4 I. There is hereby established a fund to be known as national guard enlistment incentive program
5 fund. Any appropriations received shall be deposited in the fund. Moneys in the fund and any interest
6 earned on the fund shall be used for the purpose of encouraging enlistment in the national guard and shall
7 not be used for any other purpose. The adjutant general shall oversee expenditures from the fund. The
8 moneys in the fund shall be *continually appropriated and* nonlapsing.

9 79:376 Department of Military Affairs and Veterans Services; National Guard Enlistment Incentive
10 Program; Oversight and Administration. Amend RSA 110-B:62 to read as follows:

11 110-B:62 Oversight and Administration. The adjutant general shall ~~[adopt rules pursuant to RSA~~
12 ~~541-A relative to]~~ *establish procedures necessary for* the administration of the enlistment incentive
13 program and relative to its execution by the New Hampshire Army and Air National Guard recruiting
14 offices in coordination with the department of military affairs and veterans services.

15 79:377 Department of Military Affairs and Veterans Services; Postsecondary Educational Assistance;
16 Eligibility Determinations. Amend RSA 110-B:63-d to read as follows:

17 110-B:63-d Eligibility Determinations. Eligibility for educational assistance provided by this
18 subdivision shall be determined and monitored by the adjutant general, who shall *establish* ~~[adopt rules,~~
19 ~~pursuant to RSA 541-A, and]~~ procedures ~~[deemed by the adjutant general to be]~~ necessary to carry out
20 and monitor the educational assistance provided by this subdivision.

21 79:378 Effective Date. Sections 373 - 377 of this act shall take effect 60 days after its passage;
22 provided, however, that if HB 330 of the 2023 regular legislative session becomes law, then sections 373 -
23 377 of this act shall not take effect.

24 79:379 Department of Corrections; Division of Personnel and Information; Personnel Management;
25 Recruitment and Retention Program. RSA 21-H:4, V(a) is repealed and reenacted to read as follows:

26 (a) Personnel management, recruitment, and retention. The department shall develop a
27 program for the recruitment, selection, placement, and retention of qualified applicants for the New
28 Hampshire department of corrections.

29 (1) The program may include expenditures for recruitment and retention activities and
30 incentives, including but not limited to:

31 (A) National Corrections Professionals Week recognition activities at all
32 departmental sites to support employee retention, which may include a paid meal for the site during the
33 week, physical awards and gift cards with a value of less than \$25 as performance incentives based on
34 departmental policies for employee recognition, and items issued to employees that are within the
35 financial scope of the department's current expense appropriations in expenditure class 020.

36 (B) Referral fees or bonuses for active employees or newly hired applicants who
37 have not been employed by the state through a policy approved by the commissioner.

38 (2) Any recruitment or retention incentives received by an employee pursuant to this
39 subparagraph shall not be considered gifts under RSA 15-B.

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1 (3) Referral of applicants by current department employees for the purpose of receiving a
2 referral fee pursuant to this subparagraph shall not be considered a misuse of position under RSA 21-
3 G:23, provided that any rules adopted by the commissioner and any directives issued by the director
4 regarding the referral program shall require that the benefits of the program shall be equally available to
5 all department employees, except as specified in subparagraph (1)(B), and subject to uniform criteria
6 established by the director.

7 (4) Any expenditures made for recruitment or retention incentives pursuant to this
8 subparagraph shall be considered a matter of legislatively-enacted public policy designed to benefit
9 employees and the state, and that is confined exclusively to the public employer by statute as provided in
10 RSA 273-A:1, XI, and which shall not be subject to collective bargaining. Nothing in this paragraph shall
11 be construed to invalidate any portion of a collective bargaining agreement entered into by the state.

12 79:380 New Paragraph; Department of Corrections; Powers and Duties of Commissioner. Amend
13 RSA 21-H:8 by inserting after paragraph XII the following new paragraph:

14 XIII. The commissioner shall have discretionary authority to pay burial and wake expenses in an
15 amount not to exceed \$10,000 for an employee whose death occurs while on duty with the department of
16 corrections and when the deceased employee's next of kin demonstrates an inability to afford the burial or
17 wake expenses.

18 79:381 New Subdivision; Contact Person Notification Program. Amend RSA 106-B by inserting after
19 section 34 the following new subdivision:

Contact Person Notification Program

20 106-B:35 Definitions. As used in this subdivision:

21 I. "Contact person notification program" or "program" means the program developed and
22 operated pursuant to this subdivision.

23 II. "Law enforcement officer" means any state, county, or municipal law enforcement officer.

24 III. "Participating person" means a person:

25 (1) Who voluntarily provides to a law enforcement agency contact information for a
26 person or persons to assist with communications and better assist the person with disabilities by providing
27 law enforcement with vital information on the specific needs to aid the participating person; or
28

29 (2) Who has a legal guardian under RSA 464-A and for whom the legal guardian
30 provides to a law enforcement agency contact information to assist with communications, and better
31 assist the person with disabilities by providing law enforcement with vital information on the specific needs
32 to aid the participating person.

33 106-B:36 Contact Person Notification Program.

34 I. The division of state police shall develop and implement a contact person notification program
35 to assist a law enforcement officer with communications with a participating person during an encounter
36 between the participating person and the law enforcement officer. The program shall provide the law
37 enforcement officer with access to contact information for a person that is voluntarily submitted by a
38 participating person or the legal guardian of a participating person. The program shall be capable of
39 interfacing with the state police online telecommunications system (SPOTS).

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1 II. The division of state police shall develop and implement standards of procedure for the
2 operation of the program for law enforcement agencies consistent with policies adopted by the
3 department of safety. The standards shall address processing the application of a participating person or
4 that person's legal guardian, determining the validity of identity and legal guardianship information,
5 entering contact information into the state police online telecommunications system (SPOTS), procedures
6 for a participating person or that person's legal guardian to withdraw from the program, and procedures for
7 a law enforcement officer to access contact information.

8 79:382 Appropriation; Department of Safety; Contact Person Notification Program. The sum of
9 \$50,000 for the fiscal year ending June 30, 2024 is hereby appropriated to the department of safety,
10 division of state police for establishment and administration of the contact person notification program
11 established in RSA 106-B:36. The governor is authorized to draw a warrant for said sum out of any
12 money in the treasury not otherwise appropriated.

13 79:383 The sum of \$150,000 is hereby appropriated for the fiscal year ending June 30, 2023, to the
14 department of education for the purpose of contracting with the National Student Clearinghouse Student
15 Tracker Program for each public school district in New Hampshire. This appropriation shall not lapse.
16 The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
17 appropriated.

18 79:384 Effective Date. Section 383 of this act shall take effect June 30, 2023.

19 79:385 New Paragraph; Math Learning Communities Program in Public Secondary Schools;
20 Structure. Amend RSA 193-I:2 by inserting after paragraph III the following new paragraph:

21 IV. The community college system of New Hampshire shall annually submit a report listing the
22 New Hampshire high schools that are partners in the math learning communities program to the
23 department of education, the house education committee and the senate education committee no later
24 than October 1. The submitted report shall contain, but not be limited to, the total number of students
25 participating in the advanced mathematical foundation and quantitative reasoning courses; the number of
26 summer institute participants; a summary of student achievement and growth using data based upon the
27 Next-Generation Accuplacer (QAS) exam and the SAT math examination; and any other information as
28 determined by the community college system of New Hampshire.

29 79:386 Appropriation; Community College System of New Hampshire. The sum of \$200,000 for the
30 fiscal year ending June 30, 2024 and the sum of \$200,000 for the fiscal year ending June 30, 2025 are
31 hereby appropriated to the community college system of New Hampshire for the purpose of continuing the
32 math learning communities program in partnership with New Hampshire high schools. The sum
33 appropriated shall be nonlapsing. The governor is authorized to draw a warrant for said sums out of any
34 money in the treasury not otherwise appropriated.

35 79:387 Appropriation; Community College System of New Hampshire; Promise Program. The sum of
36 \$3,000,000 in the fiscal year ending June 30, 2023, is hereby appropriated to the community college
37 system of New Hampshire for the New Hampshire promise program for the purpose of supporting access
38 and affordability of postsecondary education for New Hampshire residents. This appropriation shall not

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1 lapse until June 30, 2025. The governor is authorized to draw a warrant for said sums out of any money
2 in the treasury not otherwise appropriated.

3 79:388 Effective Date. Section 387 of this act shall take effect June 30, 2023.

4 79:389 The sum of \$2,000,000 is hereby appropriated in the fiscal year ending June 30, 2023, to the
5 community college system of New Hampshire to expand workforce credential programs. This
6 appropriation shall not lapse. The governor is authorized to draw a warrant for said sums out of any
7 money in the treasury not otherwise appropriated.

8 79:390 Effective Date. Section 389 of this act shall take effect June 30, 2023.

9 79:391 Duties of the Department of Health and Human Services; Review of Rates for Child Day Care
10 Services. For the biennium ending June 30, 2025, the department of health and human services shall
11 review the rates established for the purchase of child day care services on behalf of eligible persons. This
12 review shall consider the effects of the established rates on current costs, quality and availability of
13 services. The commissioner shall adjust child care eligibility to 85 percent of the state median income as
14 defined by the United States Census Bureau. If at any time the commissioner determines that funding is
15 insufficient to provide services to those meeting the eligibility criteria, he or she shall, to the extent allowed
16 by applicable federal regulations, utilize available federal Temporary Assistance to Needy Families
17 (TANF) reserve funds to cover the amount of the shortfall.

18 79:392 Department of Health and Human Services; Child Care Services. The commissioner of the
19 department of health and human services shall be responsible for determining, on an ongoing basis
20 through June 30, 2025, whether there is sufficient funding in account 05-95-42-421110-2977, class 536,
21 to fund employment-related child care services to avoid a wait list and support greater utilization of
22 employment related childcare. If at any time the commissioner determines that funding is insufficient, he
23 or she shall, to the extent allowed by applicable federal regulations, utilize available federal Temporary
24 Assistant to Needy Families (TANF) reserve funds to cover the amount of the shortfall. The department
25 shall report quarterly to the fiscal committee of the general court on any funds expended on employment-
26 related child care services, including funds budgeted in account 05-95-42-421110-2977 as well as federal
27 TANF funds authorized by this section.

28 79:393 Duties of the Department of Health and Human Services; Child Care Services
29 Reimbursement Rates. For the biennium ending June 30, 2025, the department of health and human
30 services shall set child care services reimbursement rates across all child care programs to match the
31 75th percentile of market rate survey or allow for rates to be set through an alternative "true cost of care"
32 mechanism to be defined by the department of health and human services. If at any time the
33 commissioner determines that funding is insufficient to set service rates at the 75th percentile, the
34 commissioner shall, to the extent allowed by applicable federal regulations, utilize available federal
35 Temporary Assistance to Needy Families (TANF) reserve funds to cover the amount of the shortfall.

36 79:394 Prescription Drug Affordability Board; Funding; Fees Removed. RSA 126-BB:8 is repealed
37 and reenacted to read as follows:

38 126-BB:8 Funding; General Funds and Voluntary Contributions.

39 I. The expenses and cost of operation of the board shall be funded by general funds or by

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1 voluntary contributions deposited in the board's dedicated fund.

2 II. There is established a nonlapsing fund to be known as the New Hampshire prescription drug
3 affordability board administration fund, which shall be kept distinct and separate from all other funds. The
4 fund shall be appropriated to and administered by the board. Voluntary contributions under this section
5 shall be deposited in the fund. The board shall use the fund, consistent with the provisions of this chapter,
6 to receive funds and to reimburse costs incurred by the board. The fund may be used to pay
7 administrative, technical, legal support, or other costs incurred by the board under this chapter. The state
8 treasurer may invest moneys in the fund as provided by law, and all interest received on such investment
9 shall be credited to the fund. The dedicated fund shall be subject to the provisions of RSA 6:12-j.

10 79:395 Prescription Drug Affordability Board; Drug Price Notifications and Disclosures;
11 Confidentiality; Registration; Suspension. RSA 126-BB:9, relative to drug price notifications and
12 disclosures, confidentiality, and registration by the prescription drug affordability board shall be
13 suspended for the biennium ending June 30, 2025.

14 79:396 Prescription Drug Affordability Board. Repeal. RSA 126-BB:10, relative to civil penalties, is
15 repealed.

16 79:397 Prescription Drug Affordability Board; Employee Authorization. RSA 126-BB:2, VI is repealed
17 and reenacted to read as follows:

18 VI. The board shall be administratively attached to the department of health and human services.
19 For a limited time, the board may employ an executive director, who shall be an unclassified employee.
20 The executive director shall be appointed by and serve at the pleasure of the board. Said position shall
21 be effective for no more than 2 years following the date of hire of the individual first selected to fill the
22 position. The board may also employ one contracted employee or more, dependent on the availability of
23 funds.

24 79:398 New Sections; Prescription Drug Affordability Board; Competitive Bid and Financial Reporting
25 Required. Amend RSA 126-BB by inserting after section 10 the following new sections:

26 126-BB:11 Competitive Bid Required. The contracts entered into by the board, including those for
27 consulting services or personal contract services, shall be subject to the competitive bid process. Such
28 contracts shall also be approved by the fiscal committee of the general court, the governor, and the
29 executive council.

30 126-BB:12 Financial Report. The board shall annually report on any moneys spent by the board, the
31 source of such funds, the purpose of spending such funds, and the progress of any project on which the
32 funds were spent. Such report shall be submitted to the fiscal committee of the general court, the
33 committees having jurisdiction over the board in both the house of representatives and the senate, the
34 president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the
35 governor, and the state library.

36 79:399 New Section; Insurance Department; Redundancy Elimination Report. Amend RSA 400-A by
37 inserting after section 67 the following new section:

38 400-A:68 Redundancy Elimination Report. The department of insurance, in collaboration with the
39 prescription drug affordability board established in RSA 126-BB, shall issue a report on the elimination of

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1 redundancies related to the collection, analysis, and reporting on prescription drug prices between the two
2 organizations, including proposed legislation on such elimination, with the overarching goal of promoting
3 efficiency and economy. This report shall be submitted to the health and human services oversight
4 committee established in RSA 126-A:13, the speaker of the house of representatives, the president of the
5 senate, the house clerk, the senate clerk, the governor, and the state library on or before October 1, 2024.

6 79:400 Prospective Repeal. RSA 400-A:68, relative to the redundancy elimination report, is
7 repealed.

8 79:401 Effective Date. Section 400 of this act shall take effect October 1, 2024.

9 79:402 Commission to Evaluate the Effectiveness and Future of the New Hampshire Granite
10 Advantage Health Care Program. RSA 126-AA:4 is repealed and reenacted to read as follows:

11 126-AA:4 Commission to Evaluate the Effectiveness and Future of the New Hampshire Granite
12 Advantage Health Care Program.

13 I. There is hereby established a commission to evaluate the effectiveness and future of the New
14 Hampshire granite advantage health care program.

15 (a) The members of the commission shall be as follows:

16 (1) Three members of the senate, appointed by the president of the senate, one of whom
17 shall be a member of the minority party.

18 (2) Three members of the house of representatives, appointed by the speaker of the
19 house of representatives, one of whom shall be a member of the minority party.

20 (3) The commissioner of the department of health and human services, or designee.

21 (4) The commissioner of the department of insurance, or designee.

22 (5) A representative of each managed care organization awarded contracts as vendors
23 under the Medicaid managed care program, appointed by the governor.

24 (6) A representative of a hospital that operates in New Hampshire, appointed by the New
25 Hampshire Hospital Association.

26 (7) A public member, who has health care expertise, appointed by the senate president.

27 (8) A public member, who currently receives coverage through the program, appointed
28 by the speaker of the house of representatives.

29 (9) A public member representing the interests of small businesses in New Hampshire,
30 appointed by the New Hampshire Association of Chamber of Commerce Executives.

31 (10) A representative of the medical care advisory committee, department of health and
32 human services, appointed by the commissioner of the department of health and human services.

33 (11) A licensed physician, appointed by the New Hampshire Medical Society.

34 (12) A licensed mental health professional, appointed by the National Alliance on Mental
35 Illness New Hampshire.

36 (13) A licensed substance use disorder professional, appointed by the New Hampshire
37 Alcohol and Drug Abuse Counselors Association.

38 (14) An advanced practice registered nurse (APRN), appointed by the New Hampshire
39 Nurse Practitioner Association.

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1 (15) The chairperson of the governor's commission on alcohol and drug abuse
2 prevention, treatment, and recovery, or designee.

3 (b) Legislative members of the commission shall receive mileage at the legislative rate when
4 attending to the duties of the commission.

5 (c) The limitation on commission membership in RSA 14:49, II(c) shall not apply to this
6 commission.

7 II.(a) The commission shall evaluate the effectiveness and future of the program. Specifically the
8 commission shall:

9 (1) Review the program's financial metrics.

10 (2) Review the program's product offerings.

11 (3) Review the program's impact on insurance premiums for individuals and small
12 businesses.

13 (4) Make recommendations for future program modifications, including, but not limited to,
14 whether the program is the most cost-effective model for the long term versus a return to private market
15 managed care.

16 (5) Review up-to-date information regarding changes in the level of uncompensated care
17 through shared information from the department, the department of revenue administration, the insurance
18 department, and provider organizations and the program's impact on insurance premium tax revenues
19 and Medicaid enhancement tax revenue.

20 (6) Evaluate reimbursement rates to determine if they are sufficient to ensure access to
21 and provider capacity for all behavioral health services.

22 (7) Review the reasons beneficiaries are not re-enrolled in the program.

23 (8) Review the program's provider reimbursement rates and overall financing structure to
24 ensure it is able to provide a stable provider network and sustainable funding mechanism that serves
25 patients, communities, and the state of New Hampshire.

26 (b) The commission shall solicit information from any person or entity the commission deems
27 relevant to its study.

28 (c) The commission shall meet at least annually.

29 III. The members of the commission shall elect a chairperson from among the members. Eight
30 members of the commission shall constitute a quorum.

31 IV. On or before November 1, the commission shall make annual recommendations for any
32 proposed legislation to the president of the senate, the speaker of the house of representatives, the
33 senate clerk, the house clerk, and the governor, as appropriate.

34 79:403 Alcohol Abuse Prevention and Treatment Fund; Reference to Funds Transfer Removed.
35 Amend RSA 176-A:1, III to read as follows:

36 III. Moneys received from all other sources other than the liquor commission pursuant to RSA
37 176:16, III, including any community benefit contribution made by New Hampshire's hospitals, shall be
38 disbursed from the fund upon the authorization of the governor's commission on alcohol and drug abuse
39 prevention, treatment, and recovery established pursuant to RSA 12-J:1 and shall not be diverted for any

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1 other purposes. Funds disbursed shall be used for alcohol and other drug abuse prevention, treatment,
2 and recovery services, and other purposes related to the duties of the commission under RSA 12-J:3;
3 ~~provided, however, that funds received from any source other than the liquor commission, pursuant to~~
4 ~~RSA 176:16, III, shall not be used to support the New Hampshire granite advantage health care program~~
5 ~~and shall not be deposited into the fund established in RSA 126-AA:3].~~

6 79:404 Individual Health Insurance Market; Plan of Operation for the High Risk Pool. Amend RSA
7 404-G:5-a, IV(d) to read as follows:

8 (d) An amount not to exceed the lesser of the remainder amount, as defined in RSA 126-
9 AA:1, V, or the amount [~~of revenue transferred from the alcohol abuse prevention and treatment fund~~
10 ~~pursuant to RSA 176-A:1, IV and] **specified in RSA 126-AA:1, V(a) plus** taxes attributable to premiums
11 written for medical and other medical-related services for the newly eligible Medicaid population. The
12 association shall transfer all amounts collected pursuant to this subparagraph to the New Hampshire
13 granite advantage health care trust fund established pursuant to RSA 126-AA:3.~~

14 79:405 New Hampshire Granite Advantage Health Care Program; Definition of Remainder Amount.
15 Amend RSA 126-AA:1, V(a) to read as follows:

16 (a) ***An amount equal to*** the amount of revenue transferred from the alcohol abuse prevention
17 and treatment fund [~~pursuant to RSA 176-A:1, IV] ***in the state fiscal year ending June 30, 2023, adjusted***
18 ***annually by the percentage change in the Consumer Price Index for All Urban Consumers, Northeast***
19 ***Region as published by the Bureau of Labor Statistics, United States Department of Labor. The first such***
20 ***annual adjustment shall be made during the fiscal year ending June 30, 2024. The annual adjustment***
21 ***shall not exceed 5 percent in any fiscal year,***~~

22 79:406 Repeal; Commission. RSA 126-AA:4, relative to reestablishing the commission to evaluate
23 the effectiveness and future of the New Hampshire granite health care advantage program, is repealed.

24 79:407 Extension of the Prospective Repeal of the Granite Health Care Advantage Program. Amend
25 2018, 342:25, II to read as follows:

26 II. Paragraphs III and VII of section 24 of this act shall take effect December 31, [~~2023] **2030**.~~

27 79:408 Repeal; Revenue from Alcohol Abuse Prevention and Treatment Fund. The following are
28 repealed:

29 I. RSA 176-A:1, IV, relative to the transfer of funds from the alcohol abuse prevention and
30 treatment fund to the New Hampshire granite advantage health care trust fund.

31 II. RSA 126-AA:3, I(a), relative to the transfer of funds from the alcohol abuse prevention and
32 treatment fund to the New Hampshire granite advantage health care trust fund.

33 79:409 Liquor Commission Fund; Transfers. For the fiscal year ending June 30, 2024, transfers to
34 the alcohol abuse prevention and treatment fund pursuant to RSA 176:16, III shall be reduced by the
35 actual amount of the final agreed contribution from the Foundation for Healthy Communities, anticipated
36 to take place by December 31, 2023.

37 79:410 Effective Date. Sections 403 - 405, 407, and 408 of this act shall take effect December 31,
38 2023.

39 79:411 Effective Date. Section 406 of this act shall take effect November 1, 2028.

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1 79:412 New Paragraph; Medicaid Enhancement for Children and Pregnant Women. Amend RSA
2 167:68 by inserting after paragraph III the following new paragraph:

3 IV.(a) Pursuant to the state option under the section 5113 of the Consolidated Appropriations Act
4 of 2023 to expand maternity care under Medicaid and section 1902(e)(16) of the Social Security Act (42
5 U.S.C. 1396a(e)), the commissioner of the department of health and human services shall submit, no later
6 than August 15, 2023, a Medicaid state plan amendment to the federal Centers for Medicare and
7 Medicaid Services to establish and implement 12 months of continuous coverage for the entire
8 postpartum period. This benefit shall be available to anyone who received medical assistance under the
9 state plan for all pregnancy-related and postpartum medical assistance available under the state plan
10 through the last day of the month in which the 60-day period (beginning on the last day of her pregnancy)
11 ends, remain eligible under the state plan for medical assistance for the period beginning on the first day
12 occurring after the end of such 60-day period and ending on the last day of the month in which the 12-
13 month period (beginning on the last day of her pregnancy) ends.

14 (b) The medical assistance provided for a pregnant or postpartum woman under this section
15 shall, consistent with Section 1902(e)(16) include all items and services covered under the state plan that
16 are not less in amount, duration, or scope, or are determined by the Secretary to be substantially
17 equivalent, to the medical assistance available for an individual described in subsection (a)(10)(A)(i); and
18 be provided for the individual while pregnant and during the 12-month period that begins on the last day of
19 the individual's pregnancy and ends on the last day of the month in which such 12-month period ends.

20 (c) The purpose of the program shall be, through ensuring continuous coverage for a 12-
21 month postpartum period, to increase identification and mitigation of preventable pregnancy related and
22 pregnancy associated morbidity and mortality, including those related to substance use disorder and
23 mental illness.

24 (d) On January 1, 2024, the commissioner shall begin submitting quarterly reports to the
25 oversight committee on health and human services, the legislative committees with jurisdiction over health
26 and human services, and the governor regarding the department's progress in obtaining and
27 implementing the state plan amendment. The quarterly reports shall include the department's plans for
28 reducing administrative burdens for enrollees and the department's efforts to expand access and
29 participation to voluntary, evidence-based maternal home visiting programs, pursuant to subparagraph
30 (a). Reports submitted under this subparagraph shall also be posted on the department's website.

31 79:413 Appropriation. The sum of \$600,000 for the biennium ending June 30, 2023, which shall not
32 lapse until June 30, 2025, is hereby appropriated to the department of health and human services for the
33 purpose of expanding postpartum health care services under the state Medicaid plan as provided in this
34 act. The governor shall determine if any discretionary funds appropriated in the American Rescue Plan
35 Act of 2021, Public Law 117-2, or any other federal funds, can be used for this purpose, and the
36 commissioner shall expend such federal funds for this purpose. Any remainder shall be appropriated from
37 the general fund. The governor is authorized to draw a warrant for the general fund portion of such sum
38 from any money in the treasury not otherwise appropriated.

39 79:414 Effective Date. Section 413 shall take effect on June 30, 2023.

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1 79:415 New Subdivision; Medicaid Coverage of Certain Birthing, Postpartum, and Newborn Services.
2 Amend RSA 126-A by inserting after section 98 the following new subdivision:

3 Medicaid Coverage of Certain Birthing, Postpartum, and Newborn Services

4 126-A:99 Medicaid Doula Coverage.

5 I. Notwithstanding any other provision of this chapter, doula services shall be covered under the
6 medical assistance for eligible Medicaid beneficiaries.

7 II. As used in this section, "doula services" means services provided by a highly-qualified doula
8 certified by the state pursuant to RSA 310-A:222 and designed to provide physical, emotional, and
9 educational support to pregnant women before, during, and after childbirth. Doula services include the
10 following:

11 (a) Support and assistance during labor and childbirth.

12 (b) Prenatal and postpartum support and education.

13 (c) Breastfeeding assistance and lactation support.

14 (d) Parenting education.

15 (e) Support for a birthing person following loss of pregnancy.

16 III. The department of health and human services is authorized to take any action to include
17 doula services in the medical assistance program, including seeking waivers or amending the Medicaid
18 state plan to provide reimbursement for doulas who provide Medicaid eligible services to eligible Medicaid
19 beneficiaries.

20 IV. Not later than January 31, 2025, the commissioner shall report to the oversight committee on
21 health and human services, the legislative committees with jurisdiction over health and human services,
22 and the governor, a set of metrics determined by the department of health and human services.

23 V. The department shall adopt rules pursuant to RSA 541-A to implement the provisions of this
24 section. The rules shall address the requirements and expertise of practicing doulas, doula training
25 providers, and home visiting experts. Every 2 years, the department shall assess the rates of
26 reimbursement for doula services and adjust rates accordingly.

27 126-A:100 Medicaid Coverage of Lactation Services; Reimbursement Required.

28 I. The department of health of health and human services shall cover lactation services for
29 Medicaid recipients as a pregnancy-related service under New Hampshire's Medicaid program.

30 II. The department is authorized to use the following Medicaid coverage categories to reimburse
31 lactation services:

32 (a) Inpatient hospital services, other than services in an institution for mental disease, per
33 Social Security Act (SSA) section 1905(a)(1);

34 (b) Outpatient hospital services, per SSA section 1905(a)(2)(A) and 42 C.F.R. section
35 440.10;

36 (c) Early and periodic screening, diagnostic, and treatment services for individuals who are
37 eligible under the plan and are under the age of 21, per SSA section 1905(a)(4)(B);

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1 (d) Physicians' services furnished by a physician under the physician's supervision, whether
2 furnished in the office, the patient's home, a hospital, or a nursing facility, or elsewhere, per SSA section
3 1905(a)(5)(A);

4 (e) Services furnished by a nurse-midwife, which the nurse-midwife is legally authorized to
5 perform under State law, per SSA section 1905(a)(17);

6 (f) Freestanding birth center services, per SSA section 1905(a)(28); and

7 (g) Services furnished by nurse practitioners per 42 C.F.R. section 440.166 and other
8 licensed practitioners per 42 C.F.R. section 440.60.

9 III. Reimbursable lactation services shall include:

10 (a) Breastfeeding education;

11 (b) Individual lactation consultation; and

12 (c) Equipment rentals.

13 126-A:101 Medicaid Coverage of Donor Breast Milk; Reimbursement Required.

14 I. The department of health and human services shall provide reimbursement under the medical
15 assistance program for donor breast milk provided to an infant receiving benefits under this chapter by
16 organizations approved by the department if a physician or physician assistant licensed in this state or an
17 advanced practice registered nurse licensed in this state signs an order state the following:

18 (a) The infant is medically or physically unable to receive maternal breast milk or participate
19 in breastfeeding or the infant's mother is medically or physically unable to produce maternal breast milk in
20 quantities sufficient for the infant; and

21 (b) The infant:

22 (1) Was born at a birth weight of less than 1,500 grams;

23 (2) Has a gastrointestinal anomaly or metabolic or digestive disorder or is recovering
24 from intestinal surgery and the infant's digestive needs require additional support;

25 (3) Is not appropriately gaining weight or growing;

26 (4) Has formula intolerance and is experiencing weight loss or difficulty feeding;

27 (5) Has low blood sugar;

28 (6) Has congenital heart disease;

29 (7) Has received or will receive an organ transplant; or

30 (8) Has another medical condition for which donor breast milk is medically necessary.

31 II. The department shall adopt rules pursuant to RSA 541-A to implement the program described
32 in this section.

33 79:416 Medicaid State Plan; Requiring Coverage of Donor Breast Milk. The department of health
34 and human services shall prepare and submit a Medicaid state plan amendment or waiver as necessary
35 to the United States Department of Health and Human Services, Centers for Medicare and Medicaid
36 Services no later than September 30, 2023 that provides or requests, as appropriate, Medicaid coverage
37 consistent with RSA 126-A:101 for the coverage of donor breast milk for eligible infants.

38 79:417 Appropriation; Reimbursement for Donor Breast Milk under the Medicaid Program. The sum
39 of \$250,000 for the biennium ending June 30, 2023, which shall not lapse until June 30, 2025, is hereby

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1 appropriated to the department of health and human services for the purpose of providing reimbursement
2 for donor breast milk for eligible infants under the state Medicaid plan as provided in section 416 of this
3 act. The governor shall determine if any discretionary funds appropriated in the American Rescue Plan
4 Act of 2021, Public Law 117-3, or any other federal funds, can be used for this purpose, and the
5 commissioner shall expend such federal funds for this purpose. Any remainder shall be appropriated from
6 the general fund. The governor is authorized to draw a warrant for the general fund portion of such sum
7 from any money in the treasury not otherwise appropriated. The department of health and human
8 services may accept and expend matching federal funds without prior approval of the fiscal committee of
9 the general court.

10 79:418 Appropriation; Reimbursement for Doulas under the Medicaid Program. The sum of
11 \$300,000 for the biennium ending June 30, 2023, which shall not lapse until June 30, 2025, is hereby
12 appropriated to the department of health and human services for the purpose of providing reimbursement
13 for state-certified doulas under the state Medicaid plan as provided in section 415 of this act. The
14 governor shall determine if any discretionary funds appropriated in the American Rescue Plan Act of
15 2021, Public Law 117-2, or any other federal funds, can be used for this purpose, and the commissioner
16 shall expend such federal funds for this purpose. Any remainder shall be appropriated from the general
17 fund. The governor is authorized to draw a warrant for the general fund portion of such sum from any
18 money in the treasury not otherwise appropriated. The department of health and human services may
19 accept and expend matching federal funds without prior approval of the fiscal committee of the general
20 court.

21 79:419 Appropriation; Reimbursement for Lactation Services under the Medicaid Program. The sum
22 of \$300,000 for the biennium ending June 30, 2023, which shall not lapse until June 30, 2025, is hereby
23 appropriated to the department of health and human services for the purpose of providing reimbursement
24 for lactation services under the state Medicaid plan as provided in section 415 of this act. The governor
25 shall determine if any discretionary funds appropriated in the American Rescue Plan Act of 2021, Public
26 Law 117-2, or any other federal funds, can be used for this purpose, and the commissioner shall expend
27 such federal funds for this purpose. Any remainder shall be appropriated from the general fund. The
28 governor is authorized to draw a warrant for the general fund portion of such sum from any money in the
29 treasury not otherwise appropriated. The department of health and human services may accept and
30 expend matching federal funds without prior approval of the fiscal committee of the general court.

31 79:420 Effective Date. Sections 417-419 of this act shall take effect June 30, 2023.

32 79:421 New Section; Inclusion of Certain Children and Pregnant Women in Medicaid and the
33 Children's Health Insurance Program. Amend RSA 126-A by inserting after section 4-h the following new
34 section:

35 126-A:4-i Inclusion of Certain Children and Pregnant Women in Medicaid and the Children's Health
36 Insurance Program. Pursuant to Section 214 of the Children's Health Insurance Program Reauthorization
37 Act of 2009 (CHIPRA), no later than January 1, 2024, the commissioner of the department of health and
38 human services shall submit to the Centers for Medicare and Medicaid Services (CMS) the state plan
39 amendments required under Medicaid and the Children's Health Insurance Program (CHIP) to expand

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1 coverage to otherwise eligible pregnant women and children who are lawfully residing in the United
2 States. The state plan amendments shall elect the option for children up to age 19 and shall elect the
3 option for pregnant women through the postpartum period. The department of health and human services
4 is authorized to accept and expend any matching federal funds for the purposes of this section without
5 prior approval of the fiscal committee of the general court.

6 79:422 Appropriation: Inclusion of Certain Children and Pregnant Women in Medicaid and the
7 Children's Health Insurance Program. The sum of \$336,000 for the biennium ending June 30, 2025, is
8 hereby appropriated to the department of health and human services for the purpose of funding the state
9 share of the expansion of Medicaid and CHIP to include certain children and pregnant women as provided
10 in this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not
11 otherwise appropriated.

12 79:423 Department of Health and Human Services; Purchase of Scanner. Of the amount
13 appropriated to the department of health and human services in account 05-95-42-421510-6643, Sununu
14 Youth Services Center, for the fiscal year ending June 30, 2024, an amount not to exceed \$325,000 shall
15 be used for the purpose of purchasing a full body scanner.

16 79:424 Transfer Authority; Sununu Youth Services Center. Notwithstanding RSA 9:16-a or any other
17 law to the contrary, for the biennium ending June 30, 2025, the department of health and human services
18 shall have the authority to transfer between all class lines in account 05-95-42-421510-6643, Sununu
19 Youth Services Center.

20 79:425 Declaration of Purpose. New Hampshire voters passed the Right of Privacy into the state
21 constitution in November 2018 with an 81 percent approval. With that vote, state government culture and
22 behavior needed to be shaped by the words, "An individual's right to live free from governmental intrusion
23 in private or personal information is natural, essential, and inherent". The department of health and
24 human services has been subject to the Health Insurance Portability and Accountability Act since 1996
25 which drove initial efforts to develop a culture and infrastructure to protect personal data privacy. As a
26 holder of personal information in state government, the department has a responsibility to demonstrate to
27 the public the state's commitment to actively and overtly respect personal privacy, including privacy of
28 personal information. Establishing and maturing a culture of privacy is core to successfully driving future
29 efforts to implement and enhance privacy policies, procedures, and practices. Continuous improvement
30 requires appropriate governance and policy leadership.

31 79:426 New Subdivision; Data Privacy and Information Technology Security Governance Board.
32 Amend RSA 126-A by inserting after section 101 the following new subdivision:

Data Privacy and Information Technology Security Governance Board

34 126-A:102 Data Privacy and Information Technology Security Governance Board Established. There
35 is hereby established a data privacy and information technology security governance board to oversee the
36 department's use of data, data privacy, and information technology security that shall be maintained by
37 the department of health and human services.

38 126-A:103 Membership; Quorum.

39 I. The data privacy and information technology security governance board shall consist of the

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1 following members:

2 (a) The commissioner of the department of health and human services, who shall serve as
3 the governance board chair.

4 (b) The department's privacy officer.

5 (c) Three directors of the department who have responsibility for one of the following areas:
6 Medicaid services, public health, behavioral health, children, youth and families, or long-term support and
7 services.

8 (d) The director of the department's bureau of human resource management.

9 (e) The director of the department's bureau of information services.

10 (f) The department's chief legal officer.

11 (g) The commissioner of the department of information technology.

12 (h) Up to 2 additional voting members appointed by the commissioner of the department of
13 health and human services, if needed.

14 II. A quorum of this board shall consist of the named positions being in attendance with greater
15 than 50 percent present. Members may delegate authority to represent them for the purposes of
16 maintaining a quorum. The chair of the board may also delegate authority to another appropriate member
17 of the governance board to serve during a specified meeting.

18 126-A:104 Duties.

19 I. The data privacy and information technology security governance board shall:

20 (a) Meet at least 3 times a year and post public facing meeting minutes within 2 weeks of the
21 completion of each meeting on the department's web page.

22 (b) Become educated in what data governance means, how it will work for the organization,
23 and what it means to embrace data governance and activate enterprise data stewards.

24 (c) Actively promote improved data governance practices across the department.

25 (d) Identify and approve of pivotal data governance roles and responsibilities for the
26 department including cross-enterprise domain stewards and coordinators.

27 (e) Advise, review, and approve the department's data control, governance, and privacy
28 practices in compliance with federal and state law and federal and state information privacy and security
29 policies, with the goal to meet or exceed private market benchmarks for governance, risk management,
30 and compliance.

31 (f) Drive strategic and timely implementation of a department-wide privacy policy, related
32 procedures and processes to operationalize policy-derived controls, and effective risk management
33 methodologies, including industry standards such as privacy impact assessments and privacy by design.

34 II. The data privacy and information technology security governance board may solicit
35 information from any person or entity the board deems relevant to its quest.

36 126-A:105 Risk Management.

37 I. The department shall conduct a written risk assessment and mitigation remediation plan in the
38 form of a privacy impact assessment (PIA).

39 II. The assessment and plan shall:

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1 (a) Assess risks to an individual's right to privacy within the department's information
2 technology systems where the individual does not possess immediate control over their information.

3 (b) Recommend alternatives to both mitigate the risks and achieve the stated objectives of
4 the department's systems.

5 (c) Identify those individuals and offices within the department who shall be directly
6 accountable for the assessment and plan, the system at the time the assessment and plan are compiled,
7 and any approved alternatives and mitigations as a result of the assessment and plan.

8 III. Unless otherwise required by law or applicable regulation, no personal information shall be
9 collected prior to the completion of the assessment and plan and any subsequent measures as a result of
10 the assessment and plan, as determined by the governance board for any systems implemented
11 subsequent to March 31, 2025.

12 IV. The assessment and plan shall be approved and may be acted upon by the commissioner.
13 All assessments and plans conducted before the date of the next data privacy and information technology
14 security governance board meeting shall be submitted to the board for review.

15 79:427 Data Privacy and Information Technology Security Governance Board; Specialized
16 Employees Authorized; Appropriation.

17 I. The department is hereby authorized to establish 2 full-time, permanent employees to support
18 and conduct the required data privacy and information technology security assessments, as well as
19 manage the implementation of mitigation efforts and other necessary updates.

20 II. The qualifications of the 2 employees shall include privacy certifications, information systems
21 expertise, and project management and communications experience. Certifications may be deferred for
22 up to 2 years post-hiring.

23 III. The 2 employees shall be classified, full time employees who shall work on assisting in
24 implementing the objectives of the data privacy and information technology security governance board,
25 conducting the privacy assessment and mitigation plan, and other, related data privacy and information
26 technology security activities in the department of health and human services. The classification shall be
27 information technology manager IV, labor grade 32, step 7.

28 IV. The sum of \$300,000 for the biennium ending June 30, 2025 is hereby appropriated to the
29 department of health and human services for the purpose of funding 2 information technology manager IV
30 positions as required in paragraph III of this section. The governor is authorized to draw a warrant for said
31 sum out of any money in the treasury not otherwise appropriated.

32 V. The department is authorized to use contract support available from funds prior to July 1,
33 2025.

34 79:428 Findings. The general court finds that given the statistically significant excess in the number
35 of cases of kidney cancer in Merrimack, New Hampshire found by the department of health and human
36 services, the known detection of environmental contaminants that have been associated with kidney
37 cancer, and a trend of increasing incidence of kidney cancer over time, the department recommends that
38 a feasibility study as determined by the New Hampshire Cancer Concern Investigation Protocol, Phase 3
39 be conducted. The general court further finds that a Phase 3 feasibility study would determine if an

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1 epidemiological study (Phase 4) is warranted and would identify appropriate cancers and health outcomes
2 for inclusion in such study.

3 79:429 Appropriation; Department of Health and Humans Services; Phase 3 Feasibility Study.

4 I. There is hereby appropriated the sum of \$500,000 for the biennium ending June 30, 2025, to
5 the department of health and human services to enter into a contract with an academic or research
6 organization to complete a New Hampshire Kidney Cancer Incidence Phase 3 Feasibility Study for the
7 town of Merrimack to further understand potential exposures that may contribute to the excess of kidney
8 cancer incidence in Merrimack and identify any next steps warranted. Such funds shall be nonlapsing
9 and appropriated to the department for the purposes of this act. The governor is authorized to draw a
10 warrant for said sum out of any money in the treasury not otherwise appropriated.

11 II. In order to provide funding for said appropriation, and subject to prior review by the joint
12 legislative oversight committee on health and human services established in RSA 126-A:13, the
13 department shall first use any available grant funding or any other non-state funds which may be used for
14 this purpose.

15 79:430 General Fund Transfer to Highway Fund. The sum of \$10,000,000 for the fiscal year ending
16 June 30, 2023, is hereby appropriated to the highway fund. This appropriation shall not lapse. The
17 governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
18 appropriated.

19 79:431 Effective Date. Section 430 of this act shall take effect June 30, 2023.

20 79:432 Purpose Statement. The general court finds that people and animals accessing lakes and
21 rivers across the state have been impacted by cyanobacteria blooms, which pose a threat of acute and
22 chronic illnesses from the toxins they release. Many of these blooms have been triggered by phosphorus
23 loading from direct run-off, poor culvert design, inefficient or failed septic systems, internal loading of
24 phosphorus, among other causes. The cost of designing, installing and repairing mitigation systems or
25 projects for many communities, watershed management associations, and lake associations, would result
26 in dramatically higher property taxes or would take many years of fundraising and delay projects
27 exacerbating the problem. The mitigation of contributors to cyanobacteria blooms requires a strategy to
28 protect, preserve, and enhance the water quality that New Hampshire citizens and the natural
29 environment depend upon.

30 79:433 New Subdivision; Cyanobacteria Mitigation Loan Program. Amend RSA 485-A by inserting
31 after section 57 the following new subdivision:

32 Cyanobacteria Mitigation Loan Program

33 485-A:58 Establishment and Implementation of Cyanobacteria Mitigation Loan Program.

34 I. There is established in the department of environmental services the cyanobacteria mitigation
35 loan program. The program shall provide low interest loans to:

36 (a) Municipalities, community water systems and non-profit lake and river watershed
37 associations whose testing shows confirmed and chronic exceedances of the state health advisory for
38 cyanobacteria, for remediation efforts begun after September 30, 2023.

39 (b) Publicly-owned and non-profit lake or river watershed associations that have a watershed

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1 management plan which specifies sources of phosphorus loading approved by the department of
2 environmental services.

3 II. Projects shall only be financed after the applicant's proposed mitigation plan or watershed
4 management plan demonstrates that such plan is the most cost-effective solution, as reviewed and
5 approved by the department of environmental services. The applicant shall provide evidence in the
6 application for funding that there are no no-cost or low-cost efforts that would result in a substantial
7 decrease in external phosphorus loading. The applicant shall also show that there is no responsible party
8 identified by department of environmental services or that the responsible party, potentially including the
9 applicant, has provided their appropriate share of the funding for the proposed project.

10 III. Loans or grants may be made for up to the total cost of the project, after any responsible
11 party's contribution, addressing the contamination.

12 IV. The cyanobacteria mitigation program shall forgive up to 10 percent of the loan principal to
13 community water systems, publicly owned or non-profit lake or river watershed associations using the
14 same qualifying standards for forgiveness used in the drinking water state revolving loan program
15 established under RSA 486:14.

16 V. Total loan forgiveness under this section shall not exceed \$1,000,000 in a fiscal year.

17 485-A:59 Duties.

18 I. The department of environmental services shall:

19 (a) Administer the cyanobacteria mitigation loan and grant program to assist municipalities;
20 community and non-profit, lake and river watershed association; with the cost of reducing the number of
21 chronic and extended cyanobacteria bloom that the department considers to be a threat to long term
22 health of water bodies. For purposes of this subparagraph, administration includes oversight of the grant
23 or loan expenditures to ensure they are not misused.

24 (b) Administer a loan forgiveness program to assist municipalities, community, and non-
25 profit, lake and river watershed association with loan repayment.

26 (c) Award loan or grant funds to projects that meet the following criteria:

27 (1) The project is or was necessary to reduce phosphorus loading identified in an
28 accepted watershed management plan and the applicant for funding is a municipality, a community water
29 system, or a non-profit, lake or river watershed association.

30 (2) The applicant has demonstrated, to the satisfaction of the department, that low or no-
31 cost solutions are neither viable nor effective.

32 (d) Award reimbursements to projects from the fund in a manner consistent with this chapter.

33 II. Every year beginning December 1, 2024, the department of environmental services shall
34 prepare and file a report with the general court evaluating the progress made relative to mitigating
35 cyanobacteria blooms, the efficiency of the program established under this chapter, and whether it
36 continues to provide the maximum benefit to New Hampshire citizens, and providing any
37 recommendations on potential additional tasks for which the fund could be used to address cyanobacteria
38 blooms.

39 485-A:60 Rules. The department of environmental services shall adopt rules, under RSA 541-A,

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1 relative to administering cyanobacteria loan and grant programs for eligible projects.

2 485-A:61 Cyanobacteria Mitigation Loan and Grant Fund Established. There is hereby established in
3 the department of environmental services the cyanobacteria mitigation loan and grant fund which shall be
4 maintained by the state treasurer in distinct and separate custody from all other funds. The state
5 treasurer may invest the fund in accordance with RSA 6:8. Any earnings on fund moneys shall be added
6 to the fund. All moneys in the fund shall be nonlapsing and continually appropriated to the department of
7 environmental services. The cyanobacteria mitigation loan and grant fund shall be used to fund loans,
8 grants, and reimbursements in accordance with this subdivision. Funds from any bond proceeds, grants,
9 loan repayments, legislative appropriations, donations, and other funds shall be credited to this fund.

10 79:434 New Subparagraph; Cyanobacteria Mitigation Loan and Grant Fund. Amend RSA 6:12, I(b)
11 by inserting after subparagraph (387) the following new subparagraph:

12 (388) Moneys deposited in the cyanobacteria mitigation loan and grant fund established
13 in RSA 485-A:61.

14 79:435 Appropriation; Department of Environmental Services. The sum of \$1,000,000 for the fiscal
15 year ending June 30, 2023 is hereby appropriated to the department of environmental services for deposit
16 into the cyanobacteria mitigation loan and grant fund. The governor is authorized to draw a warrant for
17 said sum out of any money in the treasury not otherwise appropriated.

18 79:436 Effective Date. Section 435 of this act shall take effect June 30, 2023.

19 79:437 Committee Established. There is established a committee to study the impact on SNAP and
20 Medicaid changes on free or reduced-price meal average daily membership in residence (ADMR) used in
21 state education aid programs.

22 79:438 Membership and Compensation.

23 I. The members of the committee shall be as follows:

24 (a) Three members of the senate, appointed by the president of the senate.

25 (b) Three members of the house of representatives, appointed by the speaker of the house of
26 representatives.

27 II. Members of the committee shall receive mileage at the legislative rate when attending to the
28 duties of the committee.

29 79:439 Duties. The committee shall study the impact on free or reduced-price meal average daily
30 membership in residence (ADMR) used in state education aid programs in the following ways:

31 I. Relative to the recent expansion of categorical eligibility for the Supplemental Nutrition
32 Assistant Program (SNAP) from 185% to 200% of federal poverty level.

33 II. If the state of New Hampshire should apply to participate in the demonstration projects to
34 evaluate direct certification with Medicaid administered by the United States Department of Agriculture
35 (USDA).

36 III. If the income eligibility under RSA 189:11-a, I(a), relative to free school meals, should be
37 expanded.

38 79:440 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
39 among the members. The first meeting of the committee shall be called by the first-named senate

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1 member. The first meeting of the committee shall be held within 45 days of the effective date of this
2 section. Four members of the committee shall constitute a quorum.

3 79:441 Report. The committee shall report its findings and any recommendations for proposed
4 legislation to the president of the senate, the speaker of the house of representatives, the senate clerk,
5 the house clerk, the governor, and the state library on or before November 1, 2023.

6 79:442 Effective Date. Sections 437 through 441 of this act shall take effect upon its passage.

7 79:443 Youth Detention Center; Construction Funds. Notwithstanding any other act of the legislature
8 or law to the contrary, any secured treatment facility constructed to replace the current Sununu Youth
9 Services Center shall be funded entirely with federal discretionary funds appropriated in the American
10 Rescue Plan Act of 2021, Public Law 117-2, including any funds which have previously been allocated by
11 the governor but which have not been expended. No state general funds shall be appropriated for the
12 purpose of constructing the replacement facility and any funds appropriated to the project shall not be
13 transferred or used for any other purpose.

14 79:444 Department of Health and Human Services; Family Resource Centers; Appropriations.

15 I. The following amounts are appropriated to the department of health and human services :

16 (a) The sum of \$2,000,000 for the state fiscal year ending June 30, 2023, which shall not
17 lapse until June 30, 2025.

18 (b) The sums of \$1,000,000 for the state fiscal year ending June 30, 2024 and \$1,000,000 for
19 the state fiscal year ending June 30, 2025.

20 II. The amounts appropriated in paragraph I shall be to support family resource center (FRC)
21 infrastructure. The appropriations shall be allocated to the FRC facilitating organization to distribute to
22 FRCs. The use of the funds shall include, but not be limited to, better serving families, preparing for FRC-
23 Q designation, enhancing coordination with other early childhood systems, and supporting evidence-
24 based programs such as home visiting programs, ACERT, and community collaborations. The governor
25 is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

26 444-a Effective Date. Subparagraph I(a) of section 444 shall take effect June 30, 2023.

27 79:445 Department of Health and Human Services; System of Care; Appropriation. There is hereby
28 appropriated to the department of health and human services the sum of \$16,500,000 for the biennium
29 ending June 30, 2025, to support residential treatment provider rates as a component of the system of
30 care. The department may accept and expend matching federal funds without prior approval of the fiscal
31 committee. The governor is authorized to draw a warrant for said sum out of any money in the treasury
32 not otherwise appropriated.

33 79:446 Department of Administrative Services; Scheduling Software. Any remainder of the sum
34 appropriated in class 038 to the department of administrative services for the purpose of obtaining and
35 implementing scheduling software shall not lapse until June 30, 2025.

36 79:447 Effective Date. Section 446 of this act shall take effect June 30, 2023.

37 79:448 Appropriation; Building Maintenance Fund. The sum of \$3,600,000 for the fiscal year ending
38 June 30, 2023, is hereby appropriated to the building maintenance fund established in RSA 21-I:11-d to

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1 address deferred maintenance for state-owned buildings. The governor is authorized to draw a warrant
2 for said sum out of any money in the treasury not otherwise appropriated.

3 79:449 Effective Date. Section 448 of this act shall take effect June 30, 2023.

4 79:450 Appropriation; Department of Administrative Services. The sum of \$1,200,000 for the fiscal
5 year ending June 30, 2023, is hereby appropriated to the department of administrative services for the
6 purpose of moving and fit up costs for state agencies. Such funds shall not lapse until June 30, 2025.
7 The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
8 appropriated.

9 79:451 Effective Date. Section 450 of this act shall take effect June 30, 2023.

10 79:452 Appropriation; Building Maintenance Fund. The sum of \$4,600,000 for the fiscal year ending
11 June 30, 2023, is hereby appropriated to the building maintenance fund established in RSA 21-I:11-d for
12 the state house annex renovations. The governor is authorized to draw a warrant for said sum out of any
13 money in the treasury not otherwise appropriated.

14 79:453 Effective Date. Section 452 of this act shall take effect June 30, 2023.

15 79:454 Appropriation; Department of Administrative Services; Circuit Court Facility; Purchase of
16 Land. The location for siting of the new seventh circuit court facility shall be in the city of Rochester, New
17 Hampshire identified on map 0255, lot 0021-0001 on November 1, 2022. Notwithstanding any other
18 provision of law the state, through the department of administrative services, shall be permitted to enter
19 into an agreement to acquire the property from Rochester for the sum of \$1.00 and the sum of \$1.00 is
20 hereby appropriated to the department of administrative services for the biennium ending June 30, 2025
21 for the purpose of purchasing the land from the city of Rochester identified on map 0255, lot 0021-0001 on
22 November 1, 2022. The governor is authorized to draw a warrant for said sum out of any money in the
23 treasury not otherwise appropriated.

24 79:455 Sale of Land; Department of Administrative Services; Circuit Court Facility. Notwithstanding
25 any other provision of law, the state, through the department of administrative services, shall be permitted
26 to enter into an agreement to sell property and facility to the city of Rochester where the current seventh
27 circuit court facility is located on map 0121, lot 0016-0000 on October 1, 2022 for the sum of \$1.00. The
28 sale of the current courthouse and land shall not occur until the new seventh circuit court facility is
29 constructed, furnished, and operating.

30 79:456 Public Officers and Employees; Compensation of Certain State Officers; Health and Human
31 Services Review; Certain Unclassified Employees. Amend RSA 94:1-f, II to read as follows:

32 II. The commissioner of the department of administrative services shall submit the information to
33 an outside consultant retained for the purpose of assessing the appropriate letter grade of unclassified
34 state officers for those positions where the position title does not accurately reflect the job responsibilities.
35 The consultant shall assess the recommended allocation, recommend an alternate allocation, if
36 necessary, and include the reasoning for such allocation in its report. The commissioner shall submit the
37 consultant's report to the joint committee established in RSA 14:14-c, for its review and temporary letter
38 grade allocation. The department of health and human services shall make a contribution from [salary

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1 ~~line appropriations]~~ *an existing appropriation* to the salary adjustment fund pursuant to RSA 99:4 to
2 reimburse for the cost associated with the review of each position.

3 79:457 Department of State; Appropriation. The sum of \$90,000 for the fiscal year ending June 30,
4 2023, is hereby appropriated to the department of state for the purpose of updating annual software
5 subscriptions and additional programming costs for the high-speed scanners enabling additional Accuvote
6 audits to be conducted. Such funds shall be nonlapsing. The governor is authorized to draw a warrant for
7 said sum out of any money in the treasury not otherwise appropriated.

8 79:458 Effective Date. Section 457 of this act shall be effective June 30, 2023.

9 79:459 Retirement System; Service Retirement Benefits; Reduction Age. Amend RSA 100-A:5, I(b)
10 to read as follows:

11 (b) Upon service retirement, an employee member or teacher member of group I shall
12 receive a service retirement allowance which shall consist of a member annuity which shall be the
13 actuarial equivalent of the member's accumulated contributions at the time of retirement, and a state
14 annuity. Prior to the member's attainment of [~~age-65~~] *the member's full retirement age for Social Security*,
15 the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final
16 compensation multiplied by the number of years of creditable service. After attainment of [~~age-65~~] *the*
17 *member's full retirement age for Social Security*, the state annuity, together with the member annuity, shall
18 be equal to 1/66 of the member's average final compensation multiplied by the number of years of
19 creditable service. Provided, however, that a group I member who commenced service on or after July 1,
20 2011 shall not receive a service retirement allowance until attaining the age of 65; but may receive a
21 reduced allowance after age 60 if the member has at least 30 years of creditable service where the
22 allowance shall be reduced, for each month by which the date on which benefits commence precedes the
23 month after which the member attains 65 years of age, by 1/4 of one percent.

24 79:460 Retirement System; Ordinary Disability Retirement Benefits; Reduction Age. Amend RSA
25 100-A:6, I(b)(1)(A) and (B) to read as follows:

26 (A) Prior to the member's attainment of [~~age-65~~] *the member's full retirement age for*
27 *Social Security*, the state annuity, together with the member annuity, shall be equal to 1/60 of the
28 member's average final compensation at the time of [~~his~~] *their* ordinary disability retirement multiplied by
29 the number of years of creditable service at the time of [~~his~~] *their* ordinary disability retirement;

30 (B) After attainment of [~~age-65~~] *the member's full retirement age for Social Security*,
31 the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final
32 compensation at the time of [~~his~~] *their* ordinary disability retirement multiplied by the number of years of
33 creditable service at the time of [~~his~~] *their* ordinary disability retirement;

34 79:461 Retirement System; Accidental Disability Retirement Benefits; Reduction Age. Amend RSA
35 100-A:6, I(d)(1)(A) and (B) to read as follows:

36 (A) Prior to the member's attainment of [~~age-65~~] *the member's full retirement age for*
37 *Social Security*, the state annuity, together with the member annuity, shall be equal to 1/60 of the
38 member's average final compensation at the time of [~~his~~] *their* accidental disability retirement multiplied by
39 the number of years of creditable service at the time of [~~his~~] *their* accidental disability retirement;

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1 (B) After attainment of [age-65] *the member's full retirement age for Social Security*,
2 the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final
3 compensation at the time of [his] *their* accidental disability retirement multiplied by the number of years of
4 creditable service at the time of [his] *their* accidental disability retirement;

5 79:462 New Subdivision; New Hampshire Housing Champion Designation and Grant Program.
6 Amend RSA 12-O by inserting after section 70 (InvestNH) the following new subdivision:

7 New Hampshire Housing Champion Designation and Grant Program

8 12-O:71 New Hampshire Housing Champion Designation.

9 I. The department shall develop a New Hampshire housing champion designation program for all
10 qualifying municipalities. The New Hampshire housing champion designation program shall be voluntary.
11 Each municipality shall have the option, in its sole discretion, to apply to the department to receive the
12 New Hampshire housing champion designation. In exchange for New Hampshire housing champion
13 designation, a municipality shall receive preferential access to state resources including, but not limited
14 to, discretionary state infrastructure funds, as available.

15 II. The department shall adopt rules to establish qualifications and procedures for a municipality
16 to receive the New Hampshire housing champion designation. The designation procedure shall be based
17 on a scoring system.

18 III. Qualifications to receive the New Hampshire housing champion designation shall include:

19 (a) Adoption of such land use regulations and ordinances which the department determines
20 to be necessary to promote the development of workforce housing, as that term is defined in RSA 674:58,
21 and other types of housing necessary for the economic development of the state. In this subdivision,
22 "land use regulations and ordinances" may include, but are not limited to, zoning ordinances adopted
23 pursuant to RSA 674:16, innovative land use controls adopted pursuant to RSA 674:21, subdivision
24 regulations adopted pursuant to RSA 674:35, and site plan regulations adopted pursuant to RSA 674:43.

25 (b) Training of planning board and zoning board of adjustment members using training
26 materials and programs, including online materials and programs, provided by the department pursuant to
27 RSA 673:3-a; or training materials and programs, including online materials and programs, provided by
28 the New Hampshire Municipal Association, that cover the processes, procedures, regulations, and
29 statutes related to the board on which the member serves; or any other training materials and programs,
30 including online materials and programs, approved by the department, that cover the processes,
31 procedures, regulations, and statutes related to the board on which the member serves.

32 (c) Implementation of sewer and water infrastructure improvements intended to support the
33 development of workforce housing, as that term is defined in RSA 674:58, and other types of housing
34 necessary for the economic development of the state.

35 (d) Implementation of public transportation, sidewalks, or other walkability infrastructure
36 intended to support the development of workforce housing, as that term is defined in RSA 674:58, and
37 other types of housing necessary for the economic development of the state.

38 IV. Qualifications to receive the New Hampshire housing champion designation may also include,
39 but are not limited to adoption of financial tools that incentivize the development of workforce housing,

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1 including adoption of the community revitalization tax relief incentive program under RSA 79-E and
2 establishment of municipal economic development and revitalization districts under RSA 162-K.

3 V. Municipalities that receive a New Hampshire housing champion designation shall annually
4 report in a form required by the department. The annual report shall include such measures as the
5 department may determine, including but not limited to land use board applications and approvals and
6 building permits.

7 VI. A New Hampshire housing champion designation shall be valid for 3 years from the date such
8 designation is awarded. A municipality may seek renewal of its New Hampshire housing champion
9 designation for subsequent 3-year periods. The department shall include in the criteria for renewal
10 performance metrics including, but not limited to, the qualifications listed in paragraphs III and IV.

11 VII. Each year the department shall develop a report which describes all actions taken related to
12 the operation of the New Hampshire housing champion designation program in the preceding state fiscal
13 year and assesses the overall impact of the New Hampshire housing champion designation program,
14 including an assessment of the additional housing units produced in the state as a result of the program's
15 operation and incentives. The report required by this paragraph shall be submitted to the governor, the
16 speaker of the house of representatives, and the president of the senate on or before November 1 of each
17 year, beginning in 2024, and upon such submission, the report shall be posted online on the website of
18 the department.

19 12-O:72 Housing Planning and Regulation Municipal Grant Program. The department shall establish
20 a grant program for municipalities to assist them in promoting increased housing production. Subject to
21 availability of funding, the department shall make grants to any municipality for the purpose of
22 consultation or implementation of revising their master plans and land use regulations for the purpose of
23 promoting the production of workforce housing, as that term is defined in RSA 674:58, and other types of
24 housing necessary for the economic development of the state, and to assist them to become eligible for
25 New Hampshire housing champion designation pursuant to RSA 12-O:71. The department shall adopt
26 rules establishing grant eligibility criteria, grant maximums, and grant program administration.

27 12-O:73 Champion Benefits. A municipality which has received designation as a housing champion
28 shall be eligible, subject to the rulemaking in RSA 12-O:75, for the following benefits:

29 I. Housing production municipal grant program. The department shall establish a grant program
30 for municipalities that have made a commitment to facilitating increased housing production.
31 Municipalities that are designated by the department as New Hampshire housing champion communities
32 will be eligible to apply for the grants. Subject to availability of funding, the department shall make grants
33 to any municipality with such a designation on a per-unit basis for workforce housing units for which
34 certificates of occupancy have been issued by the municipality in the preceding state fiscal year. The
35 department shall adopt rules establishing eligibility criteria, per-unit grant maximums, maximum grants per
36 project, a maximum amount that may be granted to any municipality in a year, and grant program
37 administration.

38 II. Housing infrastructure municipal grant and loan program. The department shall establish a
39 grant program for municipalities that are seeking to build infrastructure that will accommodate increased

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1 housing production. Municipalities that are designated by the department as New Hampshire housing
2 champion communities will be eligible to apply for the grants. Subject to availability of funding, the
3 department shall make grants to any municipality, or support the creation of low-interest loan programs for
4 any municipality, with such a designation to provide at least matching funding, as a grant, or all funding,
5 as a loan, for new construction or capacity increases for drinking water, sanitary sewer, stormwater,
6 highway infrastructure, telecommunications, and electrical distribution infrastructure. The department
7 shall adopt rules establishing eligibility criteria, grant maximums, a maximum amount that may be granted
8 to any municipality in a year, and grant program administration.

9 12-O:74 New Hampshire Housing Champion Designation and Grant Program Fund. There is hereby
10 established in the state treasury the New Hampshire housing champion designation and grant program
11 fund, for the purpose of funding the grant programs established in RSA 12-O:72 and, RSA 12-O:73. The
12 fund shall be non-lapsing and shall be continually appropriated to the department.

13 12-O:75 Administrative Rules. The department shall adopt rules pursuant to RSA 541-A to
14 implement the provisions of this subdivision no later than July 1, 2024. During the rulemaking process,
15 the department shall consult with relevant state agencies and entities that administer the programs and
16 funds identified under RSA 12-O:73, II to ensure the rules for the New Hampshire housing champion
17 designation program are not in conflict with the rules of these state agencies and entities.

18 12-O:76 Program Advisory Committee. The department shall establish a New Hampshire Housing
19 Champion program advisory committee to review and make recommendations on initial rules proposed
20 pursuant to RSA 12-O:75. Members of the program advisory committee shall serve without
21 compensation, except that legislative members of the board shall receive mileage at the legislative rate
22 when attending to the duties of the board. The program advisory committee shall consist of:

23 (a) One member of the senate, appointed by the senate president.

24 (b) One member of the house of representatives, appointed by the speaker of the house of
25 representatives.

26 (c) The commissioner of the department of business and economic affairs, or designee.

27 (d) The executive director of the New Hampshire housing finance authority, or designee.

28 (e) The executive director of the community development finance authority, or designee.

29 (f) Two members appointed by the New Hampshire Municipal Association, one representing
30 a city and one representing a town.

31 (g) One member appointed by the New Hampshire Association of Regional Planning
32 Commissions.

33 (h) One member appointed by the New Hampshire Planners Association.

34 79:463 Repeal. RSA 21-O:76, relative to the program advisory committee, is repealed.

35 79:464 Positions Established. The following positions are established within the department of
36 business and economic affairs for the purpose of administering the New Hampshire housing champion
37 designation and grant program established pursuant to RSA 12-O:71 through 12-O:75:

38 Administrator II.

39 Program Specialist IV.

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1 Principal Planner.

2 79:465 Application of Receipts; Dedicated Funds. Amend RSA 6:12, I(b) by inserting after
3 subparagraph (387) the following new subparagraph:

4 (388) Moneys deposited in the New Hampshire housing champion designation and grant
5 program fund established in RSA 12-O:74.

6 79:466 Appropriations; Housing Champion Designation and Grant Program Fund.

7 I. The sum of \$5,000,000 for the fiscal year ending June 30, 2023, which shall not lapse until
8 June 30, 2025, is hereby appropriated to the New Hampshire housing champion designation and grant
9 program fund. The governor is authorized to draw a warrant for said sum out of any money in the treasury
10 not otherwise appropriated.

11 II. The sum of \$250,000 for the fiscal year ending June 30, 2023, which shall not lapse until June
12 30, 2025, is hereby appropriated to the department of business and economic affairs for the purpose of
13 administering the housing champion program. The governor is authorized to draw a warrant for said sum
14 out of any money in the treasury not otherwise appropriated.

15 79:467 Effective Date.

16 I. Section 463 of this act shall take effect July 1, 2033.

17 II. Section 466 of this act shall take effect June 30, 2023

18 79:468 New Subdivision; Commission to Study Hospitality and Tourism Education in New
19 Hampshire. Amend RSA 187-A by inserting after section 44 the following new subdivision:

20 Commission to Study Hospitality and Tourism Education in New Hampshire

21 187-A:45 Commission to Study Hospitality and Tourism Education in New Hampshire.

22 I. There is established a commission to study hospitality and tourism education in New
23 Hampshire. The members of the commission shall be as follows:

24 (a) Two members of the senate, appointed by the president of the senate.

25 (b) Five members of the house of representatives, appointed by the speaker of the house of
26 representatives.

27 (c) The president of the New Hampshire Restaurants and Lodging Association, appointed by
28 that association.

29 (d) One owner or operator of a restaurant in New Hampshire, appointed by the governor.

30 (e) One owner or operator of a hotel or inn in New Hampshire, appointed by the governor.

31 (f) One representative from the New Hampshire community college system, appointed by the
32 chancellor.

33 (g) One representative from the New Hampshire university system, appointed by the
34 chancellor.

35 (h) A representative from a career and technical education center (CTE), appointed by the
36 commissioner of the department of education.

37 II. Legislative members of the commission shall receive mileage at the legislative rate when
38 attending to the duties of the commission.

39 III. The commission shall:

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1 (a) Examine existing hospitality and tourism programs and community colleges and
2 universities statewide, including curriculum and enrollment trends.

3 (b) Work with appropriate state agencies including the department of natural and cultural
4 affairs, division of travel and tourism, to determine state needs and how those needs are being met by the
5 tourism and hospitality programs in the university system and the community college system.

6 (c) Work with other state agencies, as needed.

7 IV. The members of the study commission shall elect a chairperson from among the members.
8 The first meeting of the commission shall be called by the first-named senate member. The first meeting
9 of the commission shall be held within 45 days of the effective date of this section. Seven members of the
10 commission shall constitute a quorum.

11 V. The commission shall report its findings and any recommendations for proposed legislation to
12 the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk,
13 the governor, and the state library on or before November 1, 2023.

14 VI. The commission shall be administratively attached to the department of business and
15 economic affairs, division of travel and tourism development.

16 79:469 Repeal. RSA 187-A:45, relative to a commission to study hospitality and tourism education in
17 New Hampshire, is repealed.

18 79:470 Effective Date.

19 I. Section 469 of this act shall take effect November 1, 2023.

20 II. Section 468 of this act shall take effect upon its passage.

21 79:471 Liquor Commission Funds; Alcohol Abuse Prevention and Treatment Fund. Amend RSA
22 176:16, III to read as follows:

23 III. Five percent of the [~~previous~~] *preceding* fiscal year gross profits derived by the commission
24 from the sale of liquor shall be deposited into the alcohol abuse prevention and treatment fund established
25 by RSA 176-A:1. For the purpose of this section, gross profit shall be defined as total operating revenue
26 minus the cost of sales and services as presented in the state of New Hampshire *annual* comprehensive
27 [~~annual~~] financial report, statement of revenues, expenses, and changes in net position for proprietary
28 funds. *Such deposit shall be processed in 2 installments as follows:*

29 (a) *The commission shall process the initial deposit on or before August 1st of the ensuing*
30 *fiscal year. Such deposit shall be calculated based on an estimate of the preceding fiscal year gross profit*
31 *derived by the commission from the sale of liquor.*

32 (b) *Upon issuance of the audited annual comprehensive financial report pursuant to RSA 21-*
33 *1:8, II(a), the commission shall process a second and final deposit or adjustment.*

34 (c) *If the amount of the initial deposit exceeds the final amount calculated based on the*
35 *audited annual comprehensive financial report pursuant to RSA 21-1:8, II(a), the comptroller shall transfer*
36 *the excess amount from the alcohol abuse prevention and treatment fund established by RSA 176-A:1 to*
37 *the liquor fund.*

38 79:472 Appropriation; Liquor Commission; Handheld Personal Computers. The sum of \$400,000 is
39 hereby appropriated in the fiscal year ending June 30, 2023, to the liquor commission for the purchase of

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1 handheld personal computers for use at the commission's retail stores. This appropriation shall not lapse.
2 Said appropriation shall be a charge against the liquor commission fund under RSA 176:16.

3 79:473 Effective Date. Section 472 of this act shall take effect June 30, 2023.

4 79:474 Legislative Findings. Electric vehicles contribute to the reduction of air pollution in New
5 Hampshire and serve an important role in transitioning the transportation sector to clean energy. Electric
6 vehicles will be a component in the use of battery storage in transactive distribution networks to reduce
7 energy costs and add resilience to the New Hampshire distribution and transmission network. Electric
8 vehicle service equipment availability promotes tourism as well as adoption of electric vehicles by New
9 Hampshire consumers. The adoption of electric vehicles will lead to a decline in New Hampshire road toll
10 revenues derived from transportation fuel taxation, so there should be a fee for electric vehicles to offset
11 these losses of revenue.

12 79:475 New Section; Vehicle Registration Fee to be Collected. Amend RSA 261 by inserting after
13 section 141-b the following new section:

14 261:141-c Electric Vehicle Registration Fee to be Collected.

15 I. Battery electric vehicles, as defined in RSA 236:132, I, shall be assessed a surcharge of \$100
16 on annual registration, and plug-in hybrid vehicles, as defined in RSA 236:132, V shall be assessed a
17 surcharged of \$50, to be deposited in the highway fund. The department of safety, division of motor
18 vehicles shall determine necessary procedures for determining vehicles subject to this surcharge.

19 II. The division of motor vehicles and the department of transportation shall report annually on or
20 before January 1 of each year to the New Hampshire transportation council, speaker, president, and
21 chairs of house and senate transportation committees on the surcharge revenue.

22 79:476 Auxiliary State Police. Amend RSA 106-B:19 to read as follows:

23 106-B:19 Auxiliary State Police. The director is authorized to recruit, train, and organize an auxiliary
24 state police force [~~of not more than 16 persons~~] for the purpose of providing emergency services
25 throughout the state for peacetime or wartime emergencies or threatened emergencies and for
26 augmenting the state police force in such manner as the director may deem appropriate. Notwithstanding
27 other provisions the director may recruit such auxiliary force from retired state or local police. Such
28 auxiliary force shall at all times be under the direction and control of the said director and shall be subject
29 to rules adopted by the director under RSA 541-A and shall be limited to specific hours in any given
30 calendar year for part-time police officers adopted in rules under RSA 541-A by the police standards and
31 training council, pursuant to RSA 106-L:6, III.

32 79:477 New Sections; Northern Border Alliance Program. Amend RSA 21-P by inserting after
33 section 68 the following new sections:

34 21-P:69 Northern Border Alliance Program.

35 I. The commissioner of safety shall establish a northern border alliance program which shall
36 make grants available to other state, county, and local law enforcement agencies, and also provide
37 funding for the division of state police for the following purposes:

38 (a) Overtime costs for officers performing law enforcement activities under this program.

39 (b) Equipment for use in performing law enforcement activities under this program.

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1 (c) Training costs, including overtime backfill, for officers participating in this program.

2 II. The commissioner shall establish protocols and conditions for increased state police patrols
3 and conditions for eligibility for grants to other state, county, and local law enforcement agencies. The
4 protocols and conditions shall focus on reducing the instance of crimes and illicit activity occurring within
5 25 air miles from the Canadian border. The protocols and conditions shall:

6 (a) Establish state police as the lead agency for scheduling patrol and coordination with
7 participating agencies.

8 (b) Ensure that officers assigned to patrols are relieved of taking calls for service absent an
9 emergency.

10 (c) Ensure that the officers assigned to such patrol units have been trained on state and, if
11 applicable, federal policies, laws and constitutional provisions.

12 III. The program shall include the following prohibitions on allowable uses of funds:

13 (a) No funds shall be granted for "purchase of evidence" or for "confidential funds."

14 (b) No funds shall be used for supplanting locally budgeted and approved funds for routine
15 law enforcement.

16 IV. The program shall include semi-annual reporting, to the governor, senate president, and
17 speaker of the house of representatives, which includes measurable program results and a detailed
18 accounting of program funding and uses. The first report shall be submitted on or before December 31,
19 2023.

20 21-P:70 Northern Border Alliance Fund.

21 I. There is hereby established the northern border alliance fund within the department of safety
22 for the purpose of make grants available to other state, county, and local law enforcement agencies, and
23 also provide funding for the division of state police to reduce the instance of crimes and illicit activity in
24 close proximity to the Canadian border. All moneys in the fund shall be nonlapsing and continually
25 appropriated to the department of safety.

26 II. The fund shall be overseen by the commissioner of the department of safety who shall, within
27 180 days of the effective date of this section, establish a process for the application for grants from the
28 fund. Such process shall be established in rules adopted in accordance with RSA 541-A.

29 III. The commissioner of the department of safety may charge administrative costs related to this
30 section to the fund.

31 79:478 Appropriation; Department of Safety; Northern Border Alliance Program.

32 I. The sum of \$1,435,384 for the fiscal year ending June 30, 2023 is hereby appropriated to the
33 department of safety and shall be nonlapsing. This sum shall be expended as follows:

34 (a) \$619,641 shall be expended by state police for the purpose of funding overtime patrols,
35 related training activities and purchase equipment in support of the northern border alliance program.

36 (b) The sum of \$815,743 is hereby appropriated to the department of safety to disburse
37 grants to other state, county, and local law enforcement agencies for the purpose of funding overtime
38 costs for county and local law enforcement officers performing law enforcement activities attributable to
39 the northern border alliance program established in RSA 21-P:69.

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1 II. The governor is authorized to draw a warrant for said sums out of any money in the treasury
2 not otherwise appropriated.

3 79:479 Effective Date. Section 478 of this act shall take effect on June 30, 2023.

4 79:480 Authority and Duties of Police Employees. Amend RSA 106-B:12 to read as follows:

5 106-B:12 Authority and Duties of Police Employees. Police employees shall be ex-officiis constables
6 throughout the state. They shall have statewide authority to enforce all provisions of RSA title XXI relative
7 to motor vehicle laws and the regulations relative to the transportation of hazardous materials, pursuant to
8 RSA 106-A:18 and RSA 106-B:15. The director, division of state police, shall report to the director,
9 division of motor vehicles, all violations of and prosecutions under the motor vehicle laws. Police
10 employees shall have general power to enforce all criminal laws of the state and to serve criminal
11 processes and make arrests, under proper warrants, in all counties. They shall not serve civil processes.
12 No police employee shall act, be used or called upon for service within any town in any industrial dispute
13 unless actual violence has occurred therein, and then only upon order of the governor. When any police
14 employee shall apprehend any person who has committed or attempted to commit a felony the director
15 shall immediately make a report to the attorney and the sheriff of the county and the chief of police of the
16 municipality in which the offense was, or was suspected of being, committed and such cases shall be
17 investigated and prosecuted by said county officials with the cooperation of said police employees.
18 *Further, police employees acting within 25 air miles of the international border with Canada, shall have the*
19 *same authority and powers granted to forest rangers and officials of the division of forests and lands*
20 *pursuant to RSA 227-G:7 and RSA 227-G:8.*

21 79:481 Adjustment of Salaries of State Employees; New Hampshire State Troopers. Amend RSA
22 99:10-a to read as follows:

23 99:10-a New Hampshire State Troopers. Classified New Hampshire state troopers of the division of
24 state police shall be paid in addition to their regular salary, a differential pay in the amount [~~of \$25 per~~
25 ~~week unless otherwise~~] collectively bargained. *Unrepresented state troopers shall receive differential pay*
26 *authorized by the most closely aligned bargaining unit.*

27 79:482 Appropriation; Department of Safety; Protective Glass Installation. The sum of \$100,000 in
28 the fiscal year ending June 30, 2023, is hereby appropriated to the department of safety for the purpose of
29 purchasing and installing protective glass at division of motor vehicles customer counters. This
30 appropriation shall not lapse until June 30, 2025. The governor is authorized to draw a warrant for said
31 sums out of any money in the treasury not otherwise appropriated.

32 79:483 Effective Date. Section 482 of this act shall take effect June 30, 2023.

33 79:484 New Subparagraph; Department of Justice; Consumer Protection and Antitrust Bureau.
34 Amend RSA 21-M:9, II by inserting after subparagraph (u) the following new subparagraph:

35 (v) Investigating and enforcing privacy and security of personal information and data privacy
36 rights.

37 79:485 The Attorney General; Disposition of Consumer Protection Settlement Funds. Amend RSA
38 7:6-f to read as follows:

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1 7:6-f Disposition of Consumer Protection Settlement Funds. Any funds received by the attorney
2 general on behalf of the state or its citizens as a result of any civil judgment or settlement of a claim, suit,
3 petition, or other action under RSA 358-A or related consumer protection statutes shall be deposited in a
4 consumer protection escrow account. The consumer protection escrow account shall at no time exceed
5 ~~[\$5]~~ \$6 million, with any amount in excess of ~~[\$5]~~ \$6 million deposited into the general fund, except as
6 otherwise provided in RSA 126-A:83. The attorney general shall not include language in any consumer
7 protection settlement that restricts any payments to the state for attorneys' fees, investigation and
8 litigation costs, consumer education, or consumer protection enforcement to the consumer protection
9 escrow account or any other account or fund.

10 79:486 Effective Date. Section 485 of this act shall take effect July 1, 2024.

11 79:487 Youth Development Center Claims Administration and Settlement Fund. Amend RSA 21-
12 M:11-a, I(g) to read as follows:

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

15 79:488 Youth Development Center Claims Administration and Settlement Fund. Amend RSA 21-
16 M:11-a, VIII (c)-(f) to read as follows:

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

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

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

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

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

12 79:489 Youth Development Center Claims Administration and Settlement Fund. Amend RSA 21-
13 M:11-a, IX(a) to read as follows:

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

31 79:490 New Sections; Health Care Consumer Protection Trust Fund and Advisory Commission.
32 Amend RSA 7 by inserting after section 6-f the following new sections:

33 7:6-g Health Care Consumer Protection Trust Fund Established.

34 I. In this section:

35 (a) "Acquisition transaction" or "acquisition" means transfer of control, direct or indirect, of a
36 health care organization, or of 25 percent or more of the assets thereof, including, but not limited to,
37 purchases, mergers, leases, gifts, consolidations, exchanges, joint ventures, or other transactions
38 involving transfer of control or of 25 percent or more of assets. However, changes in membership of the
39 governing body of a health care organization occurring through regular election or filling of vacancies in

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1 accordance with the bylaws thereof do not of themselves constitute acquisition transactions within the
2 meaning of this section.

3 (b) "Health care organization" means an entity organized to provide health care services
4 including, but not limited to, hospitals, community health services, and medical-surgical or other
5 diagnostic or therapeutic facilities or services, or an entity operating as a health insurer or health
6 maintenance organization.

7 II. There is hereby established in the state treasury, the health care consumer protection trust
8 fund that shall be kept separate and distinct from all other funds. All proceeds received by the state from
9 any settlement, judgment, or other resolution related to any acquisition or acquisition transaction shall be
10 deposited into the trust fund, provided that any proceeds obtained to reimburse the department of justice
11 pursuant to RSA 356:4-b, or RSA 358-A:6, IV for all costs related to the review, investigation, or litigation
12 of any acquisition or acquisition transaction may be deposited in appropriate funds as designated by the
13 attorney general. The fund may also receive moneys through private contributions or appropriations from
14 the general court. Any amount received in connection with an acquisition or acquisition transaction that
15 would have been deposited into the general fund under RSA 7:6-e or RSA 7:6-f shall be deposited into the
16 trust fund. All moneys in the trust fund shall be nonlapsing and continually appropriated to the department
17 of justice. Any earnings on trust fund moneys shall be added to the trust fund.

18 III. The attorney general shall administer the health care consumer protection trust fund and may
19 only expend funds in the trust fund upon approval by the health care consumer protection advisory
20 commission established in RSA 7:6-h and the governor and council.

21 IV. Funds from the health care consumer protection trust fund shall be expended solely for the
22 purpose of benefiting health care consumers in the state and in accordance with any relevant terms of the
23 settlement, judgment, or other resolution by which the funds were received. Expenditures from the trust
24 fund may include, but are not limited to, expenditures by the department of justice, grants to state
25 agencies, grants to municipalities, or grants to non-governmental recipients.

26 V. The attorney general may, if necessary, negotiate terms in a settlement, judgment, or other
27 resolution that specify a particular use or reasonable restrictions for funds deposited into the health
28 consumer protection trust fund, provided that any specified use must be one that benefits health care
29 consumers in the state.

30 7:6-h Health Care Consumer Protection Advisory Commission Established.

31 I. There is hereby established the health care consumer protection advisory commission, which
32 shall consult with and advise the attorney general relative to the proper administration and management
33 of the health care consumer protection trust fund, as established in RSA 7:6-g, and shall approve all
34 expenditures from that trust fund.

35 II. The commission shall consist of the following members:

36 (a) The attorney general, or designee.

37 (b) The commissioner of the department of health and human services, or designee.

38 (c) The commissioner of the department of insurance, or designee.

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1 (d) One member of the house of representatives, appointed by the speaker of the house of
2 representatives.

3 (e) One member of the senate, appointed by the president of the senate.

4 (f) Two public members with experience in the health care industry, appointed by the
5 governor.

6 III. Each member of the advisory commission shall have one vote, with all actions being taken by
7 an affirmative vote of the majority of present members. Four members shall constitute a quorum. The
8 advisory commission shall elect a chair and vice-chair from among its members. Public members of the
9 advisory commission shall serve 2- year terms.

10 IV. Members of the advisory commission shall receive no compensation except for legislative
11 members who shall receive the legislative rate for mileage when attending to their duties on the
12 commission.

13 V. Meetings of the advisory commission shall be conducted in accordance with RSA 91-A and
14 take place as necessary to ensure efficient and responsible expenditure of funds.

15 VI. The department of justice shall provide administrative support to the advisory commission.

16 79:491 Appropriation; Department of Justice. The sum of \$500,000 for the biennium ending June 30,
17 2025 is hereby appropriated to the department of justice for the purpose of supporting functions identified
18 by the assessment to combat human trafficking in the state, including but not limited to investigation,
19 prosecution, and victim services. Funds may be utilized for grants made to state agencies, municipalities,
20 or non-governmental recipients. The governor is authorized to draw a warrant for said sum out of any
21 money in the treasury not otherwise appropriated.

22 79:492 Appropriation. Department of Justice; New Hampshire Child Advocacy Centers. There is
23 hereby appropriated to the department of justice the sum of \$3,000,000 for the fiscal year ending June 30,
24 2023, which shall not lapse until June 30, 2025 and shall be for the purpose of funding the New
25 Hampshire child advocacy centers. The governor is authorized to draw a warrant for said sum out of any
26 money in the treasury not otherwise appropriated.

27 79:493 Effective Date. Section 492 of this act shall take effect June 30, 2023.

28 79:494 New Hampshire Internet Crimes Against Children Task Force; Appropriation. The sum of
29 \$800,000 for the fiscal year ending June 30, 2023, which shall not lapse until June 30, 2025, is hereby
30 appropriated to the New Hampshire internet crimes against children fund established in RSA 21-M:17 for
31 the purpose of hiring a cybertip manager, increasing hours dedicated to the task force's mission for the
32 investigators who are also employed by affiliate agencies, adding an investigator to cover Grafton and
33 Coos counties, and adding an investigator to cover Cheshire and Sullivan counties, including equipment
34 necessary to outfit some of the added affiliate agencies with computer and software equipment so they
35 may contribute to NHICAC's overall mission. The governor is authorized to draw a warrant for said sum
36 out of any money in the treasury not otherwise appropriated.

37 79:495 Effective Date. Section 494 of this act shall take effect June 30, 2023.

38 79:496 Appropriation; Police Standards and Training. The sum of \$350,000 in the fiscal year ending
39 June 30, 2023, is hereby appropriated to the police standards and training council for the purpose of

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1 funding a court security officer training program and related part-time positions. This appropriation shall
2 not lapse until June 30, 2025. The governor is authorized to draw a warrant for said sums out of any
3 money in the treasury not otherwise appropriated.

4 79:497 Effective Date. Section 496 of this act shall take effect June 30, 2023.

5 79:498 Appropriation; Judicial Council; Public Defender Program. The sum of \$5,600,000 is hereby
6 appropriated to the judicial council for the fiscal year ending June 30, 2023, for the purpose of funding any
7 increases in contract costs for the public defender program. The sum of \$1,200,000 is hereby
8 appropriated to the judicial council for the fiscal year ending June 30, 2023, for the purpose of funding any
9 increases in contract costs for contract counsel. Said sums shall not lapse until June 30, 2025. The
10 judicial council shall report the amounts allocated pursuant to this section to the fiscal committee of the
11 general court within 30 days of said allocation. The report shall include an explanation of the reasons for
12 the need for additional funds in each fiscal year and the sums expended for these purposes during the
13 previous 2 biennia.

14 79:499 Effective Date. Section 498 of this act shall take effect June 30, 2023.

15 79:500 Criminal Procedure in Superior Court; Drug Courts or Alternative Drug Offender Programs.
16 Amend RSA 592-B:9, I(c) to read as follows:

17 (c) The cost of the drug court or alternative drug offender program shall not exceed
18 [~~\$490,000~~] **\$612,500** per judicial district in a large county, [~~\$300,000~~] **\$375,000** in a medium county, and
19 [~~\$200,000~~] **\$250,000** in a small county, based on the number of court filings in each judicial district and
20 subject to annual review by the chief justice of the superior court.

21 79:501 OHRVs; Online Payment of Fees. Amend RSA 215-A:45 to read as follows:

22 215-A:45 Online Payment of Fees. The executive director shall, no later than September 1, 2025,
23 establish any procedures that may be necessary to enable the online payment of *both initial and renewal*
24 registration fees required or imposed under this chapter.

25 79:502 Snowmobiles; Online Payment of Fees. Amend RSA 215-C:59 to read as follows:

26 215-C:59 Online Payment of Fees. The executive director shall, no later than September 1, 2025,
27 establish any procedures that may be necessary to enable the online payment of *both initial and renewal*
28 registration fees required or imposed under this chapter.

29 79:503 Appropriation; Fish and Game Fund. The sum of \$2,000,000 for the fiscal year ending June
30 30, 2023, is hereby appropriated to the fish and game fund. This appropriation shall not lapse. The
31 governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
32 appropriated.

33 79:504 Effective Date. Section 503 of this act shall take effect June 30, 2023.

34 79:505 Department of Natural and Cultural Resources; Division of Parks and Recreation; Bureau of
35 Trails; Grant-in-Aid. For the biennium ending June 30, 2025, and notwithstanding any provision of law or
36 administrative rule to the contrary, the limitations on percentages of grant-in-aid administered by the
37 department of natural and cultural resources, division of parks and recreation, bureau of trails, for the
38 development and maintenance of OHRV trails on private, municipal, state, or federal lands shall be as
39 follows:

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- 1 I. For the grant period of June 1, 2023 to May 31, 2024:
- 2 (a) Eighty percent of the cost of renting equipment required to complete a project.
- 3 (b) Sixty percent of the cost of purchasing trail grooming equipment.
- 4 (c) Eighty percent of the cost of reconditioning trail grooming equipment.
- 5 (d) Eighty percent of the cost of operations for summer trail grading.
- 6 II. For the grant period of June 1, 2024 to June 30, 2025:
- 7 (a) Eighty percent of the cost of renting equipment required to complete a project.
- 8 (b) Sixty percent of the cost of purchasing trail grooming equipment.
- 9 (c) Eighty percent of the cost of reconditioning trail grooming equipment.
- 10 (d) Eighty percent of the cost of operations for summer trail grading.

11 79:506 Appropriation; Department of Natural and Cultural Resources; Hampton Beach State Park.

12 I. The sum of \$150,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the
13 department of natural and cultural resources to conduct a feasibility study relative to improving
14 accessibility for people with disabilities to Hampton Beach State Park while factoring in the wildlife and
15 environmental impact. Said funds shall be continually appropriated to the department and shall not lapse
16 until June 30, 2025.

17 II. The feasibility study shall include recommended locations and specified options for improving
18 accessibility, including, but not limited to, the construction of an accessible walking pier. The study shall
19 also include wildlife and environmental impacts for the recommended locations. The department of
20 natural and cultural resources shall report its findings and any recommendations for proposed legislation
21 to the speaker of the house of representatives, the president of the senate, the house clerk, the senate
22 clerk, the governor, and the state library on or before November 1, 2024.

23 79:507 Effective Date. Section 506 of this act shall take effect June 30, 2023.

24 79:508 Appropriation; Department of Natural and Cultural Resources. There is hereby appropriated
25 to the department of natural and cultural resources the sum of \$1,000,000 for the fiscal year ending June
26 30, 2023, which shall be nonlapsing until June 30, 2025, for the purpose of making renovations and
27 repairs to the Northwood Meadows Lake Dam. The governor is authorized to draw a warrant for said sum
28 out of any money in the treasury not otherwise appropriated.

29 79:509 Effective Date. Section 508 of this act shall take effect June 30, 2023.

30 79:510 Appropriation; Cannon Mountain Tramway. The sum of \$18,000,000 for the fiscal year
31 ending June 30, 2023, which shall be nonlapsing, is hereby appropriated to the department of natural and
32 cultural resources for the maintenance and operation of the tramway at Cannon Mountain. The governor
33 is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

34 79:511 Effective Date. Section 510 of this act shall take effect June 30, 2023.

35 79:512 Department of Environmental Services; Appropriation. There is hereby appropriated to the
36 department of environmental services the sum of \$15,000,000 for the fiscal year ending June 30, 2026,
37 and the sum of \$15,000,000 for the fiscal year ending June 30, 2027, which shall be nonlapsing, for the
38 purpose of making payments to communities for projects that have previously been awarded state aid
39 grant funding for eligible and completed wastewater infrastructure projects per RSA 486 as approved by

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1 the governor and executive council. Any remaining funds not used for making payments on existing
2 grants may be used to award new grants. The governor is authorized to draw a warrant for said sums out
3 of any money in the treasury not otherwise appropriated.

4 79:513 Effective Date. Section 512 of this act shall take effect July 1, 2025.

5 79:514 Department of Environmental Services; Appropriation. The sum of \$9,700,000 for the fiscal
6 year ending June 30, 2023, is hereby appropriated to the department of environmental services for the
7 purpose of funding a new drinking water transmission main between the existing Nashua Core water
8 distribution system and the existing Litchfield water distribution system, including all ancillary projects
9 needed, including, but not limited to booster pumping stations, directional drilling under the Merrimack
10 River, and all associated design and construction permits. This sum shall be nonlapsing. No public utility
11 ratepayer shall be adversely affected by any direct or indirect costs to bring drinking water to any
12 community through any project funded by this appropriation. The governor is authorized to draw a
13 warrant for said sum out of any money in the treasury not otherwise appropriated.

14 79:515 Effective Date. Section 514 of this act shall take effect June 30, 2023.

15 79:516 Pollution Prevention Coordinator. Amend RSA 21-O:16 to read as follows:

16 21-O:16 Pollution Prevention Coordinator. There is established in the [~~office of the commissioner,~~]
17 department of environmental services[;] the position of state pollution prevention coordinator. The
18 coordinator shall be a classified employee qualified by reason of education and experience. It is the intent
19 of the legislature that coordination of pollution prevention efforts shall complement and reinforce existing
20 state, federal, local, and private pollution prevention efforts.

21 79:517 Appropriation; Support of Regional Fisheries Alongside Offshore Wind Energy Development.
22 The sum of \$10,000 for the fiscal year ending June 30, 2023, is hereby appropriated to the department of
23 environmental services for New Hampshire's portion of an effort being led by 11 Atlantic Coast states to
24 sustain a vibrant fishing community that can coexist and thrive alongside offshore wind energy
25 development; the group's efforts are being organized by the Consensus Building Institute and are focused
26 on the establishment of a regional fisheries compensation fund administrator which is a vital component to
27 being able to financially compensate any commercial fisheries negatively impacted by the deployment of
28 offshore wind in the Gulf of Maine or any other body of water. The appropriation shall not lapse until June
29 30, 2025. The governor is authorized to draw a warrant for said sum out of any money in the treasury not
30 otherwise appropriated.

31 79:518 Appropriation; Business Network for Offshore Wind Membership. The sum of \$30,000 for the
32 fiscal year ending June 30, 2023, is hereby appropriated to the department of energy for the purpose of
33 funding New Hampshire membership fees for calendar years 2023, 2024, and 2025 in the Business
34 Network for Offshore Wind. By joining the network, New Hampshire state agencies working on the
35 potential of offshore wind in the Gulf of Maine will have access to the international offshore wind industry
36 and the other states and regional organizations in the United States exploring offshore wind to ensure
37 New Hampshire has the ability and knowledge on how to pursue any opportunities for New Hampshire
38 that will result from offshore wind in the Gulf of Maine. Membership will also provide New Hampshire with
39 a new registry tool to identify the New Hampshire companies interested in offshore wind economic

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1 activities, access to the registries of other states, and access to the association's database of international
2 supply chain data and international offshore wind economic activities data. The appropriation shall not
3 lapse until June 30, 2025. The governor is authorized to draw a warrant for said sum out of any money in
4 the treasury not otherwise appropriated.

5 79:519 Effective Date. Sections 517 and 518 of this act shall take effect June 30, 2023.

6 79:520 Department of Transportation; Municipal Bridges; Appropriation. There is hereby
7 appropriated to the department of transportation the sum of \$10,000,000 for the fiscal year ending June
8 30, 2023, which shall be nonlapsing and expended for municipal bridges by municipalities with existing
9 bridges in the fiscal year ending June 30, 2024. One half of the funds (\$5,000,000) shall be distributed to
10 municipalities with municipally-owned bridges based on each municipality's total bridge deck area per
11 department inventory, as of January 1, 2023. The other half of the funds (\$5,000,000) shall be distributed
12 to municipalities with municipally-owned bridges based on each municipality's share of total state
13 population based on the office of planning and development's population estimate with each municipal
14 population in proportion to the total population of the state as of July 1, 2022. The funds to be distributed
15 under this section shall be in addition to all other state and federal aid specifically authorized by statute.
16 The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
17 appropriated. No funds appropriated under this section shall be used to supplant locally budgeted and
18 approved funds for bridge maintenance or construction. The funds appropriated in this section may be
19 considered unanticipated money under RSA 31:95-b and may be accepted and expended pursuant to
20 RSA 31:95-b, II through IV, whether or not a political subdivision has adopted the provisions of RSA
21 31:95-b.

22 79:521 Department of Transportation; "Apportionment A" Distributions; Appropriation. There is
23 hereby appropriated to the department of transportation the sum of \$10,000,000 for the fiscal year ending
24 June 30, 2023, which shall be nonlapsing and expended as additional "Apportionment A" distributions
25 under RSA 235:23, I, in the fiscal year ending June 30, 2024. The governor is authorized to draw a
26 warrant for said sum out of any money in the treasury not otherwise appropriated. No funds appropriated
27 under this section shall be used to supplant locally budgeted and approved funds for road maintenance or
28 construction. The funds appropriated in this section may be considered unanticipated money under RSA
29 31:95-b and may be accepted and expended pursuant to RSA 31:95-b, II through IV, whether or not a
30 political subdivision has adopted the provisions of RSA 31:95-b.

31 79:522 Effective Date. Sections 520 and 521 of this act shall take effect June 30, 2023.

32 79:523 Appropriation; Department of Transportation; Rural and Urban Transit Agencies. There is
33 hereby appropriated the sum of \$1,883,289 for the fiscal year ending June 30, 2023, which shall be
34 nonlapsing until June 30, 2025, to the department of transportation for the purpose of providing a state
35 operating match for rural and urban transit agencies to access additional available federal funds. The
36 governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
37 appropriated.

38 79:524 Effective Date. Section 523 of this act shall take effect June 30, 2023.

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1 79:525 Appropriation; Vehicle and Equipment Replacements. The sum of \$4,786,036 in the fiscal
2 year ending June 30, 2023, is hereby appropriated to the department of transportation for the purpose of
3 vehicle and equipment replacements, including any associated outfitting costs. This appropriation shall
4 not lapse until June 30, 2025. The governor is authorized to draw a warrant for said sums out of any
5 money in the treasury not otherwise appropriated.

6 79:526 Effective Date. Section 525 of this act shall take effect June 30, 2023.

7 79:527 Department of Transportation; Appropriation; Eastern Slopes Regional Airport. The sum of
8 \$100,000 for the fiscal year ending June 30, 2023, which shall not lapse until June 30, 2025, is
9 appropriated to the department of transportation, aeronautics division for the purpose of providing local
10 matching funds for Federal Aviation Administration grants to support the Eastern Slopes Regional Airport,
11 located in Fryeburg, Maine and serving Conway, New Hampshire. The governor is authorized to draw a
12 warrant for said sum out of any money in the treasury not otherwise appropriated.

13 79:528 Effective Date. Section 527 of this act shall take effect June 30, 2023.

14 79:529 E-Z Pass Collection and Enforcement; Unpaid Tolls. Amend RSA 237:16-c, V to read as
15 follows:

16 V. For effective toll collection enforcement, the department of transportation and the department
17 of safety may accept a request from another state to [~~deny~~] *suspend* registration [~~renewal~~] privileges for a
18 vehicle registration plate in accordance with RSA 263:56-f for unpaid tolls incurred in the other state,
19 provided that the other state represents that the request is in keeping with criteria for [~~denial~~] *suspension*
20 of registration [~~renewal~~] privileges as set forth in the states' respective reciprocal toll collection
21 enforcement agreement. Any costs incurred for the implementation of software to effectuate reciprocal
22 toll collection enforcement agreements shall be reimbursed from the turnpike fund.

23 79:530 Public Awareness Campaign on Brain Health, Alzheimer's Disease, and Related Dementias.
24 The department of health and human services, in partnership with the state commission on aging
25 established in RSA 19-P:1, the health and human services oversight subcommittee on Alzheimer's and
26 other related dementia established in RSA 126-A:15-a, the New Hampshire Medical Society, and the
27 Alzheimer's Association, shall develop a public awareness campaign on brain health, Alzheimer's disease
28 and related dementias, and incorporate the campaign into its existing, relevant public health outreach
29 programs on an ongoing basis. In conjunction with the appropriate training entities, the public awareness
30 campaign shall make informational materials available to:

31 I. Educate the health care community and the general public on the importance of early detection
32 and timely diagnosis of cognitive impairment, clinically accepted and recognized cognitive assessment
33 tools, and the value of a Medicare Annual Wellness visit for cognitive health; and

34 II. Increase public understanding and awareness of early warning signs of Alzheimer's disease
35 and other types of dementia, the value of early detection and diagnosis, and how to reduce the risk of
36 cognitive decline, particularly among persons in diverse communities who are at greater risk of developing
37 Alzheimer's disease and other types of dementia; and

38 III. Inform the health care community and the general public of resources and services available
39 to individuals living with dementia and their families and caregivers, in partnership with the state

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1 commission on aging, the subcommittee on Alzheimer's and other related dementia, the New Hampshire
2 Medical Society, and the Alzheimer's Association.

3 79:531 Appropriation; Department of Health and Human Services; Public Awareness Campaign on
4 Brain Health, Alzheimer's Disease and Related Dementias.

5 I. The sum of \$500,000 for the fiscal year ending June 30, 2023, is hereby appropriated to the
6 department of health and human services for the purposes of hiring a contractor, through a competitive
7 bidding process, to develop and implement a public awareness campaign on brain health, Alzheimer's
8 disease and related dementias. This appropriation shall not lapse until June 30,2025. The governor is
9 authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

10 II. The department shall issue a request for proposals (RFP) on or before January 1, 2024, for the
11 purposes of this section. The RFP shall provide for detailed outcome and performance measurements as
12 well as a comprehensive evaluation and review of the overall effectiveness of the campaign and
13 continuous monitoring on whether key goals for educational outreach have been achieved at benchmark
14 periods during the campaign.

15 III. Furthermore, nothing in the campaign shall be construed or interpreted to expand the current
16 continuing medical education requirements as set forth in RSA 329:16-g or to endorse a particular
17 medical or therapeutic treatment or a specific pharmaceutical product or treatment.

18 79:532 Reporting Requirement; Public Awareness Campaign. On or before October 1, 2023, the
19 department of health and human services shall submit a draft plan for review to the joint legislative
20 oversight committee on health and human services established in RSA 126-A:13 prior to implementation
21 of the public awareness campaign. Thereafter, beginning on January 1, 2024, the department shall
22 provide quarterly progress reports to the oversight committee on the implementation of the campaign. At
23 the conclusion of the public awareness campaign, the department shall submit a final report to the
24 speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the
25 governor, the state library, the oversight committee, the state commission on aging, the subcommittee on
26 Alzheimer's and other related dementia, the senate committee on health and human services, the house
27 committee on health, human services and elderly affairs, and the senate and house finance committees
28 outlining the impact of the campaign and any related findings or recommendations for legislation on or
29 before November 1, 2024.

30 79:533 Effective Date. Section 531 of this act shall take effect June 30, 2023.

31 79:534 Department of Health and Human Services. Appropriation; Child Care Programs.

32 I. The sum of \$15,000,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the
33 department of health and human services for the purpose of financing recruitment and retention bonus
34 and benefit grants for New Hampshire child care employers. Said funds shall not lapse until June 30,
35 2025. The governor is authorized to draw a warrant for said sums out of any money in the treasury not
36 otherwise appropriated.

37 II. Eligible child care programs shall be programs operating in New Hampshire with an active
38 child care license or that are license-exempt and enrolled in the department of health and human services
39 child care scholarship program. These programs shall include those who serve children from birth

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1 through age 12 and are also referred to as center-based, family-based, early childhood education, early
2 learning, outside of school time, before and after school, and summer camp programs, as well as non-
3 profit and privately-owned center-based and family-based child care programs.

4 III. The department shall develop and implement a grant application process for eligible
5 programs, and may consider additional grant amounts for child care programs enrolled in or in preparation
6 to enroll in the granite steps for quality in recognition of their extra effort and commitment to continuous
7 quality improvement. Grant amounts shall be determined by the department after all applications have
8 been received and approved.

9 IV. Grants received by the programs may be used in the following ways:

10 (a) Deposit into an eligible, tax-advantaged Health Savings Account or Flexible Spending
11 Account;

12 (b) Mentor credentialing and support networks for mentors;

13 (c) Sign-on and/or retention incentives and/or wage increases;

14 (d) Professional costs such as training hours, CPR, or memberships in professional
15 organizations;

16 (e) Child care tuition assistance;

17 (f) Credit towards the employee's share of the cost of their health insurance plan;

18 (g) Paid time off equivalent;

19 (h) Child care tuition discount;

20 (i) Student loan repayment;

21 (j) Telemedicine coverage; or

22 (k) Payment towards a physical, first-aid certification, CPR certification, background check, or
23 other credential required for the child care position.

24 V. If grant application requests exceed available funding, preference shall be given to eligible
25 child care programs which are:

26 (a) Enrolled in New Hampshire's child care scholarship program; and

27 (b) Connected to the work of their related early childhood regional network, as determined by
28 the department.

29 VI. The department of health and human services shall incorporate in its biennial appropriation
30 request pursuant to RSA 9:4 an amount necessary to fully fund the child care workforce programs
31 contained in this section.

32 79:535 Effective Date. Section 534 of this act shall take effect June 30, 2023.

33 79:536 Child Care Scholarship Program. For the biennium ending June 30, 2025, the department of
34 health and human services shall modify the child care scholarship program by removing the parent cost-
35 share for any eligible family at or below 100 percent of the federal poverty level and assigning a \$5 per
36 week cost share for families greater than 100 percent and at or below 138 percent. If at any time the
37 commissioner determines that funding is insufficient to satisfy the requirements of this section, the
38 commissioner shall, to the extent allowed by applicable federal regulations, utilize available federal
39 Temporary Assistance to Needy Families (TANF) reserve funds to cover the amount of the shortfall.

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1 79:537 Appropriation; Department of Health and Human Services; Integrated Eligibility System.
2 There is hereby appropriated the sum of \$167,700 for the fiscal year ending June 30, 2023, which shall be
3 nonlapsing until June 30, 2025, to the department of health and human services for the purpose of funding
4 an audit of the integrated eligibility system. The department may accept and expend matching federal
5 funds without prior approval of the fiscal committee. The governor is authorized to draw a warrant for said
6 sum out of any money in the treasury not otherwise appropriated.

7 79:538 Effective Date. Section 537 of this act shall take effect June 30, 2023.

8 79:539 Department of Health and Human Services; Juvenile Diversion; Supplemental Appropriation.
9 The sum of \$300,000 for the fiscal year ending June 30, 2024, and the sum of \$300,000 for the fiscal year
10 ending June 30, 2025 are hereby appropriated to the department of health and human services for the
11 purpose of extending existing grants to the certified juvenile diversion providers who provide diversion
12 services pursuant to RSA 169-B:10. Any unexpended funds remaining from the appropriations made in
13 2019, 346:371 and 2021, 91:421 shall not lapse and may be used for the purposes of this section. The
14 governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise
15 appropriated.

16 79:540 Department of Health and Human Services; Juvenile Diversion; Supplemental Appropriation.
17 The sum of \$600,000 for the fiscal year ending June 30, 2023, which shall not lapse until June 30, 2025,
18 is hereby appropriated to the department of health and human services for the purpose of extending
19 existing grants to the certified juvenile diversion providers who provide diversion services pursuant to RSA
20 169-B:10. The governor is authorized to draw a warrant for said sums out of any money in the treasury
21 not otherwise appropriated.

22 79:541 Effective Date. Section 540 of this act shall take effect June 30, 2023.

23 79:542 Appropriation; Vaccine Administration. The sum of \$20,000 for the biennium ending June 30,
24 2023, which shall not lapse until June 30, 2025, is appropriated to the department of health and human
25 services for the purpose of providing funding to public health departments to administer vaccinations to
26 persons when such vaccinations are ineligible for funding under the federal Section 317 Immunization
27 Program. The governor is authorized to draw a warrant out of funds not otherwise appropriated.

28 79:543 Effective Date. Section 542 of this act shall take effect June 30, 2023.

29 79:544 Department of Health and Human Services; Rural Health and Primary Care; Report. On or
30 before July 1, 2024, the department of health and human services shall submit a report with its findings
31 and legislative recommendations to the chair of the senate health and human services committee, the
32 chair of the house health, human services and elderly affairs committee, and the governor relative to
33 implementing area health education centers and advanced training programs for rural health and primary
34 care personnel including, but not be limited to, a rural residency program for family medicine physicians.

35 79:545 Appropriation; Department of Health and Human Services; Transitional Housing Beds.
36 Amend 2021, 91:408 to read as follows:

37 91:408 Appropriation; Department of Health and Human Services; Transitional Housing Beds. There
38 is hereby appropriated to the department of health and human services the sum of \$6,000,000 for the
39 fiscal year ending June 30, 2021, which shall be nonlapsing until [~~June 30, 2023~~] **June 30, 2025**, for the

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1 purposes of increasing rates paid for transitional housing beds and for funding new transitional housing
2 beds for forensic patients and/or patients with complex behavioral health conditions including those
3 transitioning from the New Hampshire hospital, *addressing emergency room boarding efforts, ensuring*
4 *compliance with the community mental health agreement, and supporting behavioral health crisis*
5 *response initiatives*. In addition, any unspent funds from the appropriation made under 2019, 346:221
6 may be used for the purposes of this section. The governor is authorized to draw a warrant for said sum
7 out of any money in the treasury not otherwise appropriated.

8 79:546 Effective Date. Section 545 of this act shall take effect June 30, 2023.

9 79:547 Department of Health and Human Services; Developmental Services; Pilot Program. Amend
10 2022, 272:9, V to read as follows:

11 V. [~~On or before February 1, 2023,~~] The department shall *semi-annually* provide a detailed report
12 of the pilot program plan to the senate health and human services committee, the senate finance
13 committee, the house children and family law committee, the house health, human services and elderly
14 affairs committee, the house finance committee, the oversight committee on health and human services
15 established in RSA 126-A:13, and the fiscal committee of the general court. The report shall include data
16 on utilization, including the number of individuals seeking services in accordance with paragraph I, the
17 number of individuals provided services as part of the pilot program, the types of specific services
18 provided for each individual, the total cost of the services provided, *the number of individuals who applied*
19 *for funds each 6-month period, the number of applications approved, the number of applications denied*
20 *and the reasons for denial*, and other relevant information necessary to assess the pilot program for
21 statewide expansion as part of the state budget for the biennium ending June 30, 2025.

22 79:548 Appropriation; Developmental Services; Pilot Program. Amend 2022, 272:9 VII to read as
23 follows:

24 VII. There is hereby appropriated to the department of health and human services the sum of
25 \$2,800,000, for the fiscal year ending June 30, 2023, for the purpose of implementing the pilot program
26 plan or the pilot itself, for developmental services established in this section. *This appropriation shall not*
27 *lapse until June 30, 2025*. Additionally, the department may accept and expend any applicable federal
28 funds, and any gifts, grants, or donations that may be available for the purposes of the pilot program. In
29 the event of any remaining funds not otherwise expended after reaching the cap of serving 20 eligible
30 individuals under the pilot program, the department may allocate funding and provide services to
31 additional eligible individuals. The governor is authorized to draw a warrant for said sum out of any
32 money in the treasury not otherwise appropriated.

33 79:549 Effective Date. Sections 547 and 548 of this act shall take effect June 30, 2023.

34 79:550 Appropriation; Department of Health and Human Services; Family Mutual Support Services.
35 The sum of \$50,000 for the fiscal year ending June 30, 2023, is hereby appropriated to the department of
36 health and human services, account 05-95-092-922010-4119, class 102, for the purpose of helping family
37 mutual support providers keep pace with the cost of service provision. This sum shall be in addition to
38 any other amounts appropriated and shall not lapse until June 30, 2025. The governor is authorized to
39 draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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1 79:551 Effective Date. Section 550 of this act shall take effect June 30, 2023.

2 79:552 Appropriation; Department of Health and Human Services; Home Visiting Program. The sum
3 of \$450,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the department of health
4 and human services for the purpose of funding the maternal, infant, and early childhood home visiting
5 program. Said amount shall be in addition to any other amounts appropriated for this purpose, and shall
6 not lapse until June 30, 2025. The department is authorized to accept and expand any matching federal
7 funds available for the purposes of this section without prior approval of the fiscal committee. The
8 governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
9 appropriated.

10 79:553 Effective Date. Section 552 of this act shall take effect June 30, 2023.

11 79:554 Appropriation Amended; 2019; Hospital Care Coordination. Amend 2019, 346:222 to read as
12 follows:

13 346:222 Appropriation; Department of Health and Human Services; [~~Patients Residing in Hospital~~
14 ~~Emergency Rooms~~] ***Hospital Care Coordination; Positions Established.***

15 I. There is hereby appropriated to the department of health and human services the sum of
16 \$750,000 for the fiscal year ending June 30, 2020, which shall be nonlapsing, and shall be expended for
17 the purpose of [~~providing due process for involuntary emergency admissions patients currently residing in~~
18 ~~emergency rooms in hospitals; provided that no hospital shall receive more than \$100,000. The~~
19 ~~appropriation made in this section shall only cover the portion of costs not reimbursable by insurance~~
20 ~~carriers. The commissioner of the department of health and human services shall establish the~~
21 ~~application process for such funds~~] ***supporting a statewide care coordination function for the purpose of***
22 ***eliminating hospital emergency department psychiatric boarding during the biennium ending June 30,***
23 ***2025.*** The governor is authorized to draw a warrant for said sum out of any money in the treasury not
24 otherwise appropriated.

25 II. [~~If the expenditure is greater than the appropriation contained in this section, the commissioner~~
26 ~~of the department of health and human services may request and receive additional funding, with the prior~~
27 ~~approval of the fiscal committee of the general court and governor and council. The governor is hereby~~
28 ~~authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.]~~
29 ***For the purposes in paragraph I, there are established the following positions within the department: one***
30 ***senior psychiatric social worker, one business systems analyst II, and 2 registered nurse III positions.***

31 79:555 Appropriation; Department of Health and Human Services; Juvenile Peer-to-Peer Grief
32 Support. There is hereby appropriated the sum of \$500,000 for the fiscal year ending June 30, 2023,
33 which shall not lapse until June 30, 2025, to the department of health and human services for the purpose
34 of funding juvenile peer-to-peer grief support programming. The governor is authorized to draw a warrant
35 for said sum out of any money in the treasury not otherwise appropriated.

36 79:556 Effective Date. Section 555 of this act shall take effect June 30, 2023.

37 79:557 Appropriation; Department of Health and Human Services; Reimbursement For Licensed
38 Nursing Assistants. There is hereby appropriated to the department of health and human services,
39 account 05-95-048-482010-2154, class 509, the sum of \$400,000, for the fiscal year ending June 30,

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1 2023, for the purpose of reimbursing licensed nursing assistants for tuition, training, or other continued
2 education. This appropriation shall not lapse until June 30, 2025. The governor is authorized to draw a
3 warrant for said sum out of any money in the treasury not otherwise appropriated.

4 79:558 Effective Date. Section 557 of this act shall take effect June 30, 2023.

5 79:559 Appropriation; Department of Health and Human Services. There is hereby appropriated to
6 the department of health and human services, the sum of \$2,054,360 for the fiscal year ending June 30,
7 2023, which shall not lapse until June 30, 2025, for the purpose of Granite United Way administering the
8 Recovery Friendly Workplace Initiative, which promotes individual wellness for Granite Staters by
9 empowering workplaces to provide support for people recovering from substance use disorder. The
10 governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
11 appropriated.

12 79:560 Effective Date. Section 559 of this act shall take effect June 30, 2023.

13 79:561 New Section; WIC Farmers' Market Nutrition Program. Amend RSA 132 by inserting after
14 section 12-e the following new section:

15 132:12-f WIC Farmers' Market Nutrition Program. There is established in the department of health
16 and human services the New Hampshire Farmers' Market Nutrition Program for participants in the Special
17 Supplemental Nutrition Program for Women, Infants and Children (WIC). The program shall distribute
18 food instruments to eligible WIC participants to redeem for locally grown fresh fruits, vegetables and herbs
19 at authorized New Hampshire farmers' markets in compliance with 7 C.F.R. 248 that are redeemable only
20 at designated New Hampshire farmers' markets. The commissioner shall adopt rules under RSA 541-A to
21 implement this program.

22 79:562 Appropriation; WIC Farmers' Market Nutrition Program. There is hereby appropriated to the
23 department of health and human services the sum of \$600,000 for the biennium ending June 30, 2023,
24 which shall not lapse until June 30, 2025, for the purpose of funding the WIC Farmers' Market Nutrition
25 Program in RSA 132:12-f. The governor is authorized to draw a warrant for said sum out of any money in
26 the treasury not otherwise appropriated.

27 79:563 Effective Date. Section 562 of this act shall take effect June 30, 2023.

28 79:564 Department of Health and Human Services; Homeless and Housing Shelter Programs;
29 Appropriations.

30 I. The sum of \$8,000,000 for the fiscal year ending June 30, 2023, is hereby appropriated to the
31 department of health and human services for the purpose of increasing rates paid to shelter programs.
32 Said sums shall not lapse until June 30, 2025. The governor is authorized to draw a warrant for said sum
33 out of any money in the treasury not otherwise appropriated.

34 II. The sum of \$2,000,000 for the fiscal year ending June 30, 2023, is hereby appropriated to the
35 department of health and human services for the purpose of assisting with homeless shelters, partial
36 funding of a cold weather shelter, hotel stays, and other alternatives to provide shelter expenses. Said
37 sum shall not lapse until June 30, 2025. No later than October 1 of each year of the biennium, the
38 department shall distribute \$1,000,000 to one provider in each county based on 50 percent to be
39 distributed evenly across each county and 50 percent based on the most recent preliminary point-in-time

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1 count of those experiencing homelessness in the county. The funds shall be used to make payments to
2 homeless shelters, partial funding of a cold weather shelter, hotel stays, and other alternatives to provide
3 shelter. Each solution shall include coordination of referrals to related services and transportation to and
4 from said shelter. The governor is authorized to draw a warrant for said sums out of any money in the
5 treasury not otherwise appropriated.

6 79:565 Effective Date. Section 564 of this act shall take effect June 30, 2023

7 79:566 Residential Care and Health Facility Licensing; Exception Added. Amend RSA 151:2, VI(a) to
8 read as follows:

9 VI.(a)(1) No new license shall be issued for, and there shall be no increase in licensed capacity
10 of, any nursing home, skilled nursing facility, intermediate care facility, or rehabilitation facility, including
11 rehabilitation hospitals and facilities offering comprehensive rehabilitation services. This moratorium shall
12 not apply to any rehabilitation facility whose sole purpose is to treat individuals for substance use disorder
13 or mental health issues or to any continuing care facility for which a certificate of authority has been
14 issued by the insurance commissioner pursuant to RSA 420-D:2.

15 *(2) Provided however, effective July 1, 2023, any pediatric intermediate care facility,*
16 *established before the effective date of this subparagraph is authorized to house one additional pediatric*
17 *resident beyond its licensed capacity prior to that date, with this authorization to expire June 30, 2024.*

18 79:567 Statement of Findings. The general court hereby finds that:

19 I. The state of New Hampshire is ranked as having one of the fastest growing number of older
20 adults in the country.

21 II. As the number of older adults increases, the need for long-term care will increase.

22 III. Pursuant to the federal Older Americans Act, New Hampshire is required to promote the
23 development and implementation of comprehensive, coordinated, statewide system of long-term services
24 and supports that is responsive to the needs and preferences of older individuals and their family
25 caregivers.

26 IV. The federal Americans with Disabilities Act prohibits unnecessary institutionalization of
27 individuals with disabilities.

28 V. RSA 151-E was established to provide Medicaid eligible elderly and chronically ill adults with a
29 continuum of long-term care options.

30 VI. Despite these federal and state mandates, historically there has been a lack of investment in
31 our state's system and programs for older adults and adults with disabilities.

32 VII. Rebalancing New Hampshire's systems to expand more home and community-based options
33 will reduce the cost of providing services and allow our state to serve more people.

34 79:568 New Subdivision; Long-Term Care; System of Care for Healthy Aging. Amend RSA 151-E by
35 inserting after section 21 the following new subdivision:

36 System of Care for Healthy Aging

37 151-E:22 Purposes. The purposes of this subdivision are to:

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1 I. Build upon existing infrastructure to establish a comprehensive and coordinated system of care
2 to ensure that older adults and adults with disabilities have access to and timely delivery of supports and
3 services and to ensure that they have a meaningful range of options.

4 II. Reduce the cost of providing long-term care by expanding the availability of less costly home
5 and community-based services.

6 III. Require the department of health and human services to expand and improve access to home
7 and community-based services for older adults and adults with disabilities in alignment with New
8 Hampshire's state plan on aging, the federal Older Americans Act, Americans with Disabilities Act, and
9 Medicaid law.

10 IV. The system of care referenced in this subdivision is meant to streamline access to long-term
11 care supports and services and not intended to expand eligibility for any current Medicaid programs,
12 including long-term care Medicaid or any home and community-based Medicaid waiver programs.

13 151-E:23 Statement of Policy. It is the policy of New Hampshire to establish and implement a
14 comprehensive and coordinated system of care that promotes healthy aging and enables older adults and
15 adults with disabilities to have a meaningful choice in care options, including the ability to receive the care
16 they need in their homes and communities.

17 151-E:24 Definitions. In this subdivision:

18 I. "Disability" means a physical or mental impairment that substantially limits one or more major
19 life activities.

20 II. "Home and community-based services" means a range of medical and supportive services
21 provided to persons in their own homes or other community-based settings including, but not limited to,
22 adult day programs, and assisted living.

23 III. "Long-term services and supports" means a variety of services provided in both facilities and
24 community-based settings designed to meet a person's health or personal care needs to help them live as
25 independently and safely as possible when they can no longer perform everyday activities on their own.

26 IV. "Older adult" means an individual who is 60 years of age or older.

27 V. "System of care" means:

28 (a) A comprehensive and coordinated delivery system for the provision of long-term services
29 and supports to New Hampshire's older adults and adults with disabilities.

30 (b) The system of care is intended to provide services to all older adults and adults with
31 disabilities who require long-term services and supports.

32 (c) The system of care shall have the following characteristics:

33 (1) A comprehensive array of long-term services and supports including, but not limited
34 to, personal care, homemaker services, transportation, meal delivery or preparation, emergency response
35 systems, adult day care, and family caregiver support to enable older adults and adults with disabilities to
36 remain independent and in the setting of their choice.

37 (2) An absence of significant gaps in services and barriers to services.

38 (3) Sufficient administrative capacity to ensure quality service delivery.

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1 (4) Services that are consumer-driven, community-based, and culturally and linguistically
2 competent.

3 (5) Transparent, with information made available and known to consumers, providers,
4 and payers.

5 (6) A funding system that supports a full range of service options.

6 (7) A performance measurement system for accountability, monitoring and reporting of
7 system quality, access and cost.

8 151-E:25 Duties of Commissioner of the Department of Health and Human Services. The
9 commissioner of the department of health and human services shall:

10 I. Modify the policies and practices of the department of health and human services necessary to
11 implement this subdivision, to the extent possible within existing statutory and budget constraints.

12 II. Coordinate the plans and activities of the commissioner with the bureau of elderly and adult
13 services, the bureau of family assistance and division of long-term supports and services to implement the
14 system of care and reduce duplication of efforts across divisions and bureaus within the department.

15 III. Develop a plan for full establishment and maintenance of a system of care. Such plan shall
16 be reviewed annually and amended or modified as needed. It shall include sufficient detail to allow
17 compliance with the reporting requirements of RSA 151-E:27 as applicable and shall address at least the
18 following elements:

19 (a) System capacity, including workforce sufficiency.

20 (b) Federal funding participation, including but not limited to, Medicaid waivers and plan
21 amendments.

22 (c) Changes to statutes, administrative rules, and structure of appropriations, and department
23 policy, practice and structure.

24 (d) Projections of cost savings from increased service effectiveness and reductions in costly
25 forms of care and use of such savings to close existing gaps in long term care services.

26 (e) Recommended modifications to law, practice, and policy to prepare for and accommodate
27 the participation of privately funded service providers in the system of care.

28 (f) Changes to rates for the Choices for Independence program in accordance with section
29 1902(a)(30)(A) of the Social Security Act and requirements for Medicaid home and community-based
30 waiver programs under section 1915(c).

31 IV. Beginning no later than January 1, 2025, begin adjusting rates for the Choices for
32 Independence waiver consistent with the rate study, assuming funds are available. Any unspent funds
33 allocated to the Choices for Independence program shall be non-lapsing and shall be used for service
34 provision for the Choices for Independence program.

35 V. On or before September 30, 2024, submit a waiver request to the Centers for Medicare and
36 Medicaid services or implement an alternative method to establish a robust presumptive eligibility process
37 for Medicaid home and community-based waiver services, including a mechanism for third party
38 participation.

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1 VI. Improve functionality of the NH EASY system for individuals applying for services and provide
2 additional trainings for professionals who frequently assist people applying for services and develop
3 associated performance metrics.

4 VII. Ensure applications for Medicaid long-term services are user friendly and processed in a
5 timely manner and develop performance metrics to measure these attributes.

6 VIII. On or before June 30, 2025, maintain an online portal for providers, case managers,
7 navigators and other long-term care service providers to enable them to easily identify and access
8 available long-term care services and supports for older adults and adults with disabilities. The portal
9 functions required by this section may be assigned to an entity that has responsibilities in addition to those
10 required by this section. The portal shall contain the following information:

11 (a) A current list of home and community-based care waiver service providers accepting new
12 clients, including links to websites and contact telephone numbers, organized by region that is updated on
13 a weekly basis.

14 (b) Non-Medicaid resources to support the cost of home and community-based services.

15 (c) Referral information for legal service organizations.

16 (d) Guidance regarding family navigation of hospital discharge protocols and options.

17 IX. On or before June 30, 2025, create a public facing online dashboard to track home and
18 community-based waiver services data, including, but not limited to, results of any performance
19 measurement assessments, waiver services authorized but not paid, current wait times for receiving
20 waiver services and the number of people from institutionalized care into the community.

21 151-E:26 Person-Centered Counseling Program. The department shall:

22 I. Create a new person-centered counseling program in each contracted aging and disability
23 resource center (ADRC) to provide support and assistance to persons living at home or in short or long-
24 term institutional settings, including hospitals, to transition into community-based settings. The program
25 shall include referrals and support to access, at a minimum, but not limited to: assistance with completing
26 Medicaid applications, discharge planning, referrals and access to Title III-B and Title XX services and
27 programs, referrals and access to community-based services, housing, and other supports and services
28 to meet the needs of the individual and their family. These services shall not replace or duplicate targeted
29 case management services described in RSA 151-E:17.

30 II. Increase operational capacity in each ADRC to enable the provision of person-centered
31 counseling services for adults, including but not limited to, educating consumers about available
32 community-based resources for long-term services and supports, assistance with completing Medicaid
33 applications, and assistance with the transition to access such services.

34 III. Establish performance metrics for each contracted information and referral resource center to
35 assess each office's ability to provide the services contained in this section.

36 151-E:27 System of Care Implementation and Reporting Requirements.

37 I. When preparing the biennial budget for the Choices for Independence program, the department
38 shall prepare data showing the amount program provider rates would be increased to be in alignment with
39 the rate plan as completed by the department.

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1 II. The department shall review and propose rates for the Choices for Independence program in
2 accordance with section 1902 (a)(30)(A) of the Social Security Act and requirements for Medicaid home
3 and community based waiver programs under section 1915(c). The department shall provide a report to
4 the house health, human services and elderly affairs committee and senate health and human services
5 committee, the house finance committee, the senate finance committee and the joint legislative committee
6 on health and human services established in RSA 126-A:13 on or before July 1, 2024. The focus of the
7 rate study is to promote efficiency, economy, quality of care and access to services within New
8 Hampshire's Choices for Independence program. The rate study shall establish reimbursement
9 methodologies utilizing the U.S. Centers for Medicare and Medicaid Services Market Basket Index as an
10 inflation benchmark for rate-setting purposes. The department shall seek input from Choices For
11 Independence beneficiaries, providers, and other stakeholders in regard to access to Choices for
12 Independence services in future rate setting processes. Information regarding access to services shall be
13 publicly documented and shall be considered in the subsequent rate-setting process.

14 III. On a biennial basis, the department shall perform a financial review to determine whether
15 ADRC offices are receiving sufficient funding to maintain their operations and make legislative budget
16 requests if additional funding is warranted.

17 IV. Beginning November 1, 2023, and annually thereafter, the department shall report to the
18 governor, the state commission on aging established in RSA 19-P:1 and the joint legislative committee on
19 health and human services established in RSA 126-A:13. The report shall provide detailed information
20 regarding the status of the implementation of this subdivision.

21 V. Beginning in 2024, the report shall address the following:

22 (a) The total cost of Medicaid long-term care services and Choices for Independence
23 program services.

24 (b) The extent to which the state's long-term care support and services systems are
25 consistent with a system of care.

26 (c) A description of any actual or planned changes in department policy or practice or
27 developments external to the departments that will affect implementation of a system of care.

28 (d) Any other available information relevant to progress toward full implementation of a
29 system of care.

30 (e) The result of pilots regarding access with the counties.

31 (f) A review of options to enhance the system of care.

32 (g) Presumptive eligibility findings and recommendations for next steps.

33 (h) The status of changes to the NH Easy application system and any additional
34 enhancements needed.

35 (i) The status of reimbursement rates and rate study.

36 VI. Beginning in 2025, the report shall also address the following:

37 (a) Identification of those actions which will be required to maximize federal and private
38 insurance funding participation in the system of care, along with target dates for completion.

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1 (b) Identification of changes to statutes, administrative rules, policies, practices, and
2 managed care and provider contracts which will be necessary to fully implement the system of care.

3 (c) Identification of significant gaps in the array of long-term care supports and services for
4 older adults and adults with disabilities, along with a description of plans to close those gaps.

5 VII. Beginning in 2026, the report shall also address the following:

6 (a) Projections of future demand for services in the system of care.

7 (b) Identification of shortfalls in workforce sufficiency affecting full implementation of the
8 system of care and plans for addressing those shortfalls.

9 (c) Identification of specific plan amendments and other changes to the Medicaid system
10 required for full implementation of the system of care and plans for making those changes.

11 (d) Numbers of older adults and adults with disabilities waiting services in various categories.

12 VIII. Beginning in 2027, the report shall also address the following:

13 (a) Detailed statistical information regarding older adults and adults with disabilities serviced,
14 along with demographic characteristics, service need and provision, involvement in service systems,
15 service funding sources, and placement or other site of service provision.

16 (b) Financial information, including but not limited to measures of cost-effectiveness,
17 comparisons with other states with regard to levels of funding from federal, state, local, and private
18 sources, and cost savings resulting from service coordination and effectiveness.

19 (c) An assessment of any influences external to the department of health and human
20 services, including configuration of the private long-term care health care system, which may be affecting
21 establishment of the system of care.

22 79:569 Appropriations; Department of Health and Human Services; System of Care for Healthy
23 Aging.

24 I. For the purpose of developing a plan to establish and maintain the system of care for healthy
25 aging as described in RSA 151-E:25, III, a sum not to exceed \$50,000 for the biennium ending June 30,
26 2023, which shall not lapse until June 30, 2025, is hereby appropriated to the department of health and
27 human services. The appropriation may be used to engage outside qualified and experienced vendors to
28 assist in the production of the plan. In addition to the appropriation and notwithstanding RSA 14:30-a, the
29 department may accept and expend matching federal funds without prior approval of the fiscal committee
30 of the general court. The governor is authorized to draw a warrant for the general fund portion of said
31 sum out of any money in the treasury not otherwise appropriated.

32 II. For the purpose of developing and implementing the online portal, dashboard, and data
33 collection systems described in RSA 151-E:25, VIII and IX, a sum not to exceed \$100,000 for the
34 biennium ending June 30, 2023, which shall not lapse until June 30, 2025, is hereby appropriated to the
35 department of health and human services. The appropriation may be used to engage outside qualified
36 and experienced vendors to assist in the production of the dashboard and data collection. In addition to
37 the appropriation and notwithstanding RSA 14:30-a, the department may accept and expend matching
38 federal funds without prior approval of the fiscal committee of the general court. The governor is

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1 authorized to draw a warrant for the general fund portion of said sum out of any money in the treasury not
2 otherwise appropriated.

3 III. For the purpose of enabling the department to complete the reporting requirements described
4 in RSA 151-E:27, a sum not to exceed \$150,000 for the biennium ending June 30, 2023, which shall not
5 lapse until June 30, 2025, is hereby appropriated to the department of health and human services. The
6 appropriation may be used to engage outside qualified and experienced vendors to assist in the
7 production of reports in 2024 and 2025. In addition to the appropriation and notwithstanding RSA 14:30-
8 a, the department may accept and expend matching federal funds without prior approval of the fiscal
9 committee of the general court. The governor is authorized to draw a warrant for the general fund portion
10 of said sum out of any money in the treasury not otherwise appropriated.

11 79:570 Appropriation; Department of Health and Human Services; Person-Centered Counseling
12 Program. The sum of \$1,197,600 for the biennium ending June 30, 2023, which shall not lapse until June
13 30, 2025, is hereby appropriated to the department of health and human services for the purpose of
14 funding the person-centered counseling program established in RSA 151-E:26. In addition to the
15 appropriation and notwithstanding RSA 14:30-a, the department may accept and expend any federal
16 funds available for the purposes of the counseling program without prior approval of the fiscal committee
17 of the general court. The governor is authorized to draw a warrant for the general fund portion of said
18 sum out of any money in the treasury not otherwise appropriated.

19 79:571 System of Care and Peer-Centered Counseling; Staffing; Classified Positions Established.

20 I. The following classified positions are established in the department of health and human
21 services to support the person-centered counseling program established in RSA 151-E:26:

- 22 (a) Program Specialist III (Labor Grade 23, Step 5); and
- 23 (b) Program Specialist IV (Labor Grade 25, Step 5).

24 II. The sum of \$190,000 for the biennium ending June 30, 2023, which shall not lapse until June
25 30, 2025, is hereby appropriated to the department of health and human services for the purpose of
26 funding the positions established in paragraph I. In addition to the appropriation and notwithstanding RSA
27 14:30-a, the department may accept and expend matching federal funds without prior approval of the
28 fiscal committee of the general court. The governor is authorized to draw a warrant for the general fund
29 portion of said sum out of any money in the treasury not otherwise appropriated.

30 III. The commissioner of health and human services, to the extent possible, shall fill available
31 vacant classified positions as necessary to implement the system of care for healthy aging established in
32 this act, including additional staffing to perform rate setting, streamlining of application process, creation
33 and maintenance of public facing dashboard and online portal for providers, updating of performance
34 measures and other required activities.

35 79:572 Personal Care Services; Definition of Personal Care Services Provider. Amend RSA 161-I:2,
36 XII to read as follows:

37 XII. "Personal care services provider" means a person who:

- 38 (a) Is selected by:
 - 39 (1) The eligible consumer;

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- 1 (2) The eligible consumer's legal guardian;
2 (3) The eligible consumer's representative; or
3 (4) A person granted power of attorney by the eligible consumer; and
4 (b) Is employed by a home health agency or other qualified agency to provide personal care
5 services; and
6 (c) Is not:
7 (1) The eligible consumer's legally responsible relative, except as authorized pursuant to
8 RSA 161-I:3-a;
9 (2) The eligible consumer's legal guardian, *except as authorized pursuant to RSA 161-*
10 *I:3-a*;
11 (3) The eligible consumer's representative; or
12 (4) A person granted power of attorney by the eligible consumer, *except as authorized*
13 *pursuant to RSA 161-I:3-a*.

14 79:573 Personal Care Services; Authorization of Legally Responsible Relative. Amend RSA 161-I:3-
15 a to read as follows:

16 161-I:3-a Authorization of Legally Responsible Relative, *Guardian, or Person Granted Power of*
17 *Attorney*. The department may authorize reimbursement to a legally responsible relative, *a guardian, or a*
18 *person granted power of attorney by the eligible consumer*, who provides personal care to an eligible
19 consumer with special health care needs residing at home. Such reimbursement shall occur only when
20 the department determines that the needs of the eligible consumer, the unavailability of appropriate
21 providers or suitable alternative care services, and cost efficiencies make utilization of a legally
22 responsible relative, *guardian, or person granted power of attorney by the eligible consumer*, for the
23 provision of such services necessary and appropriate. Reimbursement shall be limited to care that is
24 medically necessary due to specific health needs and shall not be made for care generally expected and
25 provided by a legally responsible relative, *guardian, or person granted power of attorney by the eligible*
26 *consumer*. The department shall not authorize reimbursement to a legally responsible relative, *guardian,*
27 *or person granted power of attorney by the eligible consumer*, until a plan and rules adopted pursuant to
28 RSA 541-A, are reviewed and approved by the oversight committee on health and human services,
29 established in RSA 126-A:13.

30 79:574 Long-Term Care; Information and Referral. Amend RSA 151-E:5 to read as follows:

31 151-E:5 Information and Referral. The department shall establish a system of community-based
32 [~~information and referral~~] *aging and disability* resource centers that provide information and referral
33 services to [~~elderly and chronically ill adults~~] *older adults and adults with disabilities*. The [~~information~~
34 ~~and referral~~] *aging and disability resource center* network established under this section shall not be used
35 for the purpose of political advocacy, but may inform and educate the general court regarding the extent of
36 services available as well as the unmet needs in the community.

37 79:575 New Section; Personal Care Services; Financial Eligibility for Adult Home and Community-
38 based Care Waiver Programs. Amend RSA 167 by inserting after section 4-e by the following new
39 section:

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1 167:4-f Financial Eligibility.

2 I. Financial eligibility for Medicaid adult home and community-based waiver programs shall
3 include the following resource limits:

4 (a) For married individuals, revert to the standard in place prior to the passage of the federal
5 Affordable Care Act, so that only the resources in the name of the applicant, and not the resources in the
6 name of the applicant's spouse are counted for purposes of determining Medicaid resource eligibility; and

7 (b) For single individuals, establish a resource disregard of \$6,000, which would have an
8 effective resource limit of \$7,500.

9 II. Department of Health and Human Services; Resource Disregard Enhancement Authority;
10 Rulemaking. Pursuant to RSA 161:4-a, the department of health and human services shall enter into
11 rulemaking, subject to the Centers for Medicare and Medicaid Services (CMS) approval as necessary, to
12 revert the resource standard for married persons prior to the passage of the Affordable Care Act and increase the
13 resource disregard to a maximum of \$6,000 for individuals seeking nursing facility services or home and
14 community based care under state waivers established under section 1915(c) of the Social Security Act.

15 79:576 Department of Health and Human Services; Eligibility for Assistance. Amend RSA 167:4, I(b)
16 to read as follows:

17 (b) *To the extent permissible under federal law*, in the case of an applicant for public
18 assistance or medical assistance who has made an assignment or transfer of assets to an individual for
19 less than fair market value within [60] **36 months, or for up to 60 months if deemed necessary by the**
20 **department based upon case specific information or extenuating circumstances, or** in the case of transfers
21 of real estate, or transfers of assets to a trust or portions of a trust that are treated as assets disposed of
22 by the individual within [60] **36 months, or for up to 60 months if deemed necessary by the department**
23 **based upon case specific information or extenuating circumstances**, immediately preceding the date of
24 application or while the application is pending, or in the case of a recipient of public assistance or medical
25 assistance who makes such an assignment or transfer while in receipt of the assistance, the assistance
26 sought shall only be granted or continue to be granted in accordance with rules establishing restrictions
27 and eligibility criteria for such cases as adopted by the commissioner of the department of health and
28 human services under RSA 541-A, subject to applicable federal regulations and waiver approval, if any,
29 and review by the oversight committee on health and human services, established in RSA 126-A:13. The
30 oversight committee on health and human services shall make a report to the legislative fiscal committee
31 which shall have final approval authority.

32 79:577 Effective Date. Sections 569, 570, and 571 of this act shall take effect June 30, 2023.

33 79:578 Department of Health and Human Services; Study on Graduated Public Assistance
34 Mandated; Appropriation.

35 I. The department of health and human services shall seek a continuation of the 2021 economic
36 analysis regarding mitigation of the benefits cliff effect for the possible creation, funding, and
37 implementation of graduated, proportional public assistance programs for individuals who do not qualify
38 for existing assistance within the state.

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1 II. The department shall submit a report on its findings, including the performance of existing pilot
2 programs related to the benefit cliff, and any proposed legislation to the applicable committees of the
3 general court on or before July 1, 2024.

4 III. In its review, the department shall take consideration of qualifying and disqualifying
5 conditions, such as income levels and hours worked per week. The department shall review the following
6 programs:

7 (a) The supplemental nutrition assistance program, established under RSA 161:2, XIII, XIII-a,
8 and XIII-b;

9 (b) The special supplemental nutrition program for women, infants, and children, established
10 under RSA 132:12-a; and

11 (c) The financial assistance for needy families program, established under RSA 167.

12 IV. The sum of \$200,000 for fiscal year ending June 30, 2023 is hereby appropriated to the
13 department for the purpose of conducting a continued review and economic analysis of the cliff effect as
14 set forth in this section. The funds shall be nonlapsing until June 30, 2025. The department may accept
15 and expend matching federal funds without prior approval of the fiscal committee. The governor is
16 authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

17 79:579 Housing Finance Authority; Study on Graduated Public Assistance Mandated.

18 I. The housing finance authority shall study the creation, funding, and implementation of a
19 graduated, proportional rental assistance housing choice voucher program for individuals who do not
20 qualify for existing assistance within the state.

21 II. The housing finance authority shall submit a report on its findings and any proposed legislation
22 to the applicable committees of the general court on or before November 1, 2023.

23 III. In its review, the housing finance authority shall take consideration of qualifying and
24 disqualifying conditions such as income levels and hours worked per week.

25 79:580 New Hampshire Employment Security; Study on Graduated Public Assistance Mandated.

26 I. New Hampshire employment security shall study the creation, funding, and implementation of a
27 graduated, proportional unemployment compensation program, based upon the program established in
28 RSA 282-A, for individuals who do not qualify for existing assistance within the state.

29 II. New Hampshire employment security shall submit a report on its findings and any proposed
30 legislation to the applicable committees of the general court on or before November 1, 2023.

31 III. In its review, New Hampshire employment security shall take consideration of qualifying and
32 disqualifying conditions such as income levels and hours worked per week.

33 79:581 Department of Energy; Study on Graduated Public Assistance Mandated.

34 I. The department of energy shall study the creation, funding, and implementation of a graduated,
35 proportional low income home energy assistance program for individuals who do not qualify for existing
36 assistance within the state.

37 II. The department shall submit a report on its findings and any proposed legislation to the
38 applicable committees of the general court on or before November 1, 2023.

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1 III. In its review, the department shall take consideration of qualifying and disqualifying conditions
2 such as income levels.

3 79:582 Effective Date. Section 578 of this act shall take effect June 30, 2023.

4 79:583 New Section; Study Commission Established. Amend RSA 284 by inserting after section 6-b
5 the following new section:

6 284:6-c Study Commission Established.

7 I. There is established a commission to study the effect of recent changes made to charitable
8 gaming laws, including the newly authorized historical horse races.

9 II.(a) The members of the commission shall be as follows:

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

11 (2) Five members of the house of representatives, appointed by the speaker of the house
12 of representatives.

13 (3) The lottery executive director, or the executive director's designee.

14 (4) One representative of the facility owners.

15 (5) Two representatives of charitable gaming charities.

16 (6) The attorney general, or the attorney general's designee.

17 (7) One member of the public appointed by the governor.

18 (b) Legislative members of the commission shall receive mileage at the legislative rate when
19 attending to the duties of the commission.

20 III. The commission shall examine how charities are selected and whether a uniform process
21 should exist; whether the state should implement a limit on the number of charitable gaming locations;
22 and whether charging rent to the charities is necessary with historic horse racing. The commission shall
23 bring together different stakeholders to address these questions, and ensure those involved in the
24 process have a voice in the discussion that will result in recommendations benefitting all stakeholders.
25 The commission also shall monitor the benefits of historical horse racing to charities to ascertain whether
26 additional licenses for historical horse racing machines would increase or reduce revenues to charities.
27 The commission shall examine whether host communities should share in proceeds of any charitable
28 gaming establishment.

29 IV. The members of the study commission shall elect a chairperson from among the members.
30 The first meeting of the commission shall be called by the first-named senate member. The first meeting
31 of the commission shall be held within 45 days of the effective date of this section. Five members of the
32 commission shall constitute a quorum.

33 V. The commission shall report its findings and any recommendations for proposed legislation to
34 the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk,
35 the governor, and the state library on or before November 1, 2024.

36 VI. The commission shall be administratively attached to the lottery commission.

37 79:584 Commission to Study Charitable Gaming; Appropriation. There is hereby appropriated to the
38 lottery commission the sum of \$150,000 for the fiscal year ending June 30, 2023, which shall be
39 nonlapsing, for the purpose of studying charitable gaming and soliciting input from stakeholders. The

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1 governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
2 appropriated.

3 79:585 Effective Date. Section 584 of this act shall take effect June 30, 2023.

4 79:586 Repeal. RSA 284:6-c, relative to studying the effect of recent changes made to charitable
5 gaming laws, including the newly authorized historical horse races, is repealed.

6 79:587 Effective Date. Section 586 of this act shall take effect July 1, 2025.

7 79:588 State College and University System; Finances; Tuition Waiver for Children in State Foster
8 Care or Guardianship. Amend RSA 187-A:20-b to read as follows:

9 187-A:20-b Tuition Waiver for Children in State Foster Care or Guardianship *or Guardianship After*
10 *Being in State Foster Care.*

11 I. An eligible individual who enrolls full-time or part-time, with the approval of the division for
12 children, youth and families, in a program leading to a certificate, associate, or bachelor degree at any
13 public postsecondary institution within the state shall not be required to pay tuition or mandatory fees for
14 attendance at such institution.

15 II. In this section, an eligible individual is a person who is less than [23] **26** years of age and who
16 is or was:

17 (a) In state foster care for the immediate 6-month period prior to his or her 18th birthday;

18 (b) In state guardianship or custody at the time of his or her 18th birthday;

19 (c) *In guardianship, after being in state foster care or guardianship, at the time of their 18th*
20 *birthday;*

21 (d) *In placement out-of-state, through the interstate compact for the placement of children, at*
22 *the time of their 18th birthday;*

23 [(e)] (e) Adopted while in state guardianship or adopted from the care, custody, and control of
24 the department following a surrender *or termination* of parental rights; or

25 [(d)] (f) In an out-of-home placement under [the supervision of the division for juvenile justice
26 services at the time of his or her 18th birthday.

27 III.(a) Eligible individuals interested in a tuition waiver shall annually apply on forms provided and
28 within the deadlines established by the university system of New Hampshire and the community college
29 system of New Hampshire for their respective institutions. [~~No more than 15 tuition waivers per year shall~~
30 ~~be granted by the university system of New Hampshire and no more than 15 tuition waivers per year shall~~
31 ~~be granted by the community college system of New Hampshire.] *In any year, no more than 70 tuition*
32 *waivers shall be granted by the university and community college systems of New Hampshire. Of these*
33 *70 tuition waivers, 35 shall be allocated to the university system and 35 shall be allocated to the*
34 *community college system.* The university system of New Hampshire and the community college system
35 of New Hampshire shall have the authority to develop eligibility criteria for their respective institutions
36 designed to give the children with the greatest financial need first priority in the tuition waiver program.
37 Such eligibility criteria shall also include provisions for continuing eligibility based on continued full-time or
38 part-time, with the approval of the division for children, youth and families, enrollment and satisfactory
39 academic progress as defined by the institution.~~

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1 IV. An eligible individual may also apply for a room and board scholarship under the provisions of
2 RSA 187-A:20-a, II without having to comply with the provisions of RSA 187-A:20-a, I.

3 79:589 New Subdivision; Law Enforcement Officers, Professional Firefighters, and Emergency
4 Medical Technicians Career Development, Recruitment, and Retention Program. Amend RSA 188-F by
5 inserting after section 69 the following new subdivision:

6 Law Enforcement Officers, Professional Firefighters, and Emergency Medical Technicians Career
7 Development, Recruitment, and Retention Program

8 188-F:70 Program Established.

9 I. There is hereby established in the community college system of New Hampshire the New
10 Hampshire law enforcement officers, professional firefighters, and emergency medical technicians career
11 development, recruitment, and retention program. To the extent of available funds, New Hampshire law
12 enforcement officers, professional firefighters, and emergency medical technicians may receive
13 reimbursement, upon successful completion, for the cost of one course per semester, including required
14 fees, in a degree program at an institution in the community college system as approved for that individual
15 upon recommendation of the person's supervisor and the committee. Such courses may be in any field
16 leading to a degree in an area of study approved by the commission.

17 II. Upon employment by a New Hampshire fire service, a graduate of the New Hampshire fire
18 academy, or the entity that paid for the cost, with the recommendation of the employee's supervisor and
19 the approval of the committee, shall receive full reimbursement for the cost of the academy not covered
20 by other funding sources.

21 188-F:71 Law Enforcement Officers, Professional Firefighters, and Emergency Medical Technicians
22 Career Development, Recruitment, and Retention Program Committee Established.

23 I. There is hereby established the law enforcement officers, professional firefighters, and
24 emergency medical technicians career development, recruitment, and retention program committee. The
25 members of the committee shall be as follows:

26 (a) The commissioner of the New Hampshire department of safety, or designee. The
27 commissioner, or designee, shall serve as chairperson of the committee.

28 (b) The chancellor of the community college system of New Hampshire, or designee.

29 (c) The director of the New Hampshire police standards and training council, or designee.

30 (d) The director of the New Hampshire Fire Academy, or designee.

31 (e) The president of the New Hampshire Association of Chiefs of Police, or designee.

32 (f) The president of the New Hampshire Police Association, or designee.

33 (g) The president of the New Hampshire state police union, or designee.

34 (h) The president of the Professional Firefighters of New Hampshire, or designee.

35 (i) The president of the New Hampshire Association of Emergency Medical Technicians, or
36 designee.

37 (j) The president of the New Hampshire Association of Fire Chiefs, or designee.

38 (k) Three educators from the community college system of New Hampshire, appointed by the
39 chancellor of the community college system of New Hampshire.

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1 II. The committee shall establish criteria and procedures for approval of requests for course
2 reimbursement, allocation of available funds, and student debt payment.

3 III. The community college system shall determine the number of credits and the course
4 equivalents granted for graduation from the New Hampshire police standards and training council and the
5 New Hampshire fire academy.

6 IV. The committee shall report annually to the governor, president of the senate, and speaker of
7 the house of representatives. The report shall include information regarding participation in the program,
8 completion of courses, student debt relief, fire academy tuition reimbursement, and data and other
9 information relative to recruitment and retention, and shall make recommendations for legislation relative
10 to the program, and resources needed to achieve its goals.

11 188-F:72 Law Enforcement Officers, Professional Firefighters, and Emergency Medical Technicians
12 Career Development, Recruitment, and Retention Fund Established. There is hereby established in the
13 state treasury a fund to be known as the law enforcement officers, professional firefighters, and
14 emergency medical technicians career development, recruitment, and retention fund. The fund shall be
15 administered by the community college system of New Hampshire. The fund shall be nonlapsing and
16 continually appropriated to the community college system to support the program established in this
17 subdivision. The community college system shall establish procedures for receiving and disbursing funds,
18 and it shall report to the committee established in RSA 188-F:71 on the operation of the fund. The fund
19 may accept state or federal appropriations or grants, or gifts, grants, or donations from any other source.

20 79:590 Community College System of New Hampshire; Appropriation. There is hereby appropriated
21 to the community college system of New Hampshire the sum of \$1,000,000 for the fiscal year ending June
22 30, 2023. This sum shall be in addition to any other sums appropriated to the community college system
23 and shall not lapse. Funds shall be used to support the law enforcement officers, professional firefighters,
24 and emergency medical technicians career development, recruitment, and retention program established
25 in RSA 188-F:70. Of the sum appropriated, up to \$875,000 shall be used for course reimbursement under
26 the program and up to \$125,000 shall be used for New Hampshire fire academy cost reimbursement. The
27 governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
28 appropriated.

29 79:591 Effective Date. Section 590 of this act shall take effect June 30, 2023.

30 79:592 New Section; Business Finance Authority; Annual Grants to Regional Economic Development
31 Corporations. Amend RSA 162-A by inserting after section 7-a the following new section:

32 162-A:7-b Annual Grants to Regional Economic Development Corporations. The sum of \$200,000 is
33 hereby appropriated annually to the authority for the purpose of providing equal grants to regional
34 economic development corporations in furtherance of the objectives set forth in RSA 162-A:1. The
35 governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
36 appropriated. Funds appropriated to the authority under this section shall be excluded from the
37 repayment provisions of RSA 162-A:30.

38 79:593 Prospective Repeal; 2033. RSA 162-A:7-b, relative to annual grants to regional economic
39 development corporations, is repealed.

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1 79:594 Effective Date. Section 593 of this act shall take effect June 30, 2033.

2 79:595 Prohibited Political Contributions; Candidate or Candidate Committee. RSA 664:4, V is
3 repealed and reenacted to read as follows:

4 V. By any candidate committee, non-candidate political committee, or political advocacy
5 organization in excess of the following amounts:

	Maximum amount contributed during exploratory phase	Additional maximum amount that may be contributed for the primary election.	Additional maximum amount that may be contributed for the general election.	Total maximum amount of contributions:
Contributed to:				
Candidate or Candidate Committee	Unlimited	Unlimited	Unlimited	Unlimited
Non-candidate political committee or political party	Unlimited	Unlimited	Unlimited	Unlimited
Political advocacy organization	Unlimited	Unlimited	Unlimited	Unlimited

6 79:596 Effective Date. Section 595 of this act shall take effect upon its passage.

7 79:597 Joint Legislative Historical Committee; Rogers Johnson Portrait. The joint legislative historical
8 committee established under RSA 17-I:1 may accept a gift of a portrait of Rogers Johnson and oversee
9 the hanging of the portrait in the state house.

10 79:598 Department of Health and Human Services; Early Childhood Mental Health Consultation Pilot
11 Program.

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

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

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

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

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

27 (1) Conducting observation and assessment of a child and their caregivers across child
28 care settings, including universal strengths-based assessments in accordance with this chapter and RSA
29 170-G:4-e and the use of valid and reliable measures of: trauma exposure, chronic exposure to stress and

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1 symptoms, emotional and behavioral development, and the strengths and needs of the caregiving/child-
2 caregiver relationship;

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

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

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

11 (5) Be provided to any child 0 to 6 years of age presenting with behaviors substantially
12 interfering with their successful engagement in child care and to any child who is placed or at risk of being
13 placed in foster care within 30 days of their placement in care.

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

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

18 79:599 Appropriation; Early Childhood Mental Health Consultation Pilot Program. The sum of
19 \$1,000,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the department of health
20 and human services to support the early childhood mental health consultation pilot program. Said funds
21 shall not lapse and shall be allocated equally in each year of the biennium ending June 30, 2025.

22 79:600 Effective Date. Section 599 of this act shall take effect June 30, 2023.

23 79:601 Appropriation; Department of Education; Adult Education. The sum of \$500,000, in the fiscal
24 year ending June 30, 2023, is hereby appropriated to the department of education for the purpose of
25 increasing funding available for grants to adult education programs during the biennium ending June 30,
26 2025. This appropriation shall not lapse. The governor is authorized to draw a warrant for said sum out of
27 any money in the treasury not otherwise appropriated.

28 79:602 Effective Date. Section 601 of this act shall take effect June 30, 2023.

29 79:603 Emergency Powers; Notice; Declaration and Termination of State of Emergency. Amend
30 RSA 4:45, I and II to read as follows:

31 I. The governor shall have the power to declare a state of emergency, as defined in RSA 21-
32 P:35, VIII, by executive order if the governor finds that a natural, technological, or man-made disaster of
33 major proportions is imminent or has occurred within this state, and that the safety and welfare of the
34 inhabitants of this state require an invocation of the provisions of this section. As soon as practicable, the
35 governor shall notify the speaker of the house of representatives and the senate president of the
36 impending issuance of emergency orders under this section and provide a description of such orders.
37 The general court shall have the same power to declare a state of emergency by concurrent resolution of
38 the house and senate. An executive order or concurrent resolution declaring a state of emergency shall
39 specify the:

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- 1 (a) Nature of the emergency;
- 2 (b) Political subdivisions or geographic areas subject to the declaration;
- 3 (c) Conditions that have brought about the emergency; and
- 4 (d) Duration of the state of emergency, if *declared by the governor and* less than [21] **28**
- 5 *days, or if declared by the general court and less than 90 days.*

6 II.(a) A state of emergency shall terminate automatically [21] **28** days after its declaration *if*

7 *declared by the governor, or 90 days after its declaration if declared by the general court*, unless it is

8 renewed under the same procedures set forth in paragraph I of this section. The governor may, by

9 executive order, renew a declaration of a state of emergency [as many times as] *no more than 3 times if*

10 the governor finds *it* is necessary to protect the safety and welfare of the inhabitants of this state. *The*

11 *general court may, by concurrent resolution, renew a declaration of a state of emergency as many times*

12 *as it finds is necessary to protect the safety and welfare of the inhabitants of this state.*

13 (b) If the governor finds that maintaining the state of emergency is no longer justified, the

14 governor shall issue an executive order terminating the state of emergency.

15 (c) The legislature may terminate a state of emergency or any emergency order issued

16 thereunder by a [~~majority vote of both the senate and the house of representatives~~] *concurrent resolution*

17 *adopted by a majority vote of each chamber.* A majority for this vote shall consist of a majority of

18 members present and voting in each chamber acting separately. A state of emergency shall terminate

19 upon a [~~majority vote of both chambers~~] *concurrent resolution adopted by a majority vote of each*

20 *chamber*, under this subparagraph; provided, however, that such vote shall not preclude the governor

21 from declaring a new emergency for different circumstances under paragraph I of this section.

22 [~~(d) Ninety days from the date of declaration of a state of emergency, and every 90 days~~

23 ~~thereafter, the governor shall call, pursuant to Part II, Article 50 of the New Hampshire constitution, and~~

24 ~~address a joint session of the general court, and shall provide a written copy of the address to all~~

25 ~~members of both chambers within 5 business days. At such joint session, the legislature shall vote on~~

26 ~~whether to terminate the state of emergency by concurrent resolution adopted by a simple majority of both~~

27 ~~chambers acting separately on the following question: "Shall the current state of emergency be~~

28 ~~terminated?" For purposes of this section, "simple majority" means a majority of members present and~~

29 ~~voting "yea" in both chambers.]~~

30 79:604 Effective Date. Section 603 of this act shall take effect upon its passage.

31 79:605 Career and Technical Education Incentive Grant. Recognizing the inherent transportation

32 barriers to participation in career and technical education by students in sending school districts, there

33 shall be established a career and technical education incentive grant, the purpose of which is to

34 encourage transportation of students from sending career and technical education programs to receiving

35 career and technical education programs. Awards made under this grant program shall be on a

36 competitive basis based on criteria established by the department of education.

37 79:606 Career and Technical Education Incentive Grant; Appropriation. The department of education

38 is hereby appropriated \$4,000,000 of non-lapsing funds in the fiscal year ending June 30, 2023, for the

39 establishment of a competitive grant program to encourage transportation of students from sending career

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1 and technical education programs to receiving career and technical education programs. The governor is
2 authorized to draw a warrant for said sum out of any money in the education trust fund.

3 79:607 Effective Date.

4 I. Section 605 of this act shall take effect upon its passage.

5 II. Section 606 of this act shall take effect June 30, 2023.

6 79:608 New Section; Immigration Checkpoints. Amend RSA 265 by inserting after section 1-c the
7 following new section:

8 265:1-d Immigration Checkpoints. When any state, county, or municipal police department or law
9 enforcement agency is informed by a federal agency of intent to conduct an immigration checkpoint, the
10 department or agency shall give notice to the public within 24 hours of when the checkpoint is scheduled
11 to occur or as soon as is practical. The notice shall disclose, if known, the date, municipality, and
12 geographical area in which the checkpoint will occur. Notice to the public shall be provided by publishing
13 this information on the government agency's website.

14 79:609 Findings; Children's Mental Health. The general court recognizes that the ongoing mental
15 health, substance misuse, and child protection crises have taken a significant toll on New Hampshire's
16 children, families, and taxpayers, and New Hampshire schools are challenged daily to support the
17 behavioral health needs of students while promoting academic achievement for all students. In response,
18 the New Hampshire department of education's office of social and emotional wellness has supported
19 approximately 37 New Hampshire school districts in implementing an evidence-based prevention
20 framework to support the behavioral health and wellness of all students, called multi-tiered system of
21 support for behavioral health and wellness, or MTSS-B. MTSS-B is a key component of the system of
22 care established under RSA 135-F.

23 79:610 Appropriation; Department of Education; Children's Mental Health; MTSS-B Framework. The
24 sum of \$900,000 for the fiscal year ending June 30, 2023, is hereby appropriated to the department of
25 education to perform the statutory duties described under RSA 135-F:5. The appropriation contained in
26 this section shall lapse in the event suitable federal funding for equal or higher value than the
27 appropriation contained in this section is received, or on June 30, 2025, which ever is earlier. The
28 governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
29 appropriated.

30 79:611 Effective Date. Section 610 of this act shall take effect June 30, 2023.

31 79:612 Effective Date. Unless otherwise specified, the remainder of this act shall take effect July 1,
32 2023.

Approved: June 20, 2023

Effective Date:

Unless otherwise specified, the remainder of this act shall take effect July 1, 2023

