

Amendments

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Repeal. 2017, 155:7 relative to budget adjustments and class 027 transfers to the department
4 of information technology for fiscal year 2019, is repealed.

5 2 Department of Administrative Services; Debarment of Vendors. Amend the introductory
6 paragraph of RSA 21-I:11-c, I to read as follows:

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

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

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

24 4 Department of Administrative Services; Divisions. Amend the section heading of RSA 21-I:11
25 to read as follows:

26 21-I:11 ~~[Division]~~ **Divisions of Procurement and Support Services, Public Works Design**
27 **and Construction, and** Plant and Property ~~[Management]~~.

28 5 Department of Administrative Services; Director of Plant and Property. Amend the
29 introductory paragraph of RSA 21-I:11, I(c) to read as follows:

30 (c) The division of plant and property, which shall be under the supervision of ~~a~~
31 ~~classified administrator who~~ **an unclassified director of plant and property who shall be**
32 **qualified to hold that position by reason of education and experience and shall perform**

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1 *such duties as the commissioner from time to time may authorize. The director of plant*
2 *and property* shall be responsible for the following functions, in accordance with applicable law:

3 6 Director of Plant and Property; Salary; Funding; Effective Date.

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

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

16 7 Department of Administrative Services; Directors; Officers. Amend RSA 21-I:2, II to read as
17 follows:

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

25 8 Department of Administrative Services; Office of the Commissioner. RSA 21-I:4 is repealed
26 and reenacted to read as follows:

27 ~~21-I:4~~ Office Established. There is hereby established an office of the commissioner consisting
28 of the following units:

29 I. State budget.

30 II. Internal audit.

31 III. Operational analysis.

32 IV. Cost containment.

33 9 Division of Financial Data Management. Amend RSA 21-I:5 to read as follows:

34 21-I:5 *Division of Financial Data Management [Unit]*. There is hereby established within the
35 ~~[office of the commissioner]~~ *department a division of financial data management [unit]* under the
36 supervision of an unclassified *director of financial data [manager] management* who shall be
37 responsible for the following functions in accordance with applicable laws:

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

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

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

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

10 V. Assisting department division directors by:

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

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

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

16 10 New Section; Deputy Director of Risk and Benefits. Amend RSA 21-I by inserting after
17 section 7-c the following new section:

18 21-I:7-d Deputy Director of Risk and Benefits; Position Established.

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

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

28 11 Deputy Director of Risk and Benefits; Salary; Funding; Offer to Seek Nomination and
29 Effective Date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 agreements.

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

4 (3) Formalizing contract agreements.

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

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

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

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

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

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

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

17 (i) Advising the ~~[manager of risks]~~ **director of risk** and benefits and, upon request, the
18 commissioner, the governor and executive council, the general court, the state retiree health plan
19 commission established in RSA 100-A:56, the joint legislative fiscal committee established in RSA
20 14:30-a, and other entities regarding employee and retiree benefits program.

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

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

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

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

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

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

35 (d) After consultation with, and approval by the ~~[manager of risks]~~ **director of risk** and
36 benefits, purchasing liability insurance under a fleet policy covering the operation of state-owned
37 vehicles and motorboats, and such other insurance and surety bonds as any state department,

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1 agency, or official may be legally authorized to secure, or required to furnish; provided that
2 approval shall not be granted for any such insurance or surety bonds unless the same have been
3 marketed and procured through a resident agent of an insurance company registered and licensed
4 to do business in this state. With the exception of any risk located outside the state, no such
5 insurance company or resident agent, personally or by another, shall allow, give, or pay, directly or
6 indirectly, to any nonresident agent or nonresident broker any part of the commission on the sale of
7 such insurance or surety bonds. The insurance commissioner may suspend or revoke the license of
8 any resident agent or insurance company violating the provisions hereof.

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

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

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

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

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

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

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

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

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

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

37 (j) Advising the ~~[manager of risks]~~ **director of risk** and benefits and, upon request, the

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1 commissioner, the governor and executive council, the general court, and other entities regarding
2 the bureau's programs.

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

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

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

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

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

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

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

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

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

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

27 13 Department of Administrative Services; Reference Changed. Amend RSA 21-I:24, I to read
28 as follows:

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

35 14 Department of Administrative Services; Reference Changed. Amend RSA 21-I:25-a, to read
36 as follows:

37 21-I:25-a Procurement of Managed Care and Other Risk-Shifting Services. By following the

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1 procedures of RSA 21-I:28, the commissioner of administrative services, through the department's
2 *division of risk* [~~management unit~~] *and benefits*, and after consultation with the governor and
3 council, may contract for or purchase insurance or third party administrator services providing
4 managed care program services and similar services directly related to the provision and
5 monitoring of workers' compensation benefits payable to state employees.

6 15 Department of Administrative Services; References Changed. Amend RSA 21-I:30-f to read
7 as follows:

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

18 16 Department of Administrative Services; Reference Changed. Amend RSA 21-I:44-a, to read
19 as follows:

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

26 17 Department of Administrative Services; Reference Changed. Amend RSA 21-I:44-b, to read
27 as follows:

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

34 18 State Agency Insurance; Reference Changed. Amend RSA 9:27 to read as follows:

35 9:27 Insurance.

36 [H] Any agency or department of the state may, with the approval of the governor and
37 council and within the limits of its appropriation, secure casualty or liability insurance on any

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1 property owned by the state or in connection with any program or activity of the state; provided,
2 however, that all such purchases shall first be reviewed and approved by the *division of risk*
3 ~~[management unit]~~ *and benefits* of the department of administrative services and that any
4 insurance specifically required by law shall be carried.

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

7 19 Health and Human Services; Reference Changed. Amend RSA 161:4, III to read as follows:

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

16 20 Services for Youth and Families; Reference Changed. Amend RSA 170-G:3, VI to read as
17 follows:

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

24 21 Services for Youth and Families; References Changed. Amend RSA 170-G:3, VII(b) and (c)
25 to read as follows:

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

32 (c) No payment shall be made under subparagraph (a)(3) unless the department
33 investigates the claim and the commissioner, or the commissioner's designee determines the foster
34 parent did not act intentionally, willfully or recklessly, and recommends to the *division of risk*
35 ~~[management unit]~~ *and benefits* that the claim, or some portion of the claim, be paid. If the
36 *division of risk* ~~[management unit]~~ *and benefits* determines that the claim meets the
37 requirements of this subparagraph, the attorney general shall be notified and shall select a

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1 qualified attorney to provide legal representation and defense to the claimant subject to the dollar
2 limitations of subparagraph (a)(3), the recommendations of the *division of risk* [~~management unit~~]
3 *and benefits*, and the attorney general's own experience and expertise. The commissioner of
4 administrative services, or the commissioner's designee, shall authorize payment of such amounts
5 as are approved by the attorney general.

6 22 University System; References Changed. Amend RSA 187-A:43, VI-VII, to read as follows:

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

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

15 23 Community College System; References Changed. Amend RSA 188-F:68, VI-VII, to read as
16 follows:

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

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

25 24 Board of Claims; Reference Changed. Amend RSA 541-B:11-A to read as follows:

26 541-B:11-a Annual Report. The secretary of state shall provide annually to the *division of risk*
27 [~~management unit~~] *and benefits* a copy of the annual report for the board.

28 25 Salaries; Unclassified State Officers. Amend the following positions in RSA 94:1-a, I(b),
29 salary grade HH, to read as follows:

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

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

32 26 Department of Administrative Services; Intent of Amendment of Risk Management Unit;
33 Continuation of Operations. The amendment to the title of the risk management unit to the
34 division of risk and benefits is not intended to alter the underlying functions, authorities, or
35 personnel of the existing unit or its manager, or the compensation of any existing employee. The
36 division of risk and benefits shall perform all duties previously performed by the risk management
37 unit and the director of the division of risk and benefits shall perform all duties and functions

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1 previously performed by the manager of risks. Any and all documents entered into by the risk
2 management unit or any of its subunits, including but not limited to contracts, agreements,
3 requests for proposals, requests for bids, requests for quotes, purchase orders, and other items shall
4 be construed to apply to, and shall be deemed to be the action of, the division of risk and benefits.

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

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

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

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

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1 or her existing term as the financial data manager. The salary of the director of the division of
2 financial data management shall be that allocated in RSA 94:1-a, I(b) to the financial data manager.

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

14 32 Department of Administrative Services; Consolidation of Human Resources and Payroll
15 Functions.

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

- 23 (a) Accounts receivable;
24 (b) Accounts payable;
25 (c) Collection of fines, penalties, fees, restitution, remittances, and other moneys due to
26 the state; and
27 (d) Such additional finance, accounting and other functions and transactions that the
28 commissioner of administrative services determines may potentially achieve substantial efficiencies
29 from consolidation.

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

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

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

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

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

35 33 Department of Administrative Services; State Employee Health Plan; Application. The cost
36 sharing and plan design for unrepresented active state employees who participate in the health
37 plans offered by the state shall be the same as those for individuals covered by the collective

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1 bargaining agreement between the state of New Hampshire and the State Employees' Association of
2 New Hampshire, Inc. The fiscal committee of the general court may approve changes to the above
3 plan design cost sharing provisions consistent with RSA 21-I:30, I. The cost sharing and plan
4 designs for represented active state employees who participate in the health plans offered by the
5 state shall be in accordance with the provisions of the collective bargaining agreements between the
6 state and the employee organizations representing those employees.

7 34 Department of Administrative Services; Health Coverage Shared Responsibility. Agencies
8 may use funds in existing class 60 budgets to pay any penalties imposed under the employer shared
9 responsibility for health coverage under section 4980H of the Internal Revenue Code.

10 35 All Agencies; Administrative Services; Electronic Mail. Unless restricted by law or
11 administrative rule, upon request of an intended recipient, an agency may provide documents by
12 electronic mailing in lieu of mail.

13 36 Department of Administrative Services; Heating Systems Savings. Amend RSA 21-I:19-ff to
14 read as follows:

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

28 37 State Heating System Facilities. Any unspent balance remaining on the \$18,000,000
29 appropriation made by 2017, 2 to the department of administrative services for the fiscal year
30 ending June 30, 2017, for the purpose of the purchase and replacement of all systems providing
31 heat to state facilities located at the Governor Hugh J. Gallen state office park and state-owned
32 buildings in downtown Concord that were obtaining steam from Concord Steam corporation, as well
33 as the decommissioning of the steam plant located at 105 Pleasant Street in Concord, including but
34 not limited to system design, construction, hazardous material remediation, and project
35 administration and management, as required, shall not lapse until June 30, 2020. As indicated in
36 2017, 2, this project shall be managed by the division of public works design and construction and
37 funds may be expended to fund any temporary personnel for the purpose of project administration,

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1 management, or clerk of the works. The commissioner of the department of administrative services
2 is also authorized to employ a classified, full-time, permanent project manager in the division of
3 public works design and construction, whose initial salary and benefit cost shall be from funds
4 appropriated pursuant to 2017, 2. The governor is authorized to draw a warrant for said sum out of
5 any money in the treasury not otherwise appropriated, and said funds shall not lapse until June 30,
6 2020.

7 38 Department of Administrative Services; Funding and Staffing Resource Limitations.

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

14 II. Due to inadequate funding and staffing resources at the department of administrative
15 services, the commissioner of the department of administrative services may suspend the following
16 requirements or obligations of the department for each fiscal year of the biennium ending June 30,
17 2021:

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

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

23 39 Department of Administrative Services; Establishment of Additional Surplus Fund. Amend
24 RSA 21-I:11, I, (a)(6)(B) to read as follows:

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

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

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

32 40 Surplus Distribution Accounts. Amend RSA 6:12, I(b)(92) to read as follows:

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

35 (A) **The surplus distribution section administrative assessments fund;**
36 **and**

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

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1 41 Department of Administrative Services; Fund Restrictions. Amend the introductory
2 paragraph of RSA 21-I:11-a, I to read as follows:

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

7 42 New Section; Department of Administrative Services; Building Maintenance Fund. Amend
8 RSA 21-I by inserting after section 11-c the following new section:

9 21-I:11-d Building Maintenance Fund. Each agency for which the department of
10 administrative services is charged with providing building maintenance services shall pay to the
11 department an annual assessment of 75 cents per square foot of such space which the agency
12 occupies. The department of administrative services may make transfers from appropriate agency
13 accounts to address such assessments. Collected amounts shall be deposited in the building
14 maintenance fund, which shall be nonlapsing and continually appropriated to the department of
15 administrative services for the purposes of covering costs associated with continuing maintenance of
16 buildings, space, and other property which it is charged with maintaining.

17 43 New Subparagraph; Application of Receipts; Building Maintenance Fund. Amend RSA 6:12,
18 I(b) by inserting after subparagraph (343) the following new subparagraph:

19 (344) Moneys deposited in the building maintenance fund established under RSA
20 21-I:11-d.

21 44 Appropriation; Building Maintenance Fund.

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

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

26	All	General	Federal	Highway	Turnpike	Other
27	\$528,606.50	\$263,417.50	\$74,598.50	\$57,811.00	\$702.50	\$132,077.00

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

29	All	General	Federal	Highway	Turnpike	Other
30	\$528,606.50	\$262,808.00	\$74,598.50	\$57,873.50	\$702.00	\$132,624.50

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

33 45 Study of Building Maintenance Funding Sources for Patient Occupied Buildings Managed
34 by the Department of Health and Human Services. The department of administrative services and
35 the department of health and human services shall study appropriate mechanisms for the creation
36 of an additional building maintenance fund for the patient occupied buildings currently managed
37 directly by the department of health and human services, including but not limited to the Glencliff

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1 home, New Hampshire hospital, and the Sununu youth services center. The departments shall
2 report their findings to the fiscal committee of the general court on or before November 1, 2019.

3 46 Judicial Appointments; Number Limited; Conversion Suspended.

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

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

9 47 Judicial Branch; Transfer Among Accounts and Classes. Notwithstanding any provision of
10 law to the contrary, and subject to approval of the fiscal committee of the general court, for the
11 biennium ending June 30, 2021, the supreme court may transfer funds within and among all
12 accounting units within the judicial branch as the supreme court deems necessary and appropriate
13 to address budget reductions or to respond to changes in federal laws, regulations, or programs, and
14 otherwise as necessary for the efficient management of the judicial branch. If the supreme court
15 intends to transfer funds which would otherwise meet the transfer requirements as set forth in RSA
16 9:17-d, prior approval of the fiscal committee of the general court shall be required for transfers of
17 \$100,000 or more.

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

26 49 New Section; Cost of Care Reimbursement Account Established. Amend RSA 622 by
27 inserting after section 58 the following new section:

28 622:58-a Cost of Care Reimbursement Fund Established. There is established the cost of care
29 reimbursement fund, which shall be administered by the commissioner of the department of
30 corrections. This fund shall be nonlapsing and continually appropriated to the commissioner for the
31 purpose of the general care of those persons under departmental control and upkeep of the prison
32 facilities including equipment. The commissioner shall deposit all funds received from the
33 department of justice as specified in RSA 622:58 into this fund.

34 50 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after
35 subparagraph (343) the following new subparagraph:

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

37 51 Department of Corrections; Cost of Care Reimbursement Moneys. Amend RSA 622:58 to

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1 read as follows:

2 622:58 Deposit of Recovered Moneys. All moneys recovered under this subdivision shall be
3 deposited in the ~~[general fund]~~ *cost of care reimbursement fund under RSA 622:58-a*.

4 52 Repeal. RSA 622:7-b, relative to victim's fund, is repealed.

5 53 Application of Receipts; Victims' Fund. Amend RSA 6:12, I(b)(23) to read as follows:

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

10 54 Department of Corrections; Unclassified Position Established; Director of Nursing.

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

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

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

30 55 Department of Corrections; Unclassified Positions Established.

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

37 (a) Department of corrections, chief pharmacist.

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- 1 (b) Department of corrections, pharmacist I.
- 2 (c) Department of corrections, pharmacist II.
- 3 (d) Department of corrections, pharmacist III.
- 4 (e) Department of corrections, pharmacist IV.

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

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

- 14 (a) Chief pharmacist #19851.
- 15 (b) Pharmacist #12997.
- 16 (c) Pharmacist #19553.
- 17 (d) Pharmacist #19848.
- 18 (e) Pharmacist #16290.

19 56 State Commission for Human Rights. Amend RSA 354-A:3, I to read as follows:

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

25 57 Boxing and Wrestling Commission. Amend RSA 285:2 to read as follows:

26 285:2 Establishment of Commission. There is hereby established a boxing and wrestling
27 commission which shall oversee amateur and professional fighting sports in the state. *The*
28 *commission shall be administratively attached to the department of state pursuant to RSA*
29 *21-G:10.*

30 58 Annual Grant for Leased Space; Charter Schools. Amend the introductory paragraph of
31 RSA-198:15-hh, I to read as follows:

32 I. The amount of the annual grant for a lease to any school district duly organized, any city
33 maintaining a school department within its corporate organization, any cooperative school district
34 as defined in RSA 195:1, or any receiving district operating an area school as defined in RSA 195-
35 A:1, shall be a sum equal to 30 percent of the amount of the annual payment of the lease incurred,
36 for the cost of leasing permanent space in a building or buildings not owned by the school district or
37 school administrative unit which is used for the operation of a high school vocational technical

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1 education program, to the extent approved by the state board of education. For the purposes of this
2 section, the amount of the annual grant for a lease to a vocational technical education center shall
3 be calculated in the same manner as a cooperative school district. The amount of the annual grant
4 for a chartered public school authorized under RSA 194-B:3-a shall be a sum equal to 30 percent of
5 the annual lease payment incurred for the cost of leasing space; **provided that no annual grant**
6 **for leased space provided to a chartered public school in accordance with this section**
7 **shall exceed \$30,000 in any fiscal year.** The total amount of grants to schools pursuant to this
8 section shall not exceed the state appropriation for leased space. If the amount appropriated is
9 insufficient therefor, the appropriation shall be prorated proportionally among the schools eligible
10 for a grant. Such lease agreements shall be eligible for grants under this section, provided all of the
11 following conditions apply:

12 59 Meals and Rooms Tax; Distribution to Cities and Towns. For the fiscal years ending June
13 30, 2020 and June 30, 2021, the state treasurer shall fund the distribution of revenue to cities and
14 towns pursuant to the formula for determining the amount of revenue returnable to cities and
15 towns under RSA 78-A:26, I and II at no more than the amount of the fiscal year 2019 distribution.

16 60 Department of Health and Human Services; Social Services Block Grant Cost of Living
17 Adjustment to Income Levels. Notwithstanding any other provision of law, for the biennium ending
18 June 30, 2021, the department of health and human services shall raise the income eligibility for
19 elderly and adult clients under the social services block grant program each January, by the
20 percentage amount of the cost of living increase in social security benefits on a yearly basis provided
21 such amount is consistent with federal law and regulations relative to the social services block
22 grant income eligibility.

23 61 County Reimbursement of Funds; Limitations on Payments. Amend RSA 167:18-a, II(a) to
24 read as follows:

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

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

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

29 62 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children;
30 Definitions. Amend RSA 167:6, VII to read as follows:

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

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

7 63 Prospective Repeal Regarding Eligibility for Services Extended. Amend 2011, 209:6, I, as
8 amended by 2013, 140:1, I, as amended by 2015, 276:41, I, as amended by 2017, 156:85, I to read as
9 follows:

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

11 64 Department of Health and Human Services; Suspension of Direct and Indirect Graduate
12 Medical Education Payments. The commissioner of the department of health and human services
13 shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and
14 Medicaid Services to suspend the provision of direct and indirect graduate medical education
15 payments to hospitals as provided in 42 C.F.R. section 413.75 for the biennium ending June 30,
16 2021. Upon approval of the state plan amendment, and as of the effective date of the state plan
17 amendment, any obligations for payment of direct and indirect graduate medical education shall be
18 suspended for the biennium ending June 30, 2021.

19 65 Health and Human Services; Suspension of Catastrophic Aid Payments to Hospitals. The
20 commissioner of the department of health and human services shall submit a Title XIX Medicaid
21 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend
22 catastrophic aid payments to hospitals. Upon approval of the state plan amendment, and as of the
23 effective date of the state plan amendment, any obligations for catastrophic aid payments to
24 hospitals shall be suspended for the biennium ending June 30, 2021.

25 66 Department of Health and Human Services; Prospective Repeal Regarding the Exemption
26 from Certain Transfer Procedures Extended. Amend 2018, 163:11, IV to read as follows:

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

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

37 68 Appropriation; Department of Safety, Division of Fire Standards and Training and

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1 Emergency Medical Services. There is hereby appropriated to the department of safety, division of
2 fire standards and training and emergency medical services, the sum of \$500,000, for the biennium
3 ending June 30, 2021, for the purpose of providing grants to local firefighters for medical
4 examinations conducted pursuant to RSA 281-A:17. The sum shall be a charge against the fire
5 standards and training and emergency medical services fund established pursuant to RSA 21-P:12-
6 d, and shall not lapse.

7 69 Commissioner of Health and Human Services; Quarterly Reports. During the biennium
8 ending June 30, 2021, the commissioner of health and human services shall make quarterly reports
9 to the governor, the speaker of the house of representatives, and the senate president on the status
10 of estimated Medicaid payments in relation to actual costs. Further contents of the such reports
11 shall be as specified by the governor.

12 70 Department of Health and Human Services; Unfunded Positions; Authorization.
13 Notwithstanding any other provision of law to the contrary, the department of health and human
14 services may fill unfunded positions during the biennium ending June 30, 2021, provided that the
15 total expenditure for such positions shall not exceed the amount appropriated for personnel
16 services.

17 71 Eligibility for Home and Community-Based Services; Suspension. RSA 151-E:18, regarding
18 presumptive eligibility for home and community based services, shall be suspended for the
19 biennium ending June 30, 2021.

20 72 New Section; Department of Health and Human Services; Developmental Services;
21 Establishing Certain Funds and Transfers of Certain Appropriations. Amend RSA 171-A by
22 inserting after section 8-a the following new section:

23 171-A:8-b Establishing Certain Dedicated Funds and Transfers of Certain Appropriations.

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

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

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

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

1 73 New Subparagraphs; Department of Health and Human Services; Developmental Services;
2 Certain Accounts. Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new
3 subparagraphs:

4 (344) Moneys deposited in the developmental services fund established under RSA
5 171-A:8-b, I.

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

8 (344) Money deposited in the in-home support waiver fund established under RSA
9 171-A:8-b, III.

10 74 Department of Health and Human Services; Transfer of Certain Trust Funds.

11 I. The trust established in *In Re: Laconia State School Trust Funds*, Docket Number 317-
12 2017-EQ-599 (6th Circuit-Probate Division-Concord) shall be dissolved upon the final distribution of
13 funds pursuant to the court order issued in that case.

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

19 75 Study Committee on Outdated Non-regulatory Boards, Commissions, Councils, and Advisory
20 Bodies.

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

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

25 (1) Three members of the house of representatives, appointed by the speaker of the
26 house of representatives.

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

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

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

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

37 (a) Frequency of meetings.

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

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

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

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

8 76 Department of Health and Human Services; Plan to Close the Cliff Effect for Individuals
9 and Families who Receive Public Benefits.

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

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

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

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

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

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

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

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

18 77 Revenue Sharing; Suspension. RSA 31-A, relative to revenue sharing with cities and towns
19 shall be suspended for the biennium ending June 30, 2021.

20 78 Liquor Commission; Processing of Merchant Cards. For the biennium ending June 30, 2021,
21 the liquor commission, for purposes of supporting merchant card activity, may:

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

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

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

34 79 Electric Utility Restructuring; Policy Principles; System Benefits Charge. Amend RSA 374-
35 F:3, VI to read as follows:

36 VI. Benefits for All Consumers. Restructuring of the electric utility industry should be
37 implemented in a manner that benefits all consumers equitably and does not benefit one customer

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

23 80 Department of Education; Acceptance of Gifts. For the biennium ending June 30, 2021, the
24 department of education may, subject to the approval of the governor and council, accept gifts,
25 contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and
26 other organizations or institutions for the purpose of funding appropriations for New Hampshire
27 scholars made-in-accounting unit 06-56-56-562010-7534.

28 81 Repeal. RSA 78-A:26, I(b), relative to disposition of income from meals and rooms tax
29 revenue, is repealed.

30 82 Application of Receipts. Amend RSA 6:12, I(b)(21) to read as follows:

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

34 83 Division of Travel and Tourism Budget; Meals and Rooms Tax Revenue. Amend RSA 12-O
35 to insert after section 11-a the following new section:

36 12-O:11-b Division of Travel and Tourism Budget; Meals and Rooms Tax Revenue. The budget
37 of the division of travel and tourism, including the travel and tourism development fund established

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1 by RSA 12-O:16, shall be funded at an amount no less than 3.15 percent of the net income identified
2 by RSA 78-A:26, I for the most recently completed fiscal year.

3 84 Suspensions of Law; Travel and Tourism; Integrated Land Development:

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

7 II. Integrated Land Development Permits; Procedure Suspended. Due to budgetary and
8 staffing constraints, RSA 489, establishing a procedure to obtain an integrated land development
9 permit from the department of environment services, is suspended for the biennium ending June
10 30, 2021.

11 85 State Aid Grants; Department of Environmental Services. Notwithstanding RSA 486, for
12 the biennium ending June 30, 2021, no state aid grants shall be made for any new infrastructure
13 projects that would have otherwise been eligible for state aid grants under RSA 486, RSA 486-A, or
14 RSA 149-M, except that infrastructure projects that have achieved substantial completion by
15 December 31, 2019, shall be eligible for state aid grants, subject to availability of funding and in
16 accordance with other provisions of current law. Nothing in this section shall affect the provision of
17 the future water supply land protection grants under RSA 486-A if funding is available for such
18 purposes.

19 86 Judicial Branch; Reimbursement of Sheriff's Office for Court Security. For the biennium
20 ending June 30, 2021, the state shall reimburse the sheriff's office for court security at the rates
21 provided in the collective bargaining agreement applicable to per diem court security officers
22 employed by the judicial branch to attend any official business, for any person employed as a bailiff
23 by the sheriff's office.

24 87 Treasury Department; Revenue Information Management System Account. Amend RSA 21-
25 J:1-b, II to read as follows:

26 II. The revenue increase from existing taxes attributable to the RIMS collected by the
27 department and deposited in the revenue information management system account shall be no
28 greater than \$4,000,000 each fiscal year beginning in the fiscal year ending June 30, ~~[2022]~~ 2020,
29 and ending ~~[in the fiscal year ending June 30, 2021]~~ when deposits total \$40,000,000. The
30 commissioner shall report annually on the methodology used to determine the revenue increase to
31 the capital budget overview committee and house and senate ways and means committees.

32 88 Capital Appropriations. Amend the footnote to 2017, 228:1, XIX to read as follows:

33 *To provide funds for the appropriations made in subparagraph A, the state treasurer is hereby
34 authorized to borrow upon the credit of the state not exceeding the sum of \$24,160,000 and for said
35 purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in
36 accordance with RSA 6-A. Payments of principal and interest on the bonds and notes for the
37 \$6,000,000 state appropriation shall be made from the general fund for fiscal years 2018, 2019,

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1 2020, and 2021. Beginning with fiscal year 2022, payments of principal and interest on the bonds
2 and notes for the appropriation of \$24,160,000 shall be made from revenue credited to a revenue
3 information management system account established within RSA 21-J by legislation during the
4 2017 regular legislative session. [~~If no such dedicated fund for a revenue information management
5 system account within RSA 21-J becomes law during the 2017 regular legislative session, the
6 appropriation for the project shall be reduced to the \$6,000,000 of state funds authorized in
7 subparagraph A with payments of principal and interest on the bonds and notes to be made from
8 the general fund~~] **Notwithstanding the prescribed commencement of principal repayment
9 from the revenue information management system replacement account, the repayment of
10 principal from the general fund shall total \$6,000,000, plus interest.**

11 89 Department of Natural and Cultural Resources; Forest Lands. Amend RSA 227-G:5, I(b) to
12 read as follows:

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

23 90 Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment, and Recovery;
24 Faith-Based Member. Amend RSA 12-J:1, IV to read as follows:

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

27 (2) A representative of the New Hampshire Medical Society, appointed by the
28 society.

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

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

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

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

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

37 (b) **A representative of the state's faith-based community, who shall be a**

1 *nonvoting member, appointed by the governor.*

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

3 91 New Chapter; Family and Medical Leave Insurance. Amend RSA by inserting after chapter
4 282-A the following new chapter:

5 CHAPTER 282-B

6 FAMILY AND MEDICAL LEAVE INSURANCE

7 282-B:1 Findings. The general court finds that family and medical leave insurance will help
8 New Hampshire attract and retain workers, including younger workers, will enable parents to bond
9 with biological, adopted, or foster children, will help meet the needs of an aging population, will
10 advance the health of New Hampshire's workforce and workplace stability, and will enhance worker
11 retention and productivity. The general court therefore finds that it is in the public interest to
12 establish a system of family and medical leave insurance (FMLI) with benefits to be provided to
13 qualified workers on a limited basis.

14 282-B:2 Definitions. In this chapter:

15 I. "Benefit year" means the 12-month period beginning with the first day of the calendar
16 week in which the individual next files an application for FMLI benefits after the expiration of the
17 individual's last preceding application year.

18 II. "Calendar quarter" has the same meaning as in RSA 282-A:5.

19 III. "Commissioner" means the commissioner of the department of employment security.

20 IV. "Department" means the department of employment security.

21 V. "Employer" has the same definition as relevant provisions of RSA 282-A:8, except as
22 provided in RSA 282-A:9.

23 VI. "Employment" means wages paid for services by an employer that is covered by this
24 chapter.

25 VII. "Family member" means a spouse or domestic partner under RSA 457, son, daughter,
26 parent, stepparent, grandparent, or step grandparent related through birth, marriage, adoption,
27 foster care, or legal guardianship.

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

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

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

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

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

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

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

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

4 XI. "Serious health condition" means any illness covered by the federal Family and Medical
5 Leave Act including treatment for addiction as prescribed by a treating clinician, consistent with
6 American Society of Addiction Medicine criteria, as well as treatment for a mental health condition,
7 consistent with American Psychiatric Association criteria.

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

10 282-B:3 Employer Applicability.

11 I. This chapter applies to the state and nongovernmental employers beginning January 1,
12 2020, provided that any employer may instead exercise a business option of participating in a self-
13 insured plan, self-insuring, purchasing insurance, providing benefits, or any combination thereof,
14 upon employer application and certification by the commissioner or authorized representative that
15 the employer will provide an equivalent benefit to all of its employees. If the employer is subject to
16 a collective bargaining agreement, this chapter shall apply to the employer upon the effective date
17 of the first successor collective bargaining agreement following January 1, 2020 to permit the
18 employer and the union to negotiate the premium rate share under RSA 282-B:3, II. Political
19 subdivisions of the state may opt into this chapter upon certification by the authorized
20 representative that this chapter's insurance benefits are at least equivalent to the benefits provided
21 under the collective bargaining agreement, provided the applicable bargaining unit has first ratified
22 this option. Beginning January 1, 2020, this chapter shall be a mandatory subject of bargaining for
23 collective bargaining agreements. Employees not covered by a collective bargaining agreement in a
24 political subdivision of the state may opt into this chapter if the political subdivision has not.

25 II. All employers subject to this chapter shall remit FMLI premium payments on a calendar
26 quarter basis. These quarterly insurance premium payments shall amount to 0.5 percent of wages
27 per employee per week for each week of the preceding quarter. Employers may withhold or divert
28 no greater than 0.5 percent of wages per week per employee to satisfy this paragraph, provided that
29 such employers provide employees, before employment commences, a department approved
30 information sheet containing conspicuous language explaining the costs and benefits of the
31 insurance.

32 III. The penalties for falsity by employers shall be in accordance and consistent with RSA
33 282-A:166. The process for failing to adequately report shall be in accordance and consistent with
34 RSA 282-A:151-152 and RSA 282-A:166-a, and any resulting appeals shall be processed in
35 accordance and consistent with RSA 282-A:94-98.

36 282-B:4 Family and Medical Leave Insurance Fund; Administration. The department shall
37 create and administer a family and medical leave insurance fund for deposits of insurance payments

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1 paid pursuant to RSA 282-B:3, and accept any other deposit of moneys as authorized by law or by
2 the commissioner or authorized representative. No FMLI fund moneys shall be commingled with
3 unemployment insurance fund moneys. The department may withdraw or deduct from the FMLI
4 fund where there are qualifying FMLI benefit payments or for any amounts reasonably necessary to
5 implement and administer the provisions of this chapter or to repay any start-up loan.

6 282-B:5 Employer and Employee Responsibilities.

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

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

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

23 282-B:6 Eligibility Process, Calculation, and Appeals.

24 I. An employee shall be limited to up to 12 weeks of FMLI in any one application period.
25 An employee shall have had premium payments remitted as a percent of his or her wages for at
26 least 6 months to be eligible for benefits and shall have worked in employment resulting in wages in
27 the amount of at least 1,040 multiplied by the applicable minimum wage, in either the "base period"
28 or "alternative base period," as those terms are defined in RSA 282-A:2.

29 II. An employee shall be eligible for FMLI for reasons identified in paragraph I and RSA
30 282-B:2, IX.

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

36 IV. The process for FMLI benefits claims, violations, and any resulting appeals shall be in
37 accordance and consistent with RSA 282-A:42 through RSA 282-A:68 and RSA 282-A:118.

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1 Processing of benefits claims and benefit payment may be administered by a third party selected
2 through a request for proposals issued by the department. The standard and process for handling
3 overpayments shall be in accordance and consistent with RSA 282-A:29, RSA 282-A:141-RSA 282-
4 A:156 and RSA 282-A:165. In addition, an individual shall be disqualified from FMLI benefits
5 beginning with the first day of the calendar week, and continuing for the next 26 weeks, in which
6 the individual has been found to willfully made a false statement or misrepresentation regarding a
7 material fact, or willfully failed to report a material fact, to obtain benefits under this chapter.

8 282-B:7 Limitations. Nothing in this chapter shall diminish an employer's obligation to comply
9 with a collective bargaining agreement or employer policy, nor does this chapter, or any decision by
10 the commissioner or authorized representative under this chapter, limit the ability of employers to
11 provide FMLI benefits or benefits beyond what is required by this chapter.

12 282-B:8 Report and Outreach.

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

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

24 282-B:9 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to
25 this chapter. In adopting rules, the commissioner shall maintain consistency with the rules adopted
26 to implement the federal Family and Medical Leave Act, to the extent such rules are not in conflict
27 with this chapter.

28 282-B:10 Sustainability Mechanism. The commissioner shall continuously monitor the
29 solvency of the fund. Should the commissioner determine at any time that the solvency of the fund
30 is in jeopardy, or that the fund is in excess of necessary funds, the commissioner shall provide the
31 advisory council with data supporting such solvency determination and may prospectively, effective
32 in a future calendar quarter, increase or reduce FMLI premiums in RSA 282-B:3, II, decrease the
33 benefits payable in RSA 282-B:6, III, or decrease the allowable length of leave in RSA 282-B:6, I, or
34 any combination thereof, provided such prospective changes are cumulatively no greater than or
35 less than 10 percent of those required under this chapter. If the commissioner thereafter
36 determines such changes are no longer necessary for fund solvency the commissioner shall reverse
37 such changes. Advance notice of any and all changes pursuant to this paragraph shall be provided

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1 to all covered employers and employees.

2 282-B:11 Family and Medical Leave Insurance Program; Funding Transfer and Repayment.
3 The state treasurer shall transfer funds from the general fund to the department of employment
4 security for payment of the initial administrative and implementation costs associated with this
5 chapter. Within the first 5 years after the family and medical leave insurance program becomes
6 operational, the department shall repay the general fund transfer in installments from funds
7 deducted from the family medical leave insurance fund.

8 92 Advisory Council. Amend RSA 282-A:128 to read as follows:

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

28 93 New Subparagraph; State Treasurer; Application of Receipts. Amend RSA 6:12, I(b) by
29 (inserting after subparagraph (343) the following new subparagraph:

30 (344) Moneys deposited in the family and medical leave insurance fund established
31 in RSA-282-B:4.

32 94 Repeal. RSA 6:12, I(b)(237), relative to the moneys deposited in the civil legal services fund,
33 is repealed.

34 95 Civil Legal Assistance. Amend RSA 525-A:1 and 525-A:2 to read as follows:

35 525-A:1 [~~Civil Legal Assistance~~] *Statement of Purpose*. Funds appropriated to New
36 Hampshire Legal Assistance for the purposes of civil legal assistance shall be used [~~only for the~~
37 ~~provision of civil legal representation to low income persons in this state.~~ New Hampshire Legal

1 ~~Assistance shall make reports to the judicial council by June 30 and December 31 of each year on its~~
2 ~~use of state funds] to enable the state to fund civil legal services to low-income persons in~~
3 ~~the state.~~

4 525-A:2 Civil Legal Services ~~[Fund]. [There is established in the office of the state treasurer a~~
5 ~~separate fund to be known as the civil legal services fund. The money in this fund shall be~~
6 ~~distributed to] Funds appropriated to New Hampshire Legal Assistance [to] shall be used to~~
7 ~~[establish and operate offices in the cities of Nashua and Concord to] provide civil legal services to~~
8 ~~low-income persons in [the cities of Nashua and Concord and the surrounding areas, and to provide~~
9 ~~additional attorneys, paralegals, or both, to the staff of the New Hampshire Legal Assistance offices~~
10 ~~in Manchester, Claremont, Portsmouth, and Littleton] the state. These civil legal services shall~~
11 ~~include services related to such issues as housing, social security and other government benefits,~~
12 ~~health care, domestic violence, and consumer issues. New Hampshire Legal Assistance shall report~~
13 ~~semi-annually to the judicial council as to its use of these funds [in accordance with RSA 525-A:1].~~

14 96 New Chapter; Sports Betting. Amend RSA by inserting after chapter 287-H the following
15 new chapter:

16 CHAPTER 287-I
17 SPORTS BETTING

18 287-I:1 Definitions. For the purposes of this chapter these words shall have the following
19 meaning:

20 I. "Agent" means a party who is authorized by contract or agreement with the commission
21 to conduct a sports book.

22 II. "Authorized sports bettor" means an individual 18 years of age or older who is physically
23 present in the state of New Hampshire when placing a sports wager with the commission or an
24 authorized agent of the commission and is not a prohibited sports bettor.

25 III. "Collegiate sports event" means a sports or athletic event participated in or offered or
26 sponsored by a public or private institution that offers educational services beyond the secondary
27 level.

28 IV. "Commission" means the lottery commission.

29 V. "Director" means the executive director of the lottery commission or designee.

30 VI. "High school sports event" means a sports or athletic event participated in or offered
31 or sponsored by a public or private institution that offers educational services at the secondary
32 level.

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

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

37 IX. "Professional sports event" means an event at which 2 or more persons participate in a

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1 sports or athletic event and receive compensation in excess of actual expenses for their participation
2 in such event.

3 X. "Prohibited sports bettor" means:

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

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

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

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

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

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

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

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

19 XI. "Prohibited sports event" means:

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

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

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

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

31 XII. "Sports governing body" means the organization that prescribes final rules and
32 enforces codes of conduct with respect to a sporting event and participants therein.

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

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

37 XV. "Sports wagering" means wagering on sporting events or any portion thereof, or on the

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1 individual performance statistics of athletes participating in a sports event, or combination of sports
2 events, by any system or method of wagering, including but not limited to in person communication
3 and electronic communication through Internet websites accessed via a mobile device or computer
4 and mobile device applications. The term sports wagering shall include, but not be limited to, single
5 game bets, teaser bets, parlays, over-under bets, money line bets, pools, exchange wagering, in
6 game wagering, in-play bets, proposition bets, and straight bets.

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

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

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

11 287-I:2 Sports Book Authorized. The commission is authorized to operate a sports book for the
12 purposes of accepting and paying sports wagers by authorized bettors within the state in
13 conformance with the requirements of this chapter.

14 287-I:3 Commission Agents. The commission shall conduct sports books for sports wagering
15 through agents selected through a competitive bid process and approved by the governor and
16 executive council. Any such contract shall be based on the state receiving a percentage of revenue
17 from sports wagering activities within the state. The commission shall ensure that an agent
18 demonstrates financial stability, responsibility, good character, honesty, and integrity. In selecting
19 an agent, the commission shall consider, at a minimum, the experience and background of the
20 agent, the agent's ability to serve proposed locations for sports book retail operations, the agent's
21 mobile and Internet capabilities, the agent's contribution to economic development within the state,
22 the agent's commitment to prevention of problem gambling, to responsible gaming, and to integrity
23 in betting. The commission shall select a group of bidders who best meet the criteria set forth in
24 this paragraph and select from that group the agent or agents whose bids provide the state with the
25 highest percentage of revenue from the sports wagering activities covered by the bid or bids,
26 provided that the commission determines that the bidder's commitment to return said revenue
27 percentage to the state is consistent with the bidder's commitment to meet all other criteria
28 specified in the bid request and in applicable law. All agents shall be subject to criminal and
29 financial background checks as prescribed by the commission.

30 287-I:4 Commission Directed Sports Wagering. The commission is further authorized to
31 directly offer lottery games to authorized bettors within the state in the form of tier III sports
32 wagers through the commission's lottery retailers subject to the provisions of this chapter. The
33 commission may retain vendors to support the commission in operating a sports book and such
34 vendors shall be selected through a competitive bid process and approved by the governor and
35 executive council.

36 287-I:5 Sports Book Retail Operations. The commission and its agents are further authorized
37 to operate physical sports book retail locations within the state for the purposes of accepting tier I

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1 and tier III sports wagers from authorized bettors and paying prizes relating to those wagers. The
2 sports book retail locations may be co-located with other commercial businesses or general
3 commercial retail locations. No more than 10 sports book retail locations may be in operation at any
4 given time.

5 287-I:6 Local Option for Operation of Sports Book Retail Locations.

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

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

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

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

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

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

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

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

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

31 287-I:7 Mobile Sports Wagering Authorized. The commission and its agents are authorized to
32 operate sports books that offer tier I, tier II, and tier III sports wagers through a mobile sports
33 wagering platform by mobile devices or over the Internet. No more than 5 mobile sports wagering
34 agents shall be in operation at any given time. With respect to mobile sports wagering, the
35 commission, either independently, or through its agent, shall provide:

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

1 II. Identity verification through secure online databases or by examination of photo
2 identification.

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

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

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

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

13 287-I:8 Sports Wagering Supervision. The commission shall create a division of sports
14 wagering which will be responsible for ensuring compliance with the requirements of this chapter
15 and any rules promulgated by the commission in accordance with the authorities granted under
16 this chapter. In addition, the division, under the direction of the director and commission, shall
17 ensure that the commission's agents and vendors comply with the following obligations:

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

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

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

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

26 (d) Employment background checks and policies.

27 (e) Automated and manual risk management procedures.

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

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

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

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

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

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

37 II. For each wagering computer system used to conduct sports wagering, including all

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (e) Expiration dates for winning tickets.

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

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

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

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

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

36 IV. Each agent or vendor engaged in sports wagering shall submit accounting controls for
37 the division's review and approval prior to conducting any sports wagering within the state and

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1 every year thereafter. These accounting controls shall include at a minimum:

- 2 (a) A process for documenting and verifying beginning of day cash balance;
- 3 (b) Processes for recording collection of wagers, payment of wagers, and cancellation of
- 4 wagers issued;
- 5 (c) Processes for handling cash within sports book retail locations including segregation
- 6 of duties related to counting and storage of cash; and
- 7 (d) The establishment of a segregated account related to New Hampshire sports
- 8 wagering activities.

9 V. The commission's agents shall submit a responsible gaming plan for the division's review

10 and approval prior to conducting any sports wagering within the state and every year thereafter.

11 This plan should include identification of posting and materials related to problem gaming,

12 resources to be made available to bettors expressing concerns about problem gaming, house imposed

13 player limits, and self-exclusion programs.

14 VI. The commission's agents shall maintain a cash reserve available to pay wagers as

15 determined by the commission.

16 VII. The commission's agents or vendor shall not accept any wager on a sports event unless

17 it has received approval from the commission to conduct that type or category of wager. A type of

18 wager refers to the method of determining the outcome of the wager. The category refers to the

19 kind of event being wagered on. The commission shall approve wager categories and types in a

20 reasonable time frame. Once a particular category or wager type is approved for its first use it may

21 be used on multiple events without further approval.

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

- 23 (a) The outcome can be verified;
- 24 (b) The outcome can be generated by a reliable and independent process; and
- 25 (c) The event is conducted in conformity with applicable laws.

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

- 27 (a) Cash;
- 28 (b) Cash equivalent;
- 29 (c) PayPal;
- 30 (d) Debit card;
- 31 (e) ACH;
- 32 (f) Promotional funds; and
- 33 (g) Any other means approved by the executive director.

34 X. Any agent or contractor who sends or receives electronic sports wagers is responsible to

35 ensure that any transfer of that wager is initiated and received and completed within the state of

36 New Hampshire and that only incidental intermediate routing of the wager occurs outside of the

37 state. The agent and contractor shall be responsible for periodically reviewing their information

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1 technology systems and networks to ensure compliance with this section.

2 287-I:9 Proceeds to Education Fund. The proceeds received by the commission from sports
3 wagering, less the administrative costs of the commission, prizes paid, and payments for problem
4 gambling services, shall be deposited in the education trust fund established in RSA 198:39.

5 287-I:10 Limitations on Sports Wagers. The commission and its agents are prohibited from the
6 following activities:

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

9 II. Accepting sports wagers on prohibited sports events.

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

12 287-I:11 Disclosure of Data Source. The commission and agents shall publicly disclose the
13 source of the data that will be used to determine the outcome of a tier II or tier III wager.

14 287-I:12 Risk Management. The commission's agents may take any risk management
15 strategies as authorized by the director.

16 287-I:13 Maintaining Sports Integrity. The commission and agents may participate in national
17 and international monitoring services and associations and may share betting information with
18 those entities and sports governing bodies in order to ensure the integrity of sports wagers and
19 sports events. The director may restrict, limit, or exclude wagering on a sports event if he or she
20 determines that such an action is necessary to ensure the integrity of the sports book.

21 287-I:14 Financial Reports. The commission may seek financial and compliance reports from
22 its agents periodically and may conduct audits of these reports to ensure that the state receives the
23 agreed upon revenue sharing proceeds.

24 287-I:15 Compliance Reviews. The commission shall retain oversight of its agents to ensure
25 that all sports wagering activities are conducted in accordance with this statute and any rules
26 adopted by the commission.

27 ~~287-I:16 Fantasy Sports Exempted. Nothing in this chapter shall apply to fantasy sports~~
28 ~~contests authorized pursuant to RSA 287-H.~~

29 287-I:17 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to the
30 operation, conduct, location, and oversight of sports books. The commission may enact emergency
31 rules, which will take effect upon approval.

32 97 Bets Void. Amend RSA 338:2 to read as follows:

33 338:2 Bets Void. *Except as authorized by the lottery commission*, all bets and wagers upon
34 any question where the parties have no interest in the subject except that created by the wager are
35 void; and either party may recover any property by him *or her* deposited, paid, or delivered upon
36 such wager or its loss, and repel any action brought for anything, the right or claim to which grows
37 out of such bet or wager.

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1 98 Education Trust Fund; Sports Betting Added. Amend RSA 198:39, I(k) to read as follows:

2 (k) Funds collected and paid over to the state treasurer by the lottery commission
3 pursuant to RSA 284:44, [and] RSA 284:47, **and RSA 287-I.**

4 99 New Subparagraph; Gambling; Exceptions. Amend RSA 647:2, V by inserting after
5 subparagraph (e) the following new subparagraph:

6 (f) Sports wagering as defined by RSA 287-I:1, XV.

7 100 New Chapter; Council for Responsible Gambling. Amend RSA by inserting after chapter
8 338-A the following new chapter:

9 CHAPTER 338-B

10 COUNCIL FOR RESPONSIBLE GAMBLING

11 338-B:1 Definitions. In this chapter, "council" means the council for responsible gambling.

12 338-B:2 Statement of Purpose. Education, prevention, and treatment relating to gambling
13 disorders are an integral part of a responsible gaming environment within the state.

14 338-B:3 Establishment. There is established the council for responsible gambling which shall
15 promote education, prevention, and treatment of problem gambling within the state.

16 338-B:4 Membership.

17 I. The council shall consist of 5 members appointed by the governor and executive council
18 and shall be qualified in the field of addiction or mental health services with a focus on problem
19 gambling and shall be residents of the state. A member may be removed by the governor and
20 executive council only for cause shown in accordance with RSA 4:1. The members shall elect one of
21 their number as chairperson. Three members of the council shall constitute a quorum.

22 II. Members shall serve 3 year terms and until their successors are appointed; provided
23 that for the initial appointments only, one member shall be appointed to a term of one year, 2
24 members shall be appointed to a term of 2 years and 2 members shall be appointed to a term of 3
25 years. Any vacancy shall be filled for the unexpired terms.

26 III. Members of the council shall receive mileage at the rate of state employees when
27 attending meetings of the council or performing duties on behalf of the council.

28 338-B:5 Powers and Duties. The council shall have the authority to enter into grants and
29 contracts for the purposes of furthering education, prevention, and treatment of problem gambling
30 within the state.

31 338-B:6 Report of the Council. The council shall submit a biennial report to the governor and
32 executive council on or before October 1 of each even-numbered year. The report shall include a
33 description of the council's activities including a financial report for the relevant time period.

34 338-B:7 Administrative Attachment. The council shall be administratively attached to the
35 lottery commission in accordance with RSA 21-G:10. In addition to the support provided to an
36 administratively attached agency, the lottery commission shall also provide the following to the
37 council:

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1 I. Funding in an amount not to exceed \$250,000 per fiscal year to conduct the activities
2 prescribed by this chapter. In accordance with the purpose of this chapter, these payments shall be
3 considered administrative expenses of the lottery commission as set forth in RSA 284:21-j.

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

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

9 101 Operation of Keno Games; Fees for Research. Amend RSA 284:47, II to read as follows:

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

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

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

16 102 Tobacco Tax; Definitions. Amend RSA 78:1, XIV to read as follows:

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

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

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

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

34 78:7-c Tax Imposed on Tobacco Products Other Than Cigarettes.

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

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

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

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

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

10 105 Contingent Version; Tobacco Tax; Definitions. RSA 78:1, XIII is repealed and reenacted to
11 read as follows:

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

18 106 Contingent Version; New Paragraph; Electronic Cigarette; Definition. RSA 78:1 by
19 inserting after paragraph III the following new paragraph:

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

27 107 Contingent Version; Tobacco Tax; Tax Imposed on Tobacco Products Other Than
28 Cigarettes. RSA 78:2, II is repealed and reenacted to read as follows:

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

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

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

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

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

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

9 109 Youth Access to and Use of Tobacco Products; Definitions. Amend RSA 126-K:2, II-a to
10 read as follows:

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

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

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

22 110 Youth Access to and Use of Tobacco Products; Contingent 2020 Version; Definition of E-
23 Cigarette. RSA 126-K:2, II-b is repealed and reenacted to read as follows:

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

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

32 112 Alcoholic Beverages; Definition of E-Cigarette and E-Liquid Added. Amend RSA 175:1,
33 XXXI-a and XXXI-aa to read as follows:

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

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1 *liquid" means any liquid, oil, or wax product containing, but not limited to, nicotine or*
2 *cannabis intended for use in devices used for inhalation.*

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

8 113 Definition of License. Amend RSA 175:1, XXXIX to read as follows:

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

12 114 Definition of Retailer. Amend RSA 175:1, LIX-a to read as follows:

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

16 115 Liquor Commission; Liquor Investigator. Amend RSA 176:9, III to read as follows:

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

21 116 Liquor Licenses and Fees; Licenses Required. Amend RSA 178:1, VI to read as follows:

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

27 117 Licenses Authorized; Sale of Tobacco Products. Amend RSA 178:2, I to read as follows:

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

35 118 Combination License; Sale of Tobacco Products or E-Cigarettes. Amend RSA 178:18 to read
36 as follows:

37 178:18 Combination License.

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1 I. Off-premises licenses shall be issued only for grocery and drug stores not holding on-
2 premises licenses. Such licenses shall authorize the licensees to sell fortified wine, table wine, and
3 beverages for consumption only off the premises designated in the licenses and not to other
4 licensees for resale. Such sale shall be made only in the immediate container in which the
5 beverage, wine, or fortified wine was received by the off-premises combination licensee; except that
6 in the case of the holder of a wholesale distributor license, beverages may be sold only in such
7 barrels, bottles, or other containers as the commission may by rule prescribe. Off-premises licenses
8 may also authorize the licensee to sell tobacco products *or e-cigarettes*. There shall be no
9 restriction on the number of combination licenses held by any person. The license shall authorize
10 the licensee to transport and deliver beverages, tobacco products, *e-cigarettes*, and table or
11 fortified wines ordered from and sold by the licensee in vehicles operated under the licensee's
12 control or an employee's control.

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

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

20 119 Retail Wine License; Sale of Tobacco Products. Amend RSA 178:19 to read as follows:

21 178:19 Retail Wine License:

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

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

35 III. On-premises licensees licensed under this chapter shall maintain separate rooms for
36 storage, shelving, display, and sale of tobacco products, *e-cigarettes*, and fortified and table wine
37 for consumption off the premises. Such rooms shall be equipped with at least one cash register

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1 which shall be capable of separately registering wine sales, and such rooms shall have an attendant
2 at all times while open for business. Wine purchased for resale by virtue of the retail wine license
3 shall be purchased on separate invoices from that wine intended for consumption in the dining room
4 or lounge, and separate sales records shall be maintained for this purpose.

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

8 120 Retail Tobacco License; Sale of E-Cigarettes. Amend RSA 178:19-a to read as follows:

9 178:19-a Retail Tobacco License.

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

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

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

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

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

26 122 Beer Specialty License; Sale of Tobacco Products and E-Cigarettes. Amend RSA 178:19-d,
27 V-VI to read as follows:

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

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

34 123 Board of Veterinary Medicine; Transfer to Office of Professional Licensure and
35 Certification. Amend RSA 332-B:3 to read as follows:

36 332-B:3 Board; Compensation.

37 I. There shall be a board of veterinary medicine consisting of 7 members: 5 veterinarians,

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1 the state veterinarian, and one public member. The members, other than the state veterinarian,
2 shall be appointed by the governor, with the approval of the council, to a term of 5 years, and until a
3 successor is appointed. No appointed member of the board shall be appointed to 2 consecutive 5-
4 year terms. Vacancies shall be filled for the remainder of the term and in the same manner as the
5 original appointment. Any appointed member of the board may be removed by the governor after a
6 hearing by the board determines cause for removal. The state veterinarian ~~may~~ **shall** serve as an
7 ex officio member, provided any duties of the state veterinarian relative to this chapter shall be
8 agreed upon in writing by the board and the commissioner of agriculture, markets, and food and
9 which agreement may include:

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

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

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

15 (d) Participation in complaint investigations.

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

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

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

27 124 Department of Environmental Services; Modification of Qualifications for Director of
28 Division of Water. Amend RSA 21-O:2, III(a) to read as follows:

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

36 125 Department of Environmental Services; Certified Application Preparer Program. Amend
37 RSA 482-A:3, XX(a)-(b) to read as follows:

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

11 (b) Applications for qualifying minimum impact projects submitted by a certified
12 application preparer shall not require technical review by the department. [and the] *The*
13 department shall issue a [permit] *decision on the application* within 40 days of receipt of a
14 complete application[-], *as follows:*

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

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

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

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

30 126 Department of Environmental Services; Public Bathing Facilities. RSA 485-A:26 is
31 repealed and reenacted to read as follows:

32 485-A:26 Swimming Pools and Bathing Places Public Bathing Facilities.

33 I. In this section:

34 (a) "Pool" means a man-made structure and associated pump, filter, drain, and
35 electrical equipment that is used for recreational or therapeutic bathing, swimming, diving, or other
36 contact with the water such as by wading, splashing, tubing, or sliding. "Pool" shall include, but is
37 not limited to, swimming pools, therapy pools, spas, special recreation pools, slides, and tubing

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1 courses, at hotels, motels, health facilities, water parks, condominium complexes, apartment
2 complexes, youth recreation camps, public parks, and recreational campgrounds or camping parks
3 as defined in RSA 216-I:1, VII. "Pool" shall not include any pool, spa, or other pool that serves 3 or
4 fewer living units and is used only by the residents of the living units and their guests, and does not
5 include baptismal fonts or similar structures owned by a religious organization and used for
6 religious rituals.

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

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

18 (b) Effective January 1, 2020, no person shall operate or maintain a public bathing
19 facility unless the facility is registered with the department under this section. The owner of a
20 public bathing facility shall register the facility using a form provided by the department. If all of
21 the requirements for the form are adopted in narrative rules, the form shall not be subject to RSA
22 541-A.

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

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

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

33 IV. The department may take samples of the water of any such public bathing facility for
34 analysis to determine compliance with water quality requirements. The costs of such sampling and
35 analysis shall be paid by the owner or operator of such facility. The costs recovered for such
36 sampling shall be deposited in the public bathing facility program fund. The costs recovered for
37 analysis shall be consistent with the fee structure established in RSA 131:3-a and deposited as

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1 provided in RSA 131:3-a. Any municipality which establishes a program of sampling and analysis
2 which is equivalent to the department's program shall not be subject to additional sampling and
3 analysis by the department.

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

9 127 New Subparagraph; Public Bathing Facility Fund. Amend RSA 6:12, I(b) by inserting after
10 subparagraph 343 the following new subparagraph:

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

13 128 New Section; Public Bathing Facility Compliance Self-Certification. Amend RSA 485-A by
14 inserting after section 26 the following new section:

15 485-A:26-a Public Bathing Facility Compliance Self-Certification.

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

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

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

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

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

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

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

37 (b) The owner of a public bathing facility that is open fewer than 9 months in a calendar

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1 year and that existed as of January 1, 2019 shall file the initial self-certification prior to initiating
2 operations in 2021.

3 129 Public Bathing Facilities; Injunctions; Emergency Closures. RSA 485-A:27 is repealed and
4 reenacted to read as follows:

5 485-A:27 Injunction; Emergency Closures.

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

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

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

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

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

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

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

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

34 130 New Section; Public Bathing Facilities; Certified Operators Required. Amend RSA 485-A
35 by inserting after section 27 the following new section:

36 485-A:27-a Certified Operator Training Required.

37 I. Effective January 1, 2022, a public bathing facility shall be operated only under the

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1 supervision of an individual who has successfully completed a the certified pool and spa operator
2 certification program offered by the Association of Pool and Spa Professionals, National Swimming
3 Pool Foundation, or other pool and spa operator certification programs approved by the department.

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

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

11 131 Repeal. The following are repealed:

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

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

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

18 132 Terrain Alteration; Modify Reporting Requirements. Amend RSA 485-A:17, II-c to read as
19 follows:

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

25 133 State Treasurer and State Accounts; Application of Receipts. Amend RSA 6:12, I(b)(315) to
26 read as follows:

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

29 134 Child Day Care Licensing; Definitions. Amend RSA 170-E:2, IV(g) to read as follows:

30 (g) "School-age program" means a child day care agency providing child day care for up
31 to 5 hours per school day, before or after, or before and after, regular school hours, and all day
32 during school holidays and vacations, and which is not licensed under ~~[RSA 149]~~ *RSA 170-E:56*, for
33 6 or more children who are 4 years and 8 months of age or older. The number of children shall
34 include all children present during the period of the program, including those children related to
35 the caregiver.

36 135 New Subdivision; Recreation Camp Licensing. Amend RSA 170-E by inserting after section
37 52 the following new subdivision:

Recreation Camp Licensing

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

170-E:54 Rulemaking.

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

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

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

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

170-E:55 Definitions.

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

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

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

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

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

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

(b) Any person or entity required to perform background checks and provide certification to the department pursuant to subparagraph (a) shall pay a fee of \$25 to the

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1 department. All such fees collected by the department shall be deposited into the recreation camp
2 and youth skill camp fund established in RSA 170-E:57.

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

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

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

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

18 170-E:57 Recreation Camp and Youth Skill Camp Fund. There is established the recreation
19 camp and youth skills camp fund. This fund shall be nonlapsing and continually appropriated to
20 the commissioner of the department of health and human services, for the purpose of paying costs
21 associated with administering the provisions of this subdivision.

22 170-E:58 Statement of Health for Recreational Camps. Notwithstanding any law or rule to the
23 contrary, any physical examination which is required before a child may enter a recreational camp
24 may be conducted by a physician, an advance practice registered nurse, or a physician assistant.

25 170-E:59 Possession and Use of Epinephrine Auto-Injectors at Recreation Camps. A recreation
26 camp shall permit a child with severe, potentially life-threatening allergies to possess and use an
27 epinephrine auto-injector, if the following conditions are satisfied:

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

30 (a) The child's name.

31 (b) The name and signature of the licensed prescriber and business and emergency
32 numbers.

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

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

35 (e) The date of the order.

36 (f) A diagnosis and any other medical conditions requiring medications, if not a
37 violation of confidentiality or if not contrary to the request of the parent or guardian to keep

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1 confidential.

2 (g) Specific recommendations for administration.

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

4 (i) The name of each required medication.

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

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

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

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

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

16 170-E:60 Use of Epinephrine Auto-Injector. Immediately after using the epinephrine auto-
17 injector, the child shall report such use to the nurse or another camp employee to enable the nurse
18 or camp employee to provide appropriate follow-up care.

19 170-E:61 Availability of Epinephrine Auto-Injector. The recreational camp nurse or, if a nurse
20 is not assigned to the camp, the recreational camp administrator shall maintain for the use of a
21 child with severe allergies at least one epinephrine auto-injector, provided by the child or the child's
22 parent or guardian, in the nurse's office or in a similarly accessible location.

23 170-E:62 Immunity. No recreational camp or camp employee shall be liable in a suit for
24 damages as a result of any act or omission related to a child's use of an epinephrine auto-injector if
25 the provisions of RSA 170-E:59 have been met, unless the damages were caused by willful or
26 wanton conduct or disregard of the criteria established in that section for the possession and self-
27 administration of an epinephrine auto-injector by a child.

28 170-E:63 Possession and Use of Asthma Inhalers at Recreation Camps. A recreation camp shall
29 permit a child to possess and use a metered dose inhaler or a dry powder inhaler to alleviate
30 asthmatic symptoms, or before exercise to prevent the onset of asthmatic symptoms, if the following
31 conditions are satisfied:

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

34 (a) The child's name.

35 (b) The name and signature of the licensed prescriber and business and emergency
36 numbers.

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

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

2 (e) The date of the order.

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

6 (g) Specific recommendations for administration.

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

8 (i) The name of each required medication.

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

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

12 III. The child's parent or guardian shall submit written verification from the physician
13 confirming that the child has the knowledge and skills to safely possess and use an asthma inhaler
14 in a camp setting.

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

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

19 170-E:64 Immunity. No recreational camp or camp employee shall be liable in a suit for
20 damages as a result of any act or omission related to a child's use of an inhaler if the provisions of
21 RSA 170-E:63 have been met, unless the damages were caused by willful or wanton conduct or
22 disregard of the criteria established in that section for the possession and self-administration of an
23 asthma inhaler by a child.

24 170-E:65 Injunction. Any person operating or maintaining a recreation camp or youth skill
25 camp without the same having been approved by the department may be enjoined by the superior
26 court or any justice of the court upon petition brought by the attorney general.

27 170-E:66 Penalty; Administrative Fines.

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

31 II. The commissioner, after notice and hearing, may impose an administrative fine not to
32 exceed \$2,000 for each offense upon any person who violates any provision of this subdivision, any
33 rule adopted under this subdivision, or any license or approval issued under this subdivision. Re-
34 hearings and appeals from a decision of the commissioner under this paragraph shall be in
35 accordance with RSA 541. Any administrative fine imposed under this section shall not preclude
36 the imposition of further penalties under this chapter. The proceeds of administrative fines levied
37 pursuant to this paragraph shall be deposited in the general fund. The commissioner shall adopt

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1 rules, under RSA 541-A, relative to:

2 (a) A schedule of administrative fines which may be imposed under this paragraph; and

3 (b) Procedures for notice and hearing prior to the imposition of an administrative fine.

4 136 Water Pollution and Waste Disposal; Safety Regulations for Pools and Bathing Places.

5 Amend the subdivision heading preceding RSA 485-A:23 to read as follows:

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

7 137 Water Pollution and Waste Disposal; Injunction. Amend RSA 485-A:27 to read as follows:

8 485-A:27 Injunction. Any person operating or maintaining a ~~[recreation camp, youth skill~~
9 ~~camp,]~~ public swimming pool~~[,]~~ or bathing place without the same having been approved by the
10 department may be enjoined by the superior court or any justice of the court upon petition brought
11 by the attorney general.

12 138 Repeal. The following are repealed:

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

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

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

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

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

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

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

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

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

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

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

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

36 139 Cross Reference Changed; Safety Regulations for Camps. Amend RSA 216-I:1, VII to read
37 as follows:

1 VII. "Recreational campground or camping park" means a parcel of land on which 2 or more
2 campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes
3 only, and not for permanent year-round residency, excluding recreation camps as defined in [RSA
4 485-A:23] **RSA 170-E:55, I.**

5 140 Cross Reference Changed; Safety Regulations for Camps. Amend RSA 275:35 to read as
6 follows:

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

9 141 Department of Military Affairs and Veterans Services. Amend the chapter heading of RSA
10 110-B to read as follows:

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

12 142 Department of Military Affairs and Veterans Services; The Militia. Amend RSA 110-B:1 to
13 read as follows:

14 110-B:1 *Department of Military Affairs and Veterans Services.*

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

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

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

24 **110-B:1-a** Composition of the Militia.

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

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

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

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

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

37 143 The Adjutant General. Amend RSA 110-B:8, II and III to read as follows:

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

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

18 *IV. The adjutant general shall advocate for and promote the welfare of military*
19 *service members, veterans, and their families. The adjutant general shall enhance,*
20 *coordinate, and oversee the benefits and services offered by organizations within the state*
21 *of New Hampshire and direct veterans to appropriate benefits and services offered by such*
22 *organizations. The department of military affairs and veterans services shall serve as a*
23 *clearinghouse for research, data, and analysis, to initiate and support public education*
24 *and awareness campaigns. The adjutant general shall serve as a liaison between the*
25 *federal government and the governor on issues relevant to the department's mission, and*
26 *represent the department at various state and national conventions, conferences, and*
27 *public functions and provide supervision to the department public relations program.*

28 144 Deputy Adjutant General. Amend RSA 110-B:8-b, I-IV to read as follows:

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

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

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

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

37 145 New Subdivision; Department of Military Affairs and Veterans Services; Veterans Services.

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1 Amend RSA 110-B by inserting after section 82 the following new subdivision:

2 Division of Veterans Services

3 110-B:83 Division of Veterans Services.

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

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

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

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

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

20 110-B:84 Division of Veterans Services. The division of veterans services under the supervision
21 of a director of veterans services shall:

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

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

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

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

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

37 110-B:85 Director of the Division of Veterans Services.

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

3 II. The director shall:

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

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

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

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

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

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

20 110-B:86 Copies of Public Records. When a copy of any public record is required by the
21 Department of Veterans Affairs to be used in determining the eligibility of any person to participate
22 in benefits made available by the United States Department of Veterans Affairs, the official
23 custodian of such public record shall without charge provide the applicant for such benefits or any
24 person acting on his or her behalf or the authorized representative of the United States Department
25 of Veterans Affairs with a certified copy of such record; provided, however, that in any case where
26 the copy is made by a town clerk whose official income is derived in part or entirely from fees a
27 charge for services hereunder shall be made and the town shall reimburse the clerk for the charges.

28 110-B:87 Donations and Bequests. The division of veterans services may receive, on behalf of
29 the state, all donations and bequests that may be made to support the delivery of state office of
30 veterans services programs.

31 110-B:88 Division of Community Based Military Programs. The division of community based
32 military programs, under the supervision of an administrator of community based military
33 programs shall facilitate military and civilian partnerships by collaborating, coordinating, and
34 communicating with military and civilian provider groups in the delivery of services to New
35 Hampshire veterans, service members, and their families. The administrator shall:

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

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

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

4 IV. Ensure cost efficiency through decreased overlap, service redundancy and increased
5 service fidelity.

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

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

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

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

15 110-B:89 State Veterans Council Established.

16 I. There shall be a state veterans council of 4 members to be appointed by the governor and
17 council, 3 of whom shall be veterans as defined by RSA-21:50. The fourth member shall be a family
18 member of a veteran or family member of a currently serving member of the armed forces. All
19 council members shall be citizens of New Hampshire. Of the first appointments of veterans under
20 this section one shall be appointed for a term of 3 years, one for a term of 2 years, one for a term of
21 one year and thereafter each shall be appointed for a term of 3 years. The family member shall be
22 appointed for a term of 3 years. Each member of the council shall hold office until a successor is
23 appointed and qualified. Any vacancy in the council shall be filled by the governor and council for
24 the unexpired term.

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

30 110-B:90 Military Leadership Team. There is hereby established a military leadership team
31 which shall serve in an advisory capacity and shall provide advice and guidance to the adjutant
32 general regarding the delivery of services to veterans and military service members in New
33 Hampshire. The military leadership team shall choose a chairman, vice-chairman, and a secretary
34 from their membership. The team may, by a majority vote of its members, adopt bylaws governing
35 the management and operation of the team. The military leadership team shall consist of the
36 following members:

37 I. The adjutant general, or designee.

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

2 III. The members of the veterans council.

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

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

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

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

10 146 Aid for Veterans' Programs. Amend RSA 115-A:2, VII to read as follows:

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

13 147 Replace Term. Replace "office of veterans services" or "state office of veterans services"
14 with "division of veterans services" in the following RSA sections: RSA 21:50, I(b)(24); 72:29, VII;
15 94:1-a, I(b), Grade CC; 115-A:2, VII; 115-A:10; 115-A:14; 115-A:17; 115-A:21; 115-B:5; 115-D:2, I(e);
16 261-C:2, III; 261-C:3; 261-C:4, II; 261-C:7; 358-A:2, XVII; 465:3; 465:5; 465:11; 651:4-b, II(a).

17 148 Repeal. RSA 115, relative to the state office of veterans services, is repealed.

18 149 Sale of Property; National Guard Armory in Berlin. The adjutant general and the
19 department of military affairs and veterans services are authorized to offer for sale the national
20 guard armory land and buildings in the city of Berlin. The adjutant general and the department
21 shall submit quarterly reports on the progress of the sale to the fiscal committee of the general
22 court. Any sale of such land and buildings shall be subject to the requirements of RSA 4:40. All
23 proceeds from the sale may be used for the purchase of a new armory in general proximity to the
24 current armory in Berlin, and any proceeds from the sale that are not used for such a purchase
25 shall lapse to the general fund.

26 150 Department of Business and Economic Affairs; Rest Areas and Welcome Centers. Amend
27 RSA 12-O:18; I to read as follows:

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

35 151 New Paragraphs; Department of Business and Economic Affairs; Rest Areas and Welcome
36 Centers. Amend RSA 12-O:18 by inserting after paragraph II the following new paragraphs:

37 III. Subject to a memorandum of understanding with the department of transportation, the

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1 bureau of visitor service shall provide rest area management and operational services without
2 limitation, to include staffing, training, fiscal management, grounds and building maintenance, and
3 customer service to the traveling public.

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

7 152 Labor; Workers' Compensation; Safety Provisions; Administrative Penalty. Amend RSA
8 281-A:64, VIII to read as follows:

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

15 153 Labor; Workers' Compensation; Definitions. Amend RSA 281-A:2, VI(d) to read as follows:

16 (d) If the commissioner finds that an employer has misrepresented the relationship
17 between the employer and the person providing services, the commissioner may assess a civil
18 penalty of up to \$2,500; in addition, such employer may be assessed a civil penalty of \$100 per
19 employee for each day of noncompliance. The fines may be assessed from the first day of the
20 infraction but not to exceed one year. Notwithstanding any provision of law to the contrary, any
21 person with control or responsibility over decisions to disburse funds and salaries and who
22 knowingly violates the provisions of this subparagraph shall be held personally liable for payments
23 of fines. All funds collected under this subparagraph shall be ~~[continually appropriated and
24 deposited into a nonlapsing workers' compensation fraud fund dedicated to the investigation and
25 compliance activities required by this section and related sections pertaining to labor and insurance
26 law.]~~ **deposited into the department of labor restricted fund established pursuant to RSA
27 273:1-b.** The commissioner of labor shall appoint as many individuals as necessary to carry out the
28 department's responsibilities under this section.

29 154 Repeal. RSA 6:12, I(b)(267), relative to moneys deposited in the workers' compensation
30 fraud fund, is repealed.

31 155 Administration of Transportation Laws; Certification of Current Workers' Compensation
32 Coverage Required. Amend RSA 228:4-b, IV to read as follows:

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

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

37 4-C:31 Definitions. In this subdivision:

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

3 II. "Eligible institution" means a postsecondary educational institution or training program
4 within the university system of New Hampshire as defined in RSA 187-A, a postsecondary
5 educational institution within the community college system of New Hampshire as defined in RSA
6 188-F, or a private postsecondary institution approved to operate in this state that:

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

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

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

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

18 4-C:32 Governor's Scholarship Program and Fund Established.

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

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

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

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

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

35 4-C:33 Eligibility.

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

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

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

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

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

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

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

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

25 4-C:34 Procedures.

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

33 II. An eligible student may receive a scholarship in the amount of \$1,000 per year provided
34 he or she maintains at least a 2.0 grade point average. An eligible student who earned the New
35 Hampshire scholar designation at the time of high school graduation may receive a scholarship in
36 the amount of \$2,000 per year provided he or she maintains at least a 2.5 grade point average. The
37 eligible institution shall not reduce any merit or need-based grant aid that would have otherwise

1 been provided to the eligible student. An eligible student may receive an annual scholarship for a
2 maximum of 4 years.

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

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

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

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

14 157 Program Transferred. The administration, implementation, and management of the
15 governor's scholarship program established in RSA 4-C:31-34 is hereby transferred to the college
16 tuition savings plan advisory commission established in RSA 195-H:2. Any administrative rules for
17 the governor's scholarship program shall continue in effect and shall be enforced by the commission
18 until such rules expire or are repealed or amended in accordance with applicable law.

19 158 Application of Receipts; Governor's Scholarship Fund. Amend RSA 6:12, I(b)(336) to read
20 as follows:

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

23 159 College Tuition Savings Plan Advisory Commission; Administration of Governor's
24 Scholarship Program. Amend the introductory paragraph of RSA 195-H:2, I(a) to read as follows:

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

34 160 Definitions; New Hampshire Excellence in Higher Education Endowment Fund. Amend
35 RSA 6:37 to read as follows:

36 6:37 Definitions. In this subdivision:

37 I. "Commission" means the New Hampshire college tuition savings plan advisory

1 commission established in RSA 195-H.

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

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

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

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

10 161 New Hampshire Excellence in Higher Education Endowment Fund; Allocation of Receipts.
11 Amend RSA 6:38, I to read as follows:

12 I. There is hereby established in the office of the treasurer the New Hampshire excellence
13 in higher education endowment trust fund which shall be kept distinct and separate from all other
14 funds. Annual assessments less any annual administrative costs *and amounts allocated for any
15 debt service on bonds issued by the state to refund bonds previously issued by the business
16 finance authority pursuant to RSA 162-A:17* received from the New Hampshire college tuition
17 savings plan established under RSA 195-H shall be credited to the trust fund to provide
18 scholarships for the benefit of residents of the state pursuing programs of study at eligible
19 educational institutions within the state, *of which 80 percent shall be allocated to the New
20 Hampshire college tuition savings plan UNIQUE annual allocation program and 20
21 percent shall be allocated to the New Hampshire college tuition savings plan UNIQUE
22 endowment allocation program.*

23 162 New Paragraph; New Hampshire Excellence in Higher Education Endowment Trust Fund;
24 Dedicated Allocation and Use of Funds. Amend RSA 6:39 by inserting after paragraph V the
25 following new paragraph:

26 VI. Notwithstanding any law or rule to the contrary, the state treasurer shall be authorized
27 to withdraw periodically from the trust fund receipts such amounts as are determined by the state
28 treasurer to be equal to the principal and interest payments on bonds issued pursuant to RSA 6:38,
29

30 I.
31 163 Rulemaking. Amend RSA 6:40, IV to read as follows:

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

34 164 New Paragraph; Regenerative Manufacturing Workforce Development Program; Business
35 Finance Authority Funding Requirement. Amend RSA 162-T:3 by inserting after paragraph II the
36 following new paragraph:

37 III.(a) The state treasurer may pay, redeem, and refund all outstanding bonds issued by the
business finance authority that are subject to a guarantee of the state pursuant to RSA 162-A:17.

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1 To provide funds for such payment, redemption, and refund, the state treasurer is hereby
2 authorized to borrow upon the credit of the state not exceeding the sum of the amounts of principal
3 and interest outstanding on such bonds, plus an amount of costs attributable to such payment,
4 redemption, and refund, and for said purpose, may issue bonds and notes in the name of and on
5 behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and
6 interest with respect to bonds issued for said purpose shall be made from revenue received by the
7 state treasurer pursuant to RSA 6:39, VI.

8 (b) The business finance authority shall, upon the payment, redemption, and refund of
9 bonds issued pursuant to subparagraph (a), allocate up to \$5,000,000 for the purpose of such
10 payments into the fund as are determined by the authority to be necessary to provide regenerative
11 manufacturing worker educational debt relief as provided in this section.

12 165 Business Finance Authority; Reduction of State Guarantee Capacity. Amend RSA 162-
13 A:17, I to read as follows:

14 I. In view of the general public benefits expected to be derived from the authority's
15 activities under this chapter, and their contribution to the social welfare and economic prosperity of
16 the state and its political subdivisions, the governor and council may award an unconditional state
17 guarantee of the principal and interest thereon of bonds issued under this chapter. The full faith
18 and credit of the state shall be pledged for any such guarantees of principal and interest, but the
19 total outstanding amount of bonds guaranteed by the state under this section shall not exceed in the
20 aggregate at any time \$25,000,000 plus interest, ***less the amount of any principal outstanding***
21 ***at any time on bonds issued by the state to refund bonds previously issued by the authority***
22 ***pursuant to this section.*** In addition, the state shall not award a guarantee under this section if
23 it would cause the contingent credit limit under RSA 162-A:22 to be exceeded. The governor, with
24 the advice and consent of the council, is authorized to draw a warrant for such a sum out of any
25 money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee
26 awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by
27 an endorsement signed by the state treasurer in substantially the following form:

28 The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the
29 principal and interest thereon of the within bond, and for the performance of such guarantee the
30 full faith and credit of the state are pledged.

31 _____
32 State Treasurer

33 166 New Section; Department of Transportation; Bulk Disposal of Highway or Turnpike
34 Funded Real Estate. Amend RSA 4 by inserting after section 39-e the following new section:

35 4:39-f Bulk Disposal of Highway or Turnpike Funded Real Estate. Notwithstanding RSA 4:39-
36 c, the bulk disposal of real estate purchased with state or federal highway funds, or both, or with
37 turnpike funds shall occur as follows:

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

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

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

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

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

22 167 Number Plates; Official Cover Plates. Amend RSA 261:90 to read as follows:

23 261:90 Official Cover Plates. Upon payment of a fee, the director may issue and shall designate
24 official cover plates with the reproduction of the state seal thereon to be affixed to a vehicle of
25 United States senators from this state, representatives to congress from this state, the governor,
26 members of the governor's council, the president of the senate, members of the senate, the speaker
27 of the house of representatives, members of the house of representatives, the attorney general, the
28 secretary of state, the state treasurer, the President of the United States and members of his or her
29 executive staff, **and** any ambassador or member of the foreign diplomatic corps, ~~and members of~~
30 ~~the Maine-New Hampshire Interstate Bridge Authority~~. The fee for official cover plates shall be \$1
31 in addition to any other number plate manufacturing fee otherwise required. The official cover
32 plates, exclusive of the seal, shall be white with green lettering, which shall alternate with red
33 lettering every other biennium. Official cover plates shall have the title of the person requesting
34 the plates, except for members of the governor's council whose plates shall have their council
35 district numbers embossed on them, and members of the general court, whose plates shall have
36 their house seat numbers or their senate district numbers embossed on them unless the president of
37 the senate, for members of the senate, or the speaker of the house of representatives, for members

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

10 168 Repeal; Maine-New Hampshire Interstate Bridge Authority. The following are repealed:

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

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

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

16 169 Executive Branch Code of Ethics; Complaints. Amend RSA 21-G:31, VI to read as follows:

17 VI. In proceedings under this subdivision, the committee shall have the power to issue
18 subpoenas and administer oaths. Such subpoena powers may be exercised for the committee by the
19 chairperson or legal counsel to the committee. The fees for witnesses [~~shall be consistent with RSA~~
20 ~~516:16 and~~] shall be borne by the committee or the party requesting the subpoena.

21 170 Insurance Holding Companies; Examination. Amend RSA 401-B:6, V to read as follows:

22 V. Compelling Production. In the event the insurer fails to comply with an order, the
23 commissioner shall have the power to examine the affiliates to obtain the information. The
24 commissioner shall also have the power to issue subpoenas, to administer oaths, and to examine
25 under oath any person for purposes of determining compliance with this section. Upon the failure
26 or refusal of any person to obey a subpoena, the commissioner may petition a court of competent
27 jurisdiction, and upon proper showing, the court may enter an order compelling the witness to
28 appear and testify or produce documentary evidence. Failure to obey the court order shall be
29 punishable as contempt of court. Every person shall be obliged to attend as a witness at the place
30 specified in the subpoena, when subpoenaed, anywhere within the state. He or she shall be entitled
31 to the same fees and mileage, if claimed, as a witness in RSA 516:13[~~]~~ and RSA 516:14[~~and RSA~~
32 ~~516:16~~], which fees, mileage, and actual expense, if any, necessarily incurred in securing the
33 attendance of witnesses, and their testimony, shall be itemized and charged against, and be paid by,
34 the company being examined.

35 171 Payment of Witnesses in Criminal Cases. Amend RSA 592-A:12 to read as follows:

36 592-A:12 [~~Payment of~~] Witnesses in Criminal Cases. Any person who attends any court for the
37 state in criminal cases pursuant to subpoena [~~shall be paid the witness fees provided by RSA 516:16.~~

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1 ~~Any such person~~] shall sign a witness log, which shall be available in the office of the clerk of court,
2 on which the individual shall provide the following information: name, mailing address, and the
3 name of the case for which the person was subpoenaed. The prosecuting agency shall review the
4 log each day and certify that each individual appeared as indicated on the log. ~~[The attorney~~
5 ~~general shall pay all witness fees to all such persons who are entitled to such fees.]~~

6 172 Parole Revocation. Amend RSA 651-A:17 to read as follows:

7 651-A:17 Parole Revocation. Any parolee arrested under RSA 651-A:15-a shall be entitled to a
8 hearing before the board within 45 days, in addition to any preliminary hearing which is required
9 under RSA 504-A:5. The parolee shall have the right to appear and be heard at the revocation
10 hearing. The board shall have power to subpoena witnesses, ~~pay said witnesses such fees and~~
11 ~~expenses as allowed under RSA 516:16,~~] and administer oaths in any proceeding or examination
12 instituted before or conducted by it, and to compel, by subpoena duces tecum, the production of any
13 accounts, books, contracts, records, documents, memoranda, papers or tangible objects of any kind.
14 If the board, after a hearing, finds that the parolee has violated the conditions of parole, violated the
15 law, or associated with criminal companions and in its judgment should be returned to the custody
16 of the commissioner of corrections, the board shall revoke the parole. A prisoner whose parole is
17 revoked shall be recommitted to the custody of the commissioner of corrections. This provision shall
18 not apply to a parolee who has accepted an option, offered by a probation/parole officer, to
19 participate in an intermediate sanction program and has waived his or her right to counsel and to a
20 preliminary hearing under RSA 504-A:5.

21 173 Arbitration of Disputes; Witnesses. Amend RSA 542:5 to read as follows:

22 542:5 Witnesses; Summoning; Compelling Attendance. When more than one arbitrator is
23 agreed to, all the arbitrators shall sit at the hearing of the case unless, by consent in writing, all
24 parties shall agree to proceed with the hearing with a less number. Any person may be summoned
25 as provided in RSA 516[.] to attend before the arbitrators as a witness ~~[and the fees for such~~
26 ~~attendance shall be the same as the fees of witnesses in the superior court].~~ If any person or
27 persons so summoned to testify shall refuse or neglect to attend, upon petition the court in and for
28 the county in which such arbitrators are sitting may compel the attendance of such person or
29 persons before said arbitrator or arbitrators, or punish said person or persons for contempt in the
30 same manner now provided in RSA 516.

31 174 Midwifery; Powers and Duties of the Council. Amend RSA 326-D:4, II to read as follows:

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

37 175 Alcoholic Beverages; Hearings and Investigations. Amend RSA 179:56, I to read as follows:

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1 I. The commission shall adopt and publish rules pursuant to RSA 541-A, to govern its
2 proceedings and to regulate the mode and manner of all investigations and hearings before it. All
3 hearings before the commission shall be in accordance with RSA 541-A:31-36. In any such
4 investigation or hearing the commission shall not be bound by the technical rules of evidence. The
5 commission may subpoena witnesses and administer oaths in any proceeding or examination
6 instituted before or conducted by it, and may compel, by subpoena, the production of any accounts,
7 books, contracts, records, documents, memoranda, and papers of any kind whatever. [Witnesses
8 ~~summoned before the commission shall be paid the same fees as witnesses summoned to appear~~
9 ~~before the superior court, and such] A summons issued by any justice of the peace shall have the
10 same effect as though issued for appearance before such court.~~

11 176 Repeal. The following are repealed:

12 I. RSA 21-J:26, relative to witness fees for witnesses summoned to appear before the
13 commissioner of the department of revenue administration.

14 II. RSA 153:20, relative to witness fees for witnesses summoned to appear before the state
15 fire marshal.

16 III. RSA 326-H:17, III, relative to witness fees for witnesses summoned before the board of
17 dieticians.

18 IV. RSA 365:11, relative to witness fees for witnesses summoned before the public utilities
19 commission.

20 V. RSA 516:16, relative to fees of witnesses for attendance and travel.

21 VI. RSA 516:16-a, relative to defaults and witness fees for law enforcement officers.

22 VII. RSA 665:13, relative to witness fees for witnesses summoned before the ballot law
23 commission.

24 177 Granite Workforce. 2018, 342:3 through 342:9 are repealed and reenacted to read as
25 follows:

26 342:3 Granite Workforce; Program Established.

27 I. The commissioner of the department of health and human services may use allowable
28 funds from the Temporary Assistance to Needy Families (TANF) program along with other
29 available funds, including but not limited to the job training fund established under RSA 282-A:138-
30 a, to create a network of assistance to remove barriers to work for eligible low income families as
31 well as low income individuals and to provide subsidies to employers in high need areas, as
32 determined by the department of employment security based upon workforce shortages. The funds
33 shall be used to fund the granite workforce program, which shall operate as part of the New
34 Hampshire granite advantage health care program established in RSA 126-AA. The program shall
35 be jointly administered by the department of health and human services and the department of
36 employment security. No cash assistance shall be provided to eligible participants through granite
37 workforce.

1 II. To be eligible for the granite workforce program, applicants shall be enrolled in the New
2 Hampshire granite advantage health care program, established in RSA 126-AA, whether or not the
3 applicant is subject to the work and community engagement requirement.

4 III. An eligible recipient, participating in the granite workforce program, whose wages
5 subsequently cause the household to exceed 138 percent of the federal poverty level shall continue
6 to receive granite workforce program services as needed, including the subsidy for employers,
7 provided the recipient's wages do not cause the household to exceed 250 percent of the federal
8 poverty level. After the second employer subsidy is paid on behalf of a granite workforce recipient,
9 the recipient shall no longer be eligible for granite workforce services as long as household income
10 exceeds 138 percent of the federal poverty level.

11 IV. The department of employment security shall determine eligibility and entry into the
12 program, using nationally recognized assessment tools for vocational and job-readiness assessments.
13 Vocational assessments shall include consideration of educational needs, vocational interest,
14 personal values, and aptitude. The department shall use the assessment results to work with the
15 participant to produce a long term career plan.

16 V. Except as otherwise provided in paragraphs II regarding program eligibility,
17 administrative rules governing the New Hampshire employment program, adopted under RSA 541-
18 A, shall apply to the granite workforce program.

19 342:4 Granite Workforce; Subsidies for Employers.

20 I. After 3 months of employment and upon verification of continued employment and wages
21 from the employer, the department of employment security shall authorize payment of a subsidy
22 equal to 50 percent of the employee's wages for the prior month, not to exceed \$2,000, to the
23 participant's employer.

24 II. After 9 months of employment and upon verification of continued employment and
25 wages from the employer, the department of employment security shall authorize payment of a
26 subsidy equal to 50 percent of the employee's wages for the prior month, not to exceed \$2,000, to the
27 participant's employer.

28 III. Upon notice by the department of an overpayment, the employer shall reimburse the
29 department the amount of the overpayment.

30 IV. In this section, "employer" means a tax exempt organization pursuant to section
31 501(c)(3) of the Internal Revenue Code.

32 342:5 Granite Workforce; Referral for Barriers to Employment.

33 I. The department of health and human services, in consultation with the department of
34 employment security, shall issue a request for applications for community providers interested in
35 offering case management services to participants with barriers to employment.

36 II. Participants shall be identified by the department of employment security using an
37 assessment process that screens for barriers to employment, including but not limited to

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1 transportation, child care, substance use, mental health, and domestic violence.

2 III. The department of employment security shall refer to community providers individuals
3 with identified barriers to employment. When child care is identified as a barrier to employment,
4 the department of employment security or the community provider shall refer the individual to
5 available child care service programs, including the child care scholarship program administered by
6 the department of health and human services.

7 IV. In addition to employer subsidies, TANF and other funds allocated to the granite
8 workforce program shall be used to fund other services that eliminate barriers to work, as
9 established through rulemaking.

10 342:6 Granite Workforce; Network of Education and Training.

11 I. If after the assessment conducted by the department of employment security additional
12 job training, education, or skills development is necessary prior to job placement, the department of
13 employment security shall address those needs by:

14 (a) Referring individuals to training and apprenticeship opportunities offered by the
15 community college system of New Hampshire;

16 (b) Referring individuals to the department of business and economic affairs to utilize
17 available training funds and support services;

18 (c) Referring individuals to education and employment programs for youth available
19 through the department of education; or

20 (d) Referring individuals to training available through other colleges and training
21 programs.

22 II. Any industry-specific skills and training shall be provided for jobs in high need areas, as
23 determined by the department of employment security based upon workforce shortages.

24 342:7 Granite Workforce; Job Placement. Upon determining the participant is job ready, the
25 department of employment security shall place individuals into jobs with employers in high need
26 areas, as determined by the department of employment security based upon workforce shortages.
27 High need areas include but are not limited to jobs in the fields of healthcare, advanced
28 manufacturing, construction/building trades, information technology, and hospitality. Training and
29 job placement shall focus on:

30 I. Supporting health care/safety issues: training and jobs to combat the opioid crisis,
31 including nurses, nursing assistants, clinicians, social workers, and treatment providers at the
32 licensed alcohol and drug addictions counselor and licensed mental health counselor levels.
33 Additionally, jobs to address long term care needs, home healthcare services, and expanding
34 mental/behavioral health services.

35 II. Advanced manufacturing to meet employer needs: training and jobs that include
36 computer aided drafting and design, electronic and mechanical engineering, precision welding,
37 computer numerical controlled precision machining, robotics, and automation.

1 III. Construction/building trades to address critical infrastructure needs: training and jobs
2 for building roads, bridges, municipality infrastructure, and ensuring safe drinking water.

3 IV. Information technology: training and jobs to allow businesses to excel in an ever
4 increasing network dependent business environment.

5 V. Hospitality training and jobs to support New Hampshire's tourism industry, to include
6 but not be limited to hotel workers, restaurant workers, campground workers, lift operators, state
7 park workers, and amusement park workers.

8 342:8 Reporting Requirement; Measurement of Outcomes.

9 I. The department of health and human services shall prepare a report on the outcomes of
10 the granite workforce program using appropriate standard common performance measures.
11 Program partners, as a condition of participation, shall be required to provide the department with
12 the relevant data. Metrics to be measured shall include, but are not limited to:

13 (a) Degree of participation.

14 (b) Progress with overcoming barriers.

15 (c) Entry into employment.

16 (d) Job retention.

17 (e) Earnings gain.

18 (f) Movement within established federal poverty level measurements, including the
19 Supplemental Nutrition Assistance Program (SNAP) and the New Hampshire granite advantage
20 health care program under RSA 126-AA.

21 (g) Attainment of education or training, including credentials.

22 II. The report shall be issued to the speaker of the house of representatives, the president of
23 the senate, the governor, the commission to evaluate the effectiveness and future of the New
24 Hampshire granite advantage health care program established under RSA 126-AA:4, and the state
25 library on or before December 1, 2019.

26 342:9 Termination of Granite Workforce Program.

27 I. The commissioner of the department of health and human services shall be responsible
28 for determining, every 3 months commencing no later than December 31, 2018, whether available
29 TANF reserve funds total at least \$5,000,000. If at any time the commissioner determines that
30 available TANF reserve funds have fallen below \$5,000,000, the commissioners of the departments
31 of health and human services and employment security shall, within 20 business days of such
32 determination, terminate the Granite Workforce program. The commissioners shall notify the
33 governor, the speaker of the house of representatives, the president of the senate, the chairperson of
34 the fiscal committee of the general court, and Granite Workforce participants of the program's
35 pending termination.

36 II. If at any time the New Hampshire granite advantage health care program, established
37 under RSA 126-AA, terminates, the commissioners of the departments of health and human

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1 services and employment security shall terminate the Granite Workforce program. The date of the
2 Granite Workforce program's termination shall align with that of the New Hampshire granite
3 advantage health care program.

4 178 Department of Natural and Cultural Resources; Exemption from Transfer Restrictions.
5 Amend RSA 9:16-a, II-a(d) as follows:

6 (d) The following account units within the department of natural and cultural resources
7 shall be exempt from the transfer restrictions in subparagraphs (a), (b), and (c): 03-35-35-351510-
8 3701, 03-35-35-351510-3745, 03-35-35-351510-3720, 03-35-35-351510-7300, 03-35-35-351510-3414,
9 03-35-35-351510-3556, 03-35-35-351510-3558, 03-35-35-351510-3484, 03-35-35-351510-3486, 03-35-
10 35-351510-3488, 03-35-35-351510-3562, 03-35-35-351510-3415, 03-35-35-351510-3746, 03-35-35-
11 351510-3777, 03-35-35-351510-3717, ~~and~~ 03-35-35-351510-3703, ~~and~~ 03-35-35-351510-4016.

12 179 Motor Vehicles; Waiver in Lieu of Court Appearance. Amend RSA 262:44, I to read as
13 follows:

14 I. Such defendant shall receive, in addition to the summons, a uniform fine schedule
15 entitled "Notice of Fine, Division of Motor Vehicles" which shall contain the normal fines for
16 violations of the provisions of title XXI on vehicles for which a plea may be entered by mail. The
17 defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment
18 at the time the summons is issued; except if, for cause, the summoning authority wishes the
19 defendant to appear personally. Defendants summoned to appear personally shall do so on the
20 arraignment date specified in the summons, unless otherwise ordered by the court. Defendants
21 who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall
22 enter their plea on the summons and return it with payment of the fine plus penalty assessment to
23 the director of the division of motor vehicles within 30 days of the date of the summons. The
24 director of the division of motor vehicles may accept payment of the fine by credit card in lieu of
25 cash payment. Any transaction costs assessed by the issuer of the credit card shall be paid out of
26 the portion of the fine amount which is credited ~~[as agency income]~~ **to the highway fund** and not
27 out of the penalty assessment charged by the district court. The director of the division of motor
28 vehicles shall remit the penalty assessments collected to the state treasurer to be credited and
29 continually appropriated to the state general fund and to the victims' assistance fund and the
30 judicial branch information technology fund in the percentages and manner prescribed in RSA 106-
31 L:10. Fines shall be paid over to the state treasurer, and shall be credited ~~[as agency income by the~~
32 ~~department of safety]~~ **to the highway fund** within 14 days of their receipt ~~[and shall not lapse to~~
33 ~~the general fund until the second year of each biennium].~~

34 180 Business Finance Authority Revenue Bonds; Additional State Guarantees. Amend RSA
35 162-I:9-b, I(a) to read as follows:

36 I.(a) The governor and council may award an unconditional state guarantee of the principal
37 of and interest on bonds issued under this chapter. The full faith and credit of the state shall be

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1 pledged for any such guarantee, but the total amount of bonds guaranteed by the state under this
2 section [~~shall not exceed in the aggregate at any time \$10,000,000, plus interest, provided that such~~
3 ~~amount shall be increased to \$20,000,000 plus interest on January 1, 1993, to \$30,000,000 plus~~
4 ~~interest on January 1, 1994, to \$40,000,000 plus interest on January 1, 1995, and to \$50,000,000~~
5 ~~plus interest on January 1, 1996. In addition, the amount of bonds guaranteed by the state under~~
6 ~~this section]~~ shall not cause the contingent credit limit under RSA 162-A:22 to be exceeded. The
7 governor, with the advice and consent of the council, is authorized to draw his warrant for such
8 sum as may be necessary out of any money in the treasury not otherwise appropriated, for the
9 purpose of honoring any guarantee awarded under this section. The state's guarantee shall be
10 evidenced on each guaranteed bond by an endorsement signed by the state treasurer in
11 substantially the following form:

12 The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the
13 principal and interest on the within bond and for the performance of such guarantee the full faith
14 and credit of the state are pledged.

15 _____
16
17 State Treasurer

18 181 Repeal. RSA 162-I:9-b, II, relative to the total amount of state guarantees issued by the
19 business finance authority, is repealed.

20 182 Business Finance Authority; Unified Contingent Credit Limit. Amend RSA 162-A:22 to
21 read as follows:

22 162-A:22 Unified Contingent Credit Limit. The total amount of state guarantees in force under
23 RSA 162-A:7-a, RSA 162-A:8, RSA 162-A:10, III, RSA 162-A:13, RSA 162-A:13-a, RSA 162-A:17,
24 [~~RSA 162-I:9-a,~~] and RSA 162-I:9-b shall not exceed in the aggregate at any time \$50,000,000 plus
25 interest, provided that such amount shall be increased to \$80,000,000 plus interest on January 1,
26 1993, to \$95,000,000 plus interest on January 1, 1994, and to \$115,000,000 plus interest on May 1,
27 2015. [~~After May 1, 2015, an amount not to exceed \$30,000,000 plus interest may be used solely for~~
28 ~~bonds guaranteed pursuant to RSA 162-I:9-a, and an amount not to exceed the remaining~~
29 ~~\$85,000,000 plus interest may be used solely for bonds issued pursuant to sections other than RSA~~
30 ~~162-I:9-a.]~~

31 183 Repeal. The following are repealed:

32 I. RSA 12-G:33, relative to submission of a comprehensive development plan by the Pease
33 development authority.

34 II. RSA 12-G:35, relative to loans to Pease development authority to enable the authority to
35 obtain matching funds.

36 184 Office of Professional Licensure and Certification; Fees. Amend RSA 310-A:1-e, I(b) to read
37 as follows:

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1 (b) There is hereby established the office of professional licensure and certification fund
2 into which the fees collected under subparagraph (a) shall be deposited. [~~The fund shall be a~~
3 ~~separate, nonlapsing fund, continually appropriated to the office for the purpose of paying all costs~~
4 ~~and salaries associated with the office]~~ **After paying all costs and salaries associated with the**
5 **office, moneys in this fund shall lapse to the general fund at the close of each fiscal year.**

6 185 New Paragraphs; Department of Justice; Director of the Office of Victim/Witness
7 Assistance. Amend RSA 21-M:3 by inserting after paragraph X the following new paragraphs:

8 XI. The attorney general, subject to the approval of the governor and council, may appoint
9 a director of the office of victim/witness assistance, within the limits of the appropriation made for
10 the appointment, who shall hold office for a term of 5 years. Any vacancy in such office may be
11 filled for the unexpired term. The director of the office of victim/witness assistance may be removed
12 only as provided by RSA 4:1.

13 XII. The attorney general, subject to the approval of the governor and council, may appoint
14 a director of communications within the limits of the appropriation made for the appointment, who
15 shall hold office for a term of 5 years. Any vacancy in such office may be filled for the unexpired
16 term. The director of communications may be removed only as provided by RSA 4:1.

17 186 Department of Justice; Office of Victim/Witness Assistance. Amend the introductory
18 paragraph in RSA 21-M:8-b, II to read as follows:

19 II. There is hereby established within the criminal justice bureau of the department of
20 justice, the office of victim/witness assistance. **The office shall be supervised by the director of**
21 **victim/witness assistance who shall be appointed by the attorney general in accordance**
22 **with the provisions of RSA 21-M:3, XI and who shall carry out the duties imposed by this**
23 **section under the supervision of the attorney general and perform such other work as the**
24 **attorney general may assign.** The office shall provide information and services to victims and
25 witnesses in criminal cases prosecuted by the attorney general and shall develop and coordinate a
26 statewide victim/witness rights information program. The victim/witness rights information
27 program shall:

28 187 New Paragraph; Department of Justice; Officer-Involved Deadly Force Investigator
29 Position Established. Amend RSA 21-M:8 by inserting after paragraph III the following new
30 paragraph:

31 IV.(a) To assist the attorney general in his or her duty to exercise general supervision of
32 officer-involved use of deadly force investigations and to provide training to local law enforcement
33 officers, the department of justice may hire an unclassified full-time investigator assigned the
34 bureau, who shall work on officer-involved use of deadly force investigations.

35 (b) There is established within the department of justice an unclassified full-time
36 investigator position for the purpose of working on officer-involved use of deadly force investigations
37 as required in this paragraph. Notwithstanding RSA 14:14-c and RSA 94:1-d, the salary for the

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1 full-time investigator position shall be established as a labor grade BB pursuant to RSA 94:1-a, I(a).

2 188 Department of Justice; Position Reclassified and Established.

3 I. The position of administrator II-public/legislative information officer, position number
4 18030, within the department of justice shall be designated as an unclassified position.

5 II. There is established within the department of justice the unclassified position of director
6 of communications. The salary of the director of communications shall be determined after
7 assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for
8 the positions which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion
9 of this action and appointment of the director of communications, position number 18030 shall be
10 abolished to allow for the transition of its available appropriations into the unclassified position of
11 director of communications. Funding shall be transferred into the proper unclassified expenditure
12 class for the attorney general accounting unit. The incumbent in the abolished classified position
13 shall be offered the opportunity to seek the attorney general's nomination for the unclassified
14 position of director of communications.

15 189 Department of Justice; Position Reclassified and Established.

16 I. The position of attorney III-assistant director of charitable trusts, position number 10321,
17 within the department of justice shall be designated as an unclassified position.

18 II. There is established within the department of justice the unclassified position of
19 assistant attorney general. The salary of the assistant attorney general is established in RSA 94:1-
20 a, I-c. Upon completion of this action and appointment of the assistant attorney general, position
21 number 10321 shall be abolished to allow for the transition of its available appropriations into the
22 unclassified position of assistant attorney general. Funding shall be transferred into the proper
23 unclassified expenditure class for the charitable trust accounting unit. The incumbent in the
24 abolished classified position shall be offered the opportunity to seek the attorney general's
25 nomination for the unclassified position of assistant attorney general.

26 190 Department of Administrative Services; Rehiring of Laid Off Classified State Employees.

27 I. For purposes of this section, "laid off" means any person in a classified position as
28 described in RSA 21-I:49 who receives written notice of the state's intent to lay him or her off or
29 who is laid off between July 1, 2019 and June 30, 2021, as a result of reorganization or downsizing
30 of state government.

31 II. It is the intent of the general court that any classified position which becomes available
32 in a department or establishment, as defined in RSA 9:1, shall be filled, if possible, by a state
33 employee laid off, as defined in paragraph I, if such person is not currently employed by the state of
34 New Hampshire, if he or she meets the minimum qualifications for the position, and if he or she
35 does not receive a promotion as a result of the rehire.

36 III. The head of each department or agency shall submit the name and classification of any
37 individual laid off between July 1, 2019 and June 30, 2021, to the director of the division of

1 personnel within 10 days of the layoff.

2 191 Appropriation; State Treasurer; Municipal Aid.

3 I. The sum of \$40,000,000 for the fiscal year ending June 30, 2019 is hereby appropriated to
4 the state treasurer for the purpose of providing municipal aid to each city, town, and
5 unincorporated place in the state. The treasurer shall distribute \$20,000,000 of the municipal aid to
6 each city, town, and unincorporated place in the state by October 1 of the fiscal year ending June
7 30, 2020 and \$20,000,000 of the municipal aid to each city, town, and unincorporated place in the
8 state by October 1 of the fiscal year ending June 30, 2021. The proportion of municipal aid
9 distributed to each municipality pursuant to this paragraph shall be calculated pursuant to
10 paragraph II. The governor is authorized to draw a warrant for said sums out of any money in the
11 treasury not otherwise appropriated. The appropriation in this section shall not lapse until June
12 30, 2021. Notwithstanding RSA 31:95-b or any other provision of law, no such additional municipal
13 aid shall be considered unanticipated money from the state.

14 II. For each fiscal year of the biennium beginning July 1, 2019, the state treasurer shall
15 reserve the amount in the treasury as determined in paragraph I. Such moneys shall not be used
16 for any purpose other than to distribute grants to municipalities. From such funds, the treasurer
17 shall disburse to each municipality in the state:

18 (a) Twenty percent of such funds for the determination year shall be distributed to
19 municipalities on the basis of the ratio that each municipality's average daily membership in
20 residence bears to the statewide total membership in residence, as determined by the department
21 and provided to the treasurer.

22 (b) Eighty percent of such funds for the determination year shall be distributed to
23 municipalities on the basis of the ratio that each municipality's number of pupils in the
24 municipality's average daily membership in residence eligible for a free or reduced-price meal bears
25 to the total statewide membership in residence eligible for a free or reduced-price meal, as
26 determined by the department and provided to the treasurer.

27 III. The grant determined in this section shall be distributed to each municipality in one
28 payment of 100 percent on or before October 1 of the fiscal year.

29 IV. For purposes of this section:

30 (a) "Average daily membership in residence" or "ADMR" means the average daily
31 membership in attendance of pupils who are legal residents of the school district, pursuant to RSA
32 193:12 or RSA 193:27, IV, in kindergarten through grade 12 in the determination year and attend a
33 state-approved public or nonpublic school as assigned by the school district in which the pupil
34 resides, or by the state, or attend an approved chartered public school, and who are educated at the
35 school district's expense, which may include costs of attendance at public academies or out-of-
36 district placements.

37 (b) "Department" means the department of education.

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1 (c) "Determination year" means the school year immediately preceding the school year
2 for which aid is determined.

3 (d) "Eligible for a free or reduced-price meal" means the ADMR of pupils in
4 kindergarten through grade 12 who are eligible for the federal free or reduced-price meal program.

5 (e) "Municipality" means a city, town, or unincorporated place.

6 192 New Section; Community Development Fund for New Hampshire Established. Amend
7 RSA 162-L by inserting after section 4 the following new section:

8 162-L:4-a Community Development Fund for New Hampshire. There is hereby established in
9 the state treasury the community development fund for New Hampshire, which shall be kept
10 distinct and separate from all other funds. All moneys in the fund shall be nonlapsing and
11 continually appropriated to the community development finance authority. In addition to any state
12 appropriations, the community development finance authority may except gifts, grants, and
13 donations from other sources, including contributions and loans from businesses, for deposit into
14 the fund. The fund shall be used to provide flexible loan capital for community development
15 initiatives and for one-time capital infrastructure revitalization and strategic investments.

16 193 New Subparagraph; Dedicated Funds or Accounts; Community Development Fund.
17 Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new subparagraph:

18 (344) Moneys deposited in the community development fund for New Hampshire
19 established in RSA 162-L:4-a.

20 194 Appropriation; Community Development Finance Authority; Community Development
21 Fund for New Hampshire. There is hereby appropriated to the community development finance
22 authority the sum of \$1,000,000 for the biennium ending June, 30 2021, for deposit in the
23 community development fund for New Hampshire established in RSA 162-L:4-a. The governor is
24 authorized to draw a warrant for such sum from any money in the treasury not otherwise
25 appropriated.

26 195 State Aid Grant Program; Appropriation to Department of Environmental Services.

27 I. The sum of \$3,652,347 for the fiscal year ending June 30, 2020, is hereby appropriated to
28 the department of environmental services for the purpose of funding state aid grant programs
29 under RSA 486 for wastewater SAG 03-44-44-442010-1003-073-500580. The governor is authorized
30 to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

31 II. The sum of \$3,781,024 for the fiscal year ending June 30, 2021, is hereby appropriated to
32 the department of environmental services for the purpose of funding state aid grant programs
33 under RSA 486 for wastewater SAG 03-44-44-442010-1003-073-500580. The governor is authorized
34 to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

35 196 Department of Justice; Victim/Witness Specialist Positions Reclassified and Established.
36 The positions of victim/witness specialist position numbers 18674, 19419, 9T2817, and 9T2811,
37 within the department of justice shall be designated as unclassified positions. There are hereby

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1 established within the department of justice 4 unclassified victim/witness specialist positions. The
2 salary of the victim/witness specialist positions shall be determined after assessment and review of
3 the appropriate temporary letter grade allocation for the positions which shall be conducted
4 pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action and appointments to the
5 unclassified positions, position numbers 18674, 19419, 9T2817, and 9T2811 shall be abolished to
6 allow for the transition of the available appropriations to the unclassified positions. Funding shall
7 be transferred into the proper unclassified expenditure class in the victim witness general
8 accounting unit. The incumbents in the abolished classified positions shall be offered the
9 opportunity to seek the attorney general's nomination for the unclassified victim/witness/specialist
10 positions.

11 197 New Paragraphs; Department of Justice; Criminal Justice Bureau; Victim/Witness
12 Specialist Positions Established. Amend RSA 21-M:8 by inserting after paragraph IV the following
13 new paragraphs:

14 V. The attorney general, subject to the approval of the governor and council, may appoint
15 permanent victim/witness specialists within the limits of the appropriation made for the
16 appointments, who shall hold office for a term of 5 years. Any vacancy in such position may be
17 filled for the unexpired term. The victim/witness specialists may be removed only as provided by
18 RSA 4:1.

19 VI. The attorney general, subject to the approval of the governor and council, may appoint
20 unclassified, full-time temporary victim/witness specialists within the federal appropriations made
21 for the appointment, who shall hold office subject to continuation of the federal grant funds
22 supporting the victims/witness program. Any vacancy shall be filled in the same manner as the
23 original appointment. The victim/witness specialists may be removed only as provided by RSA 4:1,
24 or if the federal appropriation no longer supports the positions.

25 VII. There is established within the department of justice an unclassified full-time elections
26 attorney. The salary of the elections attorney is established in RSA 94:1-a, I(c).

27 198 Department of Natural and Cultural Resources; Curatorial Responsibilities Suspended.
28 Due to inadequate funding and staffing resources at the department of natural and cultural
29 resources, the commissioner of the department of natural and cultural resources may suspend the
30 requirements of RSA 227-C and RSA 12-A relative to curatorial responsibilities, for each year of the
31 biennium ending June 30, 2021.

32 199 Statewide Public Boat Access Fund; Appropriation to Department of Natural and Cultural
33 Resources. Amend RSA 233-A:13 to read as follows:

34 233-A:13 Statewide Public Boat Access Fund Established. There is hereby established a
35 nonlapsing statewide public boat access fund. The \$5 boat registration surcharge collected
36 pursuant to RSA 270-E:5, II(d) and any other public access funds donated to the state shall be
37 placed in this fund. [All] Funds received under this section are continually appropriated to the fish

1 and game department for the purposes of the statewide public boat access program established
2 under this chapter, *except for sufficient funds which are hereby appropriated to the*
3 *department of natural and cultural resources for payment of principal and interest on*
4 *bonds and notes for the Mount Sunapee state park beach boat ramp project.*

5 200 Department of State; Archives and Records Management; Appointment of Director. Amend
6 RSA 5:28 to read as follows:

7 5:28 Appointment of Director. The secretary of state, with the approval of governor and
8 council, shall appoint the director of the division of archives and records management, who shall be
9 known as the state archivist and who shall be an unclassified state employee. The director shall
10 have a minimum of a master's degree in library science [or], history, *or equivalent* or 10 years
11 prior experience as an archivist or experience in a related field. The term of office for the state
12 archivist shall be for 4 years. Any vacancy shall be filled for the unexpired term. The salary of the
13 state archivist shall be as specified in RSA 94:1-a.

14 201 Department and Secretary of State; Election Fund. Amend RSA 5:6-d, I-III to read as
15 follows:

16 I. There is established in the office of the state treasurer a nonlapsing fund to be known as
17 the election fund which shall be kept distinct and separate from all other funds. The election fund
18 is established to meet the requirements of section 254(b) of the Help America Vote Act, Public Law
19 107-252 *and the 2018 Election Reform Program authorized by the Consolidated*
20 *Appropriations Act of 2018, Public Law 115-141, hereafter referred to as the "2018 Election*
21 *Reform Program"*.

22 II. The treasurer shall deposit in the election fund all monies received by the state pursuant
23 to the Help America Vote Act of 2002, Public Law 107-252 *and the 2018 Election Reform*
24 *Program*. The treasurer shall also deposit in the election fund such other funds received under
25 state or federal law, or donated to the state by private parties, for the purposes of conducting
26 elections, voter and election official education, election law enforcement, and related information
27 technology projects and improvements, and shall credit any interest or income earned on monies on
28 deposit to the fund.

29 III. The secretary of state is authorized to accept, budget, and, subject to the limitations of
30 this paragraph, expend monies in the election fund received from any party for the purposes of
31 conducting elections, voter and election official education, the purchase or lease of equipment that
32 complies with the Help America Vote Act of 2002, Public Law 107-252, or with RSA 659:13, V,
33 reimbursing the department of safety for the actual cost of voter identification cards, election law
34 enforcement, *enhancing election technology, making election security improvements*, and
35 improvements to related information technology, including acquisition and operation of an
36 automated election management system. *With the exception of federal and state portions of*
37 *funds associated with the 2018 Election Reform Program*, the secretary of state shall not

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1 expend any monies in the election fund unless the balance in the fund following such expenditures
2 shall be at least 12 times the estimated annual cost of maintaining the programs established to
3 comply with the Help America Vote Act of 2002, Public Law 107-252.

4 202 Short Title. Sections 203-209 of this act shall be known as the Granite State Jobs Act of
5 2019.

6 203 Findings. The general court finds it is in the public interest to enhance public-private
7 partnerships to recruit, train, and re-employ workers in order to meet New Hampshire's skills gap
8 and worker shortage, efficiently and timely assisting Granite state businesses and Granite stater
9 looking for work, including those in recovery.

10 204 Unemployment Compensation; Contribution Rates. Amend RSA 282-A:87, IV(a) to read as
11 follows:

12 IV.(a)(1) Each employer subject to payment of contributions pursuant to RSA 282-A:69, I
13 shall have its rate reduced by ~~[2/10]~~ 2/5 of one percent beginning in the ~~[second]~~ **fourth** quarter of
14 ~~[2007]~~ **2019**. An administrative contribution equal to the amount of this reduction shall be paid by
15 all such employers.

16 (2) Commencing ~~[July 1, 2007]~~ **January 1, 2020**, after deduction of all costs
17 incurred in the collection of the administrative contribution, 1/3 of the quarterly administrative
18 contribution collected, not to exceed ~~[\$2,000,000]~~ **\$6,000,000** annually, shall be deposited each
19 quarter in the fund established by ~~[RSA 282-A:138 a]~~ **RSA 282-A:182** and shall be expended only as
20 provided by and for the purposes provided in that section **and shall lapse to the unemployment**
21 **trust fund account established in RSA 282-A:104, I(b) if unspent or unencumbered at the**
22 **end of the relevant program year.** The remaining quarterly administrative contribution
23 collected shall be **divided so that the proportional share of the quarterly administrative**
24 **contribution resulting from the increase over 2/10 of one percent shall be deposited in the**
25 **unemployment compensation fund established in RSA 282-A:103 and the remaining**
26 **amount** deposited in the fund established by RSA 282-A:140 and shall be expended only as
27 provided by and for the purposes provided in that section, and not for any other purpose.

28 205 Department of Employment Security; Job Training Program. Amend RSA 282-A by
29 inserting after section 180 the following new subdivision:

30 Job Training Program

31 282-A:181 Job Training Program. The department of employment security shall administer the
32 job training program in this subdivision. The commissioner of the department of employment
33 security shall adopt rules under RSA 541-A, relative to the grant award process and general
34 administration of this subdivision.

35 I. Training programs may include, but shall not be limited to:

- 36 (a) Structured, on-site laboratory or classroom training.
37 (b) Basic skills.

- 1 (c) Technical skills.
- 2 (d) Quality improvement.
- 3 (e) Safety.
- 4 (f) Management and supervision.
- 5 (g) English as a second language.

6 II. No more than \$500,000 annually, from sources other than the WorkReadyNH program,
7 shall be provided to support programs offered as of January 1, 2019, and, in addition to programs
8 offered as of January 1, 2019, funding shall be provided for:

9 (a) Training individuals not otherwise eligible for state or federal training funds
10 available as of January 1, 2019, including the cost of certificate programs, apprenticeship programs
11 as defined under 29 C.F.R. Part 29, and occupational skills training in order to fill current, in-
12 demand employment in New Hampshire with employers having immediate employment needs, with
13 a priority for jobs identified through the state's sector partnership initiative and for employers who
14 pay individuals during training periods.

15 (b) Enhanced support services, including child care and transportation assistance,
16 which would not otherwise be available through any other state, federal, or other programs, with
17 such assistance limited to income eligible individuals with an identified career path and who are
18 determined to be in need of such support services to successfully compete for employment
19 opportunities;

20 (c) The WorkReadyNH program established by the community college system of New
21 Hampshire in an amount not to exceed \$500,000 annually.

22 (d) Certificate programs, apprenticeship programs as defined under 29 C.F.R. Part 29,
23 and occupational skills training opportunities for New Hampshire high school students upon
24 graduation in order to fill current in-demand employment in New Hampshire.

25 (e) Marketing of New Hampshire's workforce development initiatives to employers and
26 business community representatives in New Hampshire.

27 (f) Recruitment and coordination of services provided in this section to populations with
28 higher than average unemployment in New Hampshire, including persons in need of training to
29 change careers, persons with substance use disorders who are in recovery programs, persons with
30 disabilities, inmates transitioning to the general population, persons who are homeless, senior
31 citizens, legal immigrants and speakers of languages other than English, including documented
32 outreach to and priority given to persons with substance use disorders who are in recovery
33 programs.

34 282-A:182 Training Fund.

35 I. There is hereby created in the state treasury a special fund to be known as the training
36 fund. Commencing January 1, 2020, the moneys in this fund shall be used solely as determined by
37 the commissioner of the department of employment security in accordance with rules and guidelines

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1 adopted by the department for funding training under the job training program established in this
2 subdivision. The commissioner of the department of employment security shall make rules relative
3 to administration of the grant award process under this subdivision.

4 II. The commissioner shall act as the fiscal agent for moneys deposited in the training fund.
5 All costs incurred by the commissioner acting as fiscal agent of the training fund shall be paid from
6 such fund.

7 III. Any interest earned on the moneys in this fund shall remain in the fund and shall be
8 expended as provided in paragraph I.

9 IV. Any moneys paid into the training fund during a calendar year, which are either not
10 obligated by June 30 of the following year or spent by June 30 of the year thereafter, shall be
11 continually appropriated and shall not lapse.

12 282-A:183 Expenditure for Job Training Program. The department of employment security
13 shall use no more than 10 percent, or \$600,000, of any moneys received from the training fund
14 established in RSA 282-A:182, whichever is less, to administer the job training program in this
15 subdivision, including support for the sector partnership initiative.

16 282-A:184 Report. The commissioner shall annually submit a report to the governor's state
17 workforce innovation board, the speaker of the house of representatives, the president of senate, the
18 chairperson of the senate committee with jurisdiction over commerce issues, and the chairperson of
19 the house committee with jurisdiction over labor issues concerning the effectiveness of the job
20 training program established in this subdivision.

21 206 Commission to Review and Evaluate Workforce and Job Training Programs in New
22 Hampshire. Amend RSA 273:28, IV(g)(12) to read as follows:

23 (12) Department of [~~business and economic affairs~~] *employment security*, job
24 training program [~~for economic growth~~] pursuant to RSA [~~12-O:30-37~~] *282-A:181-184*.

25 207 Application of Receipts. Amend RSA 6:12, I(b)(74) to read as follows:

26 (74) Moneys deposited in the training fund established by RSA [~~282-A:138-a~~] *282-*
27 *A:182*.

28 208 New Hampshire Workforce Opportunity Fund. Amend RSA 12-O:45, V to read as follows:

29 V. In accordance with RSA [~~12-O:30~~] *282-A:181* through RSA [~~12-O:37~~] *282-A:184*, the
30 commissioner of the department of employment security shall have the authority to make grants to
31 New Hampshire employers for the purpose of training employees in accordance with this chapter,
32 such grants not to exceed the amounts specified in RSA 282-A:87, IV(a)(2), and not to exceed to any
33 single employer in any grant year the sum of \$70,000, unless first approved by governor and
34 council. The commissioner shall provide the governor and council an information item not less
35 frequently than semi-annually describing all such grants expended pursuant thereto. Such grants
36 shall be made pursuant to a form of agreement that shall be approved by governor and council after
37 review by the attorney general and the commissioner of the department of administrative services.

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1 209 Repeal. The following are repealed:

2 I. RSA 12-O:30 through RSA 12-O:37, relative to the job training program for economic
3 growth.

4 II. RSA 282-A:138-a, relative to the training fund.

5 210 Appropriation; Affordable Housing Fund. The sum of \$5,000,000 for the fiscal year ending
6 June 30, 2020, is hereby appropriated to the housing finance authority for deposit in the affordable
7 housing fund established in RSA 204-C:57, for the purpose of providing financing or state matching
8 funds for affordable housing. The appropriation shall be in addition to any other funds
9 appropriated to the housing finance authority. The governor is authorized to draw a warrant for
10 said sum out of any money in the treasury not otherwise appropriated.

11 211 New Section; Special Account. Amend RSA 432 by inserting after section 30 the following
12 new section:

13 432:30-a Special Account. There is established a separate account to which shall be credited all
14 funds appropriated or acquired to provide financial and technical assistance associated with this
15 subdivision. This shall be a nonlapsing account, and funds in said account are hereby appropriated
16 for the purpose of this subdivision.

17 212 Appropriation. Department of Agriculture, Markets and Food. There is hereby
18 appropriated to the department of agriculture, markets and food the sum of \$250,000 for the fiscal
19 year ending June 30, 2020 and \$500,000 for the fiscal year ending June 30, 2021 for deposit in the
20 special account established in RSA 432:30-a. The governor is authorized to draw a warrant for said
21 sum out of any money in the treasury not otherwise appropriated.

22 213 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after
23 subparagraph (343) the following new subparagraph:

24 (344) Moneys deposited in the special account for agriculture development rights
25 under RSA 432:30-a.

26 214 State Demographer. For the biennium ending June 30, 2021, the provisions of RSA 4-C:36
27 and RSA 14:46, VII are hereby suspended. For said biennium, the director of the office of strategic
28 initiatives may provide assistance to the commission on demographic trends established pursuant to
29 RSA 4-C:37, the department of health and human services pursuant to RSA 9:9-e, or the legislative
30 budget assistant pursuant to RSA 9:9-f, in place of the state demographer.

31 215 Board of Tax and Land Appeals; Staff. Amend RSA 71-B:14 to read as follows:

32 71-B:14 Staff. The board shall have upon its staff [2] **at least one** review [appraisers]
33 **appraiser** who shall be **a** classified state [employees] **employee** and who shall be competent to
34 review the value of property for tax and eminent domain purposes. In addition, the board shall
35 have such clerical and technical staff as may be necessary within the limits of appropriation made
36 therefor.

37 216 Coos County Job Creation Tax Credit Extended. Amend RSA 77-E:3-c, II to read as

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1 follows:

2 II. ~~[The initial job creation tax credit allowed under this paragraph shall not apply to any~~
3 ~~tax period ending prior to the effective date of this section, or to any tax period ending after~~
4 ~~December 31, 2018.]~~ After being initially granted, the tax credit shall be renewable for 4
5 consecutive additional years, provided that no additional tax credit shall be granted under this
6 chapter for any tax period after December 31, ~~[2022]~~ 2027.

7 217 Business Profits Tax; Imposition of Tax; 2019. RSA 77-A:2 is repealed and reenacted to
8 read as follows:

9 77-A:2 Imposition of Tax. A tax is imposed at the rate of 7.9 percent upon the taxable business
10 profits of every business organization.

11 218 Business Enterprise Tax; Imposition of Tax; 2019. RSA 77-E:2 is repealed and reenacted to
12 read as follows:

13 77-E:2 Imposition of Tax. A tax is imposed at the rate of 6.75 percent upon the taxable
14 enterprise value tax base of every business enterprise.

15 219 Repeal of Prospective Amendments. The following are repealed:

16 I. 2017, 156:215, relative to the rate of the business profits tax in 2021.

17 II. 2017, 156:216, relative to the rate of the business enterprise tax in 2021.

18 III. 2017, 156:217, II, relative to the applicability of the 2021 rates changes.

19 220 Applicability. Sections 217 and 218 of this act shall apply to taxable periods ending on or
20 after December 31, 2019.

21 221 Education Trust Fund. Notwithstanding RSA 198:39, I, for the biennium ending June 30,
22 2021, the education trust fund may be used for the purpose of distributing school building aid to
23 school districts and approved chartered public schools pursuant to RSA 198:15-b, distributing
24 tuition and transportation funds to school districts for students attending career and technical
25 education programs pursuant to RSA 188-E:9, and distributing special education aid to school
26 districts pursuant to RSA 186-C:18.

27 222 ~~New-Section; The Budget; Transmission to the Legislature; Changes to Statutory Law.~~
28 Amend RSA 9 by inserting after section 2 the following new section:

29 9:2-a. ~~Transmission to the Legislature; Changes to Statutory Law.~~ Not later than February 15
30 of the first year of each biennial legislative session, the governor shall transmit to the legislature a
31 document to be known as the trailer bill containing any changes to statutory law deemed necessary
32 for the ensuing biennium. This document shall be separate from the document known as the
33 budget as provided in RSA 9:2 and shall not be considered a budget bill as provided in part II,
34 article 18-a of the New Hampshire constitution. This document shall be available in printed format
35 and at least one electronic computer file format in common use at the time.

36 223 Department of Safety; Deputy Director of Administration; Position Established. There is
37 established within the department of safety the unclassified position of deputy director of

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1 administration. The deputy director of administration shall be qualified to hold that position by
2 reason of education and experience, and shall be appointed by and serve at the pleasure of the
3 commissioner of safety. The deputy director of administration shall assist the director of
4 administration in carrying out the duties of the department of safety. The salary of the deputy
5 director of administration shall be determined after assessment and review of the appropriate
6 temporary letter grade allocation in RSA 94:1-a, I for the position which shall be conducted
7 pursuant to RSA 94:1-d and RSA 14:14-c. Funding shall be appropriated from expenditure class
8 012, within accounting unit 02-23-23-232015-2310.

9 224 New Section; Department of Safety; Deputy Director of Administration. Amend RSA 21-P
10 by inserting after section 6 the following new section:

11 21-P:6-a Deputy Director of Administration.

12 I. The commissioner of safety shall nominate a deputy director of administration for
13 appointment by the governor, with the consent of the council. The deputy director of
14 administration shall serve a term of 4 years, and may be reappointed. The deputy director of
15 administration shall be qualified to hold that position by reason of education and experience.

16 II. The deputy director of administration shall perform such duties as are assigned by the
17 director of administration. The deputy director of administration shall assume the duties of the
18 director of administration in the event that the director of administration is unable for any reason
19 to perform such duties.

20 III. The salary of the deputy director of administration shall be as specified in RSA 94:1-a.

21 225 Assistant Director of Division of Fire Standards and Training and Emergency Medical
22 Services; Membership in New Hampshire Retirement System. Notwithstanding any provision of
23 RSA 100-A to the contrary, the current assistant director of the division of fire standards and
24 training and emergency medical services, department of safety, shall be considered to have been
25 properly enrolled as a member in group II of the New Hampshire retirement system as of his
26 original date of hire with the division of fire standards and training and emergency medical services
27 and he shall retain such membership for the duration of service in his present capacity.

28 226 Motor Vehicles; Copies of Certificates and Motor Vehicle Records. Amend RSA 260:15, II to
29 read as follows:

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

36 227 Motor Vehicles; Drivers' Licenses; Real ID Compliant; Fee. Amend RSA 263:42, I to read
37 as follows:

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1 I. For each original driver's license and examination or driver's license renewal, other than
2 for a commercial vehicle or motorcycle- **\$60 for a Real ID Act compliant license under RSA**
3 **263:14-b** or **\$50 for each other license**; for each license issued under RSA 263:5-f- \$10; for each
4 youth operator's license and examination- \$10 per year, not to exceed \$50; for each license issued to
5 a nonresident alien for less than 5 years- \$10 per year or portion thereof; for each original
6 commercial driver license and examination or commercial driver license renewal- \$60; for each
7 commercial driver license reexamination in a one-year period- \$20; for each commercial vehicle
8 endorsement, renewal of an endorsement, or removal of a restriction- \$10; for each special
9 motorcycle original license and examination or special motorcycle license renewal- \$50; for each
10 original motorcycle endorsement- \$25; for each 3-wheeled motorcycle endorsement- \$25; for each
11 motorcycle endorsement and 3-wheeled motorcycle endorsement renewal- no charge. For each
12 original driver's license issued, \$5 shall be credited to the driver training fund established by RSA
13 263:52. Except as provided in RSA 263:5-f, I, RSA 263:14, and RSA 263:39-a, III, every license shall
14 expire on the licensee's birthdate in the fifth year following the issuance of such license. No fee
15 collected under this paragraph shall be refunded once an examination has been taken or a license
16 issued, except as provided in RSA 263:43.

17 228 Department of Transportation; Capital Corridor Rail Expansion. The department of
18 transportation is hereby authorized to access the Boston Urbanized Area Formula Funding program
19 of the Federal Transit Administration, 49 U.S.C. section 5307, identified in the 2019-2028 Ten Year
20 Transportation Improvement Plan, to complete the project development phase of the project named
21 Nashua-Manchester-Concord, project number 40818. The department may use toll credits pursuant
22 to RSA 228:12-a for this project.

23 229 Department of Transportation; Use of Toll Credits. Amend RSA 228:12-a to read as
24 follows:

25 228:12-a Use of Toll Credits. The department may use toll credits as a match for federal
26 highway funds solely for the funding of highway and road projects, [or] projects concerning the
27 travel of motor vehicles on such highways and roads, **and the completion of the project**
28 **development phase of the project named Nashua-Manchester-Concord, project number**
29 **40818, in the 2019-2028 Ten Year Transportation Improvement Plan.** Any other use of toll
30 credits shall require approval of the joint legislative capital budget overview committee, established
31 in RSA 17-J:1, prior to moving the project forward for approval in the state 10-year transportation
32 improvement program.

33 230 Department of Transportation; Appropriation. There is hereby appropriated to the
34 department of transportation the sum of \$1,870,000 for the fiscal year ending June 30, 2019, for the
35 purpose of demolition and environmental mitigation of structures on state-owned property. Such
36 funds shall not lapse. The governor is authorized to draw a warrant for said sum out of any money
37 in the treasury not otherwise appropriated.

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1 231 Rulemaking Exception; Medicaid Rate of Reimbursement Methodology for Nursing
2 Facilities. Amend RSA 541-A:21 by inserting after paragraph III the following new paragraph:

3 III-a. Rules adopted relative to the budget adjustment factor contained within the Medicaid
4 rate of reimbursement methodology for nursing facilities shall be exempt from the provisions of 541-
5 A:5 through 541-A:14 provided that the budget adjustment factor applied to the reimbursement
6 methodology is equal to or less than 28.76 percent. If the budget adjustment factor to be applied to
7 the reimbursement methodology is greater than 28.76 percent, the provisions of 541-A shall apply.

8 232 Alcohol Abuse Prevention and Treatment Fund; Disbursements. Amend RSA 176-A:1, III
9 to read as follows:

10 III. Moneys received from all other sources other than the liquor commission pursuant to
11 RSA 176:16, III, *including any community benefit contribution made by New Hampshire's*
12 *hospitals*, shall be disbursed from the fund upon the authorization of the governor's commission on
13 alcohol and drug abuse prevention, treatment, and recovery established pursuant to RSA 12-J:1
14 *and shall not be diverted for any other purposes*. Funds disbursed shall be used for alcohol
15 and other drug abuse prevention, treatment, and recovery services, and other purposes related to
16 the duties of the commission under RSA 12-J:3; provided, however, that funds received from any
17 source other than the liquor commission, pursuant to RSA 176:16, III, shall not be used to support
18 the New Hampshire granite advantage health care program and shall not be deposited into the fund
19 established in RSA 126-AA:3.

20 233 Appropriation; Department of Health and Human Services; Inpatient Psychiatric
21 Treatment Facility for Children.

22 I. There is hereby appropriated the sum of \$6,000,000 for the fiscal year ending June 30,
23 2019, which shall be nonlapsing, to the department of health and human services for the purpose of
24 obtaining and renovating a new treatment facility for children who are in need of acute inpatient
25 psychiatric treatment. The governor is authorized to draw a warrant for said sum out of any money
26 in the treasury not otherwise appropriated.

27 II. There is hereby appropriated the sum of \$5,500,000 for the fiscal year ending June 30,
28 2020, which shall be nonlapsing, to the department of health and human services for the purpose of
29 operating the psychiatric treatment facility under paragraph I. The governor is authorized to draw
30 a warrant for said sum out of any money in the treasury not otherwise appropriated.

31 III.(a) Upon completion of the design of the facility authorized in paragraph I, and before
32 entering into any contractual obligation regarding the facility, the commissioner of the department
33 of health and human services shall prepare a report which describes how the design and operational
34 plan shall certify and provide for:

- 35 (1) Continued Joint Commission accreditation;
- 36 (2) Age- and developmentally- appropriate education, recreation, and rehabilitation
37 services; and

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1 (3) Backup staffing and security services so that the capacity for response to staffing
2 shortages and emergencies, including psychiatric emergencies of children, is no less effective and no
3 less protective than now exists at New Hampshire hospital.

4 (b) The report shall be provided to the governor, the speaker of the house of
5 representatives, the president of the senate, and the fiscal committee of the general court no later
6 than 30 days before the issuance of a request for proposals or the entrance into any contractual
7 obligation for the construction, renovation, or development of the facility.

8 (c) In addition, the commissioner shall ensure that the facility is operated consistently
9 with the principles and requirements of RSA 135-F, regarding the system of care for children's
10 mental health.

11 234 Appropriation; Department of Health and Human Services; New Hampshire Hospital
12 Repurposing. There is hereby appropriated to the department of health and human services the
13 sum of \$4,000,000 for the fiscal year ending June 30, 2019, which shall be nonlapsing, for the
14 purpose of repurposing the children's unit at New Hampshire Hospital for up to 48 adult beds. Of
15 this amount, \$3,000,000 shall be a charge against the state general fund, and \$1,000,000 shall be a
16 charge against trust funds established for the benefit of New Hampshire Hospital. The unit shall be
17 operational for adult patients by June 1, 2021. The governor is authorized to draw a warrant for
18 the general fund share of said sum out of any money in the treasury not otherwise appropriated.
19 The appropriation made in this section shall be contingent upon the department submitting and
20 presenting a plan to the fiscal committee of the general court.

21 235 Appropriation; Department of Health and Human Services; Transitional Housing Beds.
22 There is hereby appropriated to the department of health and human services the sum of
23 \$5,000,000 for the fiscal year ending June 30, 2019, which shall be nonlapsing, for the purpose of
24 funding 40 new transitional housing beds for forensic patients and/or patients with complex
25 behavioral health conditions including those transitioning from the New Hampshire hospital. The
26 plans for constructing such beds shall be completed by January 1, 2020, and the beds shall be
27 operational by June 1, 2021. The appropriation made in this section shall be contingent upon the
28 department submitting and presenting a plan to the fiscal committee of the general court. The
29 governor is authorized to draw a warrant for said sum out of any money in the treasury not
30 otherwise appropriated.

31 236 Appropriation; Department of Health and Human Services; Patients Residing in Hospital
32 Emergency Rooms. There is hereby appropriated to the department of health and human services
33 the sum of \$500,000 for the fiscal year ending June 30, 2019, which shall be nonlapsing, and shall
34 be expended for the purpose of providing assistance to hospitals in addressing the immediate needs
35 of involuntary emergency admissions patients currently residing in emergency rooms in hospitals
36 further than 30 miles from an established New Hampshire mobile crisis team or a designated
37 receiving facility; provided that no hospital shall receive more than \$100,000. The appropriation

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1 made in this section shall only cover the portion of costs not reimbursable by insurance carriers.
2 The commissioner of the department of health and human services shall establish the application
3 process for such funds. The governor is authorized to draw a warrant for said sum out of any
4 money in the treasury not otherwise appropriated.

5 237 Transfer of Funds for Operation of the Sununu Youth Services Center. Notwithstanding
6 RSA 9:16-a and RSA 9:16-c, for the biennium ending June 30, 2021, prior approval of the fiscal
7 committee of the general court shall be required for any transfer of funds required for the operation
8 of the Sununu youth services center.

9 238 Medicaid Managed Care Program; Dental Benefits. RSA 126-A:5, XIX(a) is repealed and
10 reenacted to read as follows:

11 XIX.(a) The commissioner shall employ a managed care model for administering the
12 Medicaid program and its enrollees to provide for managed care services for all Medicaid
13 populations throughout New Hampshire consistent with the provisions of 42 U.S.C. section 1396u-2.
14 Models for managed care may include, but not be limited to, a traditional capitated managed care
15 organization contract, an administrative services organization, an accountable care organization, or
16 a primary care case management model, or a combination thereof, offering the best value, quality
17 assurance, and efficiency, maximizing the potential for savings, and presenting the most innovative
18 approach compared to other externally administered models. Services to be managed within the
19 model shall include all mandatory Medicaid covered services and may include, but shall not be
20 limited to, care coordination, utilization management, disease management, pharmacy benefit
21 management, provider network management, quality management, and customer services. The
22 commissioner shall enter into contracts with the vendors that demonstrate the greatest ability to
23 satisfy the state's need for value, quality, efficiency, innovation, and savings. The commissioner
24 shall establish rates based on the appropriate model for the contract that is full risk to the vendors.
25 The rates shall be established in rate cells or other appropriate units for each population or service
26 provided including, but not limited to, persons eligible for temporary assistance to needy families
27 (TANF), aid for the permanently and totally disabled (APTD), breast and cervical cancer program
28 (BCCP), home care for children with severe disabilities (HC-CSD), and those residing in nursing
29 facilities. The rates and/or payment models for the program shall be presented to the fiscal
30 committee of the general court on an annual basis. The managed care model or models' selected
31 vendors providing the Medicaid services shall emphasize patient-centered, value-based care and
32 include enhanced care management of high-risk populations as identified by the department. In
33 contracting for the managed care program, the department shall ensure no reduction in the quality
34 of care of services provided to enrollees in the managed care model and shall exercise all due
35 diligence to maintain or increase the current level of quality of care provided. The commissioner
36 may, in consultation with the fiscal committee, adopt rules, if necessary, to implement the
37 provisions of this paragraph. The department shall seek, with the approval of the fiscal committee,

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1 all necessary and appropriate waivers to implement the provisions of this paragraph.

2 239 Department of Health and Human Services; Adult Dental Benefit; Development of Plan.
3 The department of health and human services shall develop a plan for the incorporation of an adult
4 dental benefit into a value-based care platform, as follows:

5 I. In this section, "value-based care" means an oral health care delivery model in which
6 providers are paid based upon making positive health outcomes while reducing costs.

7 II. No later than 30 days after the effective date of this section, the department shall
8 convene a working group consisting, at a minimum, of representatives of the following stakeholders:
9 each managed care plan under contract with the state, the New Hampshire Oral Health Coalition, a
10 public health dentist and a solo private practice dentist recommended by the New Hampshire
11 Dental Society, the New Hampshire Dental Hygienist Association, and the Bi-State Primary Care
12 Association, a representative of a New Hampshire dental insurance carrier designated by the
13 governor, 2 members of the house of representatives, one of whom shall be from the majority party
14 and one of whom shall be from the minority party, appointed by the speaker of the house of
15 representatives, 2 members of the senate, one of whom shall be from the majority party and one of
16 whom shall be from the minority party, appointed by the president of the senate, a member of the
17 commission to evaluate the effectiveness and future of the New Hampshire granite advantage
18 health care program designated by the commission, and 2 members of the New Hampshire medical
19 care advisory committee, one of whom shall be a consumer advocate, designated by the committee.

20 III. The working group shall be convened by the commissioner of health and human
21 services and shall be subject to RSA 91-A. The department, in consultation with the working group,
22 shall prepare a plan for the incorporation of an adult dental benefit into a value-based care
23 platform. The adult dental benefit shall become effective on July 1, 2021. Each plan shall include,
24 at a minimum, a detailed description of the following: eligibility and enrollment covered benefits
25 and scope of services, cost benefit analysis including projected expenditures and anticipated cost
26 savings, transition planning, prior authorization, transportation, pharmacy, case management,
27 network adequacy, credentialing, quality metrics and outcome measurements, patient safety,
28 utilization management, finance and reimbursement, rates and payment, grievance and appeals,
29 and office of ombudsman. Each plan shall also address how the incorporation of the services into a
30 value-based care platform shall achieve the legislative intent of providing value, quality, efficiency,
31 innovation, and savings.

32 IV. Under no circumstances shall a fee for service model be included in the plan. The plan
33 shall promote the development of an adult value-based dental benefit and/or an alternative payment
34 model.

35 240 Reports.

36 I. The department of health and human services shall present an update on the status of
37 the plan preparation each month to the fiscal committee of the general court and the oversight

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1 committee on health and human services, established in RSA 126-A:13, until the plan has been
2 implemented. The department's updates shall also include managed care organization and
3 department readiness for implementation.

4 II. No later than October 1, 2019, the commissioner shall submit to the speaker of the house
5 of representatives, the president of the senate, and the governor, all proposed changes to state law
6 the commissioner believes may be necessary for the incorporation of an adult dental benefit into a
7 value-based care platform.

8 241 Repeal. RSA 126-A:5, XIX(b), relative to relative to enrollment in the managed care
9 program, is repealed.

10 242 New Subdivision; Child Abuse Specialized Medical Evaluation Program. Amend RSA 169-
11 C by inserting after section 39-k the following new subdivision:

Child Abuse Specialized Medical Evaluation Program

12
13 169-C:39-1 Child Abuse Specialized Medical Evaluation Program Established. A child abuse
14 specialized medical evaluation program is hereby established in the department. The program shall
15 include the following elements:

16 I. Child protective service workers shall have on-call access, 24 hours a day and 7 days a
17 week, to an experienced health care professional who is trained in and can advise on the
18 standardized diagnostic methods, treatment, and disposition of suspected child sexual abuse and
19 physical abuse.

20 II. Department nurses and child protective service workers performing screenings and
21 assessments of reported cases of child abuse shall receive pre-service training in the standardized
22 medical diagnostic methods, treatment, and disposition as well as periodic in-service training by
23 health care providers experienced in child abuse and neglect.

24 III. Annually, a limited number of designated health care providers geographically
25 distributed shall be trained in nationally recognized curricula to respond to initial presentations of
26 child sexual abuse, physical abuse, and neglect.

27 IV. Health care professionals who participate in the training or are members of a
28 multidisciplinary team, working with the department of health and human services or law
29 enforcement, shall participate in periodic peer or expert reviews of their evaluations and undertake
30 continuing education in the medical evaluation of child abuse and neglect according to professional
31 standards.

32 V. The department shall contract with a health care provider with experience in child
33 abuse and neglect to administer the program in collaboration with participating private and public
34 entities.

35 VI. Reimbursement rates for health care providers who participate in the program shall
36 reflect the average cost to deliver such services, including the participation in multidisciplinary
37 team activities and associated court proceedings. The rates shall be periodically reviewed and, if

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1 necessary, revised.

2 VII. The commissioner of the department shall adopt rules, under RSA 541-A, relative to
3 the medical evaluation program, training and continuing education requirements, and
4 reimbursement rates.

5 243 Federal Family Planning Funding. If the proposed federal rule on Compliance with
6 Statutory Program Integrity Requirements, 83 Fed. Reg. 25,502 (to be codified at 42 C.F.R. pt 59)
7 does not go into effect and federal family planning funds are made available to the providers funded
8 out of account 05-95-90-902010-5530, the unused portion of general funds appropriated to that
9 account for the purpose of replacing lost federal funds shall lapse to the general fund.

10 244 New Section; Commission to Study School Funding. Amend RSA 193-E by inserting after
11 section 2-d the following new section:

12 193-E:2-e Commission Established.

13 I. There is established a commission to study school funding.

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

15 (a) Four members of the house of representatives, appointed by the speaker of the house
16 of representatives.

17 (b) Two members of the senate, appointed by the president of the senate.

18 (c) Six members of the public, 3 of whom shall be appointed by the president of the
19 senate and 3 of whom shall be appointed by the speaker of the house of representatives.

20 (d) One member appointed by the governor.

21 (e) Three members appointed by the chairperson of the commission pursuant to
22 paragraph V.

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

25 IV. The commission shall:

26 (a) Review the education funding formula and make recommendations to ensure a
27 uniform and equitable design for financing the cost of an adequate education for all public school
28 students in pre-kindergarten through grade 12 in the state.

29 (b) Determine whether the New Hampshire school funding formula complies with court
30 decisions mandating the opportunity for an adequate education for all students in pre-kindergarten
31 through grade 12, with a revenue source that is uniform across the state.

32 (c) Identify trends and disparities across the state in student performance in pre-
33 kindergarten through grade 12 based on current school funding options.

34 (d) Re-establish the baseline for the costs, programs, staffing, and facilities needed to
35 provide the opportunity for an adequate education.

36 (e) Act as an independent commission.

37 (f) Study and produce recommendations regarding all costs and existing funding for

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1 special education, including listing any currently unfunded special education mandates issued to
2 date by the state department of education.

3 (g) Study integrating into the education funding adequacy formula a factor that
4 accounts for the number of Class A, B, and C properties in a community, and the distribution of
5 education funding costs across those numbers and classes of properties.

6 (h) Consider other policy issues as the committee deems necessary. The commission
7 may consult with outside resources and state agencies, including but not limited to the department
8 of education, the department of revenue administration, and the legislative budget office.

9 V. The members of the study commission shall elect a chairperson from among the
10 members. The chairperson shall appoint 3 individuals to be members of the commission. The first
11 meeting of the commission shall be called by the first-named house member. The first meeting of
12 the commission shall be held within 60 days of the effective date of this section. Eight members of
13 the commission shall constitute a quorum. The commission shall establish a calendar to meet on a
14 regular basis.

15 VI. The commission shall establish a budget and hire staff with an understanding of school
16 finance options. Such staff shall be independent of government agencies.

17 VII. The commission shall make an initial report to the speaker of the house of
18 representatives, the president of the senate, the senate clerk, the house clerk, the governor, and the
19 state library 9 months after its first meeting, with a subsequent report to the house clerk, the
20 senate clerk, the governor, and the state library on or before September 1, 2020. The commission
21 shall remain active until and when the general court addresses its recommendations.

22 245 Appropriation. The sum of \$500,000 for the biennium ending June 30, 2021 is hereby
23 appropriated to the commission to study school funding established in RSA 193-E:2-e for the
24 purpose of administration, staffing, and the utilization of independent school finance experts.
25 Notwithstanding restrictions on the use of moneys in the education trust fund in RSA 198:39, said
26 appropriation shall be a charge against the education trust fund and shall be nonlapsing.

27 246 School-Money; Definitions. Amend RSA 198:38, I(a) to read as follows:

28 (a) "Average daily membership in attendance" or "ADMA" means the average daily
29 membership in attendance, as defined in RSA 189:1-d, III, of pupils in kindergarten through grade
30 12, in the determination year [~~provided that no kindergarten pupil shall count as more than 1/2~~
31 ~~day attendance per school year~~]. ADMA shall only include pupils who are legal residents of New
32 Hampshire pursuant to RSA 193:12 and educated at school district expense which may include
33 public academies or out-of-district placements. For the purpose of calculating funding for
34 municipalities, the ADMA shall not include pupils attending chartered public schools, but shall
35 include pupils attending a charter conversion school approved by the school district in which the
36 pupil resides.

37 247 Repeal. RSA 198:48-c, III, relative to distribution of a kindergarten grant based on Keno

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1 revenue, is repealed.

2 248 School Money; Fiscal Capacity Disparity Aid. RSA 198:40-c is repealed and reenacted to
3 read as follows:

4 198:40-c Fiscal Capacity Disparity Aid.

5 I. In addition to aid for the cost of the opportunity for an adequate education provided
6 under RSA 198:40-a, each biennium the commissioner shall calculate fiscal capacity disparity aid
7 and provide that amount of aid in each year of the biennium to a municipality's school districts as
8 follows:

9 (a) A municipality with an equalized valuation per pupil of \$350,000 or less shall
10 receive \$675 per pupil in the municipality's ADMA.

11 (b) A municipality with an equalized valuation per pupil between \$350,001 and
12 \$899,999 shall receive a grant equal to \$0.0012 for each dollar of difference between its equalized
13 valuation per pupil and \$900,000, per pupil in the municipality's ADMA.

14 (c) A municipality with an equalized valuation per pupil of \$900,000 or more shall
15 receive no fiscal capacity disparity aid.

16 II. Fiscal capacity disparity aid shall be distributed pursuant to RSA 198:42.

17 III. In this section, "equalized valuation per pupil" means a municipality's equalized
18 valuation, including properties subject to taxation under RSA 82 and RSA 83-F, as determined by
19 the department of revenue administration, that was the basis for the local tax assessment in the
20 determination year, divided by the school district's kindergarten through grade 12 ADMA in the
21 determination year.

22 249 Determination of Education Grants. Amend RSA 198:41, IV(d) to read as follows:

23 (d) For fiscal year 2017 and each fiscal year thereafter, the department of education
24 shall distribute a total education grant to each municipality in an amount equal to the total
25 education grant for the fiscal year in which the grant is calculated plus a percentage of the
26 municipality's fiscal year 2012 stabilization grant, if any, distributed to the municipality; the
27 percentage shall be 96 percent for fiscal year 2017, ~~and shall be reduced by 4 percent of the amount~~
28 ~~of the 2012 education grant for each fiscal year thereafter] 92 percent for fiscal year 2018, 88~~
29 ~~percent for fiscal year 2019, and 100 percent for fiscal year 2020 and each fiscal year~~
30 ~~thereafter~~. No stabilization grant shall be distributed to any municipality for any fiscal year in
31 which the municipality's education property tax revenue collected pursuant to RSA 76 exceeds the
32 total cost of an adequate education or to any municipality for any fiscal year in which the
33 municipality's ADMA is zero.

34 250 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b)(1)(A) to read as follows:

35 (b)(1)(A) Except as provided in subparagraph (2), for a chartered public school
36 authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition
37 pursuant to RSA 198:40-a, II(a)-(c) and (e) plus an additional grant of \$3,286 to all chartered public

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1 schools for the fiscal year ending June 30, 2018, [and] \$3,411 to all chartered public schools for the
2 fiscal year ending June 30, 2019, *and \$3,785 to all chartered public schools for the fiscal year*
3 *ending June 30, 2020* and each fiscal year thereafter, except for the Virtual Learning Academy
4 Charter School, directly to the chartered public school for each pupil who is a resident of this state
5 in attendance at such chartered public school. Beginning July 1, 2017 and every biennium
6 thereafter, the department of education shall adjust the per pupil amount of the additional grant
7 based on the average change in the Consumer Price Index for All Urban Consumers, Northeast
8 Region, using the "services less medical care services" special aggregate index, as published by the
9 Bureau of Labor Statistics, United States Department of Labor. The state shall pay amounts
10 required pursuant to RSA 198:40-a, II(d) directly to the resident district.

11 251 General Fund Surplus; Revenue Stabilization Reserve Account. Notwithstanding RSA
12 9:13-e, after transferring \$5,000,000 to the revenue stabilization reserve account at the close of the
13 fiscal biennium ending June 30, 2019, the remainder of the general fund surplus for said biennium
14 shall remain in the general fund.

15 252 Appropriation; Internet Crimes Against Children Fund; Reductions.

16 I. The sum of \$250,000 for the fiscal year ending June 30, 2020, and \$250,000 for the fiscal
17 year ending June 30, 2021 are hereby appropriated to the New Hampshire internet crimes against
18 children fund established in RSA 21-M:17. The governor is authorized to draw a warrant for said
19 sums out of any money in the treasury not otherwise appropriated.

20 II. In order to offset sums appropriated under paragraph I, the department of education
21 shall reduce state general fund appropriations to account 06-56-56-567010-3058, expenditure class
22 631-building aid lease, by \$300,000 for the fiscal year ending June 30, 2020.

23 253 Governor's Commission on Disability; Analysis and Report. The governor's commission on
24 disability, established in RSA 275-C, shall analyze the state's system of support for individuals with
25 developmental disabilities and recommend reforms and improvements to ensure that the state's
26 service delivery model is structured to provide maximum benefit and tailored services to individuals
27 with developmental disabilities. The governor's commission on disability shall consult with the
28 university of New Hampshire institute on disability, the department of health and human services,
29 the New Hampshire council on developmental disabilities, Granite State Independent Living,
30 Community Support Network, Inc., Disability Rights Center-NH, the developmental services
31 quality council of the department of health and human services, and any other relevant
32 stakeholders including individuals with developmental disabilities and their families and/or
33 guardians, and may accept and expend any applicable federal funds, and any gifts, grants, or
34 donations that may be available for the purposes of this section. The commission shall also
35 coordinate with the New Hampshire council on developmental disabilities to secure any funds that
36 may be used for this purpose under the federal Developmental Disabilities Assistance and Bill of
37 Rights Act of 2000 (PL 106-402) and in conjunction with the development and amendment of the

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1 state plan goals and objectives. The governor's commission on disability shall report its findings to
2 the governor, the speaker of the house of representatives, the president of the senate, the house
3 clerk, the senate clerk, and the state library on or before November 1, 2019.

4 254 Department of Administrative Services; Study of Personnel System.

5 I. In order to ensure that the state is as effective an organization as possible in the 21st
6 century to deliver quality public services to the people of New Hampshire while also operating as
7 model employer for its workforce, the department of administrative services shall conduct a
8 comprehensive study of the state's personnel system. The study shall include a review of all laws,
9 administrative rules, and collective bargaining agreements related thereto, and by November 1,
10 2019, the commissioner of the department of administrative services shall issue a report with
11 recommendations to the governor, the speaker of the house of representatives, and the president of
12 the senate.

13 II. The sum of \$150,000 for the fiscal year ending June 30, 2019 is hereby appropriated to
14 the department of administrative services for the purpose of a study of the state's personnel system
15 as specified in paragraph I of this section. Said sum shall not lapse until June 30, 2021. The
16 governor is hereby authorized to draw a warrant for said sum out of any money in the treasury not
17 otherwise appropriated.

18 255 Appropriation; Department of Administrative Services. The sum of \$1,300,000 for the
19 fiscal year ending June 30, 2019 is hereby appropriated to the department of administrative
20 services for the purpose of obtaining scheduling software. Said sum shall not lapse until June 30,
21 2021. The governor is hereby authorized to draw a warrant for said sum out of any money in the
22 treasury not otherwise appropriated.

23 256 Joint Legislative Historical Committee; Annual Appropriation. Amend RSA 17-I:5 to read
24 as follows:

25 17-I:5 Annual Appropriation. There is hereby appropriated annually the sum of [~~\$10,000~~]
26 **\$25,000** to the joint legislative historical committee established in RSA 17-I for deposit in the
27 nonlapsing historical fund established under RSA 177:8, II for the purpose of carrying out its
28 statutory duties. The governor is authorized to draw [~~his~~] **a** warrant for said sum out of any money
29 in the treasury not otherwise appropriated.

30 257 Legislative Branch; Special Account. Amend 2011, 224:217, II(c), as amended by 2013,
31 144:102, 2015, 276:214, and 2017, 156:129 to read as follows:

32 (c) [~~Beginning in~~] **For** fiscal year 2017 and [~~for each~~] fiscal year [~~thereafter~~] **2018**,
33 unexpended and unencumbered appropriations shall be transferred to the appropriate subaccount.

34 (d) **Beginning in fiscal year 2019 and for each year thereafter, any unexpended**
35 **and unencumbered appropriations of the house of representatives, senate, joint offices,**
36 **and office of legislative budget assistant remaining at the close of the fiscal year shall not**
37 **lapse.**

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1 258 Office of Professional Licensure and Certification; Division Directors. Amend RSA 310-A:1-
2 c to read as follows:

3 310-A:1-c Division Directors[~~- Positions Transferred~~].

4 I. There is established in the office of professional licensure and certification 2 [~~classified~~
5 ~~positions, at salary grade 35, of~~] **unclassified directors: The** director of the division of technical
6 professions and director of the division of health professions. **Each director shall be qualified to**
7 **hold that position by reason of education and experience and shall perform such duties as**
8 **the executive director from time to time may authorize.**

9 **II. The executive director shall nominate for appointment by the governor, with the**
10 **consent of the council, each unclassified division director, each of whom shall serve for a**
11 **term of 4 years.**

12 ~~II. Every classified or unclassified state employee position authorized in the boards,~~
13 ~~councils, and commissions under RSA 310 A:1 a shall be transferred to the office of professional~~
14 ~~licensure and certification and subject to the supervisory authority of the executive director.~~

15 ~~III. The authority granted to the executive director of the real estate commission under~~
16 ~~RSA 331 A:8, relative to the issuance and denial of licenses, hearing and procedures on denial of~~
17 ~~licenses, the hiring of clerical, administrative, and investigative staff, maintenance of the official~~
18 ~~record, and implementation of a program for consumer education, is hereby transferred to the~~
19 ~~executive director of the office of professional licensure and certification.~~

20 ~~IV. The unclassified position of executive director of the real estate commission shall be~~
21 ~~converted from an unclassified position to a similar classified position when the incumbent serving~~
22 ~~as the executive director of the real estate commission upon transfer to the office of professional~~
23 ~~licensure and certification vacates the position. Any funds appropriated for the compensation of the~~
24 ~~unclassified position of executive director of the real estate commission shall be used for~~
25 ~~compensation of the classified position at the office of professional licensure and certification.]~~

26 259 Division Directors; Salary; OPLC.

27 I. The salary of the unclassified director of the division of technical professions and director
28 of the division of health professions shall be determined after assessment and review of the
29 appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be
30 conducted pursuant to RSA 94:1-d and RSA 14:14-c.

31 II. Upon completion of the action in paragraph I, and appointment of the director of the
32 division of technical professions, position number 44018 shall be abolished to allow for the transition
33 of this classified position with its available appropriations into the unclassified position of director of
34 the division of technical professions. Funding shall be transferred into a new expenditure class
35 number 11 within accounting unit 01-21-21-212010-2405. The incumbent in the abolished classified
36 position shall be offered the opportunity to seek the executive director's appointment to the
37 unclassified position of director of the division of technical professions.

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1 III. Upon completion of the action in paragraph I, and appointment of the director of the
2 division of health professions, position number 44019 shall be abolished to allow for the transition of
3 this classified position with its available appropriations into the unclassified position of director of
4 the division of health professions. Funding shall be transferred into a new expenditure class
5 number 11 within accounting unit 01-21-21-215010-2406. The incumbent in the abolished classified
6 position shall be offered the opportunity to seek the executive director's appointment to the
7 unclassified position of director of the division of health professions.

8 260 Board of Nursing. Amend RSA 326-B:3, VI to read as follows:

9 VI. No more than ~~one~~ 2 board ~~member~~ *members* shall be associated with a particular
10 agency, corporation, or other enterprise or subsidiary at one time.

11 261 Controlled Drug Prescription Health and Safety Program; Definitions. Amend the
12 introductory paragraph of RSA 318-B:31, IV to read as follows:

13 IV. "Dispenser" means a person *or entity* who is lawfully authorized to deliver a schedule
14 II-IV controlled substance, but does not include:

15 262 New Paragraph; Controlled Drug Prescription Health and Safety Program; Definitions.
16 Amend RSA 318-B:31 by inserting after paragraph IV the following new paragraphs:

17 IV-a. "Executive director" means the executive director of the office of professional licensure
18 and certification.

19 IV-b. "Office" means office of professional licensure and certification, established in RSA
20 310-A.

21 263 Controlled Drug Prescription Health and Safety Program Established. RSA 318-B:32 is
22 repealed and reenacted to read as follows:

23 318-B:32 Controlled Drug Prescription Health and Safety Program Established.

24 I. The office shall design, establish, and contract with a third party for the implementation
25 and operation of an electronic system to facilitate the confidential sharing of information relating to
26 the prescribing and dispensing of schedule II-IV controlled substances, by prescribers and
27 dispensers within the state.

28 II. The office may establish fees for the establishment, administration, operations and
29 maintenance of the program. The program may also be supported through grants and gifts. The
30 fee charged to individuals requesting their own prescription information shall not exceed the actual
31 cost of providing that information.

32 III. Prescription information relating to any individual shall be deleted 3 years after the
33 initial prescription was dispensed. All de-identified data may be kept for statistical and analytical
34 purposes for perpetuity.

35 IV. The executive director shall establish an advisory council, as provided in RSA 318-B:38.

36 264 Controlled Drug Prescription Health and Safety Program Operation. Amend RSA 318-
37 B:33, I to read as follows:

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1 I. The [board] *office* shall develop a system of registration for all prescribers and dispensers
2 of schedule II-IV controlled substances within the state. The system of registration shall be
3 established by rules adopted by the [board] *office*, pursuant to RSA 541-A.

4 265 Controlled Drug Prescription Health and Safety Program; Confidentiality. Amend RSA
5 318-B:34, II and III to read as follows:

6 II. The [board] *office* shall establish and maintain procedures to ensure the privacy and
7 confidentiality of patients and patient information.

8 III. The [board] *office* may use and release information and reports from the program for
9 program analysis and evaluation, statistical analysis, public research, public policy, and educational
10 purposes, provided that the data are aggregated or otherwise de-identified.

11 266 New Subparagraph; Controlled Drug Prescription Health and Safety Program; Providing
12 Controlled Drug Prescription Health and Safety Information. Amend RSA 318-B:35, I(b) by
13 inserting after subparagraph (4) the following new subparagraph:

14 (5) A practitioner or consultant retained by the office to review the system
15 information of an impaired practitioner program participant, or a referral who has agreed to be
16 evaluated or monitored through the program and who has separately agreed in writing to the
17 consultant's access to and review of such information.

18 267 Controlled Drug Prescription Health and Safety Program; Information. Amend RSA 318-
19 B:35, I(b)(3) to read as follows:

20 (3) Authorized law enforcement officials on a case-by-case basis for the purpose of
21 investigation and prosecution of a criminal offense when presented with a court order based on
22 probable cause. No law enforcement agency or official shall have direct access to [the] *query*
23 *program information*.

24 268 Controlled Drug Prescription Health and Safety Program; Providing Controlled Drug
25 Prescription Health and Safety Information. Amend RSA 318-B:35, II to read as follows:

26 II. The program shall notify the appropriate regulatory board listed in subparagraph I(b)(2)
27 and the prescriber or dispenser at such regular intervals as may be established by the [board] *office*
28 if there is reasonable cause to believe a violation of law or breach of professional standards may
29 have occurred. The program shall provide prescription information required or necessary for an
30 investigation.

31 269 Controlled Drug Prescription Health and Safety Program; Unlawful Act and Penalties.
32 Amend RSA 318-B:36, I and II to read as follows:

33 I. Any [person] *dispenser or prescriber* who fails to submit the information required in
34 RSA 318-B:33 or knowingly submits incorrect information shall be subject to a warning letter and
35 provided with an opportunity to correct the failure. Any [person] *dispenser or prescriber* who
36 subsequently fails to correct or fails to resubmit the information may be subject to discipline by the
37 [board] *appropriate regulatory board*.

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1 II. Any ~~[person]~~ **dispenser or prescriber** whose failure to report the dispensing of a
2 schedule II-IV controlled substance that conceals a pattern of diversion of controlled substances into
3 illegal use shall be guilty of a violation and subject to the penalties established under RSA 318-B:26
4 and the ~~[board's]~~ **office's and appropriate regulatory board's** rules as applicable. In addition,
5 such ~~[person]~~ **dispenser or prescriber** may be subject to appropriate criminal charges if the failure
6 to report is determined to have been done knowingly to conceal criminal activity.

7 270 Controlled Drug Prescription Health and Safety Program; Rulemaking. Amend the
8 introductory paragraph of RSA 318-B:37 to read as follows:

9 318-B:37 Rulemaking. ~~[By June 30, 2013, the board]~~ **The office** shall adopt rules, pursuant to
10 RSA 541-A, necessary to implement **and maintain** the program including:

11 271 Controlled Drug Prescription Health and Safety Program; Advisory Council. RSA 318-B:38
12 is repealed and reenacted to read as follows:

13 318-B:38 Advisory Council Established.

14 I. There is hereby established an advisory council to carry out the duties under this
15 subdivision. Members of the council shall not be compensated for serving on the council, or serve on
16 the council for more than 5 consecutive years except for the attorney general, or designee, or the
17 commissioner of the department of health and human services, or designee. The members of the
18 council shall be as follows:

- 19 (a) A member of the board of medicine, appointed by such board.
20 (b) A member of the pharmacy board, appointed by such board.
21 (c) A member of the board of dental examiners, appointed by such board.
22 (d) A member of the New Hampshire board of nursing, appointed by such board.
23 (e) A member of the board of veterinary medicine, appointed by such board.
24 (f) A physician appointed by the New Hampshire Medical Society.
25 (g) A dentist appointed by the New Hampshire Dental Society.
26 (h) A chief of police appointed by the New Hampshire Association of Chiefs of Police.
27 (i) ~~A community pharmacist appointed jointly by the New Hampshire Pharmacists~~
28 ~~Association, the New Hampshire Independent Pharmacy Association, and the New Hampshire~~
29 ~~Association of Chain Drug Stores.~~
30 (j) Two public members appointed by the governor's commission on alcohol and drug
31 abuse prevention, treatment, and recovery, one of whom may be a member of the commission.
32 (k) A hospital administrator appointed by the New Hampshire Hospital Association.
33 (l) A nurse practitioner appointed by the New Hampshire Nurse Practitioner
34 Association.
35 (m) The attorney general, or designee.
36 (n) The commissioner of the department of health and human services, or designee.
37 (o) A member of the senate, appointed by the president of the senate.

1 (p) Two members of the house of representatives, appointed by the speaker of the house
2 of representatives.

3 II. The council shall:

4 (a) Make recommendations to the office relating to the design, implementation and
5 maintenance of the program, including recommendations relating to:

6 (1) Rules.

7 (2) Legislation.

8 (3) Sources of funding, including grant funds and other sources of federal, private,
9 or state funds;

10 (b) Review the program's annual report and make recommendations to the office
11 regarding the operation of the program.

12 (c) Provide ongoing advice and consultation on the implementation and operation of the
13 program, including recommendations relating to:

14 (1) Changes in the program to reflect advances in technology and best practices.

15 (2) Changes to statutory requirements.

16 (3) The design and implementation of an ongoing evaluation component of the
17 program.

18 (d) Advise the executive director regarding the implementation of this subdivision.

19 (e) Adopt rules necessary for the operation of the council.

20 (f) Develop a mission statement for the program and strategic goals for its
21 implementation, develop metrics to measure the program's efficient operation, review the
22 performance of the program against the metrics, and make recommendations to the program and
23 ensure they are incorporated.

24 III. The council shall meet at least quarterly to effectuate its goals. A chairperson shall be
25 elected by the members. A majority of the members of the council constitutes a quorum for the
26 transaction of business. Action by the council shall require the approval of a majority of the
27 members of the council.

28 IV. The council shall make a report, at least annually, commencing on November 1, 2019, to
29 the senate president, the speaker of the house of representatives, the oversight committee on health
30 and human services, established in RSA 126-A:13, and the licensing boards of all professions
31 required to use the program relative to the effectiveness of the program.

32 272 Controlled Drug Prescription Health and Safety Program. Amend 2012, 196:3, I to read as
33 follows:

34 I. In the event that there is not adequate funding for the controlled drug prescription
35 health and safety program established in section 2 of this act, the ~~[pharmacy board]~~ office may
36 curtail, temporarily suspend, or cancel the program.

37 273 Repeal. The following are repealed:

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1 I. RSA 318-B:31, I, relative to the definition of "board."

2 II. 2012, 196:3, III, relative to a reporting requirement.

3 274 Statement of Intent. The purpose of sections 275-278 of this act is to provide the public
4 with a simpler, less expensive, and faster alternative process to resolve complaints under RSA 91-A.

5 275 Right-to-Know; Violation. Amend RSA 91-A:7 to read as follows:

6 91-A:7 Violation.

7 I. Any person aggrieved by a violation of this chapter may petition the superior court for
8 injunctive relief. In order to satisfy the purposes of this chapter, the courts shall give proceedings
9 under this chapter high priority on the court calendar. Such a petitioner may appear with or
10 without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of
11 this chapter, and may be filed by the petitioner or his or her counsel with the clerk of court [or any
12 justice thereof. Thereupon the clerk of court or any justice shall order service by copy of the
13 petition on the person or persons charged. Subject to objection by either party, all documents filed
14 with the petition and any response thereto shall be considered as evidence by the court. All
15 documents submitted shall be provided to the opposing party prior to a hearing on the merits.
16 When any justice shall find that time probably is of the essence, he or she may order notice by any
17 reasonable means, and he or she shall have authority to issue an order ex parte when he or she
18 shall reasonably deem such an order necessary to insure compliance with the provisions of this
19 chapter].

20 II. *In lieu of the procedure under paragraph I, an aggrieved person may file a*
21 *complaint with the ombudsman under RSA 91-A:7-b and in accordance with RSA 91-A:7-c.*

22 III. *A person's decision to petition the superior court forecloses the ability to file a*
23 *complaint with the ombudsman pursuant to RSA 91-A:7-c.*

24 IV. *A person's decision to file a complaint with the ombudsman forecloses the*
25 *ability to petition the superior court until the ombudsman issues a final ruling or the*
26 *deadline for such a ruling has passed.*

27 276 New Sections; Citizens' Right-to-Know Appeals Commission; Office of the Ombudsman;
28 Complaint Process; Appeals. Amend RSA 91-A by inserting after section 7 the following new
29 sections:

30 91-A:7-a Citizens' Right-to-Know Appeals Commission Established. There is established a
31 commission to provide oversight for an alternative right-to-know complaint resolution process.

32 I. The members of the commission shall be as follows:

33 (a) One member of the senate, appointed by the president of the senate.

34 (b) One member of the house of representatives, appointed by the speaker of the house
35 of representatives.

36 (c) Ten citizen members, one from each county, no more than 2 of whom shall be
37 current, local, county, state or federal employees or currently serving in any elected or appointed

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1 capacity with any political subdivision, public agency or public institution, appointed by the
2 governor with advice and consent of the council.

3 II. The members of the commission shall serve without compensation, but shall be
4 reimbursed for necessary travel and other necessary expenses. Legislative members shall receive
5 mileage at the legislative rate when attending to the duties of the commission.

6 III. Legislative members of the commission shall serve a term coterminous with their term
7 in office. The members appointed under subparagraph I(c) shall serve for a term of 3 years, except
8 that the initial appointment of such members shall be for staggered terms of one, 2, and 3 years. No
9 member shall serve more than 3 consecutive terms. No member under subparagraph I(c) shall be a
10 current lobbyist or an attorney for any entity subject to this chapter, or an attorney for any
11 organization representing the interests of such entity. Nor shall any such member be employed by
12 any such lobbyist or attorney.

13 IV.(a) The commission:

14 (1) Shall establish rules of procedure, pursuant to RSA 541-A, to establish the
15 process to resolve complaints under this chapter consistent with the final report of the commission
16 established in 2017, 126.

17 (2) Shall make recommendations to the legislature concerning proposed changes to
18 this chapter.

19 (3) May provide educational materials relative to this chapter.

20 (b) The members of the commission shall act as a resource for all political subdivisions
21 in the member's respective counties.

22 V. ~~The members of the commission shall elect a chairperson and a vice chairperson~~
23 annually from among the members. The first meeting of the commission shall be called by the
24 senate member. The first meeting of the commission shall be held within 45 days of the effective
25 date of this section. Five members of the commission shall constitute a quorum.

26 VI. The commission and the ombudsman shall be administratively attached to the
27 department of state.

28 VII. Beginning November 1, 2020, and each November 1 thereafter, the commission shall
29 submit an annual report of its findings and any recommendations for proposed legislation to the
30 president of the senate, the speaker of the house of representatives, and the governor. The report
31 shall also include the total number of complaints received, the number of complaints received
32 concerning public records and public meetings, the number of complaints received concerning state
33 and county agencies, municipalities, school administrative units, and other public entities, the
34 number of complaints in which a ruling was rendered by the ombudsman, the number of violations
35 of each provision of this chapter found by the ombudsman, and the number of ombudsman rulings
36 that were appealed to the superior court, including whether the appeal was from a complainant or a
37 public agency or official, and whether the ombudsman's ruling was sustained before the superior

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1 court or overturned.

2 91-A:7-b Office Established. There is hereby established the office of the right-to-know
3 ombudsman to be administratively attached to the department of state under RSA 21-G:10. The
4 ombudsman shall work no more than 20 hours per week and may serve in such capacity on a pro
5 bono basis. The ombudsman shall be appointed by the governor and council, after consultation with
6 the commission, and shall have the following minimum qualifications:

7 I. Be a member of the New Hampshire bar.

8 II. Have a minimum of 10 years full-time practice of law in any jurisdiction.

9 III. Be experienced with and knowledgeable of the provisions of this chapter, the federal
10 Freedom of Information Act, and all state laws regarding right-to-know.

11 IV. Annually, complete a minimum of 3 hours of continuing legal education courses or other
12 training relevant to the provisions of this chapter.

13 91-A:7-c Complaint Process.

14 I. Any party aggrieved by a violation of this chapter shall have the option to either petition
15 the superior court or file a signed, written complaint, along with a \$25 fee, with the office of the
16 ombudsman, established under RSA 91-A:7-b. The ombudsman shall have the discretion to waive
17 the \$25 fee upon a finding of inability to pay. Any signed, written complaint filed with the
18 ombudsman shall attach, if applicable, the request served on the public agency or official and the
19 written response of the public agency or official. The complaint shall be deemed sufficient if it
20 states facts constituting a violation of this chapter.

21 II. Once a complaint has been filed and provided by the ombudsman to the public body or
22 public agency, the public body or public agency shall have 20 calendar days to submit an
23 acknowledgment of the complaint and an answer to the complaint, which shall include applicable
24 law and, if applicable, a justification for any refusal to or delay in producing the requested
25 information, access to meetings, or otherwise comply with the provisions of this chapter. This 20-
26 day deadline may be reasonably extended by the ombudsman for good cause.

27 III. In reviewing complaints, the ombudsman shall be authorized to:

28 (a) Compel timely delivery of records within a reasonable time, regardless of medium
29 and format, and conduct a confidential in-camera review of records where the ombudsman
30 concludes that it is necessary and appropriate under the law.

31 (b) Compel interviews with the parties.

32 (c) Order attendance at hearings within a reasonable time if the ombudsman
33 determines that a hearing is necessary. Such hearings shall be open subject to the provisions of
34 RSA 91-A.

35 (d) Issue findings in writing to all parties.

36 (e) Order a public body or public agency to disclose requested records within a
37 reasonable time, provide access to meetings, or otherwise comply with the provisions of this chapter,

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1 subject to appeal.

2 (f) Make any finding and order any other remedy to the same extent as provided by the
3 court under RSA 91-A:8.

4 IV. The ombudsman may draw negative inferences from a party's failure to participate and
5 comply with orders during the review process.

6 V. In implementing the provisions of this section, the ombudsman shall follow the
7 procedures established by the commission pursuant to RSA 541-A.

8 VI. The ombudsman shall determine whether there have been any violations of this chapter
9 and issue a ruling within 30 calendar days following the deadline for receipt of the parties'
10 submissions. This 30-day deadline may be extended to a reasonable time frame by the ombudsman
11 for good cause. The ombudsman may also expedite resolution of the complaint upon a showing of
12 good cause. Rulings on expedited complaints shall be issued within 10 business days, or sooner
13 where necessary.

14 VII. The ombudsman shall, where necessary and appropriate under the law, access
15 governmental records in camera that a public body or public agency believes are exempt in order to
16 make a ruling concerning whether the public body or public agency shall release the records or
17 portions thereof to the public. The ombudsman shall maintain the confidentiality of records
18 provided to the ombudsman by a public body or public agency under this section and shall return
19 the records to the public body or public agency when the ombudsman's review is complete. All
20 records submitted to the ombudsman for review shall be exempt from the public disclosure
21 provisions of RSA 91-A during such review.

22 VIII. Nothing in this section shall affect the ability of a person to seek relief in superior
23 court under RSA 91-A:7, I in lieu of this process.

24 91-A:7-d Appeal and Enforcement.

25 I. Any party may appeal the ombudsman's final ruling to the superior court by filing a
26 notice of appeal in superior court no more than 30 calendar days after the ombudsman's ruling is
27 issued. The ombudsman's ruling shall be attached to the document initiating the appeal, admitted
28 as a full exhibit by the superior court, considered by the judge during deliberations, and specifically
29 addressed in the court's written order. Citizen-initiated appeals shall have no filing fee or
30 surcharge. The public body or public agency shall pay the sheriff's service costs if the public body or
31 public agency, or its attorney, declines to accept service. Nothing in this section shall prevent a
32 superior court from staying an ombudsman's decision pending appeal to the superior court.

33 II. A superior court appeal of the ombudsman's ruling shall review the ruling de novo.

34 III. If the ombudsman's final ruling is not appealed, the ombudsman shall, after the
35 deadline has passed, follow up with all parties, as required, to verify compliance with rulings
36 issued.

37 IV. The ombudsman's final rulings which are not appealed may be registered in the

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1 superior court as judgments and enforceable through contempt of court. If such action is necessary
2 to enforce compliance, all costs and fees, including reasonable attorney fees, shall be paid by the
3 noncompliant public body or public agency.

4 91-A:7-e Rulemaking. The commission shall adopt rules pursuant to RSA 541-A relative to:

5 I. Establishing procedures to streamline the process of resolving complaints under this
6 chapter.

7 II. Content of educational materials under RSA 91-A:7-a.

8 III. Other matters necessary to the proper administration of RSA 91-A:7-a through RSA 91-
9 A:7-d.

10 277 Right-to-Know; Violation. Amend RSA 91-A:7 to read as follows:

11 91-A:7 Violation.

12 ~~[I.] Any person aggrieved by a violation of this chapter may petition the superior court for~~
13 ~~injunctive relief. In order to satisfy the purposes of this chapter, the courts shall give proceedings~~
14 ~~under this chapter high priority on the court calendar. Such a petitioner may appear with or~~
15 ~~without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of~~
16 ~~this chapter, and may be filed by the petitioner or his or her counsel with the clerk of court *or any*~~
17 ~~*justice thereof. Thereupon the clerk of court or any justice shall order service by copy of*~~
18 ~~*the petition on the person or persons charged. Subject to objection by either party, all*~~
19 ~~*documents filed with the petition and any response thereto shall be considered as evidence*~~
20 ~~*by the court. All documents submitted shall be provided to the opposing party prior to a*~~
21 ~~*hearing on the merits. When any justice shall find that time probably is of the essence, he*~~
22 ~~*or she may order notice by any reasonable means, and he or she shall have authority to*~~
23 ~~*issue an order ex parte when he or she shall reasonably deem such an order necessary to*~~
24 ~~*insure compliance with the provisions of this chapter.*~~

25 ~~[II. In lieu of the procedure under paragraph I, an aggrieved person may file a complaint~~
26 ~~with the ombudsman under RSA 91 A:7 b and in accordance with RSA 91 A:7 e.~~

27 ~~III. A person's decision to petition the superior court forecloses the ability to file a complaint~~
28 ~~with the ombudsman pursuant to RSA 91 A:7 e.~~

29 ~~IV. A person's decision to file a complaint with the ombudsman forecloses the ability to~~
30 ~~petition the superior court until the ombudsman issues a final ruling or the deadline for such a~~
31 ~~ruling has passed.]~~

32 278 Repeal. RSA 91-A:7-a through 91-A:7-e, relative to the citizen's right-to-know commission,
33 office of the ombudsman, complaint process, appeal and enforcement, and rulemaking, is repealed.

34 279 New Paragraph; Tax on Transfer of Real Property; Distribution of Funds. Amend RSA 78-
35 B:13 by inserting after paragraph II the following new paragraph:

36 III. Annually, on or before October 1, the commissioner shall direct the state treasurer to
37 transfer the sum of \$5,000,000 from revenue collected pursuant to the tax imposed by RSA 78-B:1 to

1 the affordable housing fund established in RSA 204-C:57.

2 280 Business Profits Tax; Apportionment; 2021. Amend RSA 77-A:3, I(c) to read as follows:

3 (c) The percentage of the total sales, including charges for services, made by the
4 business organization everywhere as is made by it within this state[-] :

5 (1) Sales of tangible personal property are made in this state if the property is
6 delivered or shipped to a purchaser, other than the United States government, within this state
7 regardless of f.o.b. point or other conditions of sale, or the property is shipped from an office, store,
8 warehouse, factory or other place of storage in this state and ~~[(1)]~~ (A) the purchaser is the United
9 States government, or ~~[(2)]~~ (B) the business organization is not taxable in the state of the
10 purchaser.

11 (2) Sales other than sales of tangible personal property are in this state if the
12 ~~[income producing activity is performed in this state, or the income producing activity is performed~~
13 ~~both in and outside this state and a greater proportion of the income producing activity is~~
14 ~~performed in this state than in any other state, based on costs of performance]~~ *business*
15 *organization's market for the sales is in this state, as follows:*

16 (A) *In the case of sale, rental, lease, or license of real property, if and to*
17 *the extent the property is located in this state;*

18 (B) *In the case of rental, lease, or license of tangible personal property,*
19 *if and to the extent the property is located in this state;*

20 (C) *In the case of sale of a service, if and to the extent the service is*
21 *delivered to a location in this state;*

22 (D) *In the case of sale, rental, lease, or license of intangible property, if*
23 *and to the extent the property is used in this state;*

24 (E) *In the case of interest income, if and to the extent the debtor or*
25 *encumbered property is located in this state;*

26 (F) *In the case of dividend income, if and to the extent the business*
27 *organization's commercial domicile is in this state; and*

28 (G) *In the case of other income, if and to the extent the income is derived*
29 *from sources in this state.*

30 (3) *In the case of sales other than sales of tangible personal property, if the*
31 *state or states of assignment cannot be determined, the state or states of assignment shall*
32 *be reasonably approximated.*

33 (4) *In the case of sales other than sales of tangible personal property, if the*
34 *taxpayer is not taxable in a state to which a sale is assigned, or if the state of assignment*
35 *cannot be determined or reasonably approximated, such sale shall be excluded from the*
36 *denominator of the sales factor.*

37 281 Business Enterprise Tax; Apportionment of Dividends; 2021. Amend RSA 77-E:4, I(c)(3) to

1 read as follows:

2 (3) The percentage of the total sales, including charges for services, made by the
3 business enterprise everywhere as is made by it within this state[-]:

4 (A) Sales of tangible personal property are made in this state if the property is
5 delivered or shipped to a purchaser, other than the United States government, within this state
6 regardless of free on board point or other conditions of sale, or the property is shipped from an
7 office, store, warehouse, factory or other place of storage in this state and ~~[(A)]~~ (i) the purchaser is
8 the United States government, or ~~[(B)]~~ (ii) the business enterprise is not taxable in the state of the
9 purchaser.

10 (B) Sales other than sales of tangible personal property are in this state if the
11 ~~[revenue-producing activity is performed in this state, or the revenue-producing activity is~~
12 ~~performed both in and outside this state and a greater proportion of the revenue-producing activity~~
13 ~~is performed in this state than in any other state, based on costs of performance]~~ **business**
14 **enterprise's market for the sales is in this state, as follows:**

15 (i) ***In the case of sale, rental, lease, or license of real property, if and***
16 ***to the extent the property is located in this state;***

17 (ii) ***In the case of rental, lease, or license of tangible personal***
18 ***property, if and to the extent the property is located in this state;***

19 (iii) ***In the case of sale of a service, if and to the extent the service is***
20 ***delivered to a location in this state;***

21 (iv) ***In the case of sale, rental, lease, or license of intangible property,***
22 ***if and to the extent the property is used in this state;***

23 (v) ***In the case of interest income, if and to the extent the debtor or***
24 ***encumbered property is located in this state;***

25 (vi) ***In the case of dividend income, if and to the extent the business***
26 ***enterprise's commercial domicile is in this state; and***

27 (vii) ***In the case of other income, if and to the extent the income is***
28 ***derived from sources in this state.***

29 (C) ***In the case of sales other than sales of tangible personal property, if***
30 ***the state, or states of assignment cannot be determined, the state or states of assignment***
31 ***shall be reasonably approximated.***

32 (D) ***In the case of sales other than sales of tangible personal property, if***
33 ***the taxpayer is not taxable in a state to which a sale is assigned, or if the state of***
34 ***assignment cannot be determined or reasonably approximated, such sale shall be***
35 ***excluded from the denominator of the sales factor.***

36 282 Business Profits Tax; Apportionment; 2022. Amend RSA 77-A:3, I-III to read as follows:

37 I. A business organization which derives gross business profits from business activity both

1 within and without this state, and which is subject to a net income tax, a franchise tax measured by
2 net income, or a capital stock tax in another state or is subject to the jurisdiction of another state to
3 impose a net income tax or capital stock tax upon it, whether or not such tax is actually imposed,
4 shall apportion its gross business profits so as to allocate to this state a fair and equitable proportion
5 of such business profits. Except as provided in this section, such apportionment shall be made [on
6 the basis of the following 3 factors] *in the following manner:*

7 **(a) For taxable periods ending before December 31, 2022:**

8 **(1) The business organization's gross business profits shall be apportioned**
9 **on the basis of the following 3 factors:**

10 ~~[(a)]~~ (A) The percentage of value of the total real and tangible personal property owned,
11 rented and employed by the business organization everywhere as is owned, rented and employed by
12 it in the operation of its business in this state. Property owned by the business organization shall
13 be valued at its original cost. Property rented by the business organization shall be valued at 8
14 times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the
15 business organization less any annual rental rate received by the business organization from
16 subrentals.

17 ~~[(b)]~~ (B) The percentage of total compensation paid by the business organization to
18 employees everywhere as is paid by the business organization to employees for services rendered
19 within this state. Such compensation is deemed to be disbursed for services in this state if the
20 service is performed entirely within this state, or if the service is performed both within and
21 without this state and the service performed without this state is incidental to the service within
22 this state, or some of the service is performed in this state and ~~[(1)]~~ (i) the base of operations or, if
23 there is no base of operations, the place from which the service is directed or controlled is in this
24 state, or ~~[(2)]~~ (ii) the base of operations or the place from which the service is directed or controlled
25 is not in any state in which some part of the service is performed, but the individual performing
26 such service resides within this state.

27 ~~[(c)]~~ (C) The percentage of the total sales, including charges for services, made by the
28 business organization everywhere as is made by it within this state:

29 ~~[(1)]~~ (i) Sales of tangible personal property are made in this state if the property is
30 delivered or shipped to a purchaser, other than the United States government, within this state
31 regardless of f.o.b. point or other conditions of sale, or the property is shipped from an office, store,
32 warehouse, factory or other place of storage in this state and ~~[(A)]~~ the purchaser is the United
33 States government, or ~~[(B)]~~ the business organization is not taxable in the state of the purchaser.

34 ~~[(2)]~~ (ii) Sales other than sales of tangible personal property are in this state if the
35 business organization's market for the sales is in this state, as follows:

36 ~~[(A)]~~ 1. In the case of sale, rental, lease, or license of real property, if and to the
37 extent the property is located in this state;

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1 ~~[(B)]~~ 2. In the case of rental, lease, or license of tangible personal property, if
2 and to the extent the property is located in this state;

3 ~~[(C)]~~ 3. In the case of sale of a service, if and to the extent the service is
4 delivered to a location in this state;

5 ~~[(D)]~~ 4. In the case of sale, rental, lease, or license of intangible property, if and
6 to the extent the property is used in this state;

7 ~~[(E)]~~ 5. In the case of interest income, if and to the extent the debtor or
8 encumbered property is located in this state;

9 ~~[(F)]~~ 6. In the case of dividend income, if and to the extent the business
10 organization's commercial domicile is in this state; and

11 ~~[(G)]~~ 7. In the case of other income, if and to the extent the income is derived
12 from sources in this state.

13 ~~[(3)]~~ (iii) In the case of sales other than sales of tangible personal property, if the
14 state or states of assignment cannot be determined, the state or states of assignment shall be
15 reasonably approximated.

16 ~~[(4)]~~ (iv) In the case of sales other than sales of tangible personal property, if the
17 taxpayer is not taxable in a state to which a sale is assigned, or if the state of assignment cannot be
18 determined or reasonably approximated, such sale shall be excluded from the denominator of the
19 sales factor.

20 ~~[(H)(a)]~~ (2) A fraction, the numerator of which shall be the property factor in subparagraph
21 ~~[(a)]~~ I(a)(1)(A) plus the compensation factor in subparagraph ~~[(b)]~~ I(a)(1)(B) plus 2 multiplied by
22 the sales factor in subparagraph ~~[(c)]~~ I(a)(1)(C) and the denominator of which is 4, shall be
23 applied to the total gross business profits (less foreign dividends) of the business organization to
24 ascertain its gross business profits in this state.

25 ~~[(b)]~~ *For taxable periods ending on or after December 31, 2022, the business*
26 *organization's gross business profits shall be apportioned by multiplying the total gross*
27 *business profits (less foreign dividends) of the business organization by the sales factor in*
28 *subparagraph I(a)(1)(C).*

29 ~~[(H)(a)]~~ If ~~[this]~~ the applicable method of apportionment in paragraph I does not fairly
30 represent the business organization's business activity in this state, the business organization may
31 petition for, or the commissioner may require, in respect to all or any part of the business
32 organization's business activity, if reasonable~~[-]~~,

33 ~~[(1)]~~ The exclusion of any one or more of the apportionment factors;

34 ~~[(2)]~~ The inclusion of one or more additional apportionment factors which will fairly
35 represent the business organization's business activity in the state; or

36 ~~[(3)]~~ the employment of any other method to effect an equitable apportionment of the
37 business organization's gross business profits.

1 (b) For foreign dividends from unitary sources, the following formula shall be used to
2 modify factors relating to included dividends:

3 (1) Determine a percentage for each dividend payor consisting of dividends paid
4 divided by taxable income which has been computed using United States standards.

5 (2) Apply this percentage to the dividend payor's foreign property, payroll, and sales
6 *for taxable periods ending before December 31, 2022, or to the dividend payor's foreign*
7 *sales for taxable periods ending on or after December 31, 2022.*

8 (3) Sum the results in subparagraph (2) for all dividend payors.

9 (4) Add the result in subparagraph (3) to the denominators of the combined water's
10 edge group. The numerator will remain the New Hampshire numerator.

11 (5) Apply the resulting percentage to the foreign dividends.

12 (6) Add this amount to the amount of New Hampshire taxable business profits
13 computed pursuant to RSA 77-A:3, I ~~and II(a)~~.

14 III. When 2 or more related business organizations are engaged in a unitary business, as
15 defined in RSA 77-A:1, XIV, a part of which is conducted in this state by one or more members of
16 the group, the income attributable to this state shall be determined by means of the *applicable*
17 combined apportionment factors of the unitary business group in accordance with paragraphs I and
18 II.

19 283 Business Profits Tax; Qualified Manufacturing Research and Development Expenditures.
20 Amend the introductory paragraph of RSA 77-A:5, XIII(b)(1) to read as follows:

21 (1) The term "qualified manufacturing research and development expenditures"
22 shall mean solely any wages paid or incurred to an employee of the business organization for
23 services rendered by such employee within this state within the meaning of RSA ~~[77-A:3;I(b)]~~ *77-*
24 *A:3, I(a)(1)(B)*, provided that:

25 284 Business Enterprise Tax; Application of Credit for Business Enterprise Tax Against
26 Business Profits Tax. Amend RSA 77-E:13, I and II to read as follows:

27 I. Determine a combined nexus group denominator for the ~~{property, payroll and sales}~~
28 *applicable apportionment* factors by adding the ~~{property, payroll and sales}~~ *apportionment*
29 factor numerators of the individual members of the combined group subject to tax under RSA 77-A.

30 II. Determine an individual apportionment percentage for each member of the combined
31 group subject to tax under RSA 77-A by dividing such member's *applicable* individual New
32 Hampshire ~~{property, payroll and sales}~~ *apportionment* factor numerators by the combined nexus
33 group denominators determined in paragraph I.

34 285 New Paragraph; Business Profits Tax; Definition. Amend RSA 77-A:1 by inserting after
35 paragraph XVIII the following new paragraph:

36 XVIII-a. "Foreign sales" as used in RSA 77-A:3, II means the sales data of overseas business
37 organizations which have paid dividends to a member of the water's edge combined group.

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1 286 Applicability. Sections 280 and 281 of this act shall apply to taxable periods ending on or
2 after December 31, 2021.

3 287 New Subparagraph; Business Profits Tax; Definition; Internal Revenue Code. Amend RSA
4 77-A:1, XX by inserting after subparagraph (n) the following new subparagraph:

5 (o) For all taxable periods beginning on or after January 1, 2020, the United States
6 Internal Revenue Code of 1986 in effect on December 31, 2018, subject to RSA 77-A:3-b.

7 288 Business Profits Tax; Adjustments; Internal Revenue Code Provisions. Amend RSA 77-A:3-
8 b, II to read as follows:

9 II. The United States Internal Revenue Code shall be applied without section [199] *951A* of
10 such code.

11 289 Communications Services Tax; Purpose; Basic Communications Services Deleted. Amend
12 RSA 82-A:1 to read as follows:

13 82-A:1 Statement of Purpose. It is the intent of the general court to impose a tax on those who
14 use 2-way communications services and to source mobile telecommunications services to the place of
15 primary use. It is also the intent of the general court that Internet access service [~~and basic~~
16 ~~communications services essential to public health, safety, and welfare~~] shall not be subject to the
17 tax imposed by this chapter.

18 290 Definitions; Communications Services. Amend the introductory paragraph of RSA 82-A:2,
19 III to read as follows:

20 III. "Communications services" means services for transmitting, emitting, or receiving
21 signs, signals, writing, images, sounds or intelligence of any nature by any electromagnetic system
22 capable of 2-way communication and includes, without limitation, messages or information
23 transmitted through use of local, toll and wide area telephone service; private line services and
24 networks, whether leased, rented or owned; channel services; telegraph services; teletypewriter
25 services; cable television; computer exchange services; mobile telecommunications services;
26 *prepaid wireless telecommunications services; VoIP*; facsimile services; specialized mobile
27 radio; stationary-2-way radio; paging services; or any other form, whether stationary, portable or
28 mobile, of 2-way communications; or any other transmission of messages or information by
29 electronic or similar means, between or among points by wire, cable, fiber-optics, laser, microwave,
30 radio, satellite or similar facilities. "Communications services" shall not include:

31 291 Definitions; Retailer. Amend RSA 82-A:2, X to read as follows:

32 X. "Retailer" means and includes every person engaged in the business of making sales at
33 retail as defined in this chapter. The department may, in its discretion, upon application, authorize
34 the collection of the tax hereby imposed by any retailer not maintaining a place of business within
35 this state, who, to the satisfaction of the department, furnishes adequate security to insure
36 collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect
37 such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the

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1 gross charges for communications services in this state in the same manner and subject to the same
2 requirements as a retailer maintaining a place of business within this state. The permit may be
3 revoked by the department at its discretion. *For purposes of the tax imposed by this chapter*
4 *on prepaid wireless telecommunications service, "retailer" has the same meaning as*
5 *"seller."*

6 292 New Paragraphs; Definitions; Prepaid Wireless Telecommunications Service; VoIP. Amend
7 RSA 82-A:2 by inserting after paragraph XXVI the following new paragraphs:

8 XXVII. "Prepaid wireless telecommunications service" means "prepaid commercial mobile
9 radio service," as that term is defined in RSA 106-H:2, VIII-b.

10 XXVIII. "Retail transaction" means the purchase of prepaid wireless telecommunications
11 service from a seller for any purpose other than resale.

12 XXIX. "Seller" means a person who sells prepaid wireless telecommunications service to
13 another person.

14 XXX. "Voice over Internet Protocol" or "VoIP" means any service that:

15 (a) Enables real-time, 2-way voice communications that originate from or terminate to
16 the user's location in Internet Protocol or any successor protocol;

17 (b) Requires a broadband connection from the user's location; and

18 (c) Permits users generally to receive calls that originate on the public switched
19 telephone network and to terminate calls to the public switched telephone network.

20 293 Imposition of Tax; Reference Added. Amend RSA 82-A:4 to read as follows:

21 82-A:4 Imposition of Tax; Interstate Communications Services. Except as provided in RSA 82-
22 A:4-b, *RSA 82-A:4-d, and RSA 82-A:4-e*, a tax is imposed upon interstate communications services
23 and private communications services furnished to a person in this state and purchased at retail
24 from a retailer by such person, at the rate of 7 percent of the gross charge when such service
25 purchased on a call-by-call basis originates in this state and terminates outside this state or
26 originates outside this state and terminates in this state and the service address is in this state, or
27 when such service purchased on a basis other than a call-by-call basis is provided to a person with a
28 place of primary use in this state or when such private communications services are apportioned to
29 this state in accordance with RSA 82-A:4-c. Provided however, a tax is imposed upon interstate
30 paid calling service furnished to a person in this state and purchased at retail from a retailer by
31 such person, at the rate of 7 percent of the gross charge when the origination point of the
32 communications signal (as first identified by either (a) the seller's telecommunications system, or (b)
33 information received by the seller from its service provider, where the system used to transport
34 such signals is not that of the seller) is in this state. To prevent actual multi-state taxation of
35 communications services that are subject to taxation under this section, any taxpayer, upon proof
36 that the taxpayer has paid a tax in another state on such services, shall be allowed a credit against
37 the tax imposed in this section to the extent of the amount of such tax properly due and paid in such

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1 other state. However, such tax is not imposed on communications services to the extent such
2 services may not, under the Constitution and statutes of the United States, be made the subject of
3 taxation by the state.

4 294 New Sections; Special Rules for VOIP Services and Prepaid Wireless Telecommunications
5 Service. Amend RSA 82-A by inserting after section 4-c the following new sections:

6 82-A:4-d Special Rules for VoIP Services. A tax is imposed on intrastate and interstate
7 communications services that are VoIP services provided by a retailer to a person with a place of
8 primary use in this state, regardless of where the VoIP services originate, terminate, or pass
9 through. The tax shall be imposed on the gross charge at the rate specified in RSA 82-A:3 and RSA
10 82-A:4. No tax shall be imposed on a person whose place of primary use is outside this state.

11 82-A:4-e Special Rules for Prepaid Wireless Telecommunications Service.

12 I. A tax is imposed on each retail transaction in this state of intrastate and interstate
13 communications services that are prepaid wireless telecommunications services. The tax shall be
14 imposed on the gross charge at the rate specified in RSA 82-A:3 and 82-A:4.

15 II. For purposes of paragraph I, a retail transaction is sourced to New Hampshire:

16 (a) If the retail transaction occurs in person at a seller's location in New Hampshire; or

17 (b) If subparagraph (a) does not apply, the prepaid wireless telecommunications service
18 is evidenced by a physical item, such as a card, and the purchaser provides a New Hampshire
19 delivery address for such item; or

20 (c) If subparagraphs (a) and (b) do not apply, the consumer gives a New Hampshire
21 address during the consummation of the sale, including the address associated with the consumer's
22 payment instrument if no other address is available, and the address is not given in bad faith; or

23 (d) If subparagraphs (a)-(c) do not apply, the consumer's mobile telephone number is
24 associated with a postal zip code, telephone area code, or location within New Hampshire.

25 III. The tax imposed by this section shall be collected by the seller from the consumer with
26 respect to each retail transaction sourced to New Hampshire, in accordance with RSA 82-A:6;
27 provided, however, the amount of the tax shall be either separately stated on an invoice, receipt, or
28 other similar document that is provided by the seller to the consumer, or otherwise disclosed to the
29 consumer.

30 IV. If prepaid wireless telecommunications service is sold with one or more other products
31 or services for a single, non-itemized charge, then the tax shall apply to the entire non-itemized
32 charge except as provided in RSA 82-A:2, V(e).

33 V. If a minimal amount of prepaid wireless telecommunications service is sold with a
34 prepaid wireless device for a single, non-itemized charge, then the seller may elect not to apply the
35 tax to such transaction. For purposes of this subparagraph, an amount of service denominated as
36 10 minutes or less, or \$5 or less, is minimal.

37 VI. The seller shall be liable to remit all taxes required by this section that are collected

1 from consumers, including all such taxes that the seller is deemed to collect where the amount of
2 the tax has not been separately stated on an invoice, receipt, or other similar document provided by
3 the seller to the consumer, in accordance with RSA 82-A:7.

4 VII. The prepaid commercial mobile radio service E911 surcharge imposed under RSA 106-
5 H:9, I-a shall not be subject to the tax imposed by this section.

6 295 Applicability. Sections 289-294 of this act shall apply to taxable periods ending after
7 December 31, 2019.

8 296 Findings. The general court declares that:

9 I. An adequate supply of housing that is affordable to a range of incomes is essential to New
10 Hampshire's economic and community development goals.

11 II. Access to an efficient and inexpensive legal appeals process is fundamental to protecting
12 private property rights against unreasonable governmental regulation and processes.

13 III. Individual homeowners who are denied local permits for additions or other simple
14 modifications to their homes often abandon their legal right to appeal because of the time and
15 expense involved in a superior court appeal.

16 IV. Abutters and other parties with standing to appeal local land use decisions on housing
17 developments often abandon their legal right to appeal because of the costs associated with court
18 appeals.

19 V. There are several factors that inhibit builders' ability to meet the demand for new
20 housing in New Hampshire. Significant among these factors are local land use regulations and
21 board practices that can arbitrarily thwart development or impose costly delays. These powers are
22 delegated to municipalities by the state, and must be used in a manner that is consistent with state
23 law.

24 VI. Builders may appeal local land use decisions to the superior court, but such appeals are
25 expensive and time consuming, often leading builders to either abandon their appeals or completely
26 avoid seeking development permits.

27 VII. The cost of litigating such matters in court is significant, and by establishing an
28 alternative process, but without eliminating the option of court appeals, will help to reduce costs of
29 litigation for all parties.

30 VIII. It is appropriate and necessary to establish an alternative track for review of local
31 decisions on housing and housing development without diminishing anyone's existing legal right to
32 pursue a remedy in superior court and without affecting local control or changing the legal
33 standards by which local decisions are adjudicated.

34 297 New Chapter; Housing Appeals Board. Amend RSA by inserting after chapter 678 the
35 following new chapter:

36 CHAPTER 679

37 HOUSING APPEALS BOARD

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1 679:1 Board Established. There is hereby established a housing appeals board, hereinafter
2 referred to as the board, which shall be composed of 3 members who shall individually and
3 collectively be learned and experienced in questions of land use law or housing development or both.
4 At least one member shall be an attorney licensed to practice law in the state of New Hampshire,
5 and at least one member shall be either a professional engineer or land surveyor. The members of
6 the board shall be full-time employees and shall not engage in any other employment,
7 appointments, or duties during their terms that is in conflict with their duties as members of the
8 board.

9 679:2 Appointment; Term; Chair. The members of the board shall be appointed by the supreme
10 court and commissioned by the governor for a term of 5 years and until their successors are
11 appointed and qualified; provided, however, that any vacancy on the board shall be filled for the
12 unexpired term. The initial members of the board shall serve staggered terms of 3, 4, and 5 years.
13 The supreme court shall designate one member as chair to serve in that capacity for the duration of
14 his or her term.

15 679:3 Removal. Any member may be removed by the same authority for inefficiency, neglect of
16 duty, or malfeasance in office; but, before removal, the member shall be furnished with a copy of the
17 charges and have an opportunity to be heard in defense.

18 679:4 Compensation. Each member of the board shall receive the annual salary prescribed by
19 RSA 94:1-a and reasonable expenses, including transportation, subject to the approval of the
20 governor and council.

21 679:5 Authority; Duties.

22 I. It shall be the duty of the board and it shall have power and authority to hear and affirm,
23 reverse, or modify, in whole or in part, appeals of final decisions of municipal boards, committees,
24 and commissions regarding questions of housing and housing development. This includes, but is
25 not limited to:

- 26 (a) Planning board decisions on subdivisions or site plans.
27 (b) Board of adjustment decisions on variances, special exceptions, administrative
28 appeals, and ordinance administration.
29 (c) The use of innovative land use controls.
30 (d) Growth management controls and interim growth management controls.
31 (e) Decisions of historic district commissions, heritage commissions, and conservation
32 commissions.
33 (f) Other municipal permits and fees applicable to housing and housing developments.
34 (g) Matters subject to the board's authority may include mixed-use combinations of
35 residential and nonresidential uses. Such different uses may occur on separate properties, provided
36 such properties are all part of a common scheme of development.

37 II. In exercising its authority under this chapter, the board shall have the power to award

1 all remedies available to the superior courts in similar cases, including permission to develop the
2 proposed housing.

3 III. Relative to RSA 674:58 through RSA 674:61, the board shall have the power and
4 authority to hear and determine appeals of decisions of local land use boards regarding proposals for
5 workforce housing, including but not limited to whether the municipality's land use ordinances and
6 regulations provide a reasonable and realistic opportunity for the development of workforce
7 housing; whether the local land use board has imposed conditions of approval that render the
8 proposal economically unviable; and whether a denial by a local land use board was unreasonable or
9 unlawful.

10 IV. After local remedies have been exhausted, appeals may be brought before the board by
11 an applicant to the municipal board, committee, or commission, or by any other aggrieved or injured
12 party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15. The
13 municipality shall be a party to the action. If the applicant is not the party initiating the action
14 before the board, then the applicant shall automatically be an intervenor. The board shall grant
15 intervenor status to abutters and to any other aggrieved or injured party who can demonstrate legal
16 standing to appeal pursuant to RSA 677:4 or RSA 677:15.

17 679:6 Timing of Appeals and Board Proceedings.

18 I. Appeals shall be filed with the board within 30 days of the final decision of a municipal
19 board, committee, or commission. At the same time an appeal is filed with the board, the applicant
20 shall notify the municipal board, committee, or commission of such appeal.

21 II. The municipal board, committee, or commission shall within 30 days of receipt of such
22 notice submit to the board a certified record of its proceedings on the matter subject to the appeal.

23 III. The board shall hold a hearing on the merits within 90 days of its receipt of a notice of
24 appeal.

25 IV. The board shall make a decision on an appeal within 60 days after conducting a hearing
26 on the merits.

27 679:7 Jurisdiction; Court Appeals.

28 I. In matters within its authority the board shall have concurrent, appellate jurisdiction
29 with the superior court. An election by any party to bring an action before the board shall be
30 deemed a waiver of any right to bring an action in the superior court, but shall not abrogate any
31 party's right to appeal decisions of the board to the supreme court; as such, the board shall retain
32 jurisdiction of any matter originally brought before it. At any time during an appeal to the board, if
33 the board determines that it does not have jurisdiction to hear the appeal, the appellant shall have
34 30 days to file an appeal with the superior court.

35 II. In an appeal of a local decision on housing or housing development, any claim that is
36 within the board's authority under RSA 679:5 and that has previously been or is subsequently
37 included in an appeal in superior court by another party to the decision or by any other aggrieved or

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1 injured party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15
2 shall automatically be stayed by the court to provide the party with standing the opportunity to
3 intervene in the matter before the board. If intervenor status is granted, the stay of the court
4 action regarding those claims shall continue during the pendency of the appeal to the board. After
5 the board has decided the appeal, the court shall dismiss the matter before it to the extent the
6 matter has been resolved by the board. Any claim included in an appeal to superior court that is
7 not within the board's authority shall not be subject to automatic stay by the court.

8 679:8 Quorum; Disqualification; Temporary Members.

9 I. In all matters a majority of the board shall constitute a quorum to transact business.

10 II. No member of the board shall represent a party or testify as an expert witness or render
11 any professional service for any party or interest before the board, and any member having an
12 interest in the subject matter shall be disqualified to act therein.

13 III. If, in the event of a disqualification or temporary disability of a member or members of
14 the board, it shall become necessary to do so, the board, subject to the approval of the supreme
15 court, shall appoint such number of temporary board members as shall be necessary to meet the
16 requirements herein imposed. Such temporary board members shall serve with respect to such
17 matter until the same has been fully disposed of before the board.

18 IV. Temporary board members shall have the same qualifications as regular board
19 members in whose place they are acting.

20 V. A temporary board member shall be compensated at the rate of \$75 for each day devoted
21 to the work of the board and shall be reimbursed the necessary and reasonable expenses incurred
22 by him or her in the performance of his or her duties.

23 VI. In the event of a vacancy on the board, the appellant may elect to continue the
24 proceedings while awaiting the appointment of a successor board member.

25 679:9 Hearing Procedure; Standard of Review.

26 I. Appeals to the board shall be consistent with appeals to the superior court pursuant to
27 RSA 677:4 through RSA 677:16. Appeals shall be on the certified record, and except in such cases
28 as justice may warrant, in the sole discretion of the board, no additional evidence will be introduced.
29 Consistent with the contested case provisions of RSA 541-A, the rules of evidence shall not strictly
30 apply. In addition to the provisions of RSA 91-A, the board shall record the proceedings of any
31 hearing before it and shall make such recording available to the public for inspection and recording
32 from the date of the hearing to a date which is 15 working days after the board has made a final
33 decision on the matter which is the subject of the hearing, or, if an appeal is made from such
34 decision, the date upon which the matter has been finally adjudicated, whichever date is later.

35 II. The board shall not reverse or modify a decision except for errors of law or if the board is
36 persuaded by the balance of probabilities, on the evidence before it, that said decision is
37 unreasonable.

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1 679:10 Representation by Nonattorneys. Nonattorneys, including professional engineers,
2 architects, and land surveyors, may represent any party before the board. Nothing in this section
3 shall prevent the board from denying representation by any individual it deems to be improper,
4 inappropriate, or unable to adequately represent the interests of the applicant to the municipal
5 board, committee, or commission.

6 679:11 Board Meetings. The board's deliberative processes in adjudicatory proceedings held
7 pursuant to RSA 541-A shall be exempt from the public meeting and notice provisions of RSA 91-A.
8 Decisions and orders in adjudicatory proceedings shall be publicly available, but only after they
9 have been reduced to writing, signed by a quorum of the board, and served upon the parties, and
10 shall set forth the board's rulings of law and findings of fact in support of its decisions. Discussions
11 and actions by the board concerning procedural, administrative, legal, and internal matters shall be
12 exempt from the meeting and notice provisions of RSA 91-A:2.

13 679:12 Rules and Regulations. The board may adopt rules under RSA 541-A necessary for
14 carrying out its functions including but not limited to rules of procedure to be followed in hearings
15 conducted by it not inconsistent with the provisions of this chapter.

16 679:13 Administration of Oaths, Subpoenas, Etc.; Fees. The board shall have authority to
17 administer oaths and to compel the attendance of witnesses to proceedings before it. The board
18 shall have the power to subpoena and subpoena duces tecum. Witnesses compelled to appear shall
19 be paid the same fee and mileage that are paid to witnesses in the superior court of the state. A
20 subpoena or subpoena duces tecum of the board may be served by any person designated in the
21 subpoena or subpoena duces tecum to serve it. Any testimony given by a person duly sworn shall be
22 subject to the pains and penalties of perjury. All applications or petitions to the board for which no
23 filing fee has been otherwise specified by statute shall be accompanied by a \$250 filing fee. Costs
24 and attorney's fees may be taxed as in the superior court.

25 679:14 Notice. The board shall serve notice in writing of the time, place, and cause of any
26 hearing upon all parties at least 20 days prior to the date of the hearing.

27 679:15 Appeal. Decisions of the board may be appealed to the supreme court by any party in
28 accordance with the provisions of RSA 541 as from time to time amended.

29 679:16 Enforcement of Decisions. After a decision of the board becomes final, the board shall,
30 at the request of any party, file a certified abstract thereof in the Merrimack county superior court.
31 The clerk of said court shall forthwith enter judgment thereon and such judgment may be enforced
32 as with any final judgment of the superior court.

33 679:17 Staff. The board shall have such clerical, administrative, and technical staff as may be
34 necessary within the limits of the appropriation made therefor.

35 679:18 Office. The board shall be provided with an office in Concord in which its records,
36 documents, and books shall be kept, and with a suitable room in which it may hold hearings.

37 679:19 Neglect to Comply With Board's Orders. Neglect or failure on the part of any

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1 municipality to comply with such orders shall be deemed willful neglect of duty, and it shall be
2 subject to the penalties and damages provided by law in such cases.

3 298 Salaries Established; Amend RSA 94:1-a, I(b) by inserting in salary grade DD the following
4 new positions:

5 DD housing appeals board member

6 DD housing appeals board chair

7 299 Appropriation; Housing Appeals Board. The sums of \$415,000 for the fiscal year ending
8 June 30, 2020 and \$415,000 for the fiscal year ending June 30, 2021 are hereby appropriated to the
9 housing appeals board established pursuant to RSA 679 for the proper administration of said
10 chapter. Said sums shall not lapse until June 30, 2021. The governor is authorized to draw a
11 warrant for said sums out of any money in the treasury not otherwise appropriated.

12 300 Adequate Representation for Indigent Defendants in Criminal Cases; Repayment. RSA
13 604-A:9, I, I-a, I-b, and I-c are repealed and reenacted to read as follows:

14 I.(a) Any adult defendant or juvenile respondent who has been assigned counsel or a public
15 defender shall be subject to an order by the court, pursuant to this section, regarding payment to
16 the state for counsel fees and expenses paid by the state on behalf of the defendant or juvenile, and
17 regarding payment of an administrative service assessment. Any payment obligation shall apply
18 only to a defendant who has been convicted or a juvenile who has been found delinquent.

19 (b) Upon entering a judgment of conviction or a finding of delinquency, and the
20 issuance of sentence or disposition, the court shall enter a separate written order setting forth the
21 reasons for the court's conclusion regarding the financial ability of the defendant or the juvenile,
22 including any person liable for the support of the juvenile pursuant to RSA 604-A:2-a, to make
23 payment of counsel fees and expenses, and administrative service assessment. In its discretion, the
24 court may conduct an ability-to-pay hearing to assist in its determination. If the court finds that
25 there is an ability to pay some or all of the counsel fees and expenses and the assessment, either
26 presently or in the future, it shall order payment in such amounts and upon such terms and
27 conditions it finds equitable; any payment obligation shall not commence until the conviction and
28 sentence or the finding of delinquency and disposition has become final. If the court finds that
29 there is no such ability to pay, it shall so order, and any payment obligation shall terminate.

30 (c) In assessing ability to pay upon or after the entering of a judgment of conviction and
31 the issuance of a sentence, neither the court nor the office of cost containment shall consider income
32 that is exempt from execution, levy, attachment, garnishment, or other legal process under any
33 state or federal law, and shall be reduced only by the amount of expenses which are reasonably
34 necessary for the maintenance of the defendant and his dependents.

35 (d) If the court determines that the defendant is financially unable to repay any fees
36 and expenses to the state, the repayment obligation shall be waived. A copy of each order finding
37 that the defendant has an ability to pay fees and assessments shall be forwarded to the

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1 commissioner of the department of administrative services and the office of cost containment. An
2 order waiving the repayment obligation shall not be forwarded. Neither the commissioner of the
3 department of administrative services nor the office of cost containment shall have the authority to
4 alter the court's determination that a repayment obligation is waived.

5 (e) After the judgment of conviction is entered and a repayment order is issued, a
6 defendant subject to a repayment order under this section may, if his or her circumstances have
7 changed since the date of the court's order, petition the court for relief from the obligation imposed
8 by this section, which may be granted upon a finding that the defendant is unable to comply with
9 the terms of the court's order or any modification of the order by the court.

10 (f) The maximum payment amount for counsel fees and expenses shall be according to a
11 schedule established by the administrator of the office of cost containment with the approval of the
12 administrative justices of the courts. Any payment obligation for fees and expenses shall not exceed
13 the amount of the state's flat rate payable to a contract attorney as established pursuant to RSA
14 604-B. The administrative service assessment shall not exceed 10 percent of the counsel fees and
15 expenses. Payment shall be made to the office of cost containment unless the defendant or juvenile
16 is placed on probation or sentenced to a period of conditional discharge, in which case repayment
17 shall be made to the state through the department of corrections. Any payment obligation
18 attributable to a juvenile shall terminate when the juvenile reaches the age of majority, except
19 when the juvenile has been certified and tried as an adult.

20 (g) In a case where counsel has been appointed, and a repayment order issued, the
21 defendant shall be required to notify the clerk of the court and the office of cost containment of each
22 change of mail address and actual street address. Whenever notice to the defendant is required,
23 notice to the last mail address on file shall be deemed notice to and binding on the defendant.

24 301 Adequate Representation for Indigent Defendants in Criminal Cases; Repayment. Amend
25 RSA 604-A:9, II to read as follows:

26 II. All petitions for court appointed counsel shall bear the following words in capital letters:
27 I UNDERSTAND THAT I MAY BE REQUIRED TO REPAY THE SERVICES PROVIDED TO ME
28 BY COURT APPOINTED COUNSEL IF I AM CONVICTED UNLESS THE COURT FINDS THAT I
29 AM OR WILL BE FINANCIALLY UNABLE TO PAY.

30 302 Reference Change; Appointment of Counsel; Payment Obligation. Amend RSA 604-A:2-f,
31 IV to read as follows:

32 IV. When the court appoints counsel to represent a defendant in a proceeding under this
33 section, the court shall grant the defendant relief from the obligation to repay the state for
34 appointed counsel fees under ~~[RSA 604-A:9, I-b]~~ **RSA 604-A:9, I(b)**, if the court determines that the
35 defendant is financially unable to repay.

36 303 New Paragraph; Department of Justice; Bureau of Civil Law; Authority to Hire Additional
37 Staff for Campaign Finance, Election Law, Inaugural Committee Oversight, and Lobbying Matters.

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1 Amend RSA 21-M:11 by inserting after paragraph III the following new paragraph:

2 IV. To assist the attorney general in his or her duty to exercise supervision of campaign
3 finance, election law, inaugural committee oversight, and lobbying matters, the department of
4 justice may hire:

5 (a) An unclassified full-time investigator assigned to the bureau, who shall work
6 exclusively on, campaign finance, election law, inaugural committee oversight, and lobbying
7 matters. Notwithstanding RSA 14:14-c, the salary for the full-time investigator position shall be
8 established as a salary grade BB.

9 (b) A classified full-time investigative paralegal assigned to the bureau, who shall work
10 exclusively on campaign finance, election law, inaugural committee oversight, and lobbying
11 matters. The classification shall be a paralegal II, labor grade 19.

12 304 New Paragraph; FRM Victims' Contribution Recovery Fund. Amend RSA 359-P:2 by
13 inserting after paragraph I the following new paragraph:

14 I-a. In addition to the funds contributed under paragraph I, the fund shall also consist of
15 the amount contributed under RSA 421-B:6-601(j).

16 305 New Subparagraph; Uniform Securities Act; Administration of Chapter; Investor
17 Education Fund. Amend RSA 421-B:6-601 by inserting after subparagraph (i) the following new
18 subparagraph:

19 (j) Any excess of the funds credited to the general fund pursuant to paragraph (h) up to
20 \$500,000 per fiscal year shall be contributed to the FRM victims' contribution recovery fund
21 established in RSA 359-P:2.

22 306 Repeal. The following are repealed:

23 I. RSA 359-P:2, I-a, relative to funds contributed pursuant to RSA 421-B:6-601(j).

24 II. RSA 421-B:6-601(j), relative to moneys contributed to the FRM victims' contribution
25 recovery fund.

26 307 Off Highway Recreational Vehicles and Trails; Regulations of Political Subdivisions.
27 Amend RSA 215-A:15, V to read as follows:

28 V. Enforcement of [paragraph] *paragraphs IV and VII* shall be the joint responsibility of
29 the city of Concord and the state of New Hampshire.

30 308 New Paragraph; Off Highway Recreational Vehicles and Trails; Regulations of Political
31 Subdivisions. Amend RSA 215-A:15 by inserting after paragraph VI the following new paragraph:

32 VII. OHRVs shall be prohibited from traveling on Hoit Road Marsh in the city of Concord.

33 309 Statement of Findings and Purpose. The general court hereby finds that outdoor
34 recreation is vital to a diverse economy, is a delineating asset for the state in competition for
35 workforce and employer recruitment, represents an opportunity for communities of the state to
36 connect to a statewide asset, and contributes to a healthy community. In furtherance of these
37 objectives, the general court hereby establishes an office of outdoor recreation industry development

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1 in the department of business and economic affairs.

2 310 New Section; Department of Business and Economic Affairs; Outdoor Recreation Industry
3 Development; Office and Position Established. Amend RSA 12-O by inserting after section 23 the
4 following new section:

5 12-O:23-a Office of Outdoor Recreation Industry Development Established.

6 I. There is established in the department the office of outdoor recreation industry
7 development. The office shall be under the supervision of a classified director of the office of
8 outdoor recreation industry development, who shall serve under the supervision of the
9 commissioner. The director shall provide administrative oversight and ensure that the
10 responsibilities of the office described in this section are fulfilled.

11 II. The office of outdoor recreation industry development shall:

12 (a) Coordinate outdoor recreation policy, management, and promotion among state and
13 federal agencies and local government entities.

14 (b) Promote economic development in the state by:

15 (1) Coordinating with outdoor recreation stakeholders.

16 (2) Using outdoor recreational infrastructure and industry to promote tourism and
17 recruit members of the general workforce.

18 (3) Working with stakeholders and academic institutions to develop relevant
19 training and curricula for members of the outdoor industry and manufacturing workforce.

20 (4) Improving motorized and nonmotorized recreational opportunities in cooperation
21 with the department of natural and cultural resources.

22 (5) Recruiting outdoor recreation business and industry.

23 (c) Recommend policies and initiatives to enhance recreational amenities and
24 experiences in the state and help implement those policies and initiatives.

25 (d) Develop outcome-driven data regarding the effect of outdoor recreation in the state.

26 (e) Promote the health and social benefits of outdoor recreation, especially to young
27 people.

28 (f) Advance sustainable land stewardship initiatives recognizing the relationship
29 between outdoor recreation and its economic benefit to the state.

30 III. Provided that any federally funded programs managed by the department of natural
31 and cultural resources, division of parks on the effective date of this section shall continue to be
32 managed by the division of parks, the office of outdoor recreation industry development may:

33 (a) Seek federal grants or loans.

34 (b) Seek private foundation partnerships.

35 (c) Seek to participate in federal programs.

36 (d) In accordance with applicable federal program guidelines, administer federally
37 funded outdoor recreation programs.

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1 311 New Paragraph; Community Recreation Service; Duties. Amend RSA 12-B:3 by inserting
2 after paragraph X the following new paragraph:

3 XI. To serve as liaison to the office of outdoor recreation industry development established
4 pursuant to RSA 12-O:23-a.

5 312 Appropriation; Department of Business and Economic Affairs. The sum of \$125,000 for the
6 fiscal year ending June 30, 2020 and the sum of \$125,000 for the fiscal year ending June 30, 2021
7 are hereby appropriated to the department of business and economic affairs for the purpose of
8 supporting the small business development center and its programs. The governor is authorized to
9 draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

10 313 Fill and Dredge in Wetlands; Excavating and Dredging Permits. Amend RSA 482-A:3, I(b)
11 and (c) as follows:

12 (b) The application fee for shoreline structure projects shall be ~~[\$200]~~ \$400 plus an
13 amount based on the area of dredge, fill, or dock surface area proposed, or a combination thereof,
14 which shall be ~~[\$2]~~ \$4 per square foot for permanent dock surface area; ~~[\$1]~~ \$2 per square foot for
15 seasonal dock surface area; and ~~[\$-20]~~ \$.40 per square foot for dredge or fill surface area or both.
16 For projects involving only the repair, reconstruction, or reconfiguration of an existing docking
17 structure, the application fee shall be ~~[\$200]~~ \$400.

18 (c) The application fee shall be ~~[\$200]~~ \$400 for minimum impact dredge and fill projects
19 ~~[under this chapter]~~ and for non-enforcement, related publicly funded and supervised
20 restoration projects as defined by rules, regardless of impact classification, if undertaken
21 by other than the person or persons responsible for causing the restoration to be needed.
22 The application fee for all projects under this chapter which are not covered by subparagraph (b) or
23 (c) or paragraphs IV-a, V, X through XII, XV, XVI, or XVII through XIX shall be ~~[\$-20]~~ \$.40 per
24 square foot of proposed impact, with a minimum fee of ~~[\$200]~~ \$400 for all such projects that impact
25 fewer than ~~[1,000]~~ 600 square feet.

26 314 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Use of Fees. Amend RSA
27 482-A:3, III to read as follows:

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

36 315 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certain Fees. Amend
37 RSA 482-A:3, X(a) to read as follows:

1 (a) The maximum cash application fee for the New Hampshire department of
2 transportation shall be [~~\$10,000~~] **\$30,000** per application plus provisions for technical or consulting
3 services or a combination of such services as necessary to meet the needs of the department. The
4 department may enter into a memorandum of agreement with the New Hampshire department of
5 transportation to accept equivalent technical or consulting services or a combination of such
6 services in lieu of a portion of their standard application fees.

7 316 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Review of Applications.
8 Amend RSA 482-A:3, XIV(b)(1) to read as follows:

9 (1) The time limits prescribed by this paragraph shall supersede any time limits
10 provided in any other provision of law. ***The time limits prescribed by this paragraph shall not***
11 ***apply to applications submitted by the department of transportation, for which time limits***
12 ***shall be set by a memorandum of agreement between the commissioner of the department***
13 ***of environmental services and the commissioner of the department of transportation.*** If
14 the department fails to act within the applicable time frame established in subparagraphs (a)(3),
15 (a)(4), and (a)(5), the applicant may ask the department to issue the permit by submitting a written
16 request. If the applicant has previously agreed to accept communications from the department by
17 electronic means, a request submitted electronically by the applicant shall constitute a written
18 request.

19 317 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Review of Applications.
20 Amend RSA 482-A:3, XIV(e) to read as follows:

21 (e) ***Any request for an amendment to an application or permit shall be***
22 ***submitted to the department on the appropriate amendment form.*** Any request for a
23 significant amendment to a pending application or an existing permit which changes the footprint
24 of the permitted fill or dredge area shall be deemed a new application subject to the provisions of
25 RSA 482-A:3, I and the time limits prescribed by this paragraph. "Significant amendment" means
26 an amendment which changes the proposed or previously approved acreage of the permitted fill or
27 dredge area by 20 percent or more, [~~relocates the proposed footprint of the permitted fill or dredge~~
28 ~~area;~~] includes a prime wetland, or [~~surface waters of the state, includes a wetland of a different~~
29 ~~classification as classified by the department, or includes non-wetland areas requiring permits for~~
30 ~~filling and dredging]~~ ***elevates the project's impact classification.*** This meaning of "significant
31 amendment" shall not apply to an application amendment that is in response to a request from the
32 department.

33 318 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Permit Duration and
34 Extensions. Amend RSA 482-A:3, XIV-a to read as follows:

35 XIV-a.(a) With the exception of permits issued under subparagraph (b) ***or paragraph XIV-***
36 ***b,*** all permits issued pursuant to this chapter shall be valid for a period of 5 years. Requests for
37 extensions of such permits may be made to the department ***by submitting the information***

1 **required in rules adopted by the department.** The department shall grant one extension of up
2 to 5 additional years, provided the applicant demonstrates all of the following:

3 (1) The permit for which extension is sought has not been revoked or suspended
4 without reinstatement.

5 (2) Extension would not violate a condition of law or rule **other than that**
6 **established in this paragraph relative to permit duration.**

7 (3) The project is proceeding towards completion in accordance with plans and other
8 documentation referenced by the permit.

9 (4) The applicant proposes reasonable mitigation measures to protect the public
10 waters of the state from deterioration during the period of extension.

11 (b) Any permit issued to repair or replace shoreline structures to maintain the integrity
12 and safety of such structures including, but not limited to docks, sea walls, breakwaters, riprap,
13 access ramps and stairs, that are damaged by storms or ice, shall expire 10 years from the date the
14 permit was issued as long as any work performed after the initial permitted work complies with the
15 following:

16 (1) The work is not in violation of the original permit or subparagraphs (a)(1)-(4).

17 (2) All structures are repaired or replaced to the original permitted location and
18 configuration.

19 (3) All significant work is reported to the department in accordance with the
20 reporting requirements for the original permit.

21 (c) **After review, if the department determines that a request to extend a permit**
22 **for a major project in public waters meets the stated criteria, the department shall submit**
23 **the request to the governor and executive council with a recommendation that the request**
24 **be approved. The department shall issue decisions on all other extension requests.**

25 319 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Utilities. Amend the
26 introductory paragraph of RSA 482-A:3, XV(b):

27 (b) ~~[Appropriate]~~ **The utility provider shall provide an annual** notice to the
28 department, **which** shall include the following information:

29 320 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Utilities. Amend RSA
30 482-A:3, XV(d) to read as follows:

31 (d) A ~~[one-time-annual]~~ **non-refundable** filing fee of ~~[\$200]~~ **\$400** per town, ~~not to~~
32 ~~exceed a maximum of \$10,000,~~ per year shall accompany the notice to the department. Such fees
33 shall be held in accordance with paragraph III.

34 321 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certified Culvert
35 Maintainers. Amend RSA 482-A:3, XVIII and XIX to read as follows:

36 XVIII. The department shall develop ~~[an installer's]~~ **a certification program for culvert**
37 **maintainers**, in accordance with paragraph XVII, and shall determine the educational

1 requirements for certification, including continuing education requirements. Professional engineers
2 who are duly licensed by the New Hampshire board of professional engineers are exempt from the
3 program requirements of this section. All certified individuals who perform such work shall submit
4 a quarterly report to the department fully identifying work that they performed during each
5 quarter and documentation of continuing education requirements.

6 XIX. The department shall issue ~~(an installer's permit)~~ *a culvert maintainer certificate*
7 to any individual who submits an application provided by the department, and has satisfactorily
8 completed the program in accordance with paragraphs XVII and XVIII. ~~[Permits]~~ *Initial*
9 *certificates* shall be ~~[issued]~~ *valid through December 31 of the year following the year of*
10 *issue. Renewal certificates shall be valid* from January 1 ~~[and shall expire]~~ *through* December
11 31 of every other year. Permits shall be renewable upon proper application, and documentation of
12 compliance with the continuing education requirement of paragraph XVIII. The installer's permit
13 may be suspended, revoked, or not renewed for just cause, including, but not limited to, the
14 installation of culverts in violation of this chapter or the refusal by a permit holder to correct
15 defective work. The department shall not suspend, revoke, or refuse to renew a permit except for
16 just cause until the permit holder has had an opportunity to be heard by the department. An
17 appeal from such decision to revoke, suspend, or not renew a permit may be taken pursuant to RSA
18 21-O:14.

19 322 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certified Application
20 Preparer Program. Amend RSA 482-A:3, XX(d) to read as follows:

21 (d) The certification shall be valid for one year from the date of issuance and may be
22 renewed every year. The initial fee for certification shall be \$200 and the fee for renewal shall be
23 \$50. The department shall not issue a certification or a renewal certification if the required fee is
24 not paid. All fees shall be deposited into the ~~[wetlands and shoreland review]~~ *water resources*
25 *fund* established in RSA 482-A:3, III.

26 323 Aquatic Resources Fund. Amend RSA 482-A:29, II to read as follows:

27 II. A separate, non-lapsing account shall be established within the fund into which all
28 administrative assessments collected under RSA 482-A:30, III and RSA 482-A:30-a, II shall be
29 placed. Such account moneys shall ~~[only]~~ be used ~~[to support up to 2 full-time positions]~~ for
30 administration of the fund, *including staff*, and *aquatic resource mitigation* related projects.
31 ~~[No other fund moneys shall be used for state personnel costs.]~~

32 324 Shoreland Water Quality Protection; Permit Application Fees. Amend the introductory
33 paragraph of RSA 483-B:5-b, VI:

34 VI. All permits issued pursuant to this chapter shall be valid for a period of 5 years.
35 Requests for extensions of such permits may be made to the department *by providing such*
36 *information as is required by rules adopted pursuant to RSA 541-A*. The department shall
37 grant one extension of up to 5 additional years, provided the applicant demonstrates all of the

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1 following:

2 325 Shoreland Water Quality Protection; Permit Application Fees. Amend RSA 483-B:5-b, I(b)
3 to read as follows:

4 (b) The permit application fee shall be ~~[\$100]~~ **the base fee specified in this**
5 **subparagraph plus an impact fee of** ~~[\$.10]~~ **\$.20** per square foot of area affected by the proposed
6 activities and shall be deposited in the ~~[wetlands and shorelands review]~~ **water resources** fund
7 established under RSA 482-A:3, III. ~~[Such fees shall be capped as follows:~~

8 (1) For projects that qualify for permit by notification under this paragraph or RSA
9 483-B:17, X, ~~[\$100]~~, **the base fee shall be \$200** for restoration of water quality improvement
10 projects, and ~~[\$250]~~ **the base fee shall be \$400** for all other permit by notification projects.

11 (2) ~~For projects of 0-9,999 square feet, that do not qualify for a permit by~~
12 ~~notification, \$750.~~

13 (3) ~~For projects of 10,000-24,999 square feet, \$1,875.~~

14 (4) ~~For projects of 25,000 square feet or more, \$3,750.]~~

15 326 Shoreland Water Quality Protection; Other Required Permits and Approvals. Amend RSA
16 483-B:6, II to read as follows:

17 II. In applying for approvals and permits, pursuant to paragraph I, applicants shall
18 demonstrate that the proposal meets or exceeds the development standards of this chapter. The
19 department shall develop minimum standards for information to be required on or with all
20 applications under paragraph I. The department or municipality shall grant, deny, or attach
21 reasonable conditions to approvals or permits listed in subparagraphs I(a)-(f) **and RSA 483-B:5-b**,
22 to protect the public waters or the public health, safety, or welfare. Such conditions shall be related
23 to the purposes of this chapter.

24 327 Terrain Alteration; Permit Application Fees. Amend RSA 485-A:17, II to read as follows:

25 II. (a) The department shall charge a fee for each review of plans, including project
26 inspections, required under this section. The **plan review** fee shall be based on the ~~[extent of~~
27 ~~contiguous]~~ **total** area to be disturbed. Except for **property subject to** RSA 483-B:9, the fee for
28 **review of** plans encompassing an area of at least 100,000 square feet but less than 200,000 square
29 feet shall be ~~[\$1,250]~~ **\$3,125**. For the ~~[purposes of]~~ **property subject to** RSA 483-B:9, the fee for
30 **review of** plans encompassing an area of at least 50,000 square feet but less than 200,000 square
31 feet shall be ~~[\$1,250]~~ **\$3,125**. An additional fee of ~~[\$500]~~ **\$1,250** shall be assessed for each additional
32 area of up to 100,000 square feet to be disturbed. No ~~[permit]~~ **application** shall be ~~[issued]~~
33 **accepted** by the department until the fee required by this paragraph is paid. All fees required
34 under this paragraph shall be paid when plans are submitted for review and shall be deposited in
35 the ~~[terrain alteration]~~ **water resources** fund established in ~~[paragraph II-a]~~ **RSA 482-A:3, III**.

36 (b) **The department shall charge a non-refundable fee of \$500 plus a \$.10 per**
37 **square foot fee for each request to amend a permit that requires plans to be reviewed.**

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1 328 Wetlands and Shorelands Review Fund Renamed. Amend RSA 6:12, I(b)(131) to read as
2 follows:

3 (131) Moneys deposited in the [~~wetlands and shorelands review~~] *water resources*
4 fund *established* under RSA 482-A:3, III.

5 329 Repeal. The following are repealed.

6 I. 2008, 5:27, I, relative to repealing permit application fees.

7 II. RSA 6:12, I(b)(256), relative to the terrain alteration fund.

8 III. RSA 482-A:3, XV(e), relative to the additional fee for amendments to the notification for
9 maintenance to existing utility services.

10 IV. RSA 485-A:17, II-a, relative to the terrain alteration fund.

11 330 Appropriation; Department of Environmental Services; Ossipee Lake Dam Reconstruction.
12 There is hereby appropriated the sum of \$1,500,000 for the fiscal year ending June 30, 2019 to the
13 department of environmental services to supplement the capital appropriation in 2017, 228:1, VIII,
14 H, for the purpose of reconstructing the Ossipee Lake Dam. This appropriation shall not lapse until
15 June 30, 2021. The governor is authorized to draw a warrant for said sum out of any money in the
16 treasury not otherwise appropriated.

17 331 New Paragraph; Pease Development Authority; Real Estate Transfer Tax Exemption for
18 Leases. Amend RSA 78-B:2 by inserting after paragraph XXII the following new paragraph:

19 XXIII. To a lease of any term by and between the Pease development authority and any
20 other person, including any sales, transfers, or assignments of any interest in the leased property.

21 332 Hazardous Waste Clean Up; Civil Actions; Cost Recovery. Amend RSA 147-B:10, III(a) to
22 read as follows:

23 (a) The attorney general may institute an action before the superior court for the
24 county in which the facility is located against any person liable pursuant to paragraph I of this
25 section to recover all costs incurred by the state. Costs recovered under this section shall be
26 deposited into the fund ~~except that costs recovered to offset expenditures made from the~~
27 ~~drinking water and groundwater trust fund established in RSA 6-D:1 shall be deposited~~
28 ~~into the drinking water and groundwater trust fund.~~

29 333 New Section; Deposits to Drinking Water and Groundwater Trust Fund. Amend RSA 485-
30 F by inserting after section 5 the following new section:

31 485-F:6 Deposits to Drinking Water and Groundwater Trust Fund. Any money received by the
32 state related to the contamination of drinking water or groundwater, other than fees, fines,
33 penalties, oil or hazardous waste cost recovery, or any other money already allocated to a specified
34 fund, shall be deposited into the drinking water and groundwater trust fund. This paragraph shall
35 not be construed to limit any damages otherwise awarded in a related private cause of action.

36 334 New Paragraph; Recovered Costs; Deposited in Drinking Water and Groundwater Trust
37 Fund. Amend RSA 485-F:3 by inserting after paragraph II the following new paragraph:

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1 III. Costs paid from the drinking water and groundwater trust fund for the action described
2 in paragraph I(a) and recovered by the state under RSA 147-B:10, shall be deposited to the drinking
3 water and groundwater trust fund pursuant to RSA 147-B:10, III(b). In addition, upon payment
4 from the trust fund for any costs for which a third party would otherwise be liable, the right to
5 recover payment from such third party shall be assumed by the drinking water and groundwater
6 advisory commission to the extent of payment made from the trust fund. Any money so recovered
7 shall be repaid to the trust fund. No party shall receive multiple compensation for the same injury,
8 and any such compensation shall be repaid to the trust fund.

9 335 Contingency; Drinking Water and Groundwater Trust Fund; SB 169. If SB 169 of the 2019
10 regular legislative session becomes law, then sections 332-334 of this act shall not take effect.

11 336 Repeal. RSA 176:16-a, relative to liquor commission revenue shortfalls, is repealed.

12 337 Definition of Pet Vendor. Amend RSA 437:1, IV to read as follows:

13 IV. "Pet vendor" means any person, firm, corporation, or other entity ~~[engaged in the~~
14 ~~business of transferring]~~ **that transfers 25 or more dogs, 25 or more cats, 30 or more ferrets,**
15 **or 50 or more birds**, live animals or birds customarily used as household pets to the public, with or
16 without a fee or donation required, and whether or not a physical facility is owned by the licensee in
17 New Hampshire, when transfer to the final owner occurs within New Hampshire, **between July 1**
18 **and June 30 of each year. Pet vendor also means any person, firm, corporation, or other**
19 **entity that transfers amphibians, reptiles, fish, or small mammals customarily used as**
20 **household pets to the public in quantities set in rules adopted by the department, with or**
21 **without a fee or donation required, and whether or not a physical facility is owned by the**
22 **licensee in New Hampshire between July 1 and June 30 of each year. Nothing in this**
23 **paragraph shall be construed to alter or affect the municipal zoning regulations that a**
24 **pet vendor shall conform with under RSA 437:3.**

25 338 Exemptions; Commercial Kennel Deleted. Amend RSA 437:7 to read as follows:

26 437:7 Exceptions. The license provisions of this subdivision shall not apply to breeders of dogs
27 that do not meet the definition of ~~[commercial kennel]~~ **pet vendor** in RSA 437:1, veterinarians, or
28 the transfer of livestock or poultry.

29 339 New Paragraph; Health Certificates for Dogs, Cats, and Ferrets. Amend RSA 437:8 by
30 inserting after paragraph V the following new paragraph:

31 VI. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
32 without first being protected against infectious diseases using a vaccine approved by the state
33 veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
34 unless accompanied by an official health certificate issued by a licensed veterinarian. No transfer
35 shall occur unless the transferred animal is accompanied by a health certificate issued within the
36 prior 14 days. The certificate shall be in triplicate, one copy of which shall be retained by the
37 signing veterinarian, one copy of which shall be for the licensee's records, and one copy of which

1 shall be given to the transferee upon transfer as provided in paragraph III. If an official health
2 certificate is produced, it shall be prima facie evidence of transfer. The signing veterinarian shall
3 provide a copy of the health certificate to the department of agriculture, markets, and food upon
4 request.

5 340 New Chapter; Cost of Care Fund. Amend RSA by inserting after chapter 437-A the
6 following new chapter:

7 CHAPTER 437-B
8 COST OF CARE FUND

9 437-B:1 Cost of Care Fund.

10 I. There is established in the department of agriculture, markets, and food a nonlapsing
11 fund to be known as the cost of care fund which shall be kept distinct and separate from all funds.
12 The cost of care fund is established to assist municipalities in covering the costs of care incurred
13 from caring for animals pending the resolution of any action brought for animal cruelty under RSA
14 644:8 or RSA 644:8-a.

15 II. The treasurer shall deposit in the cost of care fund court-ordered restitution for care in
16 animal cruelty cases under RSA 644:8 or RSA 644:8-a as specified in paragraph VI.

17 III. The arresting officer or his or her designee may apply to the commissioner of the
18 department of agriculture, markets, and food for a grant from the cost of care fund to reimburse
19 costs incurred caring for animals in animal cruelty cases brought under RSA 644:8 or RSA 644:8-a
20 during pretrial care, for the period between when the animals are seized and until the final
21 disposition of the case. The commissioner of the department of agriculture, markets, and food and
22 the state veterinarian shall review such applications, respond to such applications within 15 days,
23 and distribute no more than \$500,000 per application.

24 IV. The commissioner shall establish rules under RSA 541-A relative to:

25 (a) The administration and disbursement of the cost of care fund, including guidelines
26 to ensure that multiple applicants would have equitable access to grants.

27 (b) The application process by an arresting officer or his or her designee for financial
28 assistance to cover the cost of emergency veterinary treatment.

29 V. The commissioner may accept private gifts and donations of any kind for the purpose of
30 supporting the cost of animal care which shall be deposited into the cost of care fund.

31 VI. If a person is convicted of animal cruelty and is ordered by the court to make
32 restitution, the municipality shall report such restitution to the department of agriculture, markets,
33 and food. If the restitution exceeds the costs incurred by the municipality in caring for the seized
34 animals, that excess shall be remitted to the department and shall be deposited into the cost of care
35 fund.

36 341 Department of Agriculture, Markets, and Food; Cost of Care Fund. The sum of \$100,000
37 for the fiscal year ending June 30, 2020, and the sum of \$100,000 for the fiscal year ending June 30,

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1 2021 are hereby appropriated to the department of agriculture, markets, and food to fund the cost of
2 care fund established in RSA 437-B:1. The governor is authorized to draw a warrant for said sums
3 out of any money in the treasury not otherwise appropriated.

4 342 Repeal. RSA 437:1, II, relative to the definition of commercial kennel, is repealed.

5 343 New Paragraph; Cemetery Operations. Amend RSA 110-B:77 by inserting after paragraph
6 III the following new paragraph:

7 IV. All federal funds received and income earned from internment fees shall be nonlapsing
8 and continually appropriated for the sole purpose of supporting the New Hampshire state veterans
9 cemetery.

10 344 New Subparagraph; Application of Receipts; Sunny Day Fund. Amend RSA 6:12, I(b) by
11 inserting after subparagraph (343) the following new subparagraph:

12 (344) Moneys credited to the sunny day fund established in RSA 12-O:21-a.

13 345 General Fund Surplus Account; Transfer to Sunny Day Fund. On June 30, 2019, the state
14 treasurer shall transfer the sum of \$3,000,000 from the general fund surplus account to the sunny
15 day fund established in RSA 12-O:21-a.

16 346 New Section; Department of Business and Economic Affairs; Sunny Day Fund. Amend
17 RSA 12-O by inserting after section 21 the following new section:

18 12-O:21-a Sunny Day Fund Established.

19 I. There is hereby established in the office of the state treasurer a fund to be known as the
20 sunny day fund, which shall be kept distinct and separate from all other funds. The commissioner
21 shall administer the fund. The fund shall be nonlapsing and continually appropriated to the
22 commissioner for the purpose of obtaining and disbursing grants for research and development,
23 including any preliminary funding necessary to obtain grant funding, supporting the infrastructure
24 necessary to address critical gaps in the state's ability to attract research and development projects,
25 increasing commercialization of new technologies, leveraging federal funds, and supporting
26 business development and expansion. Grants may be from federal, private, or other sources.

27 II. The New Hampshire Research and Industry Council ("council"), with the support of the
28 New Hampshire Established Program to Stimulate Competitive Research (NH EPSCoR), shall
29 administer the grant program application and approval process in consultation with the
30 commissioner, manage the annual investment portfolio, and evaluate investment performance. An
31 organization may apply for funding under this section pursuant to the procedures established by
32 the council. The council shall assign preference to grant applications that:

33 (a) Increase New Hampshire's competitiveness through innovation.

34 (b) Attract talent to New Hampshire.

35 (c) Target existing industrial-cluster strength, potential growth, and research capacity.

36 (d) Target areas of strategic priority as determined by NH EPSCoR and the department
37 of business and economic affairs.

1 (e) Qualify for available matching funds from federal, private, or other sources.

2 III. Beginning July 1, 2021, and annually thereafter, the council shall conduct a survey of
3 all organizations which receive grants under this section to evaluate the return on investment from
4 the state's funding support and to permit the general court to consider legislation for continued
5 funding. The council shall, no sooner than 18 months after the effective date of this section, develop
6 and distribute a survey instrument to all organizations that have received grant funding under this
7 section. The survey shall, at a minimum, collect the following information for each organization
8 that receives grant funds under this section:

9 (a) Number of grants obtained.

10 (b) Total funding from grants and other investments.

11 (c) Amount of federal funds obtained.

12 (d) Number of employees.

13 (e) Number of jobs created as a result of funding received under this section.

14 (f) Number of licensing agreements secured.

15 (g) Number of patents filed.

16 IV. An organization shall submit the completed survey to the council within 6 weeks of
17 receipt. The council shall collect the completed surveys and submit them to the commissioner of the
18 department of business and economic affairs. Any organization which fails to timely submit a
19 completed survey shall not be eligible to obtain additional funding under this section.

20 V. Administrative costs shall not exceed 8 percent of annual fund expenditures.

21 347 Appropriation; Department of Environmental Services; Report Required.

22 I. The sum of \$6,000,000 for the fiscal year ending June 30, 2019 is hereby appropriated to
23 the department of environmental services for the purpose of studying, investigating, and testing for
24 contamination caused by perfluorinated chemicals, and the preliminary design for a treatment
25 system for such contamination. This appropriation shall not lapse until June 30, 2021. Such
26 appropriation shall be a charge against the drinking water and groundwater trust fund established
27 in RSA 6:D:1.

28 II. The department of environmental services, in coordination with the attorney general,
29 shall report to the fiscal committee of the general court upon any significant developments relative
30 to the state's lawsuit against companies for the manufacturing and dissemination of perfluorinated
31 chemicals in New Hampshire.

32 348 New Paragraph; Organization of Executive Branch; Purpose. Amend RSA 21-G:2 by
33 inserting after paragraph III the following new paragraph:

34 IV. The various scopes in the mission of the executive branch departments, agencies, and
35 commissions require a delineation of their organization within the executive branch.

36 349 Organization of Executive Branch; Definitions. RSA 21-G:5 is repealed and reenacted to
37 read as follows:

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1 21-G:5 Definitions. In this chapter:

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

4 II. "Administrative head of the agency" means the individual, by whatever title conferred
5 upon them by the relevant statute, who in charge of operations of an executive agency, executive
6 commission, or administratively attached agency.

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

11 IV. "Agency" means any department, commission, board, institution, bureau, office, or other
12 entity, by whatever name called, other than the legislative and judicial branches of state
13 government, established in the state constitution, statute, session law, or executive order.

14 V. "Bureau" means the principal unit within a division, which is directly responsible to the
15 division level and is concerned with individual program management.

16 VI. "Commissioner" means the individual in charge of the operations of an executive
17 department, who is directly responsible to the governor.

18 VII. "Constitutional office" means an executive department that also comprises a
19 constitutional office established by the state constitution and common law practice.

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

22 IX. "Executive agency" means an administrative unit within the executive branch of state
23 government, which is concerned with a specific objective or administrative function.

24 X. "Executive commission" means an administrative unit within the executive branch of
25 state government established to provide a specific enterprise or regulatory function.

26 XI. "Executive department" means the principal administrative unit within the executive
27 branch of state government, which is concerned with broad functional responsibilities.

28 XII. "Field operations" means district or area offices which may combine division, bureau,
29 and section functions.

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

32 350 Structure of Executive Branch. Amend the section heading in RSA 21-G:6 to read as
33 follows:

34 21-G:6 Structure of Executive Branch *Departments*.

35 351 Repeal. RSA 21-G:6, II(d), relative to division into subsections, is repealed.

36 352 New Section; Organization of Executive Branch. Amend RSA 21-G by inserting after
37 section 6-a the following new section:

1 21-G:6-b Organization of the Executive Branch.

2 I. Constitutional offices are as follows:

- 3 (a) The executive department, comprising the office of the governor.
4 (b) The department of state, comprising the office of the secretary of state.
5 (c) The state treasury, comprising the office of the state treasurer.
6 (d) The department of justice, comprising the office of the attorney general.

7 II. The executive departments are as follows:

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

25 III. The executive agencies are as follows:

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

33 IV. The executive commissions are as follows:

- 34 (a) The fish and game commission.
35 (b) The public utilities commission.
36 (c) The state liquor commission.
37 (d) The state lottery commission.

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1 353 New Subdivision; Component Units of State Government. Amend RSA 6 by inserting after
2 section 43 the following new subdivision:

3 Component Units of State Government

4 6:44 Component Units of State Government.

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

- 8 (a) Community college system of New Hampshire.
9 (b) Community development finance authority.
10 (c) Judicial retirement plan.
11 (d) Land and community heritage authority.
12 (e) Business finance authority.
13 (f) Health and educational facilities authority.
14 (g) Housing finance authority.
15 (h) Municipal bond bank.
16 (i) Pease development authority.
17 (j) Retirement system of New Hampshire.
18 (k) University system of New Hampshire.

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

24 354 General Fund Transfer to Highway Fund. The sum of \$6,463,000 for the fiscal year ending
25 June 30, 2019 is hereby appropriated to the highway fund. The governor is authorized to draw a
26 warrant for said sum out of any money in the treasury not otherwise appropriated.

27 355 Administration of Motor Vehicle Laws; Road Tolls; Exception. Amend RSA 260:60 to read
28 as follows:

29 260:60 Exception. Notwithstanding all other laws and rules to the contrary, annually, on or
30 before June 1, the road toll administrator shall compare the number of gallons on which refunds
31 have been made for the preceding calendar year for motor fuel used in the propulsion of boats on
32 inland public waters of the state, with the number of gallons of such motor fuel sold and delivered
33 directly into the fuel tanks, or supplementary fuel tanks, of boats or outboard motors upon the
34 inland public waters for use in such boats or outboards, based on the number of boats registered in
35 the state at 100 gallons usage per boat, and if there is any balance of unrefunded tolls so collected,
36 the administrator shall report the same to the comptroller who shall, on July 1, next following,
37 credit 1/2 of said balance to the general fund and credit 1/2 of said balance to the fish and game

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1 department. The funds credited to the fish and game department shall be used by said department
2 to carry out its program and be accounted for as *unrestricted revenue to the fish and game fund*
3 ~~[is accounted for]~~. Any funds credited to the fish and game department as above provided shall not
4 lapse at the end of the fiscal year. The department shall pay monthly to the state treasurer all
5 revenue from the aircraft landing area toll.

6 356 Administration of Motor Vehicle Laws; Road Tolls; Credit Provided. Amend RSA 260:61, I
7 to read as follows:

8 I. Annually, on or before June 30, the comptroller shall transfer, from road tolls collected,
9 an amount equal to the number of licensed OHRVs and snowmobiles for the previous year times the
10 average number of gallons consumed per year per OHRV and snowmobile times the gasoline road
11 toll imposed under RSA 260:32, less any amount refunded for OHRV and snowmobile use for the
12 previous year, to the fish and game department and the bureau of trails as follows. The road toll
13 administrator shall report to the comptroller if there is a balance of unrefunded road tolls collected.
14 The administrator shall certify the amount to the comptroller who shall credit 1/2 of such balance to
15 the bureau of trails for use as provided in paragraph I-a, and 1/2 of such balance to the fish and
16 game department *as unrestricted revenue to the fish and game fund*. For the purposes of this
17 section, "the average number of gallons consumed per year per OHRV or snowmobile" is 100.

18 357 Department of Safety Appropriations; Revenue from Motor Vehicle Fines; Exemption. For
19 the fiscal year ending June 30, 2019, department of safety appropriations funded with agency
20 income from restricted revenue collected under RSA 262:44, I, shall be exempt from 2017,
21 155:1.08(I).

22 358 Department of Safety; Fund Transfer; Authorization. Notwithstanding the provisions of
23 RSA 9:16-a, for the biennium ending June 30, 2021, the department of safety may transfer funds
24 between accounting units in classes 027-transfers to the department of information technology, 028-
25 transfers to general services, 064-retiree pension benefit-health insurance compensation, and 211-
26 property and casualty insurance, upon approval of the department of administrative services'
27 budget office.

28 359 Substance Abuse Enforcement Program; Appropriations.

29 I. The sum of \$587,700 for the fiscal year ending June 30, 2019 is hereby appropriated to
30 the department of safety. This sum shall be expended as follows:

31 (a) \$171,600 shall be expended for the purpose of funding overtime at the state forensic
32 laboratory as a result of increased caseloads attributable to narcotics related enforcement and
33 investigations with no more than 50 percent of the appropriation expended in each fiscal year of the
34 biennium ending June 30, 2021.

35 (b) \$416,100 shall be expended for the purpose of funding overtime at the state police
36 for narcotics related enforcement and investigations with no more than 50 percent of the
37 appropriation expended in each fiscal year of the biennium ending June 30, 2021.

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1 II. The sum of \$2,400,000 for the fiscal year ending June 30, 2019 is hereby appropriated to
2 the department of safety to disburse grants to county and local law enforcement agencies for the
3 purpose of funding overtime costs for county and local law enforcement officers performing law
4 enforcement activities attributable to the substance abuse enforcement program established in RSA
5 21-P:66. No more than 50 percent of the appropriation shall be expended in each fiscal year of the
6 biennium ending June 30, 2021.

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

9 IV. No appropriation made in this section shall lapse until July 1, 2021.

10 360 Department of Safety; Appropriation. There is hereby appropriated to the department of
11 safety the sum of \$195,000 for the fiscal year ending June 30, 2019, for the purpose of providing
12 administrative support to the state building code review board. The governor is authorized to draw
13 a warrant for said sums out of any money in the treasury not otherwise appropriated and said sums
14 shall not lapse until June 30, 2021.

15 361 Public School Infrastructure Fund. Amend RSA 198:15-y, II to read as follows:

16 II. There is hereby established in the office of the state treasurer the public school
17 infrastructure fund which shall be kept distinct and separate from all other funds and which shall
18 be administered by the department of education. After transferring sufficient funds to the revenue
19 stabilization reserve account to bring the balance of that account to \$100,000,000, the state
20 treasurer shall transfer the remainder of the general fund surplus for fiscal year 2017, as
21 determined by the official audit performed pursuant to RSA 21-I:8, II(a), to the fund. Any earnings
22 on fund moneys shall be added to the fund. All moneys in the fund shall be continually
23 appropriated ~~[for the biennium ending June 30, 2019 and]~~. ***The department of education may***
24 ***retain up to 3 percent of the total annual appropriation of the public school***
25 ***infrastructure fund on or after July 1, 2019, to be used to administer the public school***
26 ***infrastructure program.*** Any unexpended or unencumbered balance as of June 30, 2019 shall be
27 transferred to the general fund.

28 362 Public School Infrastructure Fund. Amend RSA 198:15-y, III(e) to read as follows:

29 (e) ***A school building or infrastructure proposal which is necessary to comply***
30 ***with Americans with Disabilities Act (ADA) regulations.***

31 (f) Other school building or infrastructure needs the governor, in consultation with the
32 public school infrastructure commission, may identify, except for school building aid projects that
33 are otherwise prohibited by law.

34 363 Department of Education; Vocational Rehabilitation Programs or Services. For the
35 biennium ending June 30, 2021, the department of education may request funds not otherwise
36 appropriated for the purpose of funding unanticipated costs relative to vocational rehabilitation
37 programs or services, with review and approval of the joint fiscal committee of the general court.

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1 364 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, I to read as follows:

2 I. Each school board shall make [a] **at least one** meal available during school hours to
3 every pupil under its jurisdiction. Such meals shall be served without cost or at a reduced cost to
4 any ~~[needy]~~ child who ~~[is unable to pay the full cost of said meals]~~ **meets federal income**
5 **eligibility guidelines**. The state board of education shall ~~[insure]~~ **ensure** compliance with this
6 section and shall establish minimum nutritional standards for such meals ~~[and shall further~~
7 ~~establish]~~ **as well as** income guidelines ~~[setting forth]~~ **set for** the ~~[minimum]~~ family size ~~[annual~~
8 ~~income levels to be]~~ used in determining eligibility for free and reduced price meals. Nothing in this
9 section shall prohibit the operation of both a breakfast and lunch program in the same school.
10 ~~[Further any requirement of this section which conflicts with any federal statute or regulation may~~
11 ~~be waived by the state board of education.]~~

12 365 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, VII(b) to read as
13 follows:

14 (b) Such school which demonstrates to the department of education that an approved
15 school wellness policy, as required under the ~~[Child Nutrition and WIC Reauthorization Act of 2004]~~
16 **Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296, and the Richard B. Russell**
17 **National School Lunch Act, 42 U.S.C. section 1758b** is in effect, and that such school is
18 providing breakfast meals to pupils that meet or exceed the United States Department of
19 Agriculture's child nutrition criteria may apply for, and receive a 3 cent reimbursement for each
20 breakfast meal served to a pupil **and an additional 27 cent reimbursement for each meal**
21 **served to students eligible for a reduced price meal**. The department of education shall
22 request biennial appropriations in an amount sufficient to meet projected school breakfast
23 reimbursements **to ensure students eligible for reduced price meals are offered breakfast at**
24 **no cost**. The department of education shall prescribe forms as necessary under this paragraph.

25 366 New Section; Department of Education; New Position; School Nurse Coordinator. Amend
26 RSA 21-N by inserting after section 6 the following new section:

27 ~~21-N:6-a~~ School Nurse Coordinator. There is established within the division of learner support
28 the position of school nurse coordinator who shall be a classified employee. The school nurse
29 coordinator shall be a licensed RN eligible for New Hampshire school nurse certification under RSA
30 200:29 and shall be qualified to hold such position by reason of education and experience. The
31 position shall be subject to any other employment requirements as determined by the department.
32 The school nurse coordinator shall coordinate and provide technical assistance to guide school
33 nurses and other school personnel responsible for student health care in the areas of student health
34 and wellness, safety, behavioral and mental health, and alcohol and substance use disorder. The
35 school nurse coordinator shall also be a resource for administrators, educators, families, and
36 policymakers across the state.

37 367 New Subdivision; Family and Medical Leave Coverage. Amend RSA 189 by inserting after

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1 section 72 the following new subdivision:

2 Family and Medical Leave Coverage

3 189:73 Family and Medical Leave Coverage. A school district employee who has been employed
4 by the school district for at least 12 months and who has worked at least 900 hours in the previous
5 12-month period shall be eligible for family and medical leave under the same terms and conditions
6 as leave provided to eligible employees under the federal Family and Medical Leave Act of 1993
7 (Pub. L. 103-3), 29 U.S.C. section 2611, et seq., as amended.

8 368 Heat and Hot Water System Purchase and Replacement; Appropriation. The sum of
9 \$1,000,000 for the fiscal year ending June 30, 2020 is hereby appropriated to the department of
10 administrative services to be disbursed to the Concord school district no later than September 1,
11 2019, which shall be used for the purchase and replacement of all systems providing heat to those
12 buildings in the Concord school district which previously obtained steam from the former Concord
13 Steam corporation. The Concord school district is authorized to expend such appropriation for the
14 purpose set forth in this section. The Concord school district shall advise the commissioner of the
15 department of administrative services of cost and expenditure estimates relating to the project. The
16 governor is authorized to draw a warrant for said sum out of any money in the treasury not
17 otherwise appropriated.

18 369 Appropriation; Community College System of New Hampshire. In addition to funds
19 otherwise appropriated, there is hereby appropriated to the community college system of New
20 Hampshire the sum of \$3,200,000 in the fiscal year ending June 30, 2019, which shall not lapse.
21 The governor is authorized to draw a warrant for said sum out of any money in the treasury not
22 otherwise appropriated.

23 370 Department of Transportation; Appropriation. The sum of \$2,140,000 is hereby
24 appropriated to the department of transportation for the fiscal year ending June 30, 2019, which
25 shall be nonlapsing, for the purpose of providing a state aid construction program match for the
26 project named Tilton project number 29753, to reconstruct and reclassify 1.97 miles of Calef Hill
27 Road. The governor is authorized to draw a warrant for said sum out of any money in the treasury
28 not otherwise appropriated.

29 371 Appropriation; Department of Education. The sum of \$500,000 for the fiscal year ending
30 June 30, 2019 is hereby appropriated to the department of education for the purpose of providing
31 funding to Granite State Independent Living to support the IMPACCT (Inspiring the Mastery of
32 Post-Secondary Achievement in College, Career, and Training) program. This appropriation shall
33 be in addition to any other funds appropriated to the department of education and shall not lapse.
34 The governor is authorized to draw a warrant for said sum out of any money in the treasury not
35 otherwise appropriated.

36 372 Department of Safety; Appropriation. The sum of \$2,100,000 is hereby appropriated to the
37 department of safety for the biennium ending June 30, 2021, for the purpose of funding the

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1 reallocation, pursuant to a request made under RSA 21-I:54, of all sworn state police troopers from
2 the rank of probationary trooper through the rank of executive major. In the event the reallocation
3 request is not approved, said funds may be used to fund a collectively bargained trooper pay raise.
4 The governor is authorized to draw a warrant for said sum out of any money in the treasury not
5 otherwise appropriated and such funds shall not lapse until June 30, 2021.

6 **373 Statement of Findings.**

7 **I. The general court hereby finds that:**

8 (a) The ongoing mental health, substance misuse, and child protection crises have taken
9 a significant toll on New Hampshire's children and families, impacting all child-serving systems and
10 placing increased pressure on the children's behavioral health system;

11 (b) The New Hampshire department of health and human services recently released an
12 Adequacy and Enhancement Assessment of New Hampshire's child welfare system, which called for
13 sweeping reforms including further integration of services with the children's behavioral health
14 system; immediate enhancements to the service array for children with significant emotional,
15 behavioral and mental health needs; and transformation of New Hampshire's child-serving system
16 to one that is based on early intervention, evidence-based services, and accountability for outcomes;

17 (c) Recent changes to child welfare funding at the federal level with the passage of the
18 federal Family First Prevention Services Act also drive the need to transform New Hampshire's
19 child-serving system;

20 (d) The state of New Hampshire faces a significant shortage in its capacity to provide
21 children with early and effective home and community-based services and therefore must rely on
22 expensive, residential and inpatient treatment that drain the state resources;

23 (e) Adoption of interventions that are proven to be effective such as mobile crisis and
24 stabilization services will provide support and treatment to families in crisis and will in many cases
25 avoid costly, restrictive, and often unnecessary institutional care;

26 (f) Increasing access to mobile crisis response and stabilization services for children can
27 also help the state meet its legal obligations under the Early and Periodic Screening, Diagnostic and
28 Treatment ("EPSDT") provisions of the federal Medicaid Act and the integration mandate of the
29 federal Americans with Disabilities Act. EPSDT is a federally mandated robust benefit for Medicaid-
30 eligible children under age 21, designed to address children's health concerns before they become
31 advanced and treatment is more difficult and costlier;

32 **II. Therefore, this act directs the department of health and human services to expand home**
33 **and community-based behavioral health services for children to include mobile crisis response and**
34 **stabilization services and make the following improvements to the child-serving system as**
35 **recommended by the Adequacy and Enhancement Assessment and in alignment with the federal**
36 **Family First Prevention Services Act and EPSDT.**

37 **374 System of Care for Children's Mental Health. Amend RSA 135-F:3, III(e) to read as**

1 follows:

2 (e) Services that are family-driven, youth-guided, community-based, *trauma-*
3 *informed*, and culturally and linguistically competent.

4 375 New Paragraph; System of Care for Children's Mental Health; Duties of the Department of
5 Health and Human Services; Care Management Entities. Amend RSA 135-F:4 by inserting after
6 paragraph II the following new paragraph:

7 III. Establish and maintain at least one care management entity to oversee and coordinate
8 the care for children with complex behavioral health needs who are at risk for residential, hospital,
9 or corrections placement or involved in multiple service systems. In this section, "care management
10 entity" means an organizational entity that serves as a centralized entity to coordinate all care for
11 youth with complex behavioral health challenges who are involved in multiple systems and their
12 families.

13 (a) The care management entity shall oversee and manage residential treatment,
14 psychiatric hospitalization, and the development of a continuum of community-based services and
15 supports for children and youth with more complex needs.

16 (b) Beginning January 1, 2020, the care management entity shall coordinate behavioral
17 health services in no less than 25 percent of cases involving referrals for residential treatment.
18 Beginning January 1, 2021, the care management entity shall coordinate services in no less than 50
19 percent of such cases, and, beginning January 1, 2022 and thereafter, the care management entity
20 shall coordinate services in no less than 75 percent of such cases.

21 376 New Sections; Family Support Clearinghouse; System of Care Advisory Committee.
22 Amend RSA 135-F by inserting after section 7 the following new sections:

23 135-F:8 Family Support Clearinghouse.

24 I. The department of health and human services shall establish and maintain an
25 information clearinghouse for families seeking information regarding children's behavioral health
26 services. The clearinghouse functions required by this section may be assigned to an entity that has
27 responsibilities in addition to those required by this section.

28 II. The information provided shall be available on the department of health and human
29 services website and shall include:

30 (a) Access to mobile crisis and stabilization services.

31 (b) Insurance coverage and other reimbursement sources.

32 (c) The results of assessments of the quality of service providers and whether they
33 utilize evidence-based practices.

34 (d) Referral information for legal service organizations.

35 (e) Referral information, including links to websites and contact telephone numbers, for
36 behavioral health service providers, organized by region.

37 (f) Advice and guidance regarding family navigation of the behavioral health system.

1 135-F:9 System of Care Advisory Committee. The department of education and the department
2 of health and human services shall create a system of care advisory committee to improve the well-
3 being of children and families; promote coordination across state agencies; identify cost-savings,
4 opportunities to increase efficiency, and improvements to the service array and service delivery
5 system and effectiveness; and assist and advise the commissioners of the department of education
6 and the department of health and human services on the system of care principles and values and
7 implementation of RSA 135-F. The committee shall include youth and families with relevant
8 experience and members of child-serving public and private agencies, including experts in
9 education, community-based and facility-based behavioral health services, and effective
10 administration of private and public educational and health services. The committee shall meet at
11 least 6 times per year and at such other times as the chairperson deems necessary.

12 377 Home and Community-Based Behavioral Health Services for Children; Mobile Crisis
13 Response and Stabilization Services Included. Amend RSA 167:3-1 to read as follows:

14 167:3-1 Home and Community-Based Behavioral Health Services for Children.

15 I. The department shall establish a Medicaid home and community-based behavioral health
16 services program for children with severe emotional disturbances whose service needs cannot be
17 met through traditional behavioral health services. The department may establish such services
18 through a state plan amendment as provided in Section 1915(i) of the Social Security Act or a
19 waiver under other provisions of the Act, *as needed*. If the department proceeds with a waiver, it
20 shall not limit the geographic availability of services.

21 II. Such services shall include the following services or their functional equivalent:

- 22 (a) Wraparound care coordination.
23 (b) Wraparound participation.
24 (c) In-home respite care.
25 (d) Out-of-home respite care.
26 (e) Customizable goods and services.
27 (f) Family, peer support.
28 (g) Youth peer support.

29 III. *Mobile crisis response and stabilization services for children under 21 shall be*
30 *provided and delivered using system of care values and principles in compliance with RSA*
31 *135-F.*

32 (a) *The department shall contract with one or more third-party entities to*
33 *ensure that all children in the state under 21 years of age have access to mobile crisis*
34 *response and stabilization services, that such services are available with a response time*
35 *of no more than one hour, and that such services are available in every part of the state.*

36 (b) *The department shall ensure the development of a performance*
37 *measurement system for monitoring quality and access to mobile crisis response and*

1 *stabilization services.*

2 (c) *All providers of mobile crisis response and stabilization services shall*
3 *coordinate with the child's wraparound care coordinator, primary care physician, and*
4 *any other care management program or other behavioral health providers providing*
5 *services to the youth throughout the delivery of the service.*

6 (d) *Development and procurement of the mobile crises and stabilization*
7 *services required under this section shall begin on the effective date of this section;*
8 *implementation shall occur upon completion of the procurement process and approval by*
9 *the governor and council.*

10 378 Delinquent Children; Arraignment. Amend RSA 169-B:13, I(f)(1)(C) to read as follows:

11 (C) Identified as eligible for special education services[.]; or

12 (D) *Previously referred to a care management entity as defined in RSA*
13 *135-F:4, III.*

14 379 New Paragraph; Delinquent Children; Court Referrals; Referral to Care Management
15 Entity. Amend RSA 169-B:13 by inserting after paragraph II the following new paragraph:

16 II-a. The court may, at the arraignment or at any time thereafter, with the consent of the
17 minor and the minor's family, refer the minor and family to a care management entity, as defined in
18 RSA 135-F:4, III, for evaluation and/or behavioral health services to be coordinated and supervised
19 by that entity.

20 380 New Subparagraph; Delinquent Children; Disposition; Referral to Care Management
21 Entity. Amend RSA 169-B:19, I by inserting after subparagraph (k) the following new
22 subparagraph:

23 (l) With the consent of the minor and the minor's family, refer the minor and family to a
24 care management entity, as defined in RSA 135-F:4, III, for behavioral health services to be
25 coordinated and supervised by that entity. Such referral may be accompanied by one or more other
26 dispositions in this section, if otherwise authorized and appropriate.

27 381 New Paragraph; Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19 by
28 inserting after paragraph I the following new paragraph:

29 I-a. In the case of a child for whom behavioral health services are being coordinated by a
30 care management entity as defined in RSA 135-F:4, III, the court shall solicit and consider
31 treatment and service recommendations from the entity. If the court orders a disposition which is
32 not consistent with the care management entity's recommendations, it shall make written findings
33 regarding the basis for the disposition and the reasons for its determination not to follow the
34 recommendations.

35 382 Children in Need of Services; Initial Appearance. Amend RSA 169-D:11, II(e)(2) and (3) to
36 read as follows:

37 (2) Determined to have a mental illness, emotional or behavioral disorder, or

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1 another disorder that may impede the child's decision-making abilities; ~~or~~

2 (3) Identified as eligible for special education services~~[-]~~ ; *or*

3 (4) *Previously referred to a care management entity as defined in RSA 135-*
4 *F:4, III.*

5 383 New Paragraph; Children in Need of Services; Initial Appearance; Referral to Case
6 Management Entity. Amend RSA 169-D:11 by inserting after paragraph II-a the following new
7 paragraph:

8 II-b. The court may, at the initial appearance or at any time thereafter, with the consent of
9 the minor and the minor's family, refer the minor and family to a care management entity as
10 defined in RSA 135-F:4 III for evaluation and/or behavioral health services to be coordinated and
11 supervised by that entity.

12 384 New Paragraph; Children in Need of Services; Dispositional Hearing; Recommendations of
13 Care Management Entity. Amend RSA 169-D:17 by inserting after paragraph I the following new
14 paragraph:

15 I-a. In the case of a child for whom behavioral health services are being coordinated by a
16 care management entity as defined in RSA 135-F:4 the court shall solicit and consider treatment
17 and service recommendations from the entity. If the court orders a disposition which is not
18 consistent with the entity's recommendations, it shall make written findings regarding the basis for
19 the disposition and the reasons for its determination not to follow the recommendations.

20 385 New Paragraph; Children in Need of Services; Dispositional Hearing; Referral to Care
21 Management Entity. Amend RSA 169-D:17 by inserting after paragraph III the following new
22 paragraph:

23 III-a. In addition to any other disposition, the court may, with the consent of the minor and
24 the minor's family, refer the minor and family to a care management entity as defined in RSA 135-
25 F:4 III for behavioral health services to be coordinated and supervised by that entity. Such a
26 referral may be accompanied by one or more other dispositions in this section, if otherwise
27 authorized and appropriate.

28 386 New Paragraph; Services for Children Youth and Families; Definition of Evidence-Based
29 Practice. Amend RSA 170-G:1 by inserting after paragraph V the following new paragraph:

30 V.a. "Evidence-based practice" means a practice that has been recognized as supported by
31 research evidence by an evidence-based clearinghouse, such as the California Evidence-Based
32 Clearinghouse for Child Welfare and the Title IV-E Prevention Services Clearinghouse. Other
33 acceptable evidence-based practices shall include practices and programs evaluated using research
34 which utilizes methods that meet high scientific standards. Acceptable methods shall include:

35 (a) Systematic, empirical techniques that draw on observation or experiment.

36 (b) Rigorous data analyses that are adequate to test stated hypotheses and justify
37 general conclusions.

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1 (c) Measurements or observational methods that provide reliable and valid data across
2 evaluators and observers, across multiple measurements and observations, and across studies by
3 the same or different investigators.

4 (d) Randomized controlled trials when possible and appropriate.

5 387 New Paragraph; Services for Children, Youth, and Families; Duties of the Department of
6 Health and Human Services. Amend RSA 170-G:4 by inserting after paragraph XX the following
7 new paragraph:

8 XXI. Utilize, to the fullest permissible extent, available public reimbursement for
9 behavioral health and other services provided pursuant to this chapter and RSA 169-B, 169-C, and
10 169-D, in settings including the home, schools, and treatment facilities. Such reimbursement
11 includes, but is not limited to, the federal Early and Periodic Screening, Diagnosis and Treatment
12 Program under 42 U.S.C. section 1396d.

13 388 New Sections; Services for Children Youth and Families. Amend RSA 170-G by inserting
14 after section 4-a the following new sections:

15 170-G:4-b Evidence-Based Practices.

16 I. On or before July 1, 2020, at least 10 percent of state funds received by the department
17 for children's behavioral health services, whether or not they are subject to this chapter, shall be
18 expended for evidence-based practices. Beginning July 1, 2022, the percentage of state funds
19 expended for evidence-based practices shall be at least 25 percent; and beginning July 1, 2025, the
20 percentage expended for evidence-based practices shall be at least 50 percent.

21 II. The department shall submit a biennial report containing:

22 (a) An assessment of each service provider on which the department expends funds,
23 including but not limited to whether each service provided is an evidence-based practice, and
24 whether the service provider is in compliance with the contract accountability requirements of RSA
25 170-G:4-d.

26 (b) The percentage of state funds the department receives for behavioral health services
27 that is being expended on evidence-based practices.

28 (c) The percentage of federal and other funds the department receives for behavioral
29 health services that is being expended on evidence-based practices.

30 (d) A description of the efforts the department is making to increase the use of evidence-
31 based practices for children's behavioral health and other services.

32 III. The department shall submit the report required under paragraph II no later than
33 January 15 of each odd-numbered year to the governor, the administrative justice of the circuit
34 court, and the house and senate finance committees. The report shall also be posted on the
35 department's website.

36 170-G:4-c Establishment of Resource Center for Children's Behavioral Health. The department
37 shall establish and maintain a resource center for children's behavioral health, which shall:

1 I. Provide technical assistance to the department and to service providers to support the
2 implementation and operation of evidence-based practices, along with the provision of services
3 according to the system of care characteristics described in RSA 135-F:3.

4 II. Provide training on a statewide basis to persons employed in the children's behavioral
5 health system, relating to:

6 (a) The use of evidence-based practices.

7 (b) The analysis of quality assurance protocols to determine whether service providers
8 are utilizing evidence-based practices with fidelity.

9 III. Act as a clearinghouse for information and statewide resources on evidence-based
10 practices for children receiving services pursuant to RSA 169-B, 169-C, 169-D, and 170-G.

11 IV. Facilitate collaboration among state and local agencies and service providers to increase
12 access to such providers.

13 V. Provide support for the assessment of the implementation of evidence-based practices by
14 such state and local agencies.

15 170-G:4-d Content of Provider Contracts.

16 I. All contracts between the department and providers of services under this chapter, or
17 any behavior health service to children, shall include provisions addressing outcome measurement,
18 incentives for the use of evidence-based practices, and accountability for high-quality services.
19 Such provisions shall, at minimum, include the following:

20 (a) Required use of a uniform assessment instrument developed and/or approved by the
21 department pursuant to RSA 170-G:4-e.

22 (b) In the case of providers of services to children pursuant to the dispositional
23 authority of the circuit court under RSA 169-B and 169-D, outcome measurement which includes
24 recidivism as measured by post-service arrests, violations of parole, conditional release, or other
25 conditional liberty, and behavior meeting the definition of a child in need of service under RSA 169-
26 D:2. Contracts with such providers shall also include incentives for recidivism reduction.

27 (c) Reporting to the department changes in assessment results following provision of
28 the contracted service for each child served.

29 II. The department shall include substantially similar requirements in its standards for
30 provider certification and other processes administered by the department to qualify providers to
31 deliver services pursuant to this chapter.

32 170-G:4-e Assessment, Treatment, and Discharge Planning.

33 I. In every case in which a placement outside the home is being considered, the department
34 shall require the completion of a written clinical assessment of the behavioral health and other
35 treatment needs of the child.

36 II. A written treatment plan shall be required upon a child's placement in a residential or
37 other treatment program. The plan shall have definable goals and strategies to achieve those goals

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1 and include concrete, outcome-oriented interventions with the objective of restoring, rehabilitating,
2 or maintaining the child's capacity to successfully function in the community and diminish the need
3 for a more intensive level of care.

4 III. The development of a written discharge plan for each child shall begin upon admission
5 to any treatment program, and shall be available to the parents or guardians of the child no later
6 than 10 days following admission to the program. Treatment and discharge plans shall be updated
7 on an ongoing basis as treatment proceeds and a child's condition changes.

8 IV. All assessments conducted pursuant to this section shall include the use of a universal,
9 strengths-based assessment tool which is adopted by the department and used throughout the
10 system of care for children's mental health as defined in RSA 135-F.

11 V. The assessment of the child's behavioral health and other treatment needs shall be
12 repeated upon discharge from any residential treatment program or commitment pursuant to RSA
13 169-B:19, I(j).

14 VI. Assessments required by this section may not be conducted by employees of a
15 residential treatment provider or commitment pursuant to RSA 169-B:19, I(j).

16 170-G:4-f Medical Assistance Screening. The department of health and human services shall
17 establish a procedure to assess court-involved children for eligibility for private and public medical
18 insurance, including the medical assistance program under RSA 167. This procedure shall apply to
19 any child who is subject to proceedings under RSA 169-B or 169-D, or receives services pursuant to
20 RSA 169-C. Children who may be eligible and their families shall be provided assistance by the
21 department in making application for such assistance. The circuit court shall make any necessary
22 adjustments to its arraignment and other procedures to facilitate such assessments.

23 389 Establishment of Resource Center for Children's Behavioral Health; RFP Required. On or
24 before January 1, 2020, the department of health and human services shall issue a request for
25 proposals to establish the resource center for children's behavioral health pursuant to RSA 170-G:4-
26 c, as inserted by this act, and shall establish the resource center no later than July 1, 2020.

27 390 New Paragraph; Release and Discharge from the Youth Services Center. Amend RSA
28 621:19 by inserting after paragraph III the following new paragraph:

29 III-a. In every case in which there is a diagnosis or other evidence that a minor at the
30 center may have a serious emotional disturbance or other behavioral health disorder, the center
31 shall, with the consent of the minor and the minor's family, refer the minor to a care management
32 entity, as defined in RSA 135-F:4, III, for evaluation and recommendations for behavioral health
33 services to be coordinated and supervised by that entity before and after discharge from the facility.
34 Discharge plans shall incorporate the recommendations of the care management entity whenever
35 appropriate. In any case where the recommendations of the care management entity are not
36 incorporated into the discharge planning process, the minor, the minor's family, and counsel for the
37 minor shall be notified in writing of the decision and of the basis for the decision.

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1 391 Appropriation; Department of Health and Human Services; Child Welfare Behavioral
2 Health Services. The sum of \$6,084,000 for the fiscal year ending June 30, 2020, and the sum of
3 \$13,164,000 for the fiscal year ending June 30, 2021, are hereby appropriated to the department of
4 health and human services for the purposes of sections 374-390 of this act. Notwithstanding RSA
5 14:30-a, VI, the department may accept and expend any federal fund match to the appropriation in
6 this section without prior approval of this fiscal committee of the general court. The governor is
7 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
8 appropriated.

9 392 Department of Health and Human Services; Medicaid Rate Increases. The commissioner of
10 the department of health and human services shall increase all Medicaid provider rates, including
11 all state plan services and waiver programs, excluding any provider rate increases for inpatient-
12 only substance use disorder treatment services, by 3.1 percent in the fiscal year ending June 30,
13 2020 and an additional 3.1 percent in the fiscal year ending June 30, 2021. The commissioner shall
14 apply the rate increases to the Medicaid fee-for-service fee schedule for the purpose of determining
15 payments for all services not delivered through managed care, and shall require the department's
16 actuary to incorporate the rate increases into the capitation payment for all services provided in the
17 care management program. Nothing in this section shall be construed to alter the traditional
18 method of establishing the county contribution for the Medicaid federal medical assistance
19 percentage.

20 393 Department of Health and Human Services; Appropriation.

21 I. The sum of \$60,000,000 for the biennium ending June 30, 2021 is hereby appropriated to
22 the department of health and human services for the purposes of section 392 of this act. Said sums
23 shall be charged as follows:

24 (a) The sum of \$52,128,000 shall be a charge against the state general fund, and the
25 governor is authorized to draw a warrant for said sum out of any money in the treasury not
26 otherwise appropriated;

27 (b) The sums of \$3,753,000 in the fiscal year ending June 30, 2020 and \$3,966,000 in the
28 fiscal year ending June 30, 2021 shall be a charge against state general funds appropriated in
29 account 05-95-93-930010-7100; and

30 (c) The sums of \$74,000 in the fiscal year ending June 30, 2020 and \$79,000 in the fiscal
31 year ending June 30, 2021 shall be a charge against state general funds appropriated in account 05-
32 95-48-482010-2152.

33 II. Notwithstanding RSA 14:30-a, VI, in addition to the amounts appropriated in paragraph
34 I, the department of health and human services may accept and expend any matching federal funds
35 available for the purposes of this section without the prior approval of the fiscal committee of the
36 general court.

37 III. Nothing in this section shall be construed to provide a rate increase of an amount other

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1 than 3.1 percent in each fiscal year to providers funded in accounts 05-95-93-930010-7100 and 05-
2 95-48-482010-2152.

3 394 New Hampshire Granite Advantage Health Care Program. Amend RSA 126-AA:2, I(a) to
4 read as follows:

5 I.(a) The commissioner shall apply for any necessary waivers and state plan amendments to
6 implement a 5-year demonstration program beginning on January 1, 2019 to create the New
7 Hampshire granite advantage health care program [~~which shall be funded exclusively from non-~~
8 ~~general fund sources, including federal funds~~]. The commissioner shall include in an application for
9 the necessary waivers submitted to the Centers for Medicare and Medicaid Services (CMS) a waiver
10 of the requirement to provide 90-day retroactive coverage and a state plan amendment allowing
11 state and county correctional facilities to conduct presumptive eligibility determinations for
12 incarcerated inmates to the extent provided under federal law. To receive coverage under the
13 program, those individuals in the new adult group who are eligible for benefits shall choose
14 coverage offered by one of the managed care organizations (MCOs) awarded contracts as vendors
15 under Medicaid managed care, pursuant to RSA 126-A:5, XIX(a). The program shall make coverage
16 available in a cost-effective manner and shall provide cost transparency measures, and ensure that
17 patients are utilizing the most appropriate level of care. Cost effectiveness shall be achieved by
18 offering cash incentives and other forms of incentives to the insured by choosing preferred lower
19 cost medical providers. Loss of incentives shall also be employed. MCOs shall employ reference-
20 based pricing, cost transparency, and the use of incentives and loss of incentives to the Medicaid
21 and newly eligible population. For the purposes of this subparagraph, "reference-based pricing"
22 means setting a maximum amount payable for certain medical procedures.

23 395 New Hampshire Granite Advantage Health Care Program; Trust Fund. Amend RSA 126-
24 AA:3, I to read as follows:

25 I. There is hereby established the New Hampshire granite advantage health care trust fund
26 which shall be accounted for distinctly and separately from all other funds and shall be non-interest
27 bearing. The fund shall be administered by the commissioner and shall be used solely to provide
28 coverage for the newly eligible Medicaid population as provided for under RSA 126-AA:2, to pay for
29 the administrative costs for the program, and reimburse the federal government for any over
30 payments of federal funds. All moneys in the fund shall be nonlapsing and shall be continually
31 appropriated to the commissioner for the purposes of the fund. The fund shall be authorized to pay
32 and/or reimburse the cost of medical services and cost-effective related services, including without
33 limitation, capitation payments to MCOs. No state general funds shall be deposited into the fund
34 *unless the commissioner has certified that a deficit is projected in the fund and the*
35 *federal match rate is at least 90 percent. If those conditions have been met, the*
36 *commissioner may seek approval from the fiscal committee of the general court to transfer*
37 *general funds from the department's budget into the trust fund to cover the amount of the*

1 **projected deficit.** Deposits into the fund shall be limited exclusively to the following:

2 (a) Revenue transferred from the alcohol abuse prevention and treatment fund
3 pursuant to RSA 176-A:1, IV;

4 (b) Federal Medicaid reimbursement for program costs and administrative costs
5 attributable to the program;

6 (c) Surplus funds generated as a result of MCOs managing the cost of their services
7 below the medical loss ratio established by the commissioner for the managed care program
8 beginning on July 1, 2019;

9 (d) Taxes attributable to premiums written for medical and other medical related
10 services for the newly eligible Medicaid population as provided for under this chapter, consistent
11 with RSA 400-A:32, III(b);

12 (e) Funds received from the assessment under RSA 404-G;

13 (f) Funds recovered or returnable to the fund that were originally spent on the cost of
14 coverage of the granite advantage health care program; ~~and~~

15 (g) Gifts, grants, and donations[-];

16 (h) **Medicaid enhancement tax moneys necessary to pay for the portion of**
17 **provider rate increases pursuant to RSA 167:64, I(a)(2)(C) that is attributable to services**
18 **provided under this chapter; and**

19 (i) **General funds.**

20 396 Appropriation; Department of Health and Human Services; Safe Stations. The sum of
21 \$375,000 for the fiscal year ending June 30, 2020 and the sum of \$375,000 for the fiscal year ending
22 June 30, 2021 is hereby appropriated to the department of health and human services for the
23 purpose of funding existing Safe Stations located in Manchester and Nashua. The governor is
24 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
25 appropriated.

26 397 Supported Housing. Amend 2017, 156:186, I as amended by 2018, 343:14 to read as
27 follows:

28 I. The commissioner of the department of health and human services shall contract with
29 programs that enable individuals with serious mental illness to attain and maintain integrated,
30 affordable, supported housing. The department shall use funding not to exceed \$500,000 from
31 existing appropriations for the biennium ending June 30, 2019. **Such funds, not to exceed**
32 **\$500,000 from accounting unit 05-95-92-922010-4117, shall not lapse until June 30, 2021.**
33 Eligibility for such funding shall include persons who are not eligible for existing housing subsidy
34 programs. The department shall submit a monthly report to the fiscal committee of the general
35 court regarding implementation of this section.

36 398 Department of Health and Human Services; Appropriation. Notwithstanding RSA 126-
37 AA:2, I(a) and RSA 126-AA:3, the sum of \$5,000,000 for the biennium ending June 30, 2021 is

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1 hereby appropriated to the department of health and human services, which shall be nonlapsing,
2 for the purpose of enhancing provider rates for mental health and substance use disorder inpatient
3 and outpatient services consistent with 2018, 342. The governor is authorized to draw a warrant
4 for said sum out of any money in the treasury not otherwise appropriated. Notwithstanding RSA
5 14:30-a,VI, the department may accept and expend any federal fund match to the appropriation in
6 this section without prior approval of the fiscal committee of the general court.

7 399 Repeal. 2019, 41:1, relative to an appropriation to the department of health and human
8 services for increasing diagnosis-related group (DRG) rates for designated receiving facilities (DRF)
9 beds, is repealed.

10 400 Department of Health and Human Services; Designated Receiving Facilities; Beds. 2019,
11 41:3 is repealed and reenacted to read as follows:

12 41:3 Department of Health and Human Services; Designated Receiving Facilities; Residential
13 Beds; Hospital Renovations.

14 I. The commissioner of the department of health and human services is authorized to enter
15 into a signed agreement with a hospital in either Sullivan or Cheshire county to provide up to 10
16 new designated receiving facility (DRF) beds to be operational by October 1, 2020. If such an
17 agreement is reached by July 1, 2020, then the department shall be hereby appropriated the
18 amounts provided in paragraph II. If an agreement is not reached by July 1, 2020, then no funds in
19 paragraph II shall be appropriated.

20 II.(a) The sum of \$1,000,000 for the fiscal year ending June 30, 2019 for the purpose of
21 renovating the designated receiving facility (DRF) under agreement in paragraph I. Such
22 appropriation shall not lapse. The governor is authorized to draw a warrant for said sum out of any
23 money in the treasury not otherwise appropriated.

24 (b) The sum of \$976,000 in the fiscal year ending June 30, 2021 for the purpose of
25 increasing the diagnosis-related group (DRG) rates for all designated receiving facility (DRF) beds
26 in New Hampshire. Such rate increases shall be effective October 1, 2020. For the amount
27 appropriated, \$488,000 shall be state general funds and \$488,000 shall be federal funds. Such funds
28 shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the
29 treasury not otherwise appropriated. Notwithstanding RSA 14:30-a, VI, the department may accept
30 and expend any matching federal funds without prior approval of the fiscal committee of the
31 general court.

32 III. The commissioner of the department of health and human services shall allocate and
33 disburse any funds appropriated in paragraph I through a request for applications (RFA) The RFA
34 shall be issued no later than December 1, 2019 and the new DRF beds shall be operational by
35 October 1, 2020. Any hospital receiving funds appropriated under subparagraph I(a) shall operate
36 the new DRF beds for no less than 5 years.

37 401 Appropriation; Secure Psychiatric Unit Facility. The sum of \$17,500,000 for the fiscal year

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1 ending June 30, 2019 is hereby appropriated to the department of health and human services and
2 shall be expended for the purpose of constructing a new 25-bed secure psychiatric unit facility on
3 the New Hampshire Hospital grounds. The sum appropriated shall be nonlapsing, provided that
4 any unexpended amount following construction shall lapse to the general fund. The facility shall be
5 built to house such persons that do not require continued joint commission accreditation. The
6 department of administrative services shall prioritize this project in its workload. The department
7 of administrative services and the department of health and human shall provide reports each
8 quarter to the fiscal committee of the general court and the senate finance and house finance
9 committees concerning the progress of the project. Appropriate persons housed in the secure
10 psychiatric unit of the state prison shall be safely transferred to this facility no later than two weeks
11 after it is operational. This facility shall be operated and managed by the department of health and
12 human services. The state shall not enter into a contract with a private or for-profit prison
13 company for the construction or operation of the secure psychiatric facility unit. The governor is
14 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
15 appropriated.

16 402 Repeal. The following are repealed:

17 I. RSA 84-D, relative to the ICF quality assessment.

18 II. RSA 151-E:15-a, relative to expenditure of funds from ICF quality assessment.

19 403 Department of Health and Human Services; State Plan Amendment; Medicaid for Older
20 Employed Adults with Disabilities (MOAD) Work Incentive Program. On or before January 15,
21 2020, the commissioner of the department of health and human services shall apply to the Centers
22 for Medicare and Medicaid Services for an amendment to the state Medicaid plan pursuant to 442
23 C.F.R. section 430.12 to allow working persons with disabilities who are age 65 and older to receive
24 medical assistance pursuant to 42 U.S.C. section 1396a(a)(10)(A)(ii)(XIII) and as permitted under
25 the Balanced Budget Act of 1997, to be known as Medicaid for Older Employed Adults with
26 Disabilities (MOAD). The state plan amendment shall be used to create a program similar to the
27 state's Medicaid for Employed Adults with Disabilities (MEAD) program, established pursuant to
28 RSA 167:3-1, which is currently limited to individuals between 18 and 64 years of age. Program
29 eligibility under the state plan amendment shall be structured to provide the broadest range of
30 Medicaid coverage consistent with federal eligibility criteria, and to utilize available income and
31 asset disregards so that, to the extent possible, persons eligible for the MEAD program shall also be
32 eligible for the MOAD program when they reach age 65.

33 404 New Paragraph; Definitions; MOAD Program. Amend RSA 167:6 by inserting after
34 paragraph IX the following new paragraph:

35 IX-a. A person with a disability age 65 and older who is eligible to participate in the work
36 incentive program, known as Medicaid for employed older adults with disabilities (MOAD), shall be
37 eligible for medical assistance as medically needy or categorically needy but not to exclude Medicare

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1 coverage. The department of health and human services shall establish a sliding fee scale for
2 participants to contribute to the cost of such medical assistance. Participants in the MOAD
3 program shall be employed at the time of enrollment, and may remain enrolled during temporary
4 unemployment for medical reasons or other good cause.

5 405 New Section; MOAD Work Incentive Program. Amend RSA 167 by inserting after section
6 3-1 the following new section:

7 167:3-m MOAD Work Incentive Program.

8 I. Pursuant to section 1902(a)(10)(A)(ii)(XIII) of the Social Security Act, 42 U.S.C. section
9 1396a(a)(10)(A)(ii)(XIII), the department of health and human services shall establish and
10 administer a work incentive program, known as Medicaid for employed older adults with disabilities
11 (MOAD). The purpose of the program shall be to ensure the availability of long-term supports to
12 workers age 65 and older with disabilities who are medically eligible for Medicaid, enabling them to
13 maximize their employment potential and financial independence and prevent impoverishment and
14 dependence upon cash assistance programs.

15 II. In addition to the requirements of RSA 167:6, IX-a, the MOAD program shall:

16 (a) Exclude from consideration resources accumulated from earnings, including interest
17 earned by the resource, by a MOAD-eligible individual beginning on or after the date of eligibility
18 through the period of MOAD eligibility and kept in a separate account from other resources, when
19 determining future eligibility for other medical assistance programs.

20 (b) Provide continued eligibility during periods of temporary unemployment provided
21 that the individual is unable to work for medical reasons but is likely to return to work, or the
22 individual becomes unemployed for other good cause and is actively seeking employment.

23 (c) Define employment for eligibility purposes in a manner that permits a self-employed
24 individual to earn less than the federal minimum wage.

25 (d) Permit individuals who are eligible for home and community-based care waiver
26 services and who qualify for a special income limit, to receive medical assistance through the MOAD
27 program if they so choose.

28 (e) Provide notice and an opportunity for a fair hearing in the event of any adverse
29 action affecting eligibility for or enrollment in the MOAD program.

30 (f) Establish oversight and enforcement procedures to prevent fraud and to assure that
31 participants are consistently engaging in gainful employment.

32 III. Pursuant to section 1902(a)(10)(A)(ii)(XIII) of the Social Security Act, 42 U.S.C. section
33 1396a(a)(10)(A)(ii)(XIII), individuals shall be eligible for MOAD if their income does not exceed 250
34 percent of the federal poverty level, and they meet all criteria for receiving benefits under the
35 Supplemental Security Income (SSI) program.

36 406 New Paragraph; Rulemaking; MOAD Program. Amend RSA 167:3-c by inserting after
37 paragraph XII the following new paragraph:

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1 XII-a. Administration of the MOAD work incentive program established pursuant to RSA
2 167:6, IX-a and RSA 167:3-m.

3 407 Applicability; MOAD. Sections 404-406 of this act shall take effect on the date that the
4 commissioner of the department of health and human services certifies to the secretary of state and
5 the director of the office of legislative services that the state plan amendment submitted under
6 section 403 of this act has been approved by the Centers for Medicare and Medicaid Services.

7 408 Appropriation; Department of Health and Human Services; Child Protective Service
8 Workers. The sum of \$1,998,005 for the fiscal year ending June 30, 2020, and the sum of \$4,119,845
9 for the fiscal year ending June 30, 2021, are hereby appropriated to the department of health and
10 human services for the purpose of hiring 27 child protective service workers in fiscal year 2020 and
11 an additional 30 child protective service workers in fiscal year 2021. Of these amounts, \$1,398,604
12 for the fiscal year ending June 30, 2020 and \$2,883,892 for the fiscal year ending June 30, 2021
13 shall be state general funds, and the remainder shall be federal funds. The funds appropriated in
14 this section shall only be used for the purposes of this section, and shall not be transferred or used
15 for any other purpose. The governor is authorized to draw a warrant for the general fund share of
16 said sums out of any money in the treasury not otherwise appropriated.

17 409 Appropriation; Department of Health and Human Services; Child Protective Service
18 Supervisors. The sum of \$773,552 for the fiscal year ending June 30, 2020, and the sum of
19 \$1,703,152 for the fiscal year ending June 30, 2021, are hereby appropriated to the department of
20 health and human services for the purpose of hiring 9 child protective service supervisors in fiscal
21 year 2020 and an additional 11 supervisors in fiscal year 2021. Of these amounts, \$541,487 for the
22 fiscal year ending June 30, 2020 and \$1,192,207 for the fiscal year ending June 30, 2021 shall be
23 state general funds, and the remainder shall be federal funds. The funds appropriated in this
24 section shall only be used for the purposes of this section, and shall not be transferred or used for
25 any other purpose. The governor is authorized to draw a warrant for the general fund share of said
26 sums out of any money in the treasury not otherwise appropriated.

27 410 Contingent Applicability. If SB 6 of the 2019 general legislative session becomes law,
28 sections 408 and 409 of this act shall not take effect. If SB 6 of the 2019 general legislative session
29 does not become law, sections 408 and 409 of this act shall take effect on July 1, 2019.

30 411 Statement of Purpose. The purpose of sections 412-413 of this act is to set minimum
31 training requirements for staff members working in facilities or programs regulated by the health
32 facilities administration, department of health and human services which include persons with
33 Alzheimer's disease or other dementias in the populations they serve. The dementia-specific
34 training curriculum shall incorporate principles of person-centered dementia care including:
35 thorough knowledge of the person and the person's abilities and needs; advancement of optimal
36 functioning and a high quality of life; and use of problem-solving approaches to care. Staff members
37 shall be trained adequately and appropriately to best address the needs of the population of care

1 recipients they serve. Training shall be culturally competent both for the staff member and the care
2 recipient.

3 412 New Subdivision; Dementia Training for Direct Care Staff in Residential Facilities and
4 Community-Based Services. Amend RSA 151 by inserting after section 46 the following new
5 subdivision:

6 Dementia Training for Direct Care Staff in Residential Facilities
7 and Community-Based Services

8 151:47 Definitions. In this subdivision:

9 I. "Covered administrative staff member" means the senior manager of the facility or
10 program, including administrators, as well as managerial staff members that directly supervise
11 covered direct service staff members.

12 II. "Covered direct service staff member" means a staff member whose work involves
13 extensive contact with residents or program participants. Such staff members include: certified
14 nursing assistants, nurse aides, personal care assistants, home health or personal care aides,
15 licensed practical nurses, licensed vocational nurses, registered nurses, social workers, activity
16 directors, and dietary staff.

17 III. "Department" means the department of health and human services.

18 IV. "Facilities or programs" means residential facilities or home and community-based
19 programs, serving an adult population, licensed, as appropriate under this chapter, that provide
20 supportive services including, but not limited to, skilled care facilities, intermediate care facilities,
21 assisted living facilities, residential care for the elderly, adult day programs, home health, in-home
22 services, or adult family care homes or programs that advertise specialty memory care that have
23 residents or program participants with Alzheimer's disease or other dementias.

24 V. "Other covered staff member" means a staff member who has incidental contact on a
25 recurring basis with residents or program participants, including housekeeping staff, front desk
26 staff, maintenance staff, other administrative staff, and other individuals who have such incidental
27 contact.

28 VI. "Staff member" includes full and part-time employees, independent consultants, and
29 staff of contractors and subcontractors.

30 151:48 Initial and Continuing Training in Dementia Required.

31 I. Facilities and programs shall provide initial training to:

32 (a) All covered staff members hired on or after July 1, 2019, who shall complete initial
33 training within 6 months of the commencement of employment.

34 (b) All covered staff members who were employed prior to the date under subparagraph
35 (a) and who have not received equivalent training; such training shall be completed within 6
36 months of that date.

37 II. Each facility or program shall establish a system for ongoing onsite support, supervision,

1 and mentoring for its staff with regard to the treatment and care of persons with dementia.

2 III. For covered direct service staff members and covered administrative staff members, at
3 a minimum, the curriculum used for the initial training shall adhere to the latest nationwide
4 Alzheimer's Association Dementia Care Practice Recommendations and, at a minimum, cover the
5 following topics:

- 6 (a) Alzheimer's disease and dementia;
- 7 (b) Person-centered care;
- 8 (c) Assessment and care planning;
- 9 (d) Activities of daily living; and
- 10 (e) Dementia-related behaviors and communication.

11 IV. For other covered staff members, training shall include, at a minimum, communication
12 issues related to dementia.

13 V. Initial dementia training shall be considered complete only after the staff member has
14 taken and passed an evaluation.

15 151:49 Portability.

16 I. The facility or staff shall issue a certificate to covered staff members upon completion of
17 initial training, which shall be portable between settings. Provided that the covered staff member
18 does not have a lapse of dementia related direct service or administration employment for 24
19 consecutive months or more, the covered staff member shall not be required to repeat the initial
20 dementia training.

21 II. Covered staff members shall be responsible for maintaining records of certificates
22 received.

23 151:50 Continuing Education. In addition to initial training, the commissioner shall adopt
24 rules to determine when and how often continuing education on dementia shall be required. Such
25 continuing education shall include new information on best practices in the treatment and care of
26 persons with dementia. The department shall require at least a minimum of 6 hours of initial
27 continuing education for covered administrative staff members and covered direct service staff
28 members and shall require at least a minimum of 4 hours of ongoing training each calendar year.
29 (Such continuing education shall include new information on best practices in the treatment and
30 care of persons with dementia.

31 151:51 Requirements for Trainers; Training Costs. Persons responsible for conducting in-
32 person dementia trainings shall meet minimum criteria including: 2 years of work experience
33 related to Alzheimer's disease or other dementias or in health care, gerontology, or other related
34 field; and have completed training equivalent to the requirements provided herein. Covered staff
35 members shall not be required to bear any of the cost of training or to attend trainings and shall
36 receive their normal compensation when attending required trainings.

37 151:52 Departmental Oversight.

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1 I. The department shall exercise oversight of a facility's or program's dementia training
2 program as part of its comprehensive regulatory responsibilities. Such oversight shall:

3 (a) Ensure that the facility or program provides continuing education opportunities.

4 (b) Ensure that the facility or program uses designated online training programs or
5 facility-based training that meets the requirements for dementia training in the state.

6 (c) Ensure compliance with any other requirements specified in this subdivision.

7 II. The department may use all of its enforcement tools to ensure that facilities and
8 programs comply with paragraph I.

9 413 Applicability; Dementia Training. Section 412 of this act is intended to address gaps in
10 current dementia training requirements for covered staff and improve the quality of training. If
11 prior-enacted laws or rules contain more rigorous training requirements for some covered staff
12 members, those laws or rules shall apply. Where there is overlap between these provisions and
13 other laws and rules, the department shall interpret this statute to avoid duplication of
14 requirements while ensuring that the minimum requirements set forth in this act are met.

15 414 Repeal. 2017, 156:211, prohibiting reproductive health facilities from using state funds to
16 provide abortion services, is repealed.

17 415 County Nursing Homes; Proportionate Share Payments. Amend RSA 167:18-h to read as
18 follows:

19 167:18-h County Nursing Homes; Proportionate Share Payments.

20 I. Proportionate share payments to county nursing homes shall be made each state fiscal
21 year in an amount equal to the maximum permissible by federal regulations. All payments shall be
22 ~~[apportioned]~~ **specific** to each facility in ~~[a percentage equal to that facility's proportion of total~~
23 ~~county nursing home medicaid utilization]~~ **accordance with the methodology in the approved**
24 **Medicaid state plan amendment**. If the federal government makes adjustments to any
25 proportionate share payments that have been made by the state, the amounts due under this
26 section shall be amended accordingly and adjusted payments shall be made to or from the state as
27 necessary.

28 II. ~~[Notwithstanding any provision of law to the contrary, each county government shall~~
29 ~~reimburse the state for 50 percent of the total cost of proportionate share payments made to the~~
30 ~~county pursuant to paragraph I.]~~

31 (a) **The certified public expenditure (CPE) nursing facilities group shall be**
32 **financed on the basis of a CPE methodology and shall not require a transfer of funds from**
33 **the respective county to the state to effectuate the federal match.**

34 (b) **Any intergovernmental transfers (IGT) specific to the IGT nursing facilities**
35 **group that serve as the basis for generating the federal match shall originate from the**
36 **county.**

37 416 Aid to Assisted Persons; Liability for Support and Reimbursement from the State;

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1 Suspension. RSA 165:20-c, relative to liability for support and reimbursement from the state, shall
2 be suspended for the biennium ending June 30, 2021.

3 417 New Paragraph; Services for Children, Youth and Families; Department of Health and
4 Human Services Funding for Juvenile Diversion Programs. Amend RSA 170-G:4 by inserting after
5 paragraph XX the following new paragraph:

6 XXI. Encourage cities, towns, counties, and non-governmental organizations to develop and
7 maintain court-approved diversion programs for juveniles. The amount to be distributed to the
8 diversion programs shall be not more than \$600,000 for the biennium ending June 30, 2021, from
9 which the sum of \$30,000 in each year of the biennium shall be reserved for newly approved
10 programs, with the remainder divided equally among existing, approved programs that make
11 application for such funding. The judicial branch family division shall establish requirements for
12 court-approved diversion programs under this section and RSA 169-B:10.

13 418 Appropriation; Department of Health and Human Services; Juvenile Diversion Programs.
14 The sum of \$300,000 annually, for the biennium ending June 30, 2021, is hereby appropriated to
15 the department of health and human services for distribution to juvenile diversion programs
16 developed and maintained by municipalities, counties, and non-governmental organizations
17 pursuant to RSA 170-G:4, XXI, as inserted by this act. The governor is authorized to draw a
18 warrant for said sum out of any money in the treasury not otherwise appropriated.

19 419 Department of Health and Human Services; Appropriation. The sum of \$450,000 in the
20 fiscal year ending June 30, 2020 and the sum of \$450,000 in the fiscal year ending June 30, 2021
21 are hereby appropriated to the department of health and human services for the purpose of funding
22 existing supervised visitation centers in New Hampshire. The governor is authorized to draw a
23 warrant for said sums out of any money in the treasury not otherwise appropriated.

24 420 Department of Health and Human Services; Rural Health and Primary Care Section;
25 Positions Established. There is established within the department of health and human services,
26 division of public health services, rural health and primary care section, 2 full-time, unclassified
27 positions. The salary for such positions shall be as set forth in RSA 94:1-a, provided that the salary
28 for such positions shall be determined after assessment and review of the appropriate temporary
29 letter grade allocation in RSA 94:1-a, I(b) for the positions which shall be conducted pursuant to
30 RSA 94:1-d and RSA 14:14-c.

31 421 Appropriations; Department of Health and Human Services; Rural Health and Primary
32 Care Section.

33 I. State Loan Repayment Program. The sum of \$3,250,000 for the fiscal year ending June
34 30, 2020 and the sum of \$3,250,000 for the fiscal year ending June 30, 2021 are hereby appropriated
35 to the department of health and human services, division of public health services, rural health and
36 primary care section to accounting unit 05-95-90-901010-7965, line 103, Contracts for Op Services,
37 and to fund one of the positions established in section 420 of this act. This appropriation shall be

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1 nonlapsing. Of this appropriation, the sums of \$750,000 for the fiscal year ending June 30, 2020
2 and \$750,000 for the fiscal year ending June 30, 2021 shall be expended by clinicians solely to
3 deliver mental health and substance use disorder treatment services in Carroll, Cheshire, and Coos
4 counties. The governor is authorized to draw a warrant for said sums out of any money in the
5 treasury not otherwise appropriated.

6 II. Primary Care Workforce Program. The sum of \$120,000 for the fiscal year ending June
7 30, 2020 and the sum of \$120,000 for the fiscal year ending June 30, 2021 are hereby appropriated
8 to the department of health and human services, division of public health services, rural health and
9 primary care section, for the purpose of funding one of the positions established in section 420 of
10 this act. The commissioner of the department of health and human services may use up to \$20,000
11 of the appropriation in each fiscal year towards the upgrade of an existing position in the rural
12 health and primary care section. The governor is authorized to draw a warrant for said sums out of
13 any money in the treasury not otherwise appropriated.

14 422 Appropriation; Department of Business and Economic Affairs. The sum of \$100,000 for the
15 fiscal year ending June 30, 2020 and the sum of \$100,000 for the fiscal year ending June 30, 2021
16 are hereby appropriated to the department of business and economic affairs for the purpose of
17 supporting the education and acceleration programs within New Hampshire's non-profit business
18 technology incubators. The governor is authorized to draw a warrant for said sum out of any money
19 in the treasury not otherwise appropriated.

20 423 New Subdivision; Lead Paint Hazard Remediation Fund. Amend RSA 204-C by inserting
21 after section 87 the following new subdivision:

22 Lead Paint Hazard Remediation Fund

23 204-C:88 Definitions. In this subdivision:

24 I. "Multi-unit" means more than one dwelling unit.

25 II. "Property" means a rental or owner-occupied residential property, or a child care facility
26 licensed under RSA 170-E.

27 III. "Unit" means a single dwelling unit within a structure that contains more than one
28 dwelling unit. "Unit" may also include any dwelling unit within a structure that is otherwise used
29 for non-residential purposes.

30 204-C:89 Lead Paint Hazard Remediation Fund Established.

31 I. There is hereby established within the authority a fund to be used for the purposes of
32 remediating lead paint hazards in housing, to be known as the lead paint hazard remediation fund.
33 The lead paint hazard remediation fund shall be composed of appropriations, gifts, grants,
34 donations, bequests, or other moneys from any public or private source, but such revenues shall not
35 be deemed to be money received from the state, and nothing in this subdivision shall be construed
36 as pledging the faith and credit of the state.

37 II. The authority may use the lead paint hazard remediation fund to make loans to owners

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1 of properties for the costs of remediation of lead paint hazards. The authority may also make loans
2 to owners of licensed child care facilities for remediation of lead in water. Loans may be made
3 provided that such remediation is conducted in accordance with lead-safe practices under applicable
4 laws and regulations.

5 III. The authority may use up to 5 percent of any funds deposited in the lead paint hazard
6 remediation fund for program administration.

7 204-C:90 Eligibility. For a property to be eligible to use the funding under this subdivision, the
8 property shall be:

9 I. An owner-occupied single family home occupied by a household with a child under 6
10 years or a pregnant woman and where household income is no more than 100 percent of the median
11 income adjusted for household size for the metropolitan area or county in which the housing is
12 located as published annually by the United States Department of Housing and Urban
13 Development;

14 II. A unit in a multi-unit residential property or a renter-occupied single family home
15 where household income is no more than 90 percent of the median income adjusted for household
16 size for the metropolitan area or county in which the housing is located as published annually by
17 the United States Department of Housing and Urban Development; or

18 III. A child care facility licensed under RSA 170-E.

19 204-C:91 Use of Federal Funds. The lead paint hazard remediation fund shall only be used to
20 supplement, but not supplant, existing federal resources. If a property or unit is eligible for federal
21 funding from a program in operation by the authority, or by any state agency or political
22 subdivision, the owner of the property shall first apply to that program before applying to the lead
23 paint hazard remediation fund.

24 204-C:92 Rulemaking. Pursuant to RSA 204-C:53, the authority shall adopt rules governing
25 the distribution the lead paint hazard remediation fund.

26 424 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after
27 subparagraph (343) the following new subparagraph:

28 (344) Moneys deposited in the lead paint hazard remediation fund established
29 under RSA 204-C:89.

30 425 Repeal. Loans for Lead Hazard Remediation Projects. RSA 130-A:15-a, relative to loans
31 for lead hazard remediation projects, is repealed.

32 426 Appropriation; Lead Paint Hazard Remediation Fund. The sum of \$3,000,000 for the fiscal
33 year ending June 30, 2020 is hereby appropriated to the lead paint hazard remediation fund
34 established in RSA 204-C:89. The governor is authorized to draw a warrant for said sum out of any
35 money in the treasury not otherwise appropriated.

36 427 Appropriation; Division of Public Health Services. Notwithstanding the provisions of RSA
37 485-F, \$500,000 in fiscal year 2020 shall be appropriated from the drinking water and groundwater

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1 trust fund established in RSA 6-D:1 to the department of health and human services, division of
2 public health services to fund a study to determine the causes of high levels of pediatric cancer in
3 New Hampshire. These funds shall not lapse until June 30, 2021.

4 428 New Hampshire Veterans' Home; Transfer Among Accounts and Classes. Notwithstanding
5 any provision of law to the contrary, for the biennium ending June 30, 2021, the commandant of the
6 New Hampshire veterans' home is authorized to transfer funds within and among all accounting
7 units within the home and to create accounting units and expenditure classes as required and as
8 the commandant deems necessary and appropriate to address present or projected budget deficits,
9 or to respond to changes in federal law, regulations, or programs, and otherwise as necessary for
10 the efficient management of the home, including funding of unfunded positions, provided that if a
11 transfer does not include new accounting units or expenditure classes, only such transfers of
12 \$100,000 or more shall require prior approval of the fiscal committee of the general court and the
13 governor and council. The New Hampshire veterans' home shall be exempt from RSA 9:17-a, I and
14 RSA 9:17-c, subject to approval by the fiscal committee of the general court of any transfer of
15 appropriations from permanent personal services or employee benefits to any other use or purpose

16 429 Committee Established. There is established a committee to study the disparity in pay
17 between independent case managers and case managers who are part of the Medicaid managed care
18 program.

19 I. The members of the committee shall be as follows:

20 (a) Two members of the senate, one of whom shall be the chair of the senate health and
21 human services committee and one of whom shall be from the senate finance committee, appointed
22 by the president of the senate.

23 (b) Two members of the house of representatives, one of whom shall be the chair of the
24 house health, human services and elderly affairs committee and one whom shall be from the house
25 finance committee, appointed by the speaker of the house of representatives.

26 II. Members of the committee shall receive mileage at the legislative rate when attending to
27 the duties of the committee.

28 III.(a) The committee shall examine the extent of any disparity in pay between independent
29 case managers and case managers who are part of the Medicaid managed care program, and the
30 potential causes of and solutions to such disparity.

31 (b) The study shall include a comparison between all 1915(c) waiver case management
32 reimbursement, including reimbursement for providers in the following programmatic areas:
33 developmental services, choices for independence, in-home support, and acquired brain disorder
34 services.

35 IV. The committee may solicit information from any person or entity the committee deems
36 relevant to its study.

37 V. The members of the study committee shall elect a chairperson from among the members.

1 The first meeting of the committee shall be called by the first-named senate member. The first
2 meeting of the committee shall be held within 45 days of the effective date of this section. Three
3 members of the committee shall constitute a quorum.

4 VI. The committee shall report its findings and any recommendations for proposed
5 legislation to the president of the senate, the speaker of the house of representatives, the senate
6 clerk, the house clerk, the governor, and the state library on or before November 1, 2019.

7 430 Statement of Purpose. The purpose of sections 431 and 432 this act is to assist lower
8 income seniors with prescription drug costs when they reach the coverage limit for prescription
9 drugs under the Medicare Part D program. Since most Medicare drug plans have a coverage gap,
10 often called the "donut hole," the general court finds that there is a need for a state assistance plan
11 to supplement or wrap around the benefit available under the federal program to ensure that low
12 income seniors retain access to necessary medication during this gap in coverage.

13 431 New Subdivision; Department of Health and Human Services; New Hampshire
14 Pharmaceutical Assistance Pilot Program for Seniors. Amend RSA 126-A by inserting after section
15 77 the following new subdivision:

16 New Hampshire Pharmaceutical Assistance Pilot Program for Seniors
17 126-A:78 New Hampshire Pharmaceutical Assistance Pilot Program for Seniors.

18 I. The commissioner of the department of health and human services shall establish a
19 prescription drug assistance pilot program for seniors. The purpose of the pilot program shall be to
20 wraparound or supplement the federal prescription drug benefit under Medicare Part D by paying
21 the out-of-pocket costs for prescription drugs for eligible individuals who have reached the coverage
22 gap, known as the donut hole, under Medicare Part D. The pilot program shall be the payer of last
23 resort and shall cover all out-of-pocket prescription drug costs for which assistance is not otherwise
24 available in the coverage gap, known as the donut hole. The pilot program shall be available to the
25 first 1,000 individuals age 65 or older who apply for such assistance, who have a gross annual
26 household income of 250 percent or less of the federal poverty level, and who otherwise meet the
27 eligibility criteria established by the department. Assistance shall be available under the pilot
28 program from January 1, 2020 to January 1, 2021. The commissioner shall make available an
29 online application, a telephone number for applications and questions, and shall provide written
30 applications upon request. Applications shall include information on income, household size,
31 Medicare Part D enrollment and coverage information, the prescription drugs for which assistance
32 is sought, the age of the applicant, and the location of the applicant. On or before November 1,
33 2019, the commissioner shall adopt rules, under RSA 541-A, relative to pilot program enrollment,
34 administration, and evaluation.

35 II. On or before March 1, 2021, the commissioner of the department of health and human
36 services shall submit an evaluation report of the pilot program to the senate president, the speaker
37 of the house of representatives, the governor, the senate finance committee, the house finance

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1 committee, the senate health and human services committee, and the house health, human services
2 and elderly affairs committee. The report shall include information regarding the number of
3 applications, age and location of applicants, prescription drugs for which assistance was provided,
4 costs per eligible applicant, likely costs per non-eligible applicant, and descriptions regarding
5 applicant ineligibility.

6 432 Appropriation; Department of Health and Human Services. For the purpose of funding the
7 prescription drug assistance pilot program for seniors established in this act, the sum of \$2,000,000
8 for fiscal year ending June 30, 2019, is hereby appropriated to the department of health and human
9 services. Such appropriation shall not lapse. The governor is authorized to draw a warrant for said
10 sum out of any money in the treasury not otherwise appropriated.

11 433 Appropriation. The sum of \$1,000,000 for the fiscal year ending June 30, 2019 is hereby
12 appropriated to the department of health and human services for the purposes of upgrading
13 existing substance use disorder treatment and recovery housing facilities and creating new
14 substance use disorder treatment and recovery housing facilities. Funds appropriated under this
15 section shall be used for upgrading or renovating existing facilities to ensure compliance with fire
16 code and safety standards; expanding existing facilities to increase service capacity; and developing
17 new substance use disorder treatment and recovery housing facilities. Facilities receiving funds
18 under this section shall be in compliance with any state rules associated with the operation of such
19 programs. The governor is authorized to draw a warrant for said sum out of any money in the
20 treasury not otherwise appropriated. Funds appropriated in this section shall be nonlapsing.

21 434 Effective Date.

22 I. Sections 1, 36, 37, 65, 71, 72, 191, 230, paragraph I of section 233, 234-236, 251,
23 paragraph II of section 252, 254-255, 257, 304-305, paragraph I of section 329, 330, 344-346, 347,
24 354, 357, 359, 360, 367, 369-371, 372, 397, 399-401, and 430-433 of this act shall take effect June
25 30, 2019.

26 II. Sections 261-273, 300-302, 309-311, and 411-413 of this act shall take effect 60 days after
27 its passage.

28 III. Sections 289-294 and RSA 170-G:4-d, as inserted by section 388, of this act shall take
29 effect January 1, 2020.

30 IV. Section 275 and RSA 91-A:7-b, 91-A:7-c, and 91-A:7-d as inserted by section 276 of this
31 act shall take effect April 1, 2020.

32 V. Section 279 and RSA 170-G:4-b, as inserted by section 388 of this act shall take effect
33 July 1, 2020.

34 VI. Sections 280 and 281 of this act shall take effect January 1, 2021.

35 VII. Sections 282-285 of this act shall take effect January 1, 2022.

36 VIII. Section 306 of this act shall take effect July 1, 2022.

37 IX. Sections 277 and 278 of this act shall take effect July 1, 2024.

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- 1 X. Sections 332-334 of this act shall take effect as provided in section 335 of this act.
- 2 XI. Sections 404-406 of this act shall take effect as provided in section 407 of this act.
- 3 XII. Sections 408-409 of this act shall take effect as provided in section 410 of this act.
- 4 XIII. Section 5 of this act shall take effect as provided in section 6 of this act.
- 5 XIV. Sections 102-107 of this act shall take effect as provided in section 108 of this act.
- 6 XV. Section 110 of this act shall take effect as provided in section 111 of this act.
- 7 XVI. The remainder of this act shall take effect July 1, 2019.

UNAPPROVED

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2019-2399s

AMENDED ANALYSIS

1. Repeals 2017,155:7, which directed the commissioner of administrative services to eliminate appropriations to class 027 transfers to OIT in all agencies and departments.
2. Establishes the unclassified position of director of plant and property within the department of administrative services.
3. Converts managers in the department of administrative services to directors, and renames divisions and units accordingly.
4. Authorizes the department of administrative services to consolidate state agency human resources, payroll, and business processing functions.
5. Provides that cost sharing and plan design for unrepresented active state employees who participate in the health plans offered by the state shall be the same as those for individuals covered by the collective bargaining agreement.
6. Extends the state heating systems savings account.
7. Establishes an additional surplus fund within the department of administrative services.
8. Establishes the building maintenance fund within the department of administrative services and assesses charge to state agencies.
9. Permits the supreme court to transfer funds among judicial branch accounts.
10. Provides the department of corrections with additional transfer authority for the biennium ending June 30, 2021 and establishes the cost of care reimbursement account and the unclassified position of director of nursing in the department of corrections.
11. Provides that chartered school lease aid shall not exceed more than \$30,000 per school in any fiscal year.
12. Directs the department of health and human services to raise the income eligibility for elderly and adult clients under the social services block grant program each January.
13. Increases the limit for county reimbursements under RSA 167:18-a.
14. Extends the prospective repeal for eligibility of state mental health services under 2011, 209:6, I.
15. Suspends direct and indirect graduate medical education payments to hospitals for the biennium ending June 30, 2021.
16. Suspends catastrophic aid to hospitals for the biennium ending June 30, 2021.
17. Makes an appropriation to the department of safety, division of fire standards and training and emergency medical services, for the purpose of providing grants to local firefighters for medical examinations conducted pursuant to RSA 281-A:17.
18. Requires the commissioner of the department of health and human services to make

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quarterly reports to the governor, speaker of the house of representatives, and president of the senate on the status of estimated Medicaid payments in relation to actual costs.

19. Permits the department of health and human services to fill unfunded positions during the biennium ending June 30, 2021.

20. Suspends RSA 151-E:18, relative to presumptive eligibility for home and community based services, for the biennium ending June 30, 2021.

21. Establishes certain revolving funds within the department of health and human services.

22. Directs that the Laconia state school trust shall be dissolved upon final distribution of the funds pursuant to court order.

23. Establishes a committee to study outdated non-regulatory boards.

24. Requires the department of health and human services to develop a plan to close the cliff effect for individuals and families who receive public benefits.

25. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2021.

26. Adds requirements for uses of system benefits charges for energy efficiency programs.

27. Suspends provisions of the RSAs that credit a portion of meals and rooms tax revenue to the division of travel and tourism development for the biennium ending June 30, 2021.

28. Suspends the integrated land development permit procedure for the biennium ending June 30, 2021.

29. Suspends certain environmental state aid grants.

30. Provides for reimbursement for sheriff's offices for court security.

31. Adds a representative from the New Hampshire Hospital Association and a representative from the state's faith-based community to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery.

32. Establishes a system of paid family and medical leave insurance.

33. Modifies the provision of civil legal services funds for low-income persons to New Hampshire legal assistance and eliminates the dedicated civil services legal fund.

34. Authorizes sports betting in New Hampshire and establishes a council for responsible gambling.

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

36. Defines and regulates the sale of electronic cigarettes or e-cigarettes.

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

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

39. Regulates public bathing facilities.

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40. Moves recreational camp licensing to the department of health and human services.
41. Combines the adjutant general's department, the office of veterans services, and the bureau of community based military programs into the department of military affairs and veterans services and makes the adjutant general the commissioner of the department of military affairs and veterans services.
42. Transfers the bureau of visitor services within the department of business and economic affairs to the office of the commissioner of business and economic affairs.
43. Transfers administration of the existing governor's scholarship program and fund to the college tuition savings plan advisory commission.
44. Requires a portion of funds in the New Hampshire excellence in higher education endowment trust fund to be used to support the New Hampshire college, tuition savings plan UNIQUE programs.
45. Authorizes the business finance authority to provide funding from bonds issued and repaid for regenerative manufacturing worker educational debt relief.
46. Authorizes the commissioner of the department of transportation to recommend the bulk disposal of real estate purchased with state or federal highway funds or both, or turnpike funds.
47. Repeals the Maine-New Hampshire interstate bridge authority.
48. Repeals witness fees for witnesses summoned before certain boards and commissions.
49. Amends the granite workforce program.
50. Exempts certain accounting units within the department of natural and cultural resources from transfer restrictions.
51. Requires payment of any transaction costs assessed for credit card payments on motor vehicle fines to be paid out of the fine amount which is credited to the highway fund.
52. Deletes obsolete limits on total bonds issued by the business finance authority.
53. Repeals the requirement for the Pease development authority to submit a comprehensive development plan.
54. Requires moneys in the office of professional licensure and certification fund to lapse each fiscal year.
55. Authorizes the attorney general, subject to the approval of the governor and council, to appoint a director of the office of victim/witness assistance and a director of communications.
56. Establishes an unclassified full-time investigator position in the department of justice for the purpose of working on officer-involved use of deadly force investigations and to provide training to local law enforcement officers.
57. Abolishes a position in the department of justice to fund the director of communication position and establishes the position of assistant attorney general.
58. Provides for the rehiring of laid-off classified state employees, if possible.

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

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

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

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

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

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

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

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

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

68. Makes changes to unemployment compensation contribution rates.

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

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

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

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

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

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

75. Establishes the rates of the business profits tax and the business enterprise tax for taxpayer tax years ending on or after December 31, 2019 and for subsequent tax years, and repeals rate reductions effective in 2021.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

113. Establishes a housing appeals board to hear appeals of decisions of municipal boards, committees, and commissions regarding questions of housing and housing development, and makes an appropriation to the housing appeals board for the administration of the board's duties.

114. Amends the procedure for determining an indigent defendant's ability to pay for services rendered by court-appointed counsel in a criminal case and provides that a repayment obligation shall only apply to a defendant who has been convicted or a juvenile who has been found delinquent.

115. Authorizes the attorney general to hire an investigator and an investigative paralegal to be assigned to campaign finance, election law, inaugural committee oversight, and lobbying matters, in the civil law bureau.

116. Requires a certain amount of excess moneys from the investor education fund to be deposited in the FRM victims' contribution recovery fund.

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

118. Establishes the office of outdoor recreation industry development in the department of business and economic affairs and also establishes the position of director of the office.

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

120. Renames the wetlands and shoreland review fund as the water resources fund; clarifies that certain application and permit fees are non-refundable; and repeals the terrain alteration fund.

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

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

123. Requires costs that are recovered from damages awarded in cases of hazardous waste clean up after expenditures from the drinking water and groundwater trust fund be deposited in such fund, contingent on SB 169 of the 2019 regular legislative session.

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

125. Repeals the definition of commercial kennel and revises the definition of pet vendor; authorizes the department of agriculture, markets, and food to make rules relative to the number of amphibians, reptiles, fish, or small mammals a person may sell and qualify as a pet vendor; requires dogs, cats, and ferrets offered for transfer to be accompanied by a health certificate; and establishes and makes an appropriation to the cost of care fund.

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

127. Establishes the sunny day fund and grant program in the department of business and economic affairs to obtain and disburse grants for research and development, support the

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infrastructure necessary to address critical gaps in the state's ability to attract research and development projects, increase commercialization of new technologies, leverage federal funds, and support business development and expansion. The bill also transfers funds from the general fund surplus account to fund the program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

146. Expands home and community-based behavioral health services for children and makes an appropriation to the department of health and human services for this purpose.

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

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

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

150. Extends the funding for supported housing.

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

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

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

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

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

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

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

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

159. Clarifies proportionate share payments to county nursing homes.

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

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

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

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

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

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

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

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

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

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

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

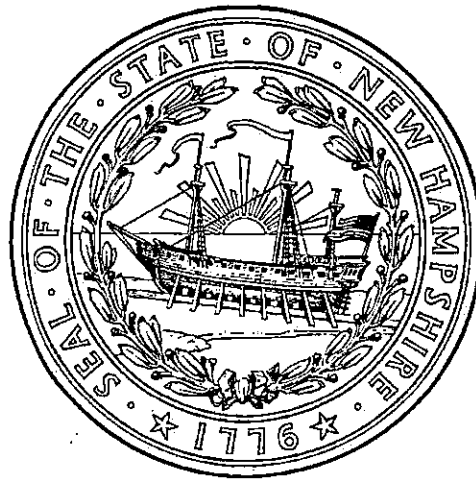
171. Makes an appropriation to the department of health and human services for the purposes of upgrades to substance use disorder treatment facilities.

UNAPPROVED

May 31, 2019
No. 25
Supplement 2

STATE OF NEW HAMPSHIRE

Web Site Address: www.gencourt.state.nh.us



First Year of the 166th Session of the
New Hampshire General Court

SENATE CALENDAR AMENDMENT TO HB 2-FN-A-L

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Repeal. 2017, 155:7 relative to budget adjustments and class 027 transfers to the department
4 of information technology for fiscal year 2019, is repealed.

5 2 Department of Administrative Services; Debarment of Vendors. Amend the introductory
6 paragraph of RSA 21-I:11-c, I to read as follows:

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

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

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

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

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

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

29 (c) The division of plant and property, which shall be under the supervision of [a
30 ~~classified administrator who]~~ **an unclassified director of plant and property who shall be**
31 **qualified to hold that position by reason of education and experience and shall perform**
32 **such duties as the commissioner from time to time may authorize. The director of plant**

1 **and property** shall be responsible for the following functions, in accordance with applicable law:

2 6 Director of Plant and Property; Salary; Funding; Effective Date.

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

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

15 7 Department of Administrative Services; Directors; Officers. Amend RSA 21-I:2, II to read as
16 follows:

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

24 8 Department of Administrative Services; Office of the Commissioner. RSA 21-I:4 is repealed
25 and reenacted to read as follows:

26 21-I:4 Office Established. There is hereby established an office of the commissioner consisting of
27 the following units:

28 I. State budget.

29 II. Internal audit.

30 III. Operational analysis.

31 IV. Cost containment.

32 9 Division of Financial Data Management. Amend RSA 21-I:5 to read as follows:

33 21-I:5 **Division of Financial Data Management [Unit]**. There is hereby established within the
34 ~~[office of the commissioner]~~ **department a division of financial data management [unit]** under the
35 supervision of an unclassified **director of financial data [manager] management** who shall be
36 responsible for the following functions in accordance with applicable laws:

37 I. Providing coordination of all internal department financial information in order to assure

Amendment to HB 2-FN-A-LOCAL
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1 the compatibility, continuity and integrity of such information.

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

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

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

9 V. Assisting department division directors by:

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

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

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

15 10 New Section; Deputy Director of Risk and Benefits. Amend RSA 21-I by inserting after
16 section 7-c the following new section:

17 21-I:7-d Deputy Director of Risk and Benefits; Position Established.

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

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

27 11 Deputy Director of Risk and Benefits; Salary; Funding; Offer to Seek Nomination and
28 Effective Date.

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

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

5 12 Department of Administrative Services; Division of Risk and Benefits. Amend RSA 21-I:7-c
6 to read as follows:

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

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

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

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

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

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

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

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

33 (1) Developing bid specifications for insurance and third party administrator
34 contracts and ensuring bid specifications are in compliance with applicable collective bargaining
35 agreements.

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

1 (3) Formalizing contract agreements.

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

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

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

6 (B) Receiving and analyzing state employee and retiree group insurance
7 utilization data and statistics.

8 (C) Monitoring Medicare issues to ensure compliance with federal law and
9 programs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 managed care program services and similar services directly related to the provision and monitoring
2 of workers' compensation benefits payable to state employees.

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

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

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

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

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

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

31 18 State Agency Insurance; Reference Changed. Amend RSA 9:27 to read as follows:

32 9:27 Insurance.

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

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1 insurance specifically required by law shall be carried.

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

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

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

13 20 Services for Youth and Families; Reference Changed. Amend RSA 170-G:3, VI to read as
14 follows:

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

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

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

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

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1 administrative services, or the commissioner's designee, shall authorize payment of such amounts as
2 are approved by the attorney general.

3 22 University System; References Changed. Amend RSA 187-A:43, VI-VII, to read as follows:

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

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

12 23 Community College System; References Changed. Amend RSA 188-F:68, VI-VII, to read as
13 follows:

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

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

22 24 Board of Claims; Reference Changed. Amend RSA 541-B:11-A to read as follows:

23 541-B:11-a Annual Report. The secretary of state shall provide annually to the **division of risk**
24 [~~management unit~~] **and benefits** a copy of the annual report for the board.

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

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

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

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

1 be deemed to be the action of, the division of risk and benefits.

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

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

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

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

36 31 Department of Administrative Services; Continuation of Laws; Transfer of Duties Relating to
37 Financial Data Management. All provisions of law that remain in effect and refer to the department

1 of administrative services' financial data management unit shall be construed so as to apply to the
2 division of financial data management. All powers, duties, and obligations of the financial data
3 management unit, and all bureaus or other subunits within the unit, shall be transferred to the
4 division of financial data management and its subunits without interruption or delay on the effective
5 date of this section. The transfer shall include, but not be limited to, all personnel, equipment, and
6 funding of the former financial data management unit and its subunits. The department of
7 administrative services may make such changes to the accounting structure and budgetary
8 allocations for the biennium ending June 30, 2021 as it concludes are necessary or appropriate to
9 effectuate and accommodate the changes made to the department by this act.

10 32 Department of Administrative Services; Consolidation of Human Resources and Payroll
11 Functions.

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

19 (a) Accounts receivable;

20 (b) Accounts payable;

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

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

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

1 payroll, benefits, support costs, or any other costs associated with the transferred personnel. The
2 department of administrative services may also establish new full-time temporary positions within
3 the department, if the commissioner of administrative services deems it necessary to effectuate the
4 efficient consolidation or deconsolidation of human resources, payroll, or business processing
5 functions.

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

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

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

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

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1 state shall be in accordance with the provisions of the collective bargaining agreements between the
2 state and the employee organizations representing those employees.

3 34 Department of Administrative Services; Health Coverage Shared Responsibility. Agencies
4 may use funds in existing class 60 budgets to pay any penalties imposed under the employer shared
5 responsibility for health coverage under section 4980H of the Internal Revenue Code.

6 35 All Agencies; Administrative Services; Electronic Mail. Unless restricted by law or
7 administrative rule, upon request of an intended recipient, an agency may provide documents by
8 electronic mailing in lieu of mail.

9 36 Department of Administrative Services; Heating Systems Savings. Amend RSA 21-I:19-ff to
10 read as follows:

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

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

1 the treasury not otherwise appropriated, and said funds shall not lapse until June 30, 2020.

2 38 Department of Administrative Services; Funding and Staffing Resource Limitations.

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

9 II. Due to inadequate funding and staffing resources at the department of administrative
10 services, the commissioner of the department of administrative services may suspend the following
11 requirements or obligations of the department for each fiscal year of the biennium ending June 30,
12 2021:

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

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

18 39 Department of Administrative Services; Establishment of Additional Surplus Fund. Amend
19 RSA 21-I:11, I, (a)(6)(B) to read as follows:

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

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

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

27 40 Surplus Distribution Accounts. Amend RSA 6:12, I(b)(92) to read as follows:

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

30 (A) ***The surplus distribution section administrative assessments fund;***
31 ***and***

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

33 41 Department of Administrative Services; Fund Restrictions. Amend the introductory
34 paragraph of RSA 21-I:11-a, I to read as follows:

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

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1 ultimate point of consumption:

2 42 New Section; Department of Administrative Services; Building Maintenance Fund. Amend
3 RSA 21-I by inserting after section 11-c the following new section:

4 21-I:11-d Building Maintenance Fund. Each agency for which the department of administrative
5 services is charged with providing building maintenance services shall pay to the department an
6 annual assessment of 75 cents per square foot of such space which the agency occupies. The
7 department of administrative services may make transfers from appropriate agency accounts to
8 address such assessments. Collected amounts shall be deposited in the building maintenance fund,
9 which shall be nonlapsing and continually appropriated to the department of administrative services
10 for the purposes of covering costs associated with continuing maintenance of buildings, space, and
11 other property which it is charged with maintaining.

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

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

16 44 Appropriation; Building Maintenance Fund.

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

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

21 All	General	Federal	Highway	Turnpike	Other
22 \$528,606.50	\$263,417.50	\$74,598.50	\$57,811.00	\$702.50	\$132,077.00

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

24 All	General	Federal	Highway	Turnpike	Other
25 \$528,606.50	\$262,808.00	\$74,598.50	\$57,873.50	\$702.00	\$132,624.50

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

28 45 Study of Building Maintenance Funding Sources for Patient Occupied Buildings Managed by
29 the Department of Health and Human Services. The department of administrative services and the
30 department of health and human services shall study appropriate mechanisms for the creation of an
31 additional building maintenance fund for the patient occupied buildings currently managed directly
32 by the department of health and human services, including but not limited to the Glencliff home,
33 New Hampshire hospital, and the Sununu youth services center. The departments shall report their
34 findings to the fiscal committee of the general court on or before November 1, 2019.

35 46 Judicial Appointments; Number Limited; Conversion Suspended.

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

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1 exceed 35.

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

4 47 Judicial Branch; Transfer Among Accounts and Classes. Notwithstanding any provision of
5 law to the contrary, and subject to approval of the fiscal committee of the general court, for the
6 biennium ending June 30, 2021, the supreme court may transfer funds within and among all
7 accounting units within the judicial branch as the supreme court deems necessary and appropriate
8 to address budget reductions or to respond to changes in federal laws, regulations, or programs, and
9 otherwise as necessary for the efficient management of the judicial branch. If the supreme court
10 intends to transfer funds which would otherwise meet the transfer requirements as set forth in RSA
11 9:17-d, prior approval of the fiscal committee of the general court shall be required for transfers of
12 \$100,000 or more.

13 48 Department of Corrections; Transfer Authority. The following classes within the department
14 of corrections shall be exempt from the transfer restrictions in RSA 9:17-a, 9:17-c, classes 10-
15 personal services-perm classified, 11-personal services-unclassified, 12-personal services-
16 unclassified, 18-overtime, 19-holiday pay, 50-personal service-temp/appointed and 60-benefits. The
17 department may transfer funding in these classes within and among all accounting units provided
18 that any transfer shall require prior approval of the fiscal committee of the general court and
19 governor and council. The provisions of this paragraph shall remain in effect for the biennium
20 ending June 30, 2021.

21 49 New Section; Cost of Care Reimbursement Account Established. Amend RSA 622 by
22 inserting after section 58 the following new section:

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

29 50 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after
30 subparagraph (343) the following new subparagraph:

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

32 51 Department of Corrections; Cost of Care Reimbursement Moneys. Amend RSA 622:58 to
33 read as follows:

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

36 52 Repeal. RSA 622:7-b, relative to victim's fund, is repealed.

37 53 Application of Receipts; Victims' Fund. Amend RSA 6:12, I(b)(23) to read as follows:

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

5 54 Department of Corrections; Unclassified Position Established; Director of Nursing.

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

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

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

25 55 Department of Corrections; Unclassified Positions Established.

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

32 (a) Department of corrections, chief pharmacist.

33 (b) Department of corrections, pharmacist I.

34 (c) Department of corrections, pharmacist II.

35 (d) Department of corrections, pharmacist III.

36 (e) Department of corrections, pharmacist IV.

37 II. The salary of these positions shall be determined after assessment and review of the

1 appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the positions which shall be
2 conducted pursuant to RSA 94:1-d and RSA 14:14-c.

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

9 (a) Chief pharmacist #19851.

10 (b) Pharmacist #12997.

11 (c) Pharmacist #19553.

12 (d) Pharmacist #19848.

13 (e) Pharmacist #16290.

14 56 State Commission for Human Rights. Amend RSA 354-A:3, I to read as follows:

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

20 57 Boxing and Wrestling Commission. Amend RSA 285:2 to read as follows:

21 285:2 Establishment of Commission. There is hereby established a boxing and wrestling
22 commission which shall oversee amateur and professional fighting sports in the state. *The*
23 *commission shall be administratively attached to the department of state pursuant to RSA*
24 *21-G:10*.

25 58 Annual Grant for Leased Space; Charter Schools. Amend the introductory paragraph of RSA
26 198:15-hh, I to read as follows:

27 I. The amount of the annual grant for a lease to any school district duly organized, any city
28 maintaining a school department within its corporate organization, any cooperative school district as
29 defined in RSA 195:1, or any receiving district operating an area school as defined in RSA 195-A:1,
30 shall be a sum equal to 30 percent of the amount of the annual payment of the lease incurred, for the
31 cost of leasing permanent space in a building or buildings not owned by the school district or school
32 administrative unit which is used for the operation of a high school vocational technical education
33 program, to the extent approved by the state board of education. For the purposes of this section, the
34 amount of the annual grant for a lease to a vocational technical education center shall be calculated
35 in the same manner as a cooperative school district. The amount of the annual grant for a chartered
36 public school authorized under RSA 194-B:3-a shall be a sum equal to 30 percent of the annual lease
37 payment incurred for the cost of leasing space; *provided that no annual grant for leased space*

1 **provided to a chartered public school in accordance with this section shall exceed \$30,000**
2 **in any fiscal year.** The total amount of grants to schools pursuant to this section shall not exceed
3 the state appropriation for leased space. If the amount appropriated is insufficient therefor, the
4 appropriation shall be prorated proportionally among the schools eligible for a grant. Such lease
5 agreements shall be eligible for grants under this section, provided all of the following conditions
6 apply.

7 **59 Meals and Rooms Tax; Distribution to Cities and Towns.** For the fiscal years ending June 30,
8 2020 and June 30, 2021, the state treasurer shall fund the distribution of revenue to cities and towns
9 pursuant to the formula for determining the amount of revenue returnable to cities and towns under
10 RSA 78-A:26, I and II at no more than the amount of the fiscal year 2019 distribution.

11 **60 Department of Health and Human Services; Social Services Block Grant Cost of Living**
12 **Adjustment to Income Levels.** Notwithstanding any other provision of law, for the biennium ending
13 June 30, 2021, the department of health and human services shall raise the income eligibility for
14 elderly and adult clients under the social services block grant program each January, by the
15 percentage amount of the cost of living increase in social security benefits on a yearly basis provided
16 such amount is consistent with federal law and regulations relative to the social services block grant
17 income eligibility.

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

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

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

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

24 **62 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children;**
25 **Definitions.** Amend RSA 167:6, VII to read as follows:

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

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1 assistance under paragraph I, IV, V, or VI.

2 63 Prospective Repeal Regarding Eligibility for Services Extended. Amend 2011, 209:6, I, as
3 amended by 2013, 140:1, I, as amended by 2015, 276:41, I, as amended by 2017, 156:85, I to read as
4 follows:

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

6 64 Department of Health and Human Services; Suspension of Direct and Indirect Graduate
7 Medical Education Payments. The commissioner of the department of health and human services
8 shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and
9 Medicaid Services to suspend the provision of direct and indirect graduate medical education
10 payments to hospitals as provided in 42 C.F.R. section 413.75 for the biennium ending June 30,
11 2021. Upon approval of the state plan amendment, and as of the effective date of the state plan
12 amendment, any obligations for payment of direct and indirect graduate medical education shall be
13 suspended for the biennium ending June 30, 2021.

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

20 66 Department of Health and Human Services; Prospective Repeal Regarding the Exemption
21 from Certain Transfer Procedures Extended. Amend 2018, 163:11, IV to read as follows:

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

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

32 68 Appropriation; Department of Safety, Division of Fire Standards and Training and
33 Emergency Medical Services. There is hereby appropriated to the department of safety, division of
34 fire standards and training and emergency medical services, the sum of \$500,000, for the biennium
35 ending June 30, 2021, for the purpose of providing grants to local firefighters for medical
36 examinations conducted pursuant to RSA 281-A:17. The sum shall be a charge against the fire
37 standards and training and emergency medical services fund established pursuant to RSA 21-P:12-d,

1 and shall not lapse.

2 69 Commissioner of Health and Human Services; Quarterly Reports. During the biennium
3 ending June 30, 2021, the commissioner of health and human services shall make quarterly reports
4 to the governor, the speaker of the house of representatives, and the senate president on the status
5 of estimated Medicaid payments in relation to actual costs. Further contents of the such reports
6 shall be as specified by the governor.

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

11 71 Eligibility for Home and Community-Based Services; Suspension. RSA 151-E:18, regarding
12 presumptive eligibility for home and community based services, shall be suspended for the biennium
13 ending June 30, 2021.

14 72 New Section; Department of Health and Human Services; Developmental Services;
15 Establishing Certain Funds and Transfers of Certain Appropriations. Amend RSA 171-A by
16 inserting after section 8-a the following new section:

17 171-A:8-b Establishing Certain Dedicated Funds and Transfers of Certain Appropriations.

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

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

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

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

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

35 (344) Moneys deposited in the developmental services fund established under RSA
36 171-A:8-b, I.

37 (344) Money deposited in the acquired brain disorder services fund established

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

2 (344) Money deposited in the in-home support waiver fund established under RSA
3 171-A:8-b, III.

4 74 Department of Health and Human Services; Transfer of Certain Trust Funds.

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

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

13 75 Study Committee on Outdated Non-regulatory Boards, Commissions, Councils, and Advisory
14 Bodies.

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

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

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

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

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

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

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

31 (a) Frequency of meetings.

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

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

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

35 V. The committee shall report its findings and any recommendations for legislation,
36 including recommendations for repeal of non-regulatory boards, commissions, councils, or other
37 advisory bodies to the president of the senate, the speaker of the house of representatives, the senate

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1 clerk, the house clerk, the governor, and the state library on or before November 1, 2019.

2 76 Department of Health and Human Services; Plan to Close the Cliff Effect for Individuals and
3 Families who Receive Public Benefits.

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

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

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

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

35 V. The meetings of the working group shall be subject to RSA 91-A. The department, in
36 consultation with the working group, shall prepare a plan to close the cliff effect for individuals and
37 families receiving public benefits. The plan shall include, but not be limited to, policy change

1 recommendations, the development of a benefits cliff calculator which may be used by public and
2 private employers to navigate and close the cliff effect.

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

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

12 77 Revenue Sharing; Suspension. RSA 31-A, relative to revenue sharing with cities and towns
13 shall be suspended for the biennium ending June 30, 2021.

14 78 Liquor Commission; Processing of Merchant Cards. For the biennium ending June 30, 2021,
15 the liquor commission, for purposes of supporting merchant card activity, may:

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

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

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

28 79 Electric Utility Restructuring; Policy Principles; System Benefits Charge. Amend RSA 374-
29 F:3, VI to read as follows:

30 VI. Benefits for All Consumers. Restructuring of the electric utility industry should be
31 implemented in a manner that benefits all consumers equitably and does not benefit one customer
32 class to the detriment of another. Costs should not be shifted unfairly among customers. A
33 nonbypassable and competitively neutral system benefits charge applied to the use of the
34 distribution system may be used to fund public benefits related to the provision of electricity. Such
35 benefits, as approved by regulators, may include, but not necessarily be limited to, programs for low-
36 income customers, energy efficiency programs, funding for the electric utility industry's share of
37 commission expenses pursuant to RSA 363-A, support for research and development, and

1 investments in commercialization strategies for new and beneficial technologies. Legislative
2 approval of the New Hampshire general court shall be required to increase the system benefits
3 charge. This requirement of prior approval of the New Hampshire general court shall not apply to
4 the energy efficiency portion of the system benefits charge [~~consistent with or authorized only by~~
5 ~~Order No. 25,932 issued by the commission, dated August 2, 2016.~~] ***if the increase is authorized***
6 ***by an order of the commission to implement the 3-year planning periods of the Energy***
7 ***Efficiency Resource Standard framework established by commission Order No. 25,923***
8 ***dated August 2, 2016, ending in 2020 and 2023, or, if for purposes other than implementing***
9 ***the Energy Efficiency Resource Standard, is authorized by the fiscal committee of the***
10 ***general court; provided, however, that no less than 20 percent of the portion of the funds***
11 ***collected for energy efficiency shall be expended on low-income energy efficiency programs.***
12 ***Energy efficiency programs should include the development of relationships with third-***
13 ***party lending institutions to provide opportunities for low-cost financing of energy***
14 ***efficiency measures to leverage available funds to the maximum extent, and shall also***
15 ***include funding for workforce development to minimize waiting periods for low-income***
16 ***energy audits and weatherization.***

17 80 Department of Education; Acceptance of Gifts. For the biennium ending June 30, 2021, the
18 department of education may, subject to the approval of the governor and council, accept gifts,
19 contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and
20 other organizations or institutions for the purpose of funding appropriations for New Hampshire
21 scholars made in accounting unit 06-56-56-562010-7534.

22 81 Repeal. RSA 78-A:26, I(b), relative to disposition of income from meals and rooms tax
23 revenue, is repealed.

24 82 Application of Receipts. Amend RSA 6:12, I(b)(21) to read as follows:

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

28 83 Division of Travel and Tourism Budget; Meals and Rooms Tax Revenue. Amend RSA 12-O to
29 insert after section 11-a the following new section:

30 12-O:11-b Division of Travel and Tourism Budget; Meals and Rooms Tax Revenue. The budget
31 of the division of travel and tourism, including the travel and tourism development fund established
32 by RSA 12-O:16, shall be funded at an amount no less than 3.15 percent of the net income identified
33 by RSA 78-A:26, I for the most recently completed fiscal year.

34 84 Suspensions of Law; Travel and Tourism; Integrated Land Development:

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

1 II. Integrated Land Development Permits; Procedure Suspended. Due to budgetary and
2 staffing constraints, RSA 489, establishing a procedure to obtain an integrated land development
3 permit from the department of environment services, is suspended for the biennium ending June 30,
4 2021.

5 85 State Aid Grants; Department of Environmental Services. Notwithstanding RSA 486, for the
6 biennium ending June 30, 2021, no state aid grants shall be made for any new infrastructure
7 projects that would have otherwise been eligible for state aid grants under RSA 486, RSA 486-A, or
8 RSA 149-M, except that infrastructure projects that have achieved substantial completion by
9 December 31, 2019, shall be eligible for state aid grants, subject to availability of funding and in
10 accordance with other provisions of current law. Nothing in this section shall affect the provision of
11 the future water supply land protection grants under RSA 486-A if funding is available for such
12 purposes.

13 86 Judicial Branch; Reimbursement of Sheriff's Office for Court Security. For the biennium
14 ending June 30, 2021, the state shall reimburse the sheriff's office for court security at the rates
15 provided in the collective bargaining agreement applicable to per diem court security officers
16 employed by the judicial branch to attend any official business, for any person employed as a bailiff
17 by the sheriff's office.

18 87 Treasury Department; Revenue Information Management System Account. Amend RSA 21-
19 J:1-b, II to read as follows:

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

26 88 Capital Appropriations. Amend the footnote to 2017, 228:1, XIX to read as follows:

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

1 ~~payments of principal and interest on the bonds and notes to be made from the general fund]~~
2 ***Notwithstanding the prescribed commencement of principal repayment from the revenue***
3 ***information management system replacement account, the repayment of principal from the***
4 ***general fund shall total \$6,000,000, plus interest.***

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

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

17 90 Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment, and Recovery;
18 Faith-Based Member. Amend RSA 12-J:1, IV to read as follows:

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

21 (2) A representative of the New Hampshire Medical Society, appointed by the
22 society.

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

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

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

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

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

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

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

34 91 New Chapter; Family and Medical Leave Insurance. Amend RSA by inserting after chapter
35 282-A the following new chapter:

36 CHAPTER 282-B

37 FAMILY AND MEDICAL LEAVE INSURANCE

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1 282-B:1 Findings. The general court finds that family and medical leave insurance will help
2 New Hampshire attract and retain workers, including younger workers, will enable parents to bond
3 with biological, adopted, or foster children, will help meet the needs of an aging population, will
4 advance the health of New Hampshire's workforce and workplace stability, and will enhance worker
5 retention and productivity. The general court therefore finds that it is in the public interest to
6 establish a system of family and medical leave insurance (FMLI) with benefits to be provided to
7 qualified workers on a limited basis.

8 282-B:2 Definitions. In this chapter:

9 I. "Benefit year" means the 12-month period beginning with the first day of the calendar
10 week in which the individual next files an application for FMLI benefits after the expiration of the
11 individual's last preceding application year.

12 II. "Calendar quarter" has the same meaning as in RSA 282-A:5.

13 III. "Commissioner" means the commissioner of the department of employment security.

14 IV. "Department" means the department of employment security.

15 V. "Employer" has the same definition as relevant provisions of RSA 282-A:8, except as
16 provided in RSA 282-A:9.

17 VI. "Employment" means wages paid for services by an employer that is covered by this
18 chapter.

19 VII. "Family member" means a spouse or domestic partner under RSA 457, son, daughter,
20 parent, stepparent, grandparent, or step grandparent related through birth, marriage, adoption,
21 foster care, or legal guardianship.

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

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

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

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

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

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

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

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

35 XI. "Serious health condition" means any illness covered by the federal Family and Medical
36 Leave Act including treatment for addiction as prescribed by a treating clinician, consistent with
37 American Society of Addiction Medicine criteria, as well as treatment for a mental health condition,

1 consistent with American Psychiatric Association criteria.

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

4 282-B:3 Employer Applicability.

5 I. This chapter applies to the state and nongovernmental employers beginning January 1,
6 2020, provided that any employer may instead exercise a business option of: participating in a self-
7 insured plan, self-insuring, purchasing insurance, providing benefits, or any combination thereof,
8 upon employer application and certification by the commissioner or authorized representative that
9 the employer will provide an equivalent benefit to all of its employees. If the employer is subject to a
10 collective bargaining agreement, this chapter shall apply to the employer upon the effective date of
11 the first successor collective bargaining agreement following January 1, 2020 to permit the employer
12 and the union to negotiate the premium rate share under RSA 282-B:3, II. Political subdivisions of
13 the state may opt into this chapter upon certification by the authorized representative that this
14 chapter's insurance benefits are at least equivalent to the benefits provided under the collective
15 bargaining agreement, provided the applicable bargaining unit has first ratified this option.
16 Beginning January 1, 2020, this chapter shall be a mandatory subject of bargaining for collective
17 bargaining agreements. Employees not covered by a collective bargaining agreement in a political
18 subdivision of the state may opt into this chapter if the political subdivision has not.

19 II. All employers subject to this chapter shall remit FMLI premium payments on a calendar
20 quarter basis. These quarterly insurance premium payments shall amount to 0.5 percent of wages
21 per employee per week for each week of the preceding quarter. Employers may withhold or divert no
22 greater than 0.5 percent of wages per week per employee to satisfy this paragraph, provided that
23 such employers provide employees, before employment commences, a department approved
24 information sheet containing conspicuous language explaining the costs and benefits of the
25 insurance.

26 III. The penalties for falsity by employers shall be in accordance and consistent with RSA
27 282-A:166. The process for failing to adequately report shall be in accordance and consistent with
28 RSA 282-A:151-152 and RSA 282-A:166-a, and any resulting appeals shall be processed in
29 accordance and consistent with RSA 282-A:94-98.

30 282-B:4 Family and Medical Leave Insurance Fund; Administration. The department shall
31 create and administer a family and medical leave insurance fund for deposits of insurance payments
32 paid pursuant to RSA 282-B:3, and accept any other deposit of moneys as authorized by law or by
33 the commissioner or authorized representative. No FMLI fund moneys shall be commingled with
34 unemployment insurance fund moneys. The department may withdraw or deduct from the FMLI
35 fund where there are qualifying FMLI benefit payments or for any amounts reasonably necessary to
36 implement and administer the provisions of this chapter or to repay any start-up loan.

37 282-B:5 Employer and Employee Responsibilities.

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

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

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

17 282-B:6 Eligibility Process, Calculation, and Appeals.

18 I. An employee shall be limited to up to 12 weeks of FMLI in any one application period. An
19 employee shall have had premium payments remitted as a percent of his or her wages for at least 6
20 months to be eligible for benefits and shall have worked in employment resulting in wages in the
21 amount of at least 1,040 multiplied by the applicable minimum wage, in either the "base period" or
22 "alternative base period," as those terms are defined in RSA 282-A:2.

23 II. An employee shall be eligible for FMLI for reasons identified in paragraph I and RSA
24 282-B:2, IX.

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

30 IV. The process for FMLI benefits claims, violations, and any resulting appeals shall be in
31 accordance and consistent with RSA 282-A:42 through RSA 282-A:68 and RSA 282-A:118.
32 Processing of benefits claims and benefit payment may be administered by a third party selected
33 through a request for proposals issued by the department. The standard and process for handling
34 overpayments shall be in accordance and consistent with RSA 282-A:29, RSA 282-A:141-RSA 282-
35 A:156 and RSA 282-A:165. In addition, an individual shall be disqualified from FMLI benefits
36 beginning with the first day of the calendar week, and continuing for the next 26 weeks, in which the
37 individual has been found to willfully made a false statement or misrepresentation regarding a

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1 material fact, or willfully failed to report a material fact, to obtain benefits under this chapter.

2 282-B:7 Limitations. Nothing in this chapter shall diminish an employer's obligation to comply
3 with a collective bargaining agreement or employer policy, nor does this chapter, or any decision by
4 the commissioner or authorized representative under this chapter, limit the ability of employers to
5 provide FMLI benefits or benefits beyond what is required by this chapter.

6 282-B:8 Report and Outreach.

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

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

18 282-B:9 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to
19 this chapter. In adopting rules, the commissioner shall maintain consistency with the rules adopted
20 to implement the federal Family and Medical Leave Act, to the extent such rules are not in conflict
21 with this chapter.

22 282-B:10 Sustainability Mechanism. The commissioner shall continuously monitor the solvency
23 of the fund. Should the commissioner determine at any time that the solvency of the fund is in
24 jeopardy, or that the fund is in excess of necessary funds, the commissioner shall provide the
25 advisory council with data supporting such solvency determination and may prospectively, effective
26 in a future calendar quarter, increase or reduce FMLI premiums in RSA 282-B:3, II, decrease the
27 benefits payable in RSA 282-B:6, III, or decrease the allowable length of leave in RSA 282-B:6, I, or
28 any combination thereof, provided such prospective changes are cumulatively no greater than or less
29 than 10 percent of those required under this chapter. If the commissioner thereafter determines
30 such changes are no longer necessary for fund solvency the commissioner shall reverse such changes.
31 Advance notice of any and all changes pursuant to this paragraph shall be provided to all covered
32 employers and employees.

33 282-B:11 Family and Medical Leave Insurance Program; Funding Transfer and Repayment.
34 The state treasurer shall transfer funds from the general fund to the department of employment
35 security for payment of the initial administrative and implementation costs associated with this
36 chapter. Within the first 5 years after the family and medical leave insurance program becomes
37 operational, the department shall repay the general fund transfer in installments from funds

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1 deducted from the family medical leave insurance fund.

2 92 Advisory Council. Amend RSA 282-A:128 to read as follows:

3 282-A:128 Advisory Council. There is hereby created within the unemployment compensation
4 bureau an advisory council on unemployment compensation *and family medical leave insurance*,
5 hereinafter called the advisory council. The advisory council shall consist of 9 members to be
6 appointed, with the exception of the legislative members, by the governor with the consent and
7 advice of the governor's council. Three of the appointees of this advisory council shall be persons
8 who, because of their vocations, employment or affiliations, shall be classed as representing the point
9 of view of employers; 3 shall be persons who, because of their vocations, employment or affiliations,
10 shall be classed as representing the point of view of employees; one shall be a senator appointed by
11 the senate president; one shall be a representative [~~from the labor, industrial and rehabilitative~~
12 ~~services committee~~] appointed by the speaker of the house; the remaining appointee, who shall be
13 designated as chairman, shall be a person whose training and experience qualify him *or her* to deal
14 with the problems of unemployment compensation. Such advisory council shall meet no later than
15 45 days after each calendar quarter and aid the commissioner in formulating policies and discussing
16 problems related to the administration of this chapter *and RSA 282-B* and in assuring impartiality
17 and freedom from political influence in the solution of such problems. Advisory council meetings
18 shall provide opportunity for public comment. *The advisory council shall quarterly review and*
19 *evaluate family medical leave insurance and, after 2 years of administration, the*
20 *commissioner shall assess utilization, finances, and benefit levels and provide the general*
21 *court with rate adjustment or fiscal recommendations.*

22 93 New Subparagraph; State Treasurer; Application of Receipts. Amend RSA 6:12, I(b) by
23 inserting after subparagraph (343) the following new subparagraph:

24 (344) Moneys deposited in the family and medical leave insurance fund established
25 in RSA 282-B:4.

26 94 Repeal. RSA 6:12, I(b)(237), relative to the moneys deposited in the civil legal services fund,
27 is repealed.

28 95 Civil Legal Assistance. Amend RSA 525-A:1 and 525-A:2 to read as follows:

29 525-A:1 [~~Civil Legal Assistance~~] *Statement of Purpose.* Funds appropriated to New
30 Hampshire Legal Assistance for the purposes of civil legal assistance shall be used [~~only for the~~
31 ~~provision of civil legal representation to low income persons in this state. New Hampshire Legal~~
32 ~~Assistance shall make reports to the judicial council by June 30 and December 31 of each year on its~~
33 ~~use of state funds~~] *to enable the state to fund civil legal services to low-income persons in the*
34 *state.*

35 525-A:2 Civil Legal Services [Fund]. [~~There is established in the office of the state treasurer a~~
36 ~~separate fund to be known as the civil legal services fund. The money in this fund shall be~~
37 ~~distributed to~~] *Funds appropriated to New Hampshire Legal Assistance [to] shall be used to*

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

8 96 New Chapter; Sports Betting. Amend RSA by inserting after chapter 287-H the following
9 new chapter:

10 CHAPTER 287-I

11 SPORTS BETTING

12 287-I:1 Definitions. For the purposes of this chapter these words shall have the following
13 meaning:

14 I. "Agent" means a party who is authorized by contract or agreement with the commission to
15 conduct a sports book.

16 II. "Authorized sports bettor" means an individual 18 years of age or older who is physically
17 present in the state of New Hampshire when placing a sports wager with the commission or an
18 authorized agent of the commission and is not a prohibited sports bettor.

19 III. "Collegiate sports event" means a sports or athletic event participated in or offered or
20 sponsored by a public or private institution that offers educational services beyond the secondary
21 level.

22 IV. "Commission" means the lottery commission.

23 V. "Director" means the executive director of the lottery commission or designee.

24 VI. "High school sports event" " means a sports or athletic event participated in or offered or
25 sponsored by a public or private institution that offers educational services at the secondary level.

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

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

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

33 X. "Prohibited sports bettor" means:

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

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

37 (c) Any contractor of the commission or its agents when such contract relates to the

1 conduct of sports wagering.

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

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

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

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

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

12 XI. "Prohibited sports event" means:

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

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

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

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

24 XII. "Sports governing body" means the organization that prescribes final rules and enforces
25 codes of conduct with respect to a sporting event and participants therein.

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

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

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

37 XVI. "Tier I sports wager" means a sports wager that is placed before the start of the sports

1 event and is determined solely by the final score or final outcome of that single sports event.

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

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

4 287-I:2 Sports Book Authorized. The commission is authorized to operate a sports book for the
5 purposes of accepting and paying sports wagers by authorized bettors within the state in
6 conformance with the requirements of this chapter.

7 287-I:3 Commission Agents. The commission shall conduct sports books for sports wagering
8 through agents selected through a competitive bid process and approved by the governor and
9 executive council. Any such contract shall be based on the state receiving a percentage of revenue
10 from sports wagering activities within the state. The commission shall ensure that an agent
11 demonstrates financial stability, responsibility, good character, honesty, and integrity. In selecting
12 an agent, the commission shall consider, at a minimum, the experience and background of the agent,
13 the agent's ability to serve proposed locations for sports book retail operations, the agent's mobile
14 and Internet capabilities, the agent's contribution to economic development within the state, the
15 agent's commitment to prevention of problem gambling, to responsible gaming, and to integrity in
16 betting. The commission shall select a group of bidders who best meet the criteria set forth in this
17 paragraph and select from that group the agent or agents whose bids provide the state with the
18 highest percentage of revenue from the sports wagering activities covered by the bid or bids,
19 provided that the commission determines that the bidder's commitment to return said revenue
20 percentage to the state is consistent with the bidder's commitment to meet all other criteria specified
21 in the bid request and in applicable law. All agents shall be subject to criminal and financial
22 background checks as prescribed by the commission.

23 287-I:4 Commission Directed Sports Wagering. The commission is further authorized to directly
24 offer lottery games to authorized bettors within the state in the form of tier III sports wagers
25 through the commission's lottery retailers subject to the provisions of this chapter. The commission
26 may retain vendors to support the commission in operating a sports book and such vendors shall be
27 selected through a competitive bid process and approved by the governor and executive council.

28 287-I:5 Sports Book Retail Operations. The commission and its agents are further authorized to
29 operate physical sports book retail locations within the state for the purposes of accepting tier I and
30 tier III sports wagers from authorized bettors and paying prizes relating to those wagers. The sports
31 book retail locations may be co-located with other commercial businesses or general commercial
32 retail locations. No more than 10 sports book retail locations may be in operation at any given time.

33 287-I:6 Local Option for Operation of Sports Book Retail Locations.

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

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

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

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

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

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

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

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

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

22 287-I:7 Mobile Sports Wagering Authorized. The commission and its agents are authorized to
23 operate sports books that offer tier I, tier II, and tier III sports wagers through a mobile sports
24 wagering platform by mobile devices or over the Internet. No more than 5 mobile sports wagering
25 agents shall be in operation at any given time. With respect to mobile sports wagering, the
26 commission, either independently, or through its agent, shall provide:

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

29 II. Identity verification through secure online databases or by examination of photo
30 identification.

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

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

37 V. A voluntary self-exclusion program for players to self-exclude themselves from wagering

1 for set periods of time.

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

4 287-I:8 Sports Wagering Supervision. The commission shall create a division of sports wagering
5 which will be responsible for ensuring compliance with the requirements of this chapter and any
6 rules promulgated by the commission in accordance with the authorities granted under this chapter.
7 In addition, the division, under the direction of the director and commission, shall ensure that the
8 commission's agents and vendors comply with the following obligations:

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

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

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

16 (c) Segregation of duties within the sports book.

17 (d) Employment background checks and policies.

18 (e) Automated and manual risk management procedures.

19 (f) Procedures for identifying and reporting fraud and suspicious conduct.

20 (g) Procedures to establish connectivity with monitoring services and/or sports governing
21 bodies relating to suspicious activity.

22 (h) Any and all monitoring systems utilized by the agents or vendor to report and receive
23 information on suspicious betting activities.

24 (i) Systems and procedures to prevent prohibited sports bettors from placing wagers.

25 (j) Description of anti-money laundering compliance standards.

26 (k) Descriptions of all integrated third-party systems or components and the security
27 procedures relating to those systems.

28 II. For each wagering computer system used to conduct sports wagering, including all mobile
29 sports wagering platforms within the state, the agent or vendor providing such system shall provide
30 a detailed computer system security report to be approved by the commission prior to the acceptance
31 of wagers and each year thereafter. The report shall address the issues set forth in the security and
32 internal control report along with the following:

33 (a) Documented system security testing performed by a licensed third-party contractor
34 approved by the commission;

35 (b) A description of all software applications that comprise the system;

36 (c) A procedure for third-party auditing of financial transactions received by the system;

37 (d) A description of all types of wagers supported by the system;

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- 1 (e) Unique identification and verification systems for wagers;
- 2 (f) Procedures to prevent past posting of wagers;
- 3 (g) A list of data recorded relating to each wager;
- 4 (h) System redundancy to ensure recording of wagers during a system outage;
- 5 (i) A mechanism to provide read only access to the commission to the back office system
- 6 for the purposes of reviewing and auditing wagering activities;
- 7 (j) Integration with an independent control system to ensure integrity of system
- 8 wagering information;
- 9 (k) Capabilities for canceling existing wagers, freezing or suspending wagering across
- 10 the platform, or for specific events; and
- 11 (l) Any other issue identified by the division upon review of the proposed gaming system.

12 III. Each agent engaged in sports wagering shall submit house rules for the division's review

13 and approval prior to conducting any sports wagering within the state and every year thereafter.

14 These house rules shall include at a minimum:

- 15 (a) The method for calculation and payment of winning wagers.
- 16 (b) The effect of schedule changes for a sports event.
- 17 (c) The method of notifying bettors of odds or proposition changes.
- 18 (d) Acceptance of wagers at terms other than those posted.
- 19 (e) Expiration dates for winning tickets.
- 20 (f) Circumstances under which the agent will void a bet.
- 21 (g) Treatment of errors, late bets, and related contingencies.
- 22 (h) Method of contacting the agents or vendor for questions or complaints.
- 23 (i) Description of those persons who are prohibited from wagering with the agents of
- 24 contractor if broader than the prohibited bettors list set forth in this section.
- 25 (j) The method and location for posting and publishing the approved house rules.

26 IV. Each agent or vendor engaged in sports wagering shall submit accounting controls for

27 the division's review and approval prior to conducting any sports wagering within the state and

28 every year thereafter. These accounting controls shall include at a minimum:

- 29 (a) A process for documenting and verifying beginning of day cash balance;
- 30 (b) Processes for recording collection of wagers, payment of wagers, and cancellation of
- 31 wagers issued;
- 32 (c) Processes for handling cash within sports book retail locations including segregation
- 33 of duties related to counting and storage of cash; and
- 34 (d) The establishment of a segregated account related to New Hampshire sports
- 35 wagering activities.

36 V. The commission's agents shall submit a responsible gaming plan for the division's review

37 and approval prior to conducting any sports wagering within the state and every year thereafter.

1 This plan should include identification of posting and materials related to problem gaming, resources
2 to be made available to bettors expressing concerns about problem gaming, house imposed player
3 limits, and self-exclusion programs.

4 VI. The commission's agents shall maintain a cash reserve available to pay wagers as
5 determined by the commission.

6 VII. The commission's agents or vendor shall not accept any wager on a sports event unless
7 it has received approval from the commission to conduct that type or category of wager. A type of
8 wager refers to the method of determining the outcome of the wager. The category refers to the kind
9 of event being wagered on. The commission shall approve wager categories and types in a
10 reasonable time frame. Once a particular category or wager type is approved for its first use it may
11 be used on multiple events without further approval.

12 VIII. The commission shall only approve wagers on categories of events where:

- 13 (a) The outcome can be verified;
14 (b) The outcome can be generated by a reliable and independent process; and
15 (c) The event is conducted in conformity with applicable laws.

16 IX. Wagers made under this section shall be made with:

- 17 (a) Cash;
18 (b) Cash equivalent;
19 (c) PayPal;
20 (d) Debit card;
21 (e) ACH;
22 (f) Promotional funds; and
23 (g) Any other means approved by the executive director.

24 X. Any agent or contractor who sends or receives electronic sports wagers is responsible to
25 ensure that any transfer of that wager is initiated and received and completed within the state of
26 New Hampshire and that only incidental intermediate routing of the wager occurs outside of the
27 state. The agent and contractor shall be responsible for periodically reviewing their information
28 technology systems and networks to ensure compliance with this section.

29 287-I:9 Proceeds to Education Fund. The proceeds received by the commission from sports
30 wagering, less the administrative costs of the commission, prizes paid, and payments for problem
31 gambling services, shall be deposited in the education trust fund established in RSA 198:39.

32 287-I:10 Limitations on Sports Wagers. The commission and its agents are prohibited from the
33 following activities:

- 34 I. Accepting or making payment relating to sports wagers made by prohibited sports bettors.
35 II. Accepting sports wagers on prohibited sports events.
36 III. Accepting sports wagers from persons who are physically outside of the state of New
37 Hampshire at the time of the sports wager.

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1 287-I:11 Disclosure of Data Source. The commission and agents shall publicly disclose the
2 source of the data that will be used to determine the outcome of a tier II or tier III wager.

3 287-I:12 Risk Management. The commission's agents may take any risk management strategies
4 as authorized by the director.

5 287-I:13 Maintaining Sports Integrity. The commission and agents may participate in national
6 and international monitoring services and associations and may share betting information with
7 those entities and sports governing bodies in order to ensure the integrity of sports wagers and
8 sports events. The director may restrict, limit, or exclude wagering on a sports event if he or she
9 determines that such an action is necessary to ensure the integrity of the sports book.

10 287-I:14 Financial Reports. The commission may seek financial and compliance reports from its
11 agents periodically and may conduct audits of these reports to ensure that the state receives the
12 agreed upon revenue sharing proceeds.

13 287-I:15 Compliance Reviews. The commission shall retain oversight of its agents to ensure
14 that all sports wagering activities are conducted in accordance with this statute and any rules
15 adopted by the commission.

16 287-I:16 Fantasy Sports Exempted. Nothing in this chapter shall apply to fantasy sports
17 contests authorized pursuant to RSA 287-H.

18 287-I:17 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to the
19 operation, conduct, location, and oversight of sports books. The commission may enact emergency
20 rules, which will take effect upon approval.

21 97 Bets Void. Amend RSA 338:2 to read as follows:

22 338:2 Bets Void. ***Except as authorized by the lottery commission***, all bets and wagers upon
23 any question where the parties have no interest in the subject except that created by the wager are
24 void; and either party may recover any property by him ***or her*** deposited, paid, or delivered upon
25 such wager or its loss, and repel any action brought for anything, the right or claim to which grows
26 out of such bet or wager.

27 98 Education Trust Fund; Sports Betting Added. Amend RSA 198:39, I(k) to read as follows:

28 (k) Funds collected and paid over to the state treasurer by the lottery commission
29 pursuant to RSA 284:44, ~~and~~ RSA 284:47, ***and RSA 287-I***.

30 99 New Subparagraph; Gambling; Exceptions. Amend RSA 647:2, V by inserting after
31 subparagraph (e) the following new subparagraph:

32 (f) Sports wagering as defined by RSA 287-I:1, XV.

33 100 New Chapter; Council for Responsible Gambling. Amend RSA by inserting after chapter
34 338-A the following new chapter:

CHAPTER 338-B

COUNCIL FOR RESPONSIBLE GAMBLING

35
36
37 338-B:1 Definitions. In this chapter, "council" means the council for responsible gambling.

1 338-B:2 Statement of Purpose. Education, prevention, and treatment relating to gambling
2 disorders are an integral part of a responsible gaming environment within the state.

3 338-B:3 Establishment. There is established the council for responsible gambling which shall
4 promote education, prevention, and treatment of problem gambling within the state.

5 338-B:4 Membership.

6 I. The council shall consist of 5 members appointed by the governor and executive council
7 and shall be qualified in the field of addiction or mental health services with a focus on problem
8 gambling and shall be residents of the state. A member may be removed by the governor and
9 executive council only for cause shown in accordance with RSA 4:1. The members shall elect one of
10 their number as chairperson. Three members of the council shall constitute a quorum.

11 II. Members shall serve 3 year terms and until their successors are appointed; provided that
12 for the initial appointments only, one member shall be appointed to a term of one year, 2 members
13 shall be appointed to a term of 2 years and 2 members shall be appointed to a term of 3 years. Any
14 vacancy shall be filled for the unexpired terms.

15 III. Members of the council shall receive mileage at the rate of state employees when
16 attending meetings of the council or performing duties on behalf of the council.

17 338-B:5 Powers and Duties. The council shall have the authority to enter into grants and
18 contracts for the purposes of furthering education, prevention, and treatment of problem gambling
19 within the state.

20 338-B:6 Report of the Council. The council shall submit a biennial report to the governor and
21 executive council on or before October 1 of each even-numbered year. The report shall include a
22 description of the council's activities including a financial report for the relevant time period.

23 338-B:7 Administrative Attachment. The council shall be administratively attached to the
24 lottery commission in accordance with RSA 21-G:10. In addition to the support provided to an
25 administratively attached agency, the lottery commission shall also provide the following to the
26 council:

27 I. Funding in an amount not to exceed \$250,000 per fiscal year to conduct the activities
28 prescribed by this chapter. In accordance with the purpose of this chapter, these payments shall be
29 considered administrative expenses of the lottery commission as set forth in RSA 284:21-j.

30 II. Meeting and office space as reasonably required by the council to conduct the activities
31 prescribed by this chapter.

32 III. Personnel as reasonably required by the council to conduct activities prescribed by this
33 chapter, except that the lottery commission may charge the council for use of such personnel
34 pursuant to an agreement between the lottery commission and the council.

35 101 Operation of Keno Games; Fees for Research. Amend RSA 284:47, II to read as follows:

36 II. A licensee may retain 8 percent of the proceeds from keno games. ~~[Of the remaining 92~~
37 ~~percent-~~

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1 ~~(a) One percent shall be paid to the department of health and human services to support~~
2 ~~research, prevention, intervention, and treatment services for problem gamblers.~~

3 ~~(b)~~ The remainder, less the administrative costs of the lottery commission and prize
4 payouts, shall be deposited in the education trust fund established in RSA 198:39.

5 102 Tobacco Tax; Definitions. Amend RSA 78:1, XIV to read as follows:

6 XIV. "Tobacco products" means *any product containing, made, or derived from tobacco*
7 *or nicotine that is intended for human consumption, including but not limited to* cigarettes,
8 *electronic cigarettes*, loose tobacco, smokeless tobacco, and cigars~~[, but]~~. *Tobacco products* shall
9 not include premium cigars *or any product that has been approved by the United States Food*
10 *and Drug Administration for sale as a tobacco cessation product and is being marketed*
11 *and sold exclusively for such approved use.*

12 103 New Paragraph; Electronic Cigarette; Definition. Amend RSA 78:1 by inserting after
13 paragraph XXIV the following new paragraph:

14 XXV. "Electronic cigarette" means a noncombustible device regardless of shape or size that
15 can be used to deliver aerosolized or vaporized nicotine to a person inhaling from the device,
16 including but not limited to a device manufactured, distributed, marketed, or sold as an electronic
17 cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or any
18 other similar product or device under any other product name or descriptor. The term includes any
19 liquid or other substance containing nicotine that is intended to be used with or in such a device,
20 including in a closed cartridge or container that is not intended to be opened.

21 104 Tobacco Tax; Tax Imposed on Tobacco Products Other Than Cigarettes. RSA 78:7-c is
22 repealed and reenacted to read as follows:

23 78:7-c Tax Imposed on Tobacco Products Other Than Cigarettes.

24 I. A tax upon the retail consumer is hereby imposed on tobacco products other than
25 cigarettes, except electronic cigarettes, at a rate of 65.03 percent of the wholesale sales price.

26 II. A tax upon the retail consumer is hereby imposed on electronic cigarettes as follows:

27 (a) For closed cartridges or containers of liquid or other substances containing nicotine
28 that are not intended to be opened, at a rate of \$0.30 per milliliter on the volume of the liquid or
29 other substance in the cartridge or container as listed by the manufacturer; and

30 (b) For containers of liquid or other substances containing nicotine that are intended to
31 be opened, at a rate of 8 percent of the wholesale sales price.

32 III. The tax under this section may be rounded to the nearest cent if the commissioner
33 determines that the amount of tax would not thereby be made materially disproportionate. No such
34 tax is imposed on any transactions, the taxation of which by this state is prohibited by the
35 Constitution of the United States. No such tax shall be imposed on premium cigars.

36 105 Contingent Version; Tobacco Tax; Definitions. RSA 78:1, XIII is repealed and reenacted to
37 read as follows:

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1 XIII. "Tobacco products" means any product containing, made, or derived from tobacco or
2 nicotine that is intended for human consumption, including but not limited to cigarettes, electronic
3 cigarettes, loose tobacco, smokeless tobacco, and cigars. Tobacco products shall not include premium
4 cigars or any product that has been approved by the United States Food and Drug Administration
5 for sale as a tobacco cessation product and is being marketed and sold exclusively for such approved
6 use.

7 106 Contingent Version; New Paragraph; Electronic Cigarette; Definition. RSA 78:1 by
8 inserting after paragraph III the following new paragraph:

9 III-a. "Electronic cigarette" means a noncombustible device regardless of shape or size that
10 can be used to deliver aerosolized or vaporized nicotine to a person inhaling from the device,
11 including but not limited to a device manufactured, distributed, marketed, or sold as an electronic
12 cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or any
13 other similar product or device under any other product name or descriptor. The term includes any
14 liquid or other substance containing nicotine that is intended to be used with or in such a device,
15 including in a closed cartridge or container that is not intended to be opened.

16 107 Contingent Version; Tobacco Tax; Tax Imposed on Tobacco Products Other Than Cigarettes.
17 RSA 78:2, II is repealed and reenacted to read as follows:

18 II.(a) A tax on all other tobacco products sold at retail in this state is imposed on tobacco
19 products other than cigarettes, except electronic cigarettes, at a rate of 65.03 percent of the
20 wholesale sales price.

21 (b) A tax upon electronic cigarettes sold at retail in this state is imposed as follows:

22 (1) For closed cartridges or containers of liquid or other substances containing
23 nicotine that are not intended to be opened, at a rate of \$0.30 per milliliter on the volume of the
24 liquid or other substance in the cartridge or container as listed by the manufacturer; and

25 (2) For containers of liquid or other substances containing nicotine that are intended
26 to be opened, at a rate of 8 percent of the wholesale sales price.

27 (c) The tax under this paragraph may be rounded to the nearest cent if the commissioner
28 determines that the amount of tax would not thereby be made materially disproportionate. No such
29 tax shall be imposed on premium cigars.

30 108 Contingency; HB 595. If HB 595-FN of the 2019 regular legislative session becomes law
31 then sections 105-107 of this act shall take effect January 1, 2020 at 12:01 am and sections 102-104
32 of this act shall not take effect. If HB 595-FN of the 2019 regular legislative session does not become
33 law then sections 102-104 of this act shall take effect January 1, 2020 and sections 105-107 of this
34 act shall not take effect.

35 109 Youth Access to and Use of Tobacco Products; Definitions. Amend RSA 126-K:2, II-a to read
36 as follows:

37 II-a. *"Device" means any product composed of a mouthpiece, a heating element, a*

1 *battery, and electronic circuits designed or used to deliver any aerosolized or vaporized*
2 *substance including, but not limited to, nicotine or cannabis. Device may include, but is*
3 *not limited to, hookah, e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.*

4 *II-b. "E-cigarette" means any electronic smoking device composed of a mouthpiece, a heating*
5 *element, a battery, and electronic circuits that [~~provides a vapor of pure~~] may or may not contain*
6 *nicotine [~~mixed with propylene glycol to the user as the user simulates smoking~~] or e-liquid. This*
7 *term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes,*
8 *or under any other product name.*

9 *II-c. "E-liquid" means any liquid, oil, or wax product containing, but not limited to,*
10 *nicotine or cannabis intended for use in devices used for inhalation.*

11 110 Youth Access to and Use of Tobacco Products; Contingent 2020 Version; Definition of E-
12 Cigarette. RSA 126-K:2, II-b is repealed and reenacted to read as follows:

13 II-b. "E-cigarette" means any electronic smoking device composed of a mouthpiece, a heating
14 element, a battery, and electronic circuits that may or may not contain nicotine. This term shall
15 include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under
16 any other product name.

17 111 Contingency; Youth Access to and Use of Tobacco Products; Definition. If HB 511-FN of the
18 2019 regular legislative session becomes law, then section 110 of this act shall take effect January 1,
19 2020 at 12:01 am. If HB 511-FN of the 2019 regular legislative session does not become law, section
20 110 of this act shall not take effect.

21 112 Alcoholic Beverages; Definition of E-Cigarette and E-Liquid Added. Amend RSA 175:1,
22 XXXI-a and XXXI-aa to read as follows:

23 XXXI-a. *"E-cigarette" means any electronic smoking device composed of a*
24 *mouthpiece, a heating element, a battery, and electronic circuits that may or may not*
25 *contain nicotine or e-liquid. This term shall include such devices whether they are*
26 *manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name. "E-*
27 *liquid" means any liquid, oil, or wax product containing, but not limited to, nicotine or*
28 *cannabis intended for use in devices used for inhalation.*

29 XXXI-aa. "Farmers' market" means an event or series of events at which 2 or more vendors
30 of agricultural commodities gather for purposes of offering for sale such commodities to the public.
31 Commodities offered for sale must include, but are not limited to, products of agriculture, as defined
32 in RSA 21:34-a. "Farmers' market" shall not include any event held upon any premises owned,
33 leased, or otherwise controlled by any individual vendor selling therein.

34 113 Definition of License. Amend RSA 175:1, XXXIX to read as follows:

35 XXXIX. "License" means the authority granted by the commission to engage in the sale of
36 liquor, wine, beverages, [~~or~~] tobacco products, *or e-cigarettes* otherwise unlawful unless evidenced
37 by such document.

1 114 Definition of Retailer. Amend RSA 175:1, LIX-a to read as follows:

2 LIX-a. "Retailer," when used with respect to tobacco products *or e-cigarettes*, means any
3 person who sells tobacco products *or e-cigarettes* to consumers, and any vending machine in which
4 tobacco products are sold.

5 115 Liquor Commission; Liquor Investigator. Amend RSA 176:9, III to read as follows:

6 III. The commissioner, deputy commissioner, assistant, or liquor investigator may enter any
7 place where liquor, beverages, ~~or~~ tobacco products, *e-cigarettes* are sold or manufactured, at any
8 time, and may examine any license or permit issued or purported to have been issued under the
9 terms of this title. They shall make complaints for violations of this title.

10 116 Liquor Licenses and Fees; Licenses Required. Amend RSA 178:1, VI to read as follows:

11 VI. No person shall sell tobacco products *or e-cigarettes* to individuals or the public in any
12 method or manner, directly or indirectly, or keep for sale any tobacco products *or e-cigarettes*
13 without first registering to do business with the secretary of state and obtaining a license for such
14 activity under the provisions of this title. The commission shall provide a list of persons licensed
15 under this section to the commissioner of the department of revenue administration upon request.

16 117 Licenses Authorized; Sale of Tobacco Products. Amend RSA 178:2, I to read as follows:

17 I. The commission may issue licenses to individuals, partnerships, limited liability
18 companies and partnerships, or corporations but not to unincorporated associations, on applications
19 duly made therefor for the manufacture, warehousing, sale, offer for sale, or solicitation of orders for
20 sale of liquor or beverages and for retail sales of tobacco products *or e-cigarettes* within the state,
21 subject to the limitations and restrictions imposed by this title. The commission shall keep a full
22 record of all applications for licenses, of all recommendations for and remonstrances against the
23 granting of licenses, and of the action taken on such applications.

24 118 Combination License; Sale of Tobacco Products or E-Cigarettes. Amend RSA 178:18 to read
25 as follows:

26 178:18 Combination License.

27 I. Off-premises licenses shall be issued only for grocery and drug stores not holding on-
28 premises licenses. Such licenses shall authorize the licensees to sell fortified wine, table wine, and
29 beverages for consumption only off the premises designated in the licenses and not to other licensees
30 for resale. Such sale shall be made only in the immediate container in which the beverage, wine, or
31 fortified wine was received by the off-premises combination licensee; except that in the case of the
32 holder of a wholesale distributor license, beverages may be sold only in such barrels, bottles, or other
33 containers as the commission may by rule prescribe. Off-premises licenses may also authorize the
34 licensee to sell tobacco products *or e-cigarettes*. There shall be no restriction on the number of
35 combination licenses held by any person. The license shall authorize the licensee to transport and
36 deliver beverages, tobacco products, *e-cigarettes*, and table or fortified wines ordered from and sold
37 by the licensee in vehicles operated under the licensee's control or an employee's control.

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1 II. All sales of tobacco, *e-cigarettes*, beverages, fortified wines, and table wine shall be
2 recorded on cash registers. No additional registers shall be added during the remainder of the year
3 without prior approval of the commission. No rebate shall be allowed for cash registers discontinued
4 during the license year.

5 III. The commission may suspend the tobacco, *e-cigarettes*, or alcohol sales portion of the
6 license separately under the provisions of RSA 179:57; any revocation shall revoke the entire license.

7 119 Retail Wine License; Sale of Tobacco Products. Amend RSA 178:19 to read as follows:

8 178:19 Retail Wine License.

9 I. A retail wine license may be issued by the commission to any person operating a retail
10 outlet in this state which shall allow the licensee to sell tobacco products, *e-cigarettes*, fortified
11 wines, and table wines directly to individuals at retail on the premises for consumption off the
12 premises; provided, however, that persons holding any license authorizing the sale of liquor or wine
13 by the glass under this chapter shall sell the wines authorized pursuant to this section in a separate
14 area of the premises from the areas licensed for on-premises consumption. A separate license shall
15 be required with respect to each place of business of an applicant. The license shall authorize the
16 licensee to transport and deliver fortified and table wines ordered from and sold by the commission
17 and sold by the licensee in vehicles operated under the licensee's control or an employee's control.

18 II. All sales of wine, [and] tobacco products, *and e-cigarettes* shall be recorded on cash
19 registers. No additional registers shall be added during the remainder of the year without prior
20 approval of the commission. No rebate shall be allowed for cash registers discontinued during the
21 license year.

22 III. On-premises licensees licensed under this chapter shall maintain separate rooms for
23 storage, shelving, display, and sale of tobacco products, *e-cigarettes*, and fortified and table wine for
24 consumption off the premises. Such rooms shall be equipped with at least one cash register which
25 shall be capable of separately registering wine sales, and such rooms shall have an attendant at all
26 times while open for business. Wine purchased for resale by virtue of the retail wine license shall be
27 purchased on separate invoices from that wine intended for consumption in the dining room or
28 lounge, and separate sales records shall be maintained for this purpose.

29 IV. The commission may suspend the tobacco, *e-cigarette*, or alcohol sales portion of the
30 license separately under the provisions of RSA 179:57; any revocation shall revoke the entire license.

31 120 Retail Tobacco License; Sale of E-Cigarettes. Amend RSA 178:19-a to read as follows:

32 178:19-a Retail Tobacco License.

33 I. The commission may issue a retail tobacco license to a person engaged in the business of
34 retail sales and distribution of tobacco products *or e-cigarettes* in this state. Each retail outlet
35 shall have a separate license regardless of the fact that one or more outlets may be owned or
36 controlled by a single person.

37 II. A retail tobacco license shall be prominently displayed on the premises described in it.

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1 III. The commission, when issuing or renewing a retail tobacco license, shall furnish a sign
2 which shall read or be substantially similar to the following: "State Law prohibits the sale of tobacco
3 products *or e-cigarettes* to persons under age 18. Warning: violators of these provisions may be
4 subject to a fine."

5 121 Beer Specialty License; Tobacco Products and E-Cigarette Sales. Amend RSA 178:19-d, I to
6 read as follows:

7 I. A beer specialty license may be issued by the commission to any person operating a retail
8 outlet in this state the primary business of which is the sale of beer as defined in RSA 175:1. A beer
9 specialty license shall allow the licensee to sell beverage, wine, ~~[and]~~ tobacco, *and e-cigarettes*
10 products directly to individuals at retail on the premises for consumption off the premises; beer may
11 be sold in such barrels, bottles, or other containers as the commission may by rule prescribe.

12 122 Beer Specialty License; Sale of Tobacco Products and E-Cigarettes. Amend RSA 178:19-d,
13 V-VI to read as follows:

14 V. All sales of beer, ~~[and]~~ tobacco products, *and e-cigarettes* shall be recorded on cash
15 registers. No additional registers shall be added during the remainder of the year without prior
16 approval of the commission. No rebate shall be allowed for cash registers discontinued during the
17 license year.

18 VI. The commission may suspend the tobacco, *e-cigarette*, or alcohol sales portion of the
19 license separately under the provisions of RSA 179:57.

20 123 Board of Veterinary Medicine; Transfer to Office of Professional Licensure and Certification.
21 Amend RSA 332-B:3 to read as follows:

22 332-B:3 Board; Compensation.

23 I. There shall be a board of veterinary medicine consisting of 7 members: 5 veterinarians,
24 the state veterinarian, and one public member. The members, other than the state veterinarian,
25 shall be appointed by the governor, with the approval of the council, to a term of 5 years, and until a
26 successor is appointed. No appointed member of the board shall be appointed to 2 consecutive 5-year
27 terms. Vacancies shall be filled for the remainder of the term and in the same manner as the
28 original appointment. Any appointed member of the board may be removed by the governor after a
29 hearing by the board determines cause for removal. The state veterinarian ~~[may]~~ *shall* serve as an
30 ex officio member, provided any duties of the state veterinarian relative to this chapter shall be
31 agreed upon in writing by the board and the commissioner of agriculture, markets, and food and
32 which agreement may include:

33 (a) ~~[Supervision of the board's administrative office and employees]~~ *Recording and*
34 *producing meeting minutes for regular board meetings;*

35 (b) ~~[Assistance with administrative activities]~~ *Representing the board on the*
36 *advisory council established in RSA 318-B:38;*

37 (c) Submission of periodic reports to the board; and

1 (d) Participation in complaint investigations.

2 II. When a vacancy has occurred, or is due to occur in a veterinary position on the board, the
3 New Hampshire Veterinary Medical Association shall nominate 3 qualified persons and forward the
4 nominations to the governor. The governor may make appointments from those nominated by the
5 association, but shall not be required to appoint one of those so nominated.

6 III. Each appointed member of the board shall be paid \$75 for each day or portion of a day of
7 at least 3 consecutive hours in which the member is engaged in the work of the board, in addition to
8 such reimbursement for travel and other expenses as is normally allowed to state employees.

9 IV. ~~[The board shall be an administratively attached agency, under RSA 21-G:10, to the~~
10 ~~department of agriculture, markets, and food.]~~ **All administrative, clerical, and business**
11 **processing functions of the board shall be transferred to the office of professional licensure**
12 **and certification established in RSA 310-A:1 through RSA 310-A:1-e.**

13 124 Department of Environmental Services; Modification of Qualifications for Director of
14 Division of Water. Amend RSA 21-O:2, III(a) to read as follows:

15 (a) The commissioner shall, after consulting with the water council, nominate for
16 appointment by the governor and council a director of the division of water. The nominee shall have
17 a baccalaureate or master's degree from an accredited college or university~~[- hold a valid license or~~
18 ~~certificate of registration to practice civil, sanitary, or environmental engineering issued by the~~
19 ~~lawfully constituted registration board of any state of the United States,]~~ and shall have a minimum
20 of 5 years' responsible experience in the administration of sanitary or environmental engineering
21 programs in the public or private sector.

22 125 Department of Environmental Services; Certified Application Preparer Program. Amend
23 RSA 482-A:3, XX(a)-(b) to read as follows:

24 (a) The department shall develop a voluntary certified application preparer program for
25 submission of applications for all qualifying minimum impact projects. The commissioner shall
26 adopt rules to establish the qualifications to become a certified application preparer and to identify
27 qualifying minimum impact projects. The qualifications established shall include that the individual
28 is a permitted septic system designer or is licensed or certified by the office of professional licensure
29 and certification as a certified wetland scientist, certified soil scientist, professional engineer,
30 licensed land surveyor, or any other professional designated by the department, and shall include
31 training and continuing education requirements. ~~[Qualifying minimum impact projects shall~~
32 ~~include, but not necessarily be limited to, all projects which the department has designated as~~
33 ~~minimum impact projects in its wetlands rules.]~~

34 (b) Applications for qualifying minimum impact projects submitted by a certified
35 application preparer shall not require technical review by the department. ~~[and the]~~ **The**
36 department shall issue a ~~[permit]~~ **decision on the application** within 10 days of receipt of a
37 complete application~~[-]~~, **as follows:**

1 (1) *If the application is approvable and is submitted with a waiver of review*
2 *by the appropriate conservation commissions, the department's approval shall be final*
3 *upon issuance.*

4 (2) *If the application is approvable but is not submitted with a waiver of*
5 *review by the appropriate conservation commissions, the department's approval shall be*
6 *conditional pending expiration of the 14-day period for conservation commission*
7 *intervention established in RSA 482-A:11, III(a). If the department receives a timely notice*
8 *of intervention from a conservation commission, the application shall be converted to a*
9 *regular application, with credit given for the fee paid with the application.*

10 (3) *If the application is not approvable as a minimum impact project but*
11 *might be approvable as a minor impact or major impact project, the application shall*
12 *automatically be converted to an application for a standard permit, with credit given for*
13 *the fee paid with the application.*

14 (4) *If the application is not approvable as a minimum impact, minor impact,*
15 *or major impact project, the application shall be denied.*

16 126 Department of Environmental Services; Public Bathing Facilities. RSA 485-A:26 is repealed
17 and reenacted to read as follows:

18 485-A:26 Swimming Pools and Bathing Places Public Bathing Facilities.

19 I. In this section:

20 (a) "Pool" means a man-made structure and associated pump, filter, drain, and electrical
21 equipment that is used for recreational or therapeutic bathing, swimming, diving, or other contact
22 with the water such as by wading, splashing, tubing, or sliding. "Pool" shall include, but is not
23 limited to, swimming pools, therapy pools, spas, special recreation pools, slides, and tubing courses,
24 at hotels, motels, health facilities, water parks, condominium complexes, apartment complexes,
25 youth recreation camps, public parks, and recreational campgrounds or camping parks as defined in
26 RSA 216-I:1, VII. "Pool" shall not include any pool, spa, or other pool that serves 3 or fewer living
27 units and is used only by the residents of the living units and their guests, and does not include
28 baptismal fonts or similar structures owned by a religious organization and used for religious rituals.

29 (b) "Public bathing facility" means a pool that is operated by or for any governmental
30 subdivision, public or private corporation, partnership, association, or educational institution and
31 that is open to the public, members, or students, whether for a fee or free.

32 II.(a) No person shall construct or install, operate or maintain an artificial swimming pool or
33 bathing place open to and used by the public, or as a part of a business venture, or a public bathing
34 facility unless the construction, design, and physical specifications of such pool or bathing place have
35 received prior approval from the department. The department shall charge a non-refundable design
36 review fee of \$100 for a pool 400 square feet in area and an additional \$25 for every additional 100
37 square feet. The fee shall be paid to the department upon submission of such plans for review. Fees

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1 collected under this paragraph shall be deposited in the public bathing facility program fund.

2 (b) Effective January 1, 2020, no person shall operate or maintain a public bathing
3 facility unless the facility is registered with the department under this section. The owner of a
4 public bathing facility shall register the facility using a form provided by the department. If all of
5 the requirements for the form are adopted in narrative rules, the form shall not be subject to RSA
6 541-A.

7 (c) The owner of a public bathing facility that existed as of January 1, 2019 shall register
8 within 60 days of the effective date of this provision. All other public bathing facilities shall register
9 prior to initiating operations. The owner or operator of the facility shall report any changes in the
10 information provided under subparagraph (b) within 10 days of the change.

11 (d) The registration required under this section shall be valid for the life of the facility.
12 The owner shall notify the department in writing that the facility has closed within 30 days of the
13 closure. The notice of closure shall include the date of such closure.

14 III. The commissioner shall adopt rules under RSA 541-A relative to safety standards to
15 protect persons using said facilities. Nothing in this section shall be deemed to affect the powers of
16 local health officers or the department of health and human services, with respect to nuisances.

17 IV. The department may take samples of the water of any such public bathing facility for
18 analysis to determine compliance with water quality requirements. The costs of such sampling and
19 analysis shall be paid by the owner or operator of such facility. The costs recovered for such
20 sampling shall be deposited in the public bathing facility program fund. The costs recovered for
21 analysis shall be consistent with the fee structure established in RSA 131:3-a and deposited as
22 provided in RSA 131:3-a. Any municipality which establishes a program of sampling and analysis
23 which is equivalent to the department's program shall not be subject to additional sampling and
24 analysis by the department.

25 V. There is hereby established a public bathing facility program fund. This separate,
26 nonlapsing fund shall be continually appropriated to the department and used to administer the
27 public bathing facility program under this chapter. Fees collected by the department shall be
28 deposited with the state treasurer to the credit of such fund and may be invested as provided by law.
29 Interest received on such investment shall also be credited to the fund.

30 127 New Subparagraph; Public Bathing Facility Fund. Amend RSA 6:12, I(b) by inserting after
31 subparagraph 343 the following new subparagraph:

32 (344) Moneys deposited in the public bathing facility program fund under RSA 485-
33 A:26.

34 128 New Section; Public Bathing Facility Compliance Self-Certification. Amend RSA 485-A by
35 inserting after section 26 the following new section:

36 485-A:26-a Public Bathing Facility Compliance Self-Certification.

37 I. The owner of a public bathing facility that is open for 9 months or more in a calendar year

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1 shall on an annual basis submit to the department, a self-certification declaration stating that each
2 pool at the facility is in compliance with all applicable public bathing facility requirements.

3 II. The owner of a public bathing facility that is open fewer than 9 months in a calendar year
4 shall on an annual basis submit to the department, prior to opening a self-certification declaration
5 stating that each pool at the facility is in compliance with all applicable public bathing facility
6 requirements.

7 III. The self-certifications required by paragraphs I and II shall be on a form provided by the
8 department. If all of the requirements for the form are adopted in narrative rules, the form shall not
9 be subject to RSA 541-A.

10 IV.(a) The owner of a public bathing facility shall pay a non-refundable fee of \$250 per pool
11 up to a maximum of \$1,500 per public bathing facility with each self-certification, to cover
12 department expenses for conducting the self-certification program and hiring of program staff.

13 (b) If the self-certification fee is not paid within 30 days of the due date, a late fee shall
14 accrue at the rate of \$50 per 3-month period or portion thereof that the fee is not paid. The
15 commissioner may waive all or any portion of the late payment fee for good cause.

16 (c) Political subdivisions of the state shall be exempt from the fee for submitting a self-
17 certification declaration, but not from the requirement to submit the self-certification.

18 V.(a) Effective January 1, 2021, the owner of a public bathing facility that is open for 9
19 months or more in a calendar year and that existed as of January 1, 2019 shall file the initial self-
20 certification within 60 days of January 1, 2021.

21 (b) The owner of a public bathing facility that is open fewer than 9 months in a calendar
22 year and that existed as of January 1, 2019 shall file the initial self-certification prior to initiating
23 operations in 2021.

24 129 Public Bathing Facilities; Injunctions; Emergency Closures. RSA 485-A:27 is repealed and
25 reenacted to read as follows:

26 485-A:27 Injunction; Emergency Closures.

27 I. Any person operating or maintaining a recreation camp, youth skill camp, or public
28 swimming pool, or bathing place facility without the same having been approved by the department
29 may be enjoined by the superior court or any justice of the court upon petition brought by the
30 attorney general.

31 II. Whenever the department determines that conditions at a public bathing facility
32 jeopardize the health and safety of patrons of the facility, the department shall issue an emergency
33 closure notice. The department shall apply the following procedure in determining whether to issue
34 an emergency closure notice:

35 (a) The department shall perform an on-site inspection to determine whether each pool
36 at the facility is in compliance with the following standards established in rules adopted by the
37 commissioner pursuant to RSA 541-A:

1 (1) Bacteriological, chemical, and physical water quality standards; and
2 (2) Patron safety requirements relating to emergency response, emergency rescue
3 equipment, first aid kits, suction outlet covers/grates, and security fencing.

4 (b) If the department determines that a pool at the facility is not in compliance with the
5 standards and safety requirements specified in subparagraph (a) and that the deficiencies threaten
6 the health or safety of patrons of the facility, the department shall issue an emergency closure notice
7 to the owner of the facility or the owner's on-site representative. The notice shall identify which pool
8 must be closed and specify the reason for the emergency closure.

9 (c) Upon receipt of an emergency closure notice, the owner shall immediately close the
10 identified pool. The owner shall not reopen the pool until each deficiency cited in the emergency
11 closure notice has been corrected and the department has confirmed the corrections.

12 (d) If an owner believes an emergency closure notice has been issued in error, the owner
13 shall notify the department in writing, which may be sent by email, fax, United States Postal Service
14 delivery, or private delivery. The written notice shall identify each reason why the owner or operator
15 believes the emergency closure notice is not appropriate. The department shall provide the owner or
16 operator with an opportunity for an adjudicative hearing within 10 days of receiving the written
17 notice.

18 130 New Section; Public Bathing Facilities; Certified Operators Required. Amend RSA 485-A by
19 inserting after section 27 the following new section:

20 485-A:27-a Certified Operator Training Required.

21 I. Effective January 1, 2022, a public bathing facility shall be operated only under the
22 supervision of an individual who has successfully completed a the certified pool and spa operator
23 certification program offered by the Association of Pool and Spa Professionals, National Swimming
24 Pool Foundation, or other pool and spa operator certification programs approved by the department.

25 II.(a) By January 1, 2022, each owner of a public bathing facility that is open for 9 months or
26 more in a calendar year shall submit to the department the name and daytime telephone number
27 including area code of each certified pool operator engaged by the owner to supervise the pool at the
28 facility. The submission of this information shall occur as part of the self-certification in RSA 485-
29 A:26-a.

30 (b) For facilities that begin operation after January 1, 2022, the information in
31 subparagraph (a) shall be submitted prior to beginning operation.

32 131 Repeal. The following are repealed:

33 I. RSA 6:12, I(b)(295), relative to the dam maintenance revolving loan fund.

34 II. RSA 482:55-a, relative to the dam maintenance revolving loan fund. Any funds
35 remaining in the dam maintenance revolving loan fund shall be credited to the dam maintenance
36 fund established in RSA 482:55.

37 III. RSA 482:89, VI, relative to the deposit of proceeds from penalties into the dam

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1 maintenance revolving loan fund.

2 132 Terrain Alteration; Modify Reporting Requirements. Amend RSA 485-A:17, II-c to read as
3 follows:

4 II-c. [~~Beginning October 1, 2007 and each fiscal quarter thereafter, the~~] *The* department
5 shall submit a [~~quarterly~~] *biennial* report to the house and senate finance committees, the house
6 resources, recreation, and [~~economic~~] development committee, and the senate energy[~~-environment,~~]
7 and [~~economic development committee~~] *natural resources committee* relative to administration of
8 the terrain alteration review program.

9 133 State Treasurer and State Accounts; Application of Receipts. Amend RSA 6:12, I(b)(315) to
10 read as follows:

11 (315) Moneys deposited into the recreation camp and youth skill camp fund
12 established in [~~RSA 485-A:24-a~~] *RSA 170-E:57*.

13 134 Child Day Care Licensing; Definitions. Amend RSA 170-E:2, IV(g) to read as follows:

14 (g) "School-age program" means a child day care agency providing child day care for up
15 to 5 hours per school day, before or after, or before and after, regular school hours, and all day during
16 school holidays and vacations, and which is not licensed under [~~RSA 149~~] *RSA 170-E:56*, for 6 or
17 more children who are 4 years and 8 months of age or older. The number of children shall include all
18 children present during the period of the program, including those children related to the caregiver.

19 135 New Subdivision; Recreation Camp Licensing. Amend RSA 170-E by inserting after section
20 52 the following new subdivision:

21 Recreation Camp Licensing

22 170-E:53 Purpose. The purpose of this subdivision is to provide for the licensing of recreation
23 camps and certification of criminal background checks for youth skill camps.

24 170-E:54 Rulemaking.

25 I. The commissioner shall adopt rules under RSA 541-A relative to:

26 (a) Issuance of licenses to recreation camp operators under RSA 170-E:56, I.

27 (b) Requirements for performing criminal background checks at youth skill camps and
28 certifying acceptable results as required under RSA 170-E:56 and establishing appropriate sanctions
29 and penalties for failing to perform the required background checks.

30 II. The commissioner shall adopt all other necessary rules under RSA 541-A, relative to
31 public health and safety issues for the protection of persons attending recreation camps regulated
32 under RSA 170-E:56, I.

33 170-E:55 Definitions.

34 I. "Recreation camp" means any place set apart for recreational purposes for boys and girls.
35 It shall not apply to private camps owned or leased for individual or family use, or to any camp
36 operated for a period of less than 10 days in a year.

37 II. "Youth skill camp" means a nonprofit or for-profit program that lasts 8 hours total or

1 more in a year for the purpose of teaching a skill to minors. Such camps include, but are not limited
2 to, the teaching of sports, the arts, and scientific inquiry.

3 170-E:56 Recreation Camp License; Youth Skill Camp Certification of Criminal Background
4 Check.

5 I. No person shall for profit or for charitable purposes operate any recreation camp, as
6 defined in RSA 170-E:55, I, designed or intended as a vacation or recreation resort, without a license
7 issued by the department. Such license shall be conditioned upon the maintenance of clean,
8 healthful sanitary conditions and methods, as determined and approved by said department, good
9 only for the calendar year in which it is issued and subject to suspension or revocation at any time
10 for cause. The fee for such license shall be \$200 which shall be paid into the recreation camp and
11 youth skill camp fund established in RSA 170-E:57.

12 II.(a) No person or entity shall for profit or for charitable purposes operate any youth skill
13 camp, as defined in RSA 170-E:55, II without maintaining an appropriate policy regarding
14 background checks for camp owners, employees and volunteers who may be left alone with any child
15 or children. Certification of background checks shall be made to the department demonstrating that
16 no individual has a criminal conviction for any offense involving:

17 (1) Causing or threatening direct physical injury to any individual; or

18 (2) Causing or threatening harm of any nature to any child or children.

19 (b) Any person or entity required to perform background checks and provide certification
20 to the department pursuant to subparagraph (a) shall pay a fee of \$25 to the department. All such
21 fees collected by the department shall be deposited into the recreation camp and youth skill camp
22 fund established in RSA 170-E:57.

23 (c) Subparagraphs (a) and (b) shall not apply to any person or entity which owns
24 property used to operate a youth skill camp or any buildings or structures on such property used in
25 the operation of a youth skill camp, provided such person or entity obtains written certification
26 signed by the youth skill camp operator stating that background checks in accordance with this
27 paragraph have been completed.

28 (d) Nothing in this section shall preclude more stringent requirements for background
29 checks on the part of camp owners, directors, or operators.

30 (e) Such policies shall be made available to the department and shall include the
31 frequency of the background checks and the sources used to conduct the background checks. The
32 department shall provide information on each youth skill camp's policy on the department's website.

33 (f) If an employee or volunteer has been the subject of a background check performed by
34 another person or entity within 12 months, the previous background check may, with the signed and
35 written consent of the employee or volunteer, be shared with the operator of the youth skill camp
36 and may be used to satisfy the requirements of this paragraph, notwithstanding any other law
37 providing for the confidentiality of such information.

1 170-E:57 Recreation Camp and Youth Skill Camp Fund. There is established the recreation
2 camp and youth skills camp fund. This fund shall be nonlapsing and continually appropriated to
3 the commissioner of the department of health and human services, for the purpose of paying costs
4 associated with administering the provisions of this subdivision.

5 170-E:58 Statement of Health for Recreational Camps. Notwithstanding any law or rule to the
6 contrary, any physical examination which is required before a child may enter a recreational camp
7 may be conducted by a physician, an advance practice registered nurse, or a physician assistant.

8 170-E:59 Possession and Use of Epinephrine Auto-Injectors at Recreation Camps. A recreation
9 camp shall permit a child with severe, potentially life-threatening allergies to possess and use an
10 epinephrine auto-injector, if the following conditions are satisfied:

11 I. The child has the written approval of the child's physician and the written approval of the
12 parent or guardian. The camp shall obtain the following information from the child's physician:

13 (a) The child's name.

14 (b) The name and signature of the licensed prescriber and business and emergency
15 numbers.

16 (c) The name, route, and dosage of medication.

17 (d) The frequency and time of medication administration or assistance.

18 (e) The date of the order.

19 (f) A diagnosis and any other medical conditions requiring medications, if not a violation
20 of confidentiality or if not contrary to the request of the parent or guardian to keep confidential.

21 (g) Specific recommendations for administration.

22 (h) Any special side effects, contraindications, and adverse reactions to be observed.

23 (i) The name of each required medication.

24 (j) Any severe adverse reactions that may occur to another child, for whom the
25 epinephrine auto-injector is not prescribed, should such a pupil receive a dose of the medication.

26 II. The recreational camp administrator or, if a nurse is assigned to the camp, the nurse
27 shall receive copies of the written approvals required by paragraph I.

28 III. The child's parent or guardian shall submit written verification from the physician
29 confirming that the child has the knowledge and skills to safely possess and use an epinephrine
30 auto-injector in a camp setting.

31 IV. If the conditions provided in this section are satisfied, the child may possess and use the
32 epinephrine auto-injector at the camp or at any camp-sponsored activity, event, or program.

33 V. In this section, "physician" means any physician or health practitioner with the authority
34 to write prescriptions.

35 170-E:60 Use of Epinephrine Auto-Injector. Immediately after using the epinephrine auto-
36 injector, the child shall report such use to the nurse or another camp employee to enable the nurse or
37 camp employee to provide appropriate follow-up care.

1 170-E:61 Availability of Epinephrine Auto-Injector. The recreational camp nurse or, if a nurse
2 is not assigned to the camp, the recreational camp administrator shall maintain for the use of a
3 child with severe allergies at least one epinephrine auto-injector, provided by the child or the child's
4 parent or guardian, in the nurse's office or in a similarly accessible location.

5 170-E:62 Immunity. No recreational camp or camp employee shall be liable in a suit for
6 damages as a result of any act or omission related to a child's use of an epinephrine auto-injector if
7 the provisions of RSA 170-E:59 have been met, unless the damages were caused by willful or wanton
8 conduct or disregard of the criteria established in that section for the possession and self-
9 administration of an epinephrine auto-injector by a child.

10 170-E:63 Possession and Use of Asthma Inhalers at Recreation Camps. A recreation camp shall
11 permit a child to possess and use a metered dose inhaler or a dry powder inhaler to alleviate
12 asthmatic symptoms, or before exercise to prevent the onset of asthmatic symptoms, if the following
13 conditions are satisfied:

14 I. The child has the written approval of the child's physician and the written approval of the
15 parent or guardian. The camp shall obtain the following information from the child's physician:

16 (a) The child's name.

17 (b) The name and signature of the licensed prescriber and business and emergency
18 numbers.

19 (c) The name, route, and dosage of medication.

20 (d) The frequency and time of medication administration or assistance.

21 (e) The date of the order.

22 (f) A diagnosis and any other medical conditions requiring medications, if not a violation
23 of confidentiality or if not contrary to the request of the parent or guardian to keep confidential.

24 (g) Specific recommendations for administration.

25 (h) Any special side effects, contraindications, and adverse reactions to be observed.

26 (i) The name of each required medication.

27 (j) At least one emergency telephone number for contacting the parent or guardian.

28 II. The recreational camp administrator or, if a nurse is assigned to the camp, the nurse
29 shall receive copies of the written approvals required by paragraph I.

30 III. The child's parent or guardian shall submit written verification from the physician
31 confirming that the child has the knowledge and skills to safely possess and use an asthma inhaler
32 in a camp setting.

33 IV. If the conditions provided in this section are satisfied, the child may possess and use the
34 inhaler at the camp or at any camp sponsored activity, event, or program.

35 V. In this section, "physician" includes any physician or health practitioner with the
36 authority to write prescriptions.

37 170-E:64 Immunity. No recreational camp or camp employee shall be liable in a suit for

1 damages as a result of any act or omission related to a child's use of an inhaler if the provisions of
2 RSA 170-E:63 have been met, unless the damages were caused by willful or wanton conduct or
3 disregard of the criteria established in that section for the possession and self-administration of an
4 asthma inhaler by a child.

5 170-E:65 Injunction. Any person operating or maintaining a recreation camp or youth skill
6 camp without the same having been approved by the department may be enjoined by the superior
7 court or any justice of the court upon petition brought by the attorney general.

8 170-E:66 Penalty; Administrative Fines.

9 I. Whoever violates any of the provisions of this subdivision, or rules adopted under this
10 subdivision shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other
11 person.

12 II. The commissioner, after notice and hearing, may impose an administrative fine not to
13 exceed \$2,000 for each offense upon any person who violates any provision of this subdivision, any
14 rule adopted under this subdivision, or any license or approval issued under this subdivision. Re-
15 hearings and appeals from a decision of the commissioner under this paragraph shall be in
16 accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the
17 imposition of further penalties under this chapter. The proceeds of administrative fines levied
18 pursuant to this paragraph shall be deposited in the general fund. The commissioner shall adopt
19 rules, under RSA 541-A, relative to:

20 (a) A schedule of administrative fines which may be imposed under this paragraph; and

21 (b) Procedures for notice and hearing prior to the imposition of an administrative fine.

22 136 Water Pollution and Waste Disposal; Safety Regulations for Pools and Bathing Places.
23 Amend the subdivision heading preceding RSA 485-A:23 to read as follows:

24 Safety Regulations for [~~Camps,~~] Pools[~~]~~ and Bathing Places

25 137 Water Pollution and Waste Disposal; Injunction. Amend RSA 485-A:27 to read as follows:

26 485-A:27 Injunction. Any person operating or maintaining a [~~recreation camp, youth skill~~
27 ~~camp,~~] public swimming pool[~~]~~ or bathing place without the same having been approved by the
28 department may be enjoined by the superior court or any justice of the court upon petition brought
29 by the attorney general.

30 138 Repeal. The following are repealed:

31 I. RSA 485-A:6, IX, relative to rulemaking for camp licenses and camp safety standards.

32 II. RSA 485-A:23, relative to safety regulations for camps, pools, and bathing places;
33 definitions.

34 III. RSA 485-A:24, relative to safety regulations for camps, pools, and bathing places;
35 recreation camp license; youth skill camp certification of criminal background check.

36 IV. RSA 485-A:24-a, relative to safety regulations for camps, pools, and bathing places;
37 recreation camp and youth skill camp fund.

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1 V. RSA 485-A:25, relative to safety regulations for camps, pools, and bathing places;
2 rulemaking.

3 VI. RSA 485-A:25-a, relative to safety regulations for camps, pools, and bathing places;
4 statement of health for recreational camps.

5 VII. RSA 485-A:25-b, relative to safety regulations for camps, pools, and bathing places;
6 possession and use of epinephrine auto-injectors at recreation camps.

7 VIII. RSA 485-A:25-c, relative to safety regulations for camps, pools, and bathing places; use
8 of epinephrine auto-injector; availability of epinephrine auto-injector.

9 IX. RSA 485-A:25-d, relative to safety regulations for camps, pools, and bathing places;
10 availability of epinephrine auto-injector.

11 X. RSA 485-A:25-e, relative to safety regulations for camps, pools, and bathing places;
12 immunity.

13 XI. RSA 485-A:25-f, relative to safety regulations for camps, pools, and bathing places;
14 possession and use of asthma inhalers at recreation camps.

15 XII. RSA 485-A:25-g, relative to safety regulations for camps, pools, and bathing places;
16 immunity.

17 139 Cross Reference Changed; Safety Regulations for Camps. Amend RSA 216-I:1, VII to read
18 as follows:

19 VII. "Recreational campground or camping park" means a parcel of land on which 2 or more
20 campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes
21 only, and not for permanent year-round residency, excluding recreation camps as defined in ~~[RSA~~
22 ~~485-A:23]~~ ***RSA 170-E:55, I.***

23 140 Cross Reference Changed; Safety Regulations for Camps. Amend RSA 275:35 to read as
24 follows:

25 IX. Employees of a recreation camp or a youth skill camp licensed pursuant to ~~[RSA 485-~~
26 ~~A:24]~~ ***RSA 170-E:56.***

27 141 Department of Military Affairs and Veterans Services. Amend the chapter heading of RSA
28 110-B to read as follows:

29 ~~[THE MILITIA]~~ ***DEPARTMENT OF MILITARY AFFAIRS AND VETERANS SERVICES***

30 142 Department of Military Affairs and Veterans Services; The Militia. Amend RSA 110-B:1 to
31 read as follows:

32 110-B:1 ***Department of Military Affairs and Veterans Services.***

33 ***I. The department shall consist of the militia which shall include the army***
34 ***national guard, air national guard, the inactive national guard, the state guard and the***
35 ***unorganized militia, and veterans services which shall include the division of veterans***
36 ***services, the state veterans cemetery, the division of community based military programs,***
37 ***the veterans council, and the military leadership team.***

1 **II. The department shall be led by an adjutant general who shall be the**
2 **commissioner of the department of military affairs and veterans services.**

3 **III. The department may receive, on behalf of the state, all donations and bequests**
4 **made to promote the welfare of military service members, veterans, and their families.**

5 **110-B:1-a** Composition of the Militia.

6 I. The militia shall be divided into 3 classes, namely the national guard, the state guard, and
7 the unorganized militia.

8 II. The national guard shall consist of an army national guard, an air national guard, and an
9 inactive national guard. As used in this chapter, the term "national guard" shall mean and refer to
10 the army national guard and the air national guard unless otherwise indicated.

11 III. The state guard shall consist of those persons serving in accordance with the provisions
12 of RSA 111:

13 IV. The unorganized militia shall consist of all able-bodied residents of the state who are 18
14 years of age or older, who are, or have declared their intention to become, citizens of the United
15 States, and who are not serving in the national guard or the state guard.

16 V. When authorized by the laws and regulations of the United States, there shall be an
17 additional section of the state guard to be known as the New Hampshire naval militia.

18 143 The Adjutant General. Amend RSA 110-B:8, II and III to read as follows:

19 II. The adjutant general shall be the chief of staff to the governor and shall be the executive
20 head of the [~~adjutant general's~~] department **of military affairs and veterans services**. The
21 adjutant general may perform any act authorized by this chapter or by the regulations issued
22 pursuant thereto through or with the aid of such officers of the national guard or other personnel as
23 the adjutant general may designate. The adjutant general shall exercise and perform all powers,
24 functions and duties which are or may be imposed by the laws and regulations of the United States.
25 It shall be the duty of the adjutant general to direct the planning and employment of the forces of the
26 national guard in carrying out their state military mission; to establish unified command of state
27 forces whenever they shall be jointly engaged; to submit such written reports to the governor as the
28 governor may prescribe; and to perform such other duties as the governor may direct. Whenever the
29 governor and those who would act in succession to the governor under the constitution and laws of
30 the state shall be unable to perform the duties of commander-in-chief, the adjutant general shall
31 command the militia.

32 III. The adjutant general is authorized and empowered, subject to the approval of the
33 governor and council, to contract with any person or private or public agency to provide group life or
34 disability insurance coverage for members of the national guard, while on active state duty, within
35 the limits of appropriations made for the national guard.

36 **IV. The adjutant general shall advocate for and promote the welfare of military**
37 **service members, veterans, and their families. The adjutant general shall enhance,**

1 *coordinate, and oversee the benefits and services offered by organizations within the state*
2 *of New Hampshire and direct veterans to appropriate benefits and services offered by such*
3 *organizations. The department of military affairs and veterans services shall serve as a*
4 *clearinghouse for research, data, and analysis, to initiate and support public education*
5 *and awareness campaigns. The adjutant general shall serve as a liaison between the*
6 *federal government and the governor on issues relevant to the department's mission, and*
7 *represent the department at various state and national conventions, conferences, and*
8 *public functions and provide supervision to the department public relations program.*

9 144 Deputy Adjutant General. Amend RSA 110-B:8-b, I-IV to read as follows:

10 I. Assume full responsibility for the ~~adjutant general's~~ department *of military affairs*
11 *and veterans services* in the absence of the adjutant general.

12 II. Assist the adjutant general to implement the department's duties and responsibilities.

13 III. Serve as principal liaison to senior military officials, various state and federal officials,
14 the legislature, local governments, and community groups.

15 IV. Provide overall guidance and direction for state operations including business
16 administration, facilities management, *division of veterans services, the division of community*
17 *based military programs* and the state veterans cemetery.

18 145 New Subdivision; Department of Military Affairs and Veterans Services; Veterans Services.
19 Amend RSA 110-B by inserting after section 82 the following new subdivision:

20 Division of Veterans Services

21 110-B:83 Division of Veterans Services.

22 I. The division of veterans services shall be divided into 3 classes, namely the division of
23 veterans services, the state veterans cemetery and the division of community based military
24 programs. Additionally there will be 2 advisory bodies, namely the veterans council and the military
25 leadership team.

26 II. The division of veterans services shall assist veterans who are residents of this state or
27 their dependents to secure all benefits or preferences to which they may be entitled under any state
28 or federal laws or regulations.

29 III. The state veterans cemetery shall provide and maintain a dignified final-resting place to
30 honor all veterans and eligible dependents which expresses the state's gratitude for their service to
31 the country.

32 IV. The division of community based military programs shall collaborate, coordinate, and
33 communicate with military and civilian provider groups in the delivery of services to New
34 Hampshire veterans, service members, and their families.

35 V. The military leadership team and veterans council shall serve as advisory bodies and
36 shall provide advice and guidance to the adjutant general regarding the delivery of services to
37 veterans and military service members and their families.

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1 110-B:84. Division of Veterans Services. The division of veterans services under the supervision
2 of a director of veterans services shall:

3 I. Assist veterans who are residents of this state or their dependents to secure all benefits or
4 preferences to which they may be entitled under any state or federal laws or regulations. The
5 division shall employ such assistance as may be necessary, within the limits of the appropriation
6 made therefor, subject to the rules of the state division of personnel.

7 II. Biennially, beginning July 1, 2019, publish and distribute a state veteran's handbook
8 which shall include the following information:

9 (a) Points of contact for all federal, state, local, and nonprofit veterans agencies,
10 departments, councils, hospitals, clinics, and other organizations offering services, benefits, and
11 programs to New Hampshire veterans, including addresses, telephone numbers, and e-mail
12 addresses.

13 (b) A description of the services, benefits, and programs offered by each entity listed
14 under subparagraph (a).

15 III. Accept and expend for purposes of publishing and distributing the state veterans
16 handbook, any donations, grants, bequests, and contributions which become available for such
17 purposes.

18 110-B:85 Director of the Division of Veterans Services.

19 I. The adjutant general shall, with the approval of the governor and council, appoint a
20 director of the division of veterans services, who shall be a veteran as defined in RSA 21:50.

21 II. The director shall:

22 (a) Supervise the activities of a statewide service delivery structure which assists
23 veterans and family members in identifying eligibility for veterans benefits, filing claims,
24 coordinating benefits with other state and federal agencies, and reviewing claims decisions for
25 appeals or waivers of unfavorable decisions.

26 (b) Identify and develop legislative proposals to improve delivery of services, review and
27 monitor legislation introduced by others, testify at hearings, and prepare legislative fiscal note work
28 sheets. The director shall coordinate, implement, and administer programs mandated by the
29 legislature.

30 (c) Prepare the agency budget and administer and monitor expenditures for the division
31 of veterans services.

32 (d) Develop and coordinate agency programs in conjunction with the United States
33 Department of Veterans Affairs as well as other federal, state, local, and private organizations.

34 (e) Represent the adjutant general at various state and national conventions,
35 conferences, and public functions and provide supervision to the division of veterans services' public
36 relations program.

37 (f) Perform such other duties as the adjutant general shall determine.

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1 110-B:86 Copies of Public Records. When a copy of any public record is required by the
2 Department of Veterans Affairs to be used in determining the eligibility of any person to participate
3 in benefits made available by the United States Department of Veterans Affairs, the official
4 custodian of such public record shall without charge provide the applicant for such benefits or any
5 person acting on his or her behalf or the authorized representative of the United States Department
6 of Veterans Affairs with a certified copy of such record; provided, however, that in any case where
7 the copy is made by a town clerk whose official income is derived in part or entirely from fees a
8 charge for services hereunder shall be made and the town shall reimburse the clerk for the charges.

9 110-B:87 Donations and Bequests. The division of veterans services may receive, on behalf of
10 the state, all donations and bequests that may be made to support the delivery of state office of
11 veterans services programs.

12 110-B:88 Division of Community Based Military Programs. The division of community based
13 military programs, under the supervision of an administrator of community based military programs
14 shall facilitate military and civilian partnerships by collaborating, coordinating, and communicating
15 with military and civilian provider groups in the delivery of services to New Hampshire veterans,
16 service members, and their families. The administrator shall:

17 I. Develop and implement innovative, effective, and sustainable provider engagement
18 projects to increase education, outreach, and engagement with military-access resources.

19 II. Integrate military and civilian community and coalition networks and strengthen
20 military-civilian community supports by integrating those supports into civilian structures.

21 III. Advocate for federal and state funding to target system changes to improve services.

22 IV. Ensure cost efficiency through decreased overlap, service redundancy and increased
23 service fidelity.

24 V. Develop and provide oversight for New Hampshire's care coordination, including services
25 and supports addressing substance misuse, homelessness, suicide prevention, mental health, sexual
26 military trauma, unemployment, domestic violence, education, and legal support.

27 VI. Authorize, evaluate, and monitor the administration of federal and state grants.

28 VII. Initiate and facilitate state planning processes to improve access, navigation, and
29 coordination of military-civilian services and support.

30 VIII. Compile and analyze program statistics and metrics to evaluate the effectiveness of the
31 system of care, initiatives, and special projects, including the efforts of legislative, statewide, and
32 community coalitions across the state.

33 110-B:89 State Veterans Council Established.

34 I. There shall be a state veterans council of 4 members to be appointed by the governor and
35 council, 3 of whom shall be veterans as defined by RSA 21:50. The fourth member shall be a family
36 member of a veteran or family member of a currently serving member of the armed forces. All
37 council members shall be citizens of New Hampshire. Of the first appointments of veterans under

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1 this section one shall be appointed for a term of 3 years, one for a term of 2 years, one for a term of
2 one year and thereafter each shall be appointed for a term of 3 years. The family member shall be
3 appointed for a term of 3 years. Each member of the council shall hold office until a successor is
4 appointed and qualified. Any vacancy in the council shall be filled by the governor and council for
5 the unexpired term.

6 II. The members of the council shall meet not less than semi-annually to review activities of
7 the division of veterans services and provide guidance to and make recommendations for
8 improvement on the adequacy and delivery of veterans programs to the adjutant general. The
9 adjutant general may designate one of the members to serve as liaison to the state veterans advisory
10 committee.

11 110-B:90 Military Leadership Team. There is hereby established a military leadership team
12 which shall serve in an advisory capacity and shall provide advice and guidance to the adjutant
13 general regarding the delivery of services to veterans and military service members in New
14 Hampshire. The military leadership team shall choose a chairman, vice-chairman, and a secretary
15 from their membership. The team may, by a majority vote of its members, adopt bylaws governing
16 the management and operation of the team. The military leadership team shall consist of the
17 following members:

18 I. The adjutant general, or designee.

19 II. The director of the division of veterans services, or designee.

20 III. The members of the veterans council.

21 IV. The administrator of the division of community based military programs.

22 V. Representatives of organizations which provide services to veterans and military service
23 members in New Hampshire, appointed by the adjutant general.

24 VI. Members of the private sector who have an interest in serving service members, veterans
25 and their families, appointed by the adjutant general.

26 VII. A family member of veteran or currently serving member of the armed forces, appointed
27 by the adjutant general.

28 146 Aid for Veterans' Programs. Amend RSA 115-A:2, VII to read as follows:

29 VII. "[Office] **Division** of veterans services" means the [~~state office~~] **division** of veterans
30 services established pursuant to [~~RSA 115~~] **RSA 110-B:83**.

31 147 Replace Term. Replace "office of veterans services" or "state office of veterans services" with
32 "division of veterans services" in the following RSA sections: RSA 21:50, I(b)(24); 72:29, VII; 94:1-a,
33 I(b), Grade CC; 115-A:2, VII; 115-A:10; 115-A:14; 115-A:17; 115-A:21; 115-B:5; 115-D:2, I(e); 261-C:2,
34 III; 261-C:3; 261-C:4, II; 261-C:7; 358-A:2, XVII; 465:3; 465:5; 465:11; 651:4-b, II(a).

35 148 Repeal. RSA 115, relative to the state office of veterans services, is repealed.

36 149 Sale of Property; National Guard Armory in Berlin. The adjutant general and the
37 department of military affairs and veterans services are authorized to offer for sale the national

1 guard armory land and buildings in the city of Berlin. The adjutant general and the department
2 shall submit quarterly reports on the progress of the sale to the fiscal committee of the general court.
3 Any sale of such land and buildings shall be subject to the requirements of RSA 4:40. All proceeds
4 from the sale may be used for the purchase of a new armory in general proximity to the current
5 armory in Berlin, and any proceeds from the sale that are not used for such a purchase shall lapse to
6 the general fund.

7 150 Department of Business and Economic Affairs; Rest Areas and Welcome Centers. Amend
8 RSA 12-O:18, I to read as follows:

9 I. The department of business and economic affairs shall be responsible for the staffing of
10 **all operational** rest areas and welcome centers [~~along the state's highways~~] **owned by the**
11 **department of transportation**. There is established in the department a bureau of visitor service
12 **within the office of the commissioner** to administer this function. The commissioner may consult
13 with [~~the~~] local [~~chambers of commerce~~] **business representatives** relative to said function, and
14 shall have the authority to enter into contracts with private or public entities for said function as the
15 commissioner deems appropriate.

16 151 New Paragraphs; Department of Business and Economic Affairs; Rest Areas and Welcome
17 Centers. Amend RSA 12-O:18 by inserting after paragraph II the following new paragraphs:

18 III. Subject to a memorandum of understanding with the department of transportation, the
19 bureau of visitor service shall provide rest area management and operational services without
20 limitation, to include staffing, training, fiscal management, grounds and building maintenance, and
21 customer service to the traveling public.

22 IV. The bureau of visitor service shall seek to advance initiatives and strategies to reduce
23 state operational responsibility and cost, to provide an improved user experience for visitors, and to
24 focus state resources on customer service for those visitors.

25 152 Labor; Workers' Compensation; Safety Provisions; Administrative Penalty. Amend RSA
26 281-A:64, VIII to read as follows:

27 VIII. The commissioner may assess an administrative penalty of up to \$250 a day on any
28 employer not in compliance with the written safety program required under paragraph II of this
29 section, the joint loss management committee required under paragraph III of this section, or the
30 directives of the department under paragraph IV of this section. Each violation shall be subject to a
31 separate administrative penalty. All penalties collected under this paragraph shall be deposited in
32 the [~~general fund~~] **department of labor restricted fund established pursuant to RSA 273:1-b**.

33 153 Labor; Workers' Compensation; Definitions. Amend RSA 281-A:2, VI(d) to read as follows:

34 (d) If the commissioner finds that an employer has misrepresented the relationship
35 between the employer and the person providing services, the commissioner may assess a civil
36 penalty of up to \$2,500; in addition, such employer may be assessed a civil penalty of \$100 per
37 employee for each day of noncompliance. The fines may be assessed from the first day of the

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1 infraction but not to exceed one year. Notwithstanding any provision of law to the contrary, any
2 person with control or responsibility over decisions to disburse funds and salaries and who
3 knowingly violates the provisions of this subparagraph shall be held personally liable for payments
4 of fines. All funds collected under this subparagraph shall be ~~[continually appropriated and~~
5 ~~deposited into a nonlapsing workers' compensation fraud fund dedicated to the investigation and~~
6 ~~compliance activities required by this section and related sections pertaining to labor and insurance~~
7 ~~law.] **deposited into the department of labor restricted fund established pursuant to RSA**~~
8 **273:1-b.** The commissioner of labor shall appoint as many individuals as necessary to carry out the
9 department's responsibilities under this section.

10 154 Repeal. RSA 6:12, I(b)(267), relative to moneys deposited in the workers' compensation
11 fraud fund, is repealed.

12 155 Administration of Transportation Laws; Certification of Current Workers' Compensation
13 Coverage Required. Amend RSA 228:4-b, IV to read as follows:

14 IV. All funds collected under this section shall be deposited into the ~~[general fund]~~
15 **department of labor restricted fund established pursuant to RSA 273:1-b.**

16 156 Governor's Scholarship Program and Fund. RSA 4-C:31 through 4-C:35 are repealed and
17 reenacted to read as follows:

18 4-C:31 Definitions. In this subdivision:

19 I. "Commission" means the college tuition savings plan advisory commission established in
20 RSA 195-H:2.

21 II. "Eligible institution" means a postsecondary educational institution or training program
22 within the university system of New Hampshire as defined in RSA 187-A, a postsecondary
23 educational institution within the community college system of New Hampshire as defined in RSA
24 188-F, or a private postsecondary institution approved to operate in this state that:

25 (a) Is approved by the higher education commission pursuant to RSA 21-N:8-a or
26 accredited by the New England Commission of Higher Education; and

27 (b) Is a not-for-profit organization eligible to receive federal Title IV funds.

28 III. "Eligible student" means a first-year, full-time, Pell Grant-eligible student who meets
29 the eligibility and residency requirements of RSA 4-C:33. "First-year" means a student who has
30 never enrolled in an eligible institution .

31 IV. "Full-time" means an enrolled student who is carrying an academic course load that is
32 determined to be full-time by the eligible institution based on a standard applicable to all students
33 enrolled in a particular educational program. The student's course load may include any
34 combination of courses, work, research, or special studies that the eligible institution considers
35 sufficient to classify the student as full-time.

36 4-C:32 Governor's Scholarship Program and Fund Established.

37 I. There is hereby established the governor's scholarship program and the governor's

1 scholarship fund. The program and fund shall be administered by the commission. The fund shall
2 be kept distinct and separate from all other funds and shall be used to provide scholarships which a
3 recipient shall apply to the costs of an education at an eligible institution. The funds shall be
4 distributed to an eligible institution based on the number of eligible students awarded a scholarship
5 and upon receipt of a request for reimbursement for such scholarship funds accompanied by
6 appropriate documentation.

7 II. The state treasurer shall credit to the fund any appropriation relating to the governor's
8 scholarship fund made in each fiscal year to the commission. The state treasurer shall invest the
9 fund in accordance with RSA 6:8. Any earnings shall be added to the fund.

10 III. All moneys in the fund shall be nonlapsing and continually appropriated to the
11 commission for the purposes of this subdivision.

12 IV. The commission may institute promotional programs and solicit and receive cash gifts or
13 other donations for the purpose of supporting educational scholarships from the fund. The
14 commission shall not solicit or accept real property.

15 V. All gifts, grants, and donations of any kind shall be credited to the fund.

16 4-C:33 Eligibility.

17 I. Any person who meets the following requirements shall be an eligible student:

18 (a) A person shall meet the residency requirements of RSA 193:12; be a graduate of a
19 New Hampshire high school, public academy, chartered public school, New Hampshire private
20 preparatory high school, a high school-level home education program as defined in RSA 193-A; have
21 received a New Hampshire high school equivalency certificate; have completed at least 3 years of
22 high school in this state; be pursuing a certificate, associate, or bachelor degree at an eligible
23 institution in this state; and be eligible to receive a Pell grant; or

24 (b) A person shall be a graduate of a preparatory high school outside of this state while a
25 dependent of a parent or legal guardian who is a legal resident of this state and who has custody of
26 the dependent; or

27 (c) A person shall have a parent or guardian who has served in or has retired from the
28 United States Army, Navy, Air Force, Marine Corps, or Coast Guard within the last 4 years and is a
29 resident of this state; or

30 (d) A person shall be a graduate of a high school, public academy, chartered public high
31 school, or a high school-level home education program outside of this state but have maintained his
32 or her primary residence in this state for not less than 5 years preceding the date of application for a
33 scholarship.

34 II. A person shall meet the qualifications for academic performance or work experience as
35 established by the commission.

36 III. A person shall not have been adjudicated delinquent or convicted or pled guilty or nolo
37 contendere to any felonies or any second or subsequent alcohol or drug-related offenses under the

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1 laws of this or any other state, or under the laws of the United States, except that an otherwise
2 eligible person who has been adjudicated delinquent or has been convicted or pled guilty or nolo
3 contendere to a second or subsequent alcohol or drug-related misdemeanor offense shall be eligible or
4 continue to be eligible for a scholarship after the expiration of one academic year from the date of
5 adjudication, conviction, or plea.

6 4-C:34 Procedures.

7 I. All scholarship funds shall be distributed to the eligible student by the eligible institution.
8 The institution shall include the scholarship in the student's financial aid package and may seek
9 subsequent reimbursement. The state shall provide the reimbursements twice per year to each
10 eligible institution for the number of eligible students enrolled in the current semester or term who
11 are receiving a scholarship. The institution shall submit the list of scholarship recipients to the
12 commission or its designee no later than November 30 and April 30 of each academic year, and shall
13 be reimbursed within 30 days of submission.

14 II. An eligible student may receive a scholarship in the amount of \$1,000 per year provided
15 he or she maintains at least a 2.0 grade point average. An eligible student who earned the New
16 Hampshire scholar designation at the time of high school graduation may receive a scholarship in
17 the amount of \$2,000 per year provided he or she maintains at least a 2.5 grade point average. The
18 eligible institution shall not reduce any merit or need-based grant aid that would have otherwise
19 been provided to the eligible student. An eligible student may receive an annual scholarship for a
20 maximum of 4 years.

21 III. In the event the state does not reimburse the eligible institution for scholarship amounts
22 paid to an eligible student receiving an award, the eligible institution shall agree not to seek
23 additional payments from the eligible student and to absorb the loss of funds without any
24 consequence to the eligible student.

25 IV. The commission shall adopt rules, pursuant to RSA 541-A, relative to awarding and
26 disbursing scholarship funds to an eligible student enrolled in an eligible institution.

27 V. An eligible student, who initially attends a community college and transfers directly to an
28 eligible institution, without a break in attendance, shall remain an eligible student for a maximum
29 of 4 years of total eligibility.

30 VI. The commission may hire staff or enter into a contract for services or personnel
31 necessary to administer the program.

32 157 Program Transferred. The administration, implementation, and management of the
33 governor's scholarship program established in RSA 4-C:31-34 is hereby transferred to the college
34 tuition savings plan advisory commission established in RSA 195-H:2. Any administrative rules for
35 the governor's scholarship program shall continue in effect and shall be enforced by the commission
36 until such rules expire or are repealed or amended in accordance with applicable law.

37 158 Application of Receipts; Governor's Scholarship Fund. Amend RSA 6:12, I(b)(336) to read as

1 follows:

2 (336) Moneys deposited into the governor's scholarship fund established in ~~[RSA 4-~~
3 ~~C:34]~~ **RSA 4-C:32.**

4 159 College Tuition Savings Plan Advisory Commission; Administration of Governor's
5 Scholarship Program. Amend the introductory paragraph of RSA 195-H:2, I(a) to read as follows:

6 I.(a) There is established the New Hampshire college tuition savings plan advisory
7 commission which shall ensure the proper administration and management of the savings plan. The
8 advisory commission shall ensure that the savings plan complies with the requirements of section
9 529 of the Internal Revenue Code of 1986, as amended, and any related federal law applicable to the
10 savings plan. The commission shall also be responsible for ensuring the proper administration,
11 implementation, and management of the New Hampshire excellence in higher education endowment
12 trust fund established in RSA 6:38, **and the governor's scholarship program and fund**
13 **established in RSA 4-C:31-34.** The commission shall consist of the following members:

14 160 Definitions; New Hampshire Excellence in Higher Education Endowment Fund. Amend
15 RSA 6:37 to read as follows:

16 6:37 Definitions. In this subdivision:

17 I. "Commission" means the New Hampshire college tuition savings plan advisory
18 commission established in RSA 195-H.

19 II. "Eligible educational institution" means that which is defined in section 529 of the
20 Internal Revenue Code, as amended.

21 III. **"New Hampshire college tuition savings plan UNIQUE annual allocation**
22 **program" means the scholarship program established by the commission in rules.**

23 IV. **"New Hampshire college tuition savings plan UNIQUE endowment allocation**
24 **program" means the scholarship program established by the commission in rules.**

25 V. "Trust fund" means the New Hampshire excellence in higher education endowment trust
26 fund as established in this chapter.

27 161 New Hampshire Excellence in Higher Education Endowment Fund; Allocation of Receipts.
28 Amend RSA 6:38, I to read as follows:

29 I. There is hereby established in the office of the treasurer the New Hampshire excellence in
30 higher education endowment trust fund which shall be kept distinct and separate from all other
31 funds. Annual assessments less any annual administrative costs **and amounts allocated for any**
32 **debt service on bonds issued by the state to refund bonds previously issued by the business**
33 **finance authority pursuant to RSA 162-A:17** received from the New Hampshire college tuition
34 savings plan established under RSA 195-H shall be credited to the trust fund to provide scholarships
35 for the benefit of residents of the state pursuing programs of study at eligible educational
36 institutions within the state, **of which 80 percent shall be allocated to the New Hampshire**
37 **college tuition savings plan UNIQUE annual allocation program and 20 percent shall be**

1 *allocated to the New Hampshire college tuition savings plan UNIQUE endowment*
2 *allocation program.*

3 162 New Paragraph; New Hampshire Excellence in Higher Education Endowment Trust Fund;
4 Dedicated Allocation and Use of Funds. Amend RSA 6:39 by inserting after paragraph V the
5 following new paragraph:

6 VI. Notwithstanding any law or rule to the contrary, the state treasurer shall be authorized
7 to withdraw periodically from the trust fund receipts such amounts as are determined by the state
8 treasurer to be equal to the principal and interest payments on bonds issued pursuant to RSA 6:38,
9 I.

10 163 Rulemaking. Amend RSA 6:40, IV to read as follows:

11 IV. Procedures for determining the amount of funds available to provide annual scholarships
12 through the trust fund *in accordance with RSA 6:38.*

13 164 New Paragraph; Regenerative Manufacturing Workforce Development Program; Business
14 Finance Authority Funding Requirement. Amend RSA 162-T:3 by inserting after paragraph II the
15 following new paragraph:

16 III.(a) The state treasurer may pay, redeem, and refund all outstanding bonds issued by the
17 business finance authority that are subject to a guarantee of the state pursuant to RSA 162-A:17. To
18 provide funds for such payment, redemption, and refund, the state treasurer is hereby authorized to
19 borrow upon the credit of the state not exceeding the sum of the amounts of principal and interest
20 outstanding on such bonds, plus an amount of costs attributable to such payment, redemption, and
21 refund, and for said purpose, may issue bonds and notes in the name of and on behalf of the state of
22 New Hampshire in accordance with RSA 6-A. Payments of principal and interest with respect to
23 bonds issued for said purpose shall be made from revenue received by the state treasurer pursuant
24 to RSA 6:39, VI.

25 (b) The business finance authority shall, upon the payment, redemption, and refund of
26 bonds issued pursuant to subparagraph (a), allocate up to \$5,000,000 for the purpose of such
27 payments into the fund as are determined by the authority to be necessary to provide regenerative
28 manufacturing worker educational debt relief as provided in this section.

29 165 Business Finance Authority; Reduction of State Guarantee Capacity. Amend RSA 162-A:17,
30 I to read as follows:

31 I. In view of the general public benefits expected to be derived from the authority's activities
32 under this chapter, and their contribution to the social welfare and economic prosperity of the state
33 and its political subdivisions, the governor and council may award an unconditional state guarantee
34 of the principal and interest thereon of bonds issued under this chapter. The full faith and credit of
35 the state shall be pledged for any such guarantees of principal and interest, but the total outstanding
36 amount of bonds guaranteed by the state under this section shall not exceed in the aggregate at any
37 time \$25,000,000 plus interest *less the amount of any principal outstanding at any time on*

1 ***bonds issued by the state to refund bonds previously issued by the authority pursuant to***
2 ***this section.*** In addition, the state shall not award a guarantee under this section if it would cause
3 the contingent credit limit under RSA 162-A:22 to be exceeded. The governor, with the advice and
4 consent of the council, is authorized to draw a warrant for such a sum out of any money in the
5 treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this
6 section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement
7 signed by the state treasurer in substantially the following form:

8 The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the
9 principal and interest thereon of the within bond, and for the performance of such guarantee the full
10 faith and credit of the state are pledged.

11 _____
12 State Treasurer

13 .166 New Section; Department of Transportation; Bulk Disposal of Highway or Turnpike Funded
14 Real Estate. Amend RSA 4 by inserting after section 39-e the following new section:

15 4:39-f Bulk Disposal of Highway or Turnpike Funded Real Estate. Notwithstanding RSA 4:39-c,
16 the bulk disposal of real estate purchased with state or federal highway funds, or both, or with
17 turnpike funds shall occur as follows:

18 I. The commissioner of the department of transportation may recommend the bulk disposal
19 of real estate purchased with state or federal highway funds or both, or turnpike funds. The request
20 for bulk disposal shall be presented for review and approval by the long range capital planning and
21 utilization committee before submission to the governor and council for approval. Upon
22 determination that the property is no longer needed by the state, the governor and council shall first
23 offer it to the government of the town, city, or county in which the property is located. If the town,
24 city, or county refuses the offer, the governor and council may sell, convey, transfer, or lease the real
25 property.

26 II. Sales of real property under this section shall be at not less than current market value of
27 the subject property, as may be determined by the governor and council.

28 III. The proceeds due back to the department of transportation from a sale, conveyance, or
29 transfer under this section shall be credited as restricted revenue to the highway fund, or the
30 turnpike fund, or whichever fund provided money for the original purchase. The funds shall be
31 nonlapsing and continually appropriated to the department to be used for right-of-way property
32 management, maintenance, operations, or betterment of state roads and bridges.

33 IV. The commissioner of the department of transportation shall, at least once annually,
34 report to the long range capital planning and utilization committee on the status of all real estate
35 previously approved under this section.

36 V. As used in this section "bulk disposal" means multiple properties within the department
37 of transportation's real estate inventory, which are valued and presented to the long range capital

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1 planning and utilization committee as a whole for review and approval to be sold to multiple buyers.

2 167 Number Plates; Official Cover Plates. Amend RSA 261:90 to read as follows:

3 261:90 Official Cover Plates. Upon payment of a fee, the director may issue and shall designate
4 official cover plates with the reproduction of the state seal thereon to be affixed to a vehicle of United
5 States senators from this state, representatives to congress from this state, the governor, members of
6 the governor's council, the president of the senate, members of the senate, the speaker of the house
7 of representatives, members of the house of representatives, the attorney general, the secretary of
8 state, the state treasurer, the President of the United States and members of his or her executive
9 staff, **and** any ambassador or member of the foreign diplomatic corps~~[-and members of the Maine-~~
10 ~~New Hampshire Interstate Bridge Authority]~~. The fee for official cover plates shall be \$1 in addition
11 to any other number plate manufacturing fee otherwise required. The official cover plates, exclusive
12 of the seal, shall be white with green lettering, which shall alternate with red lettering every other
13 biennium. Official cover plates shall have the title of the person requesting the plates, except for
14 members of the governor's council whose plates shall have their council district numbers embossed
15 on them, and members of the general court, whose plates shall have their house seat numbers or
16 their senate district numbers embossed on them unless the president of the senate, for members of
17 the senate, or the speaker of the house of representatives, for members of the house of
18 representatives, shall designate a title for their plates. The president of the senate, or a designee,
19 and the speaker of the house of representatives, or a designee, shall provide the director with input
20 as needed on the cover plate design for members of the general court. The director shall not issue
21 more than 2 sets of official cover plates to any person. Official cover plates may be attached only to
22 vehicles registered in the name of the person issued the plates or the name of the spouse of a
23 member of the general court, or any vehicle being operated by a member of the general court.
24 Nothing herein shall be construed as affecting the issuance of regular motor vehicle plates and the
25 payment of the registration fee therefor. Official cover plates shall be manufactured at the state
26 prison and the prison shall provide the plates to the department at the prison's cost.

27 168 Repeal; Maine-New Hampshire Interstate Bridge Authority. The following are repealed:

28 I. RSA 234:43-66, relative to the Maine-New Hampshire Interstate Bridge Authority and the
29 Portsmouth-Kittery Bridge, also known as the Sarah Mildred Long Bridge.

30 II. RSA 234:67-69, relative to the Sarah Mildred Long Bridge.

31 III. RSA 100-A:3, VIII, relative to New Hampshire retirement system membership for
32 employees of the Maine-New Hampshire Interstate Bridge Authority.

33 169 Executive Branch Code of Ethics; Complaints. Amend RSA 21-G:31, VI to read as follows:

34 VI. In proceedings under this subdivision, the committee shall have the power to issue
35 subpoenas and administer oaths. Such subpoena powers may be exercised for the committee by the
36 chairperson or legal counsel to the committee. The fees for witnesses [~~shall be consistent with RSA~~
37 ~~516:16 and~~] shall be borne by the committee or the party requesting the subpoena.

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1 170 Insurance Holding Companies; Examination. Amend RSA 401-B:6, V to read as follows:

2 V. Compelling Production. In the event the insurer fails to comply with an order, the
3 commissioner shall have the power to examine the affiliates to obtain the information. The
4 commissioner shall also have the power to issue subpoenas, to administer oaths, and to examine
5 under oath any person for purposes of determining compliance with this section. Upon the failure or
6 refusal of any person to obey a subpoena, the commissioner may petition a court of competent
7 jurisdiction, and upon proper showing, the court may enter an order compelling the witness to
8 appear and testify or produce documentary evidence. Failure to obey the court order shall be
9 punishable as contempt of court. Every person shall be obliged to attend as a witness at the place
10 specified in the subpoena, when subpoenaed, anywhere within the state. He or she shall be entitled
11 to the same fees and mileage, if claimed, as a witness in RSA 516:13[,] *and* RSA 516:14[, ~~and RSA~~
12 ~~516:16~~], which fees, mileage, and actual expense, if any, necessarily incurred in securing the
13 attendance of witnesses, and their testimony, shall be itemized and charged against, and be paid by,
14 the company being examined.

15 171 Payment of Witnesses in Criminal Cases. Amend RSA 592-A:12 to read as follows:

16 592-A:12 ~~[Payment of]~~ Witnesses in Criminal Cases. Any person who attends any court for the
17 state in criminal cases pursuant to subpoena ~~[shall be paid the witness fees provided by RSA 516:16.~~
18 ~~Any such person]~~ shall sign a witness log, which shall be available in the office of the clerk of court,
19 on which the individual shall provide the following information: name, mailing address, and the
20 name of the case for which the person was subpoenaed. The prosecuting agency shall review the log
21 each day and certify that each individual appeared as indicated on the log. ~~[The attorney general~~
22 ~~shall pay all witness fees to all such persons who are entitled to such fees.]~~

23 172 Parole Revocation. Amend RSA 651-A:17 to read as follows:

24 651-A:17 Parole Revocation. Any parolee arrested under RSA 651-A:15-a shall be entitled to a
25 hearing before the board within 45 days, in addition to any preliminary hearing which is required
26 under RSA 504-A:5. The parolee shall have the right to appear and be heard at the revocation
27 hearing. The board shall have power to subpoena witnesses~~[, pay said witnesses such fees and~~
28 ~~expenses as allowed under RSA 516:16,]~~ and administer oaths in any proceeding or examination
29 instituted before or conducted by it, and to compel, by subpoena duces tecum, the production of any
30 accounts, books, contracts, records, documents, memoranda, papers or tangible objects of any kind.
31 If the board, after a hearing, finds that the parolee has violated the conditions of parole, violated the
32 law, or associated with criminal companions and in its judgment should be returned to the custody of
33 the commissioner of corrections, the board shall revoke the parole. A prisoner whose parole is
34 revoked shall be recommitted to the custody of the commissioner of corrections. This provision shall
35 not apply to a parolee who has accepted an option, offered by a probation/parole officer, to participate
36 in an intermediate sanction program and has waived his or her right to counsel and to a preliminary
37 hearing under RSA 504-A:5.

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1 173 Arbitration of Disputes; Witnesses. Amend RSA 542:5 to read as follows:

2 542:5 Witnesses; Summoning; Compelling Attendance. When more than one arbitrator is
3 agreed to, all the arbitrators shall sit at the hearing of the case unless, by consent in writing, all
4 parties shall agree to proceed with the hearing with a less number. Any person may be summoned
5 as provided in RSA 516[;] to attend before the arbitrators as a witness [~~and the fees for such~~
6 ~~attendance shall be the same as the fees of witnesses in the superior court~~]. If any person or persons
7 so summoned to testify shall refuse or neglect to attend, upon petition the court in and for the county
8 in which such arbitrators are sitting may compel the attendance of such person or persons before
9 said arbitrator or arbitrators, or punish said person or persons for contempt in the same manner now
10 provided in RSA 516.

11 174 Midwifery; Powers and Duties of the Council. Amend RSA 326-D:4, II to read as follows:

12 II. The council shall have the power to subpoena witnesses and administer oaths in any
13 hearing or disciplinary proceedings, and to compel, by subpoena duces tecum, the production of
14 papers and records. [~~Witnesses summoned before the council shall be paid the same fees as~~
15 ~~witnesses summoned to appear before the superior court, and such summons shall have the same~~
16 ~~effect as though issued for appearance before such court.~~]

17 175 Alcoholic Beverages; Hearings and Investigations. Amend RSA 179:56, I to read as follows:

18 I. The commission shall adopt and publish rules pursuant to RSA 541-A, to govern its
19 proceedings and to regulate the mode and manner of all investigations and hearings before it. All
20 hearings before the commission shall be in accordance with RSA 541-A:31-36. In any such
21 investigation or hearing the commission shall not be bound by the technical rules of evidence. The
22 commission may subpoena witnesses and administer oaths in any proceeding or examination
23 instituted before or conducted by it, and may compel, by subpoena, the production of any accounts,
24 books, contracts, records, documents, memoranda, and papers of any kind whatever. [~~Witnesses~~
25 ~~summoned before the commission shall be paid the same fees as witnesses summoned to appear~~
26 ~~before the superior court, and such~~] A summons issued by any justice of the peace shall have the
27 same effect as though issued for appearance before such court.

28 176 Repeal. The following are repealed:

29 I. RSA 21-J:26, relative to witness fees for witnesses summoned to appear before the
30 commissioner of the department of revenue administration.

31 II. RSA 153:20, relative to witness fees for witnesses summoned to appear before the state
32 fire marshal.

33 III. RSA 326-H:17, III, relative to witness fees for witnesses summoned before the board of
34 dieticians.

35 IV. RSA 365:11, relative to witness fees for witnesses summoned before the public utilities
36 commission.

37 V. RSA 516:16, relative to fees of witnesses for attendance and travel.

1 VI. RSA 516:16-a, relative to defaults and witness fees for law enforcement officers.

2 VII. RSA 665:13, relative to witness fees for witnesses summoned before the ballot law
3 commission.

4 177 Granite Workforce. 2018, 342:3 through 342:9 are repealed and reenacted to read as
5 follows:

6 342:3 Granite Workforce; Program Established.

7 I. The commissioner of the department of health and human services may use allowable
8 funds from the Temporary Assistance to Needy Families (TANF) program along with other available
9 funds, including but not limited to the job training fund established under RSA 282-A:138-a, to
10 create a network of assistance to remove barriers to work for eligible low income families as well as
11 low income individuals and to provide subsidies to employers in high need areas, as determined by
12 the department of employment security based upon workforce shortages. The funds shall be used to
13 fund the granite workforce program, which shall operate as part of the New Hampshire granite
14 advantage health care program established in RSA 126-AA. The program shall be jointly
15 administered by the department of health and human services and the department of employment
16 security. No cash assistance shall be provided to eligible participants through granite workforce.

17 II. To be eligible for the granite workforce program, applicants shall be enrolled in the New
18 Hampshire granite advantage health care program, established in RSA 126-AA, whether or not the
19 applicant is subject to the work and community engagement requirement.

20 III. An eligible recipient, participating in the granite workforce program, whose wages
21 subsequently cause the household to exceed 138 percent of the federal poverty level shall continue to
22 receive granite workforce program services as needed, including the subsidy for employers, provided
23 the recipient's wages do not cause the household to exceed 250 percent of the federal poverty level.
24 After the second employer subsidy is paid on behalf of a granite workforce recipient, the recipient
25 shall no longer be eligible for granite workforce services as long as household income exceeds 138
26 percent of the federal poverty level.

27 IV. The department of employment security shall determine eligibility and entry into the
28 program, using nationally recognized assessment tools for vocational and job readiness assessments.
29 Vocational assessments shall include consideration of educational needs, vocational interest,
30 personal values, and aptitude. The department shall use the assessment results to work with the
31 participant to produce a long term career plan.

32 V. Except as otherwise provided in paragraphs II regarding program eligibility,
33 administrative rules governing the New Hampshire employment program, adopted under RSA 541-
34 A, shall apply to the granite workforce program.

35 342:4 Granite Workforce; Subsidies for Employers.

36 I. After 3 months of employment and upon verification of continued employment and wages
37 from the employer, the department of employment security shall authorize payment of a subsidy

1 equal to 50 percent of the employee's wages for the prior month, not to exceed \$2,000, to the
2 participant's employer.

3 II. After 9 months of employment and upon verification of continued employment and wages
4 from the employer, the department of employment security shall authorize payment of a subsidy
5 equal to 50 percent of the employee's wages for the prior month, not to exceed \$2,000, to the
6 participant's employer.

7 III. Upon notice by the department of an overpayment, the employer shall reimburse the
8 department the amount of the overpayment.

9 IV. In this section, "employer" means a tax exempt organization pursuant to section
10 501(c)(3) of the Internal Revenue Code.

11 342:5 Granite Workforce; Referral for Barriers to Employment.

12 I. The department of health and human services, in consultation with the department of
13 employment security, shall issue a request for applications for community providers interested in
14 offering case management services to participants with barriers to employment.

15 II. Participants shall be identified by the department of employment security using an
16 assessment process that screens for barriers to employment, including but not limited to
17 transportation, child care, substance use, mental health, and domestic violence.

18 III. The department of employment security shall refer to community providers individuals
19 with identified barriers to employment. When child care is identified as a barrier to employment,
20 the department of employment security or the community provider shall refer the individual to
21 available child care service programs, including the child care scholarship program administered by
22 the department of health and human services.

23 IV. In addition to employer subsidies, TANF and other funds allocated to the granite
24 workforce program shall be used to fund other services that eliminate barriers to work, as
25 established through rulemaking.

26 342:6 Granite Workforce; Network of Education and Training.

27 I. If after the assessment conducted by the department of employment security additional
28 job training, education, or skills development is necessary prior to job placement, the department of
29 employment security shall address those needs by:

30 (a) Referring individuals to training and apprenticeship opportunities offered by the
31 community college system of New Hampshire;

32 (b) Referring individuals to the department of business and economic affairs to utilize
33 available training funds and support services;

34 (c) Referring individuals to education and employment programs for youth available
35 through the department of education; or

36 (d) Referring individuals to training available through other colleges and training
37 programs.

1 II. Any industry specific skills and training shall be provided for jobs in high need areas, as
2 determined by the department of employment security based upon workforce shortages.

3 342:7 Granite Workforce; Job Placement. Upon determining the participant is job ready, the
4 department of employment security shall place individuals into jobs with employers in high need
5 areas, as determined by the department of employment security based upon workforce shortages.
6 High need areas include but are not limited to jobs in the fields of healthcare, advanced
7 manufacturing, construction/building trades, information technology, and hospitality. Training and
8 job placement shall focus on:

9 I. Supporting health care/safety issues: training and jobs to combat the opioid crisis,
10 including nurses, nursing assistants, clinicians, social workers, and treatment providers at the
11 licensed alcohol and drug addictions counselor and licensed mental health counselor levels.
12 Additionally, jobs to address long term care needs, home healthcare services, and expanding
13 mental/behavioral health services.

14 II. Advanced manufacturing to meet employer needs: training and jobs that include
15 computer aided drafting and design, electronic and mechanical engineering, precision welding,
16 computer numerical controlled precision machining, robotics, and automation.

17 III. Construction/building trades to address critical infrastructure needs: training and jobs
18 for building roads, bridges, municipality infrastructure, and ensuring safe drinking water.

19 IV. Information technology: training and jobs to allow businesses to excel in an ever
20 increasing network dependent business environment.

21 V. Hospitality training and jobs to support New Hampshire's tourism industry, to include
22 but not be limited to hotel workers, restaurant workers, campground workers, lift operators, state
23 park workers, and amusement park workers.

24 342:8 Reporting Requirement; Measurement of Outcomes.

25 I. The department of health and human services shall prepare a report on the outcomes of
26 the granite workforce program using appropriate standard common performance measures.
27 Program partners, as a condition of participation, shall be required to provide the department with
28 the relevant data. Metrics to be measured shall include, but are not limited to:

29 (a) Degree of participation.

30 (b) Progress with overcoming barriers.

31 (c) Entry into employment.

32 (d) Job retention.

33 (e) Earnings gain.

34 (f) Movement within established federal poverty level measurements, including the
35 Supplemental Nutrition Assistance Program (SNAP) and the New Hampshire granite advantage
36 health care program under RSA 126-AA.

37 (g) Attainment of education or training, including credentials.

1 II. The report shall be issued to the speaker of the house of representatives, the president of
2 the senate, the governor, the commission to evaluate the effectiveness and future of the New
3 Hampshire granite advantage health care program established under RSA 126-AA:4, and the state
4 library on or before December 1, 2019.

5 342:9 Termination of Granite Workforce Program.

6 I. The commissioner of the department of health and human services shall be responsible for
7 determining, every 3 months commencing no later than December 31, 2018, whether available TANF
8 reserve funds total at least \$5,000,000. If at any time the commissioner determines that available
9 TANF reserve funds have fallen below \$5,000,000, the commissioners of the departments of health
10 and human services and employment security shall, within 20 business days of such determination,
11 terminate the Granite Workforce program. The commissioners shall notify the governor, the speaker
12 of the house of representatives, the president of the senate, the chairperson of the fiscal committee of
13 the general court, and Granite Workforce participants of the program's pending termination.

14 II. If at any time the New Hampshire granite advantage health care program, established
15 under RSA 126-AA, terminates, the commissioners of the departments of health and human services
16 and employment security shall terminate the Granite Workforce program. The date of the Granite
17 Workforce program's termination shall align with that of the New Hampshire granite advantage
18 health care program.

19 178 Department of Natural and Cultural Resources; Exemption from Transfer Restrictions.
20 Amend RSA 9:16-a, II-a(d) as follows:

21 (d) The following account units within the department of natural and cultural resources
22 shall be exempt from the transfer restrictions in subparagraphs (a), (b), and (c): 03-35-35-351510-
23 3701, 03-35-35-351510-3745, 03-35-35-351510-3720, 03-35-35-351510-7300, 03-35-35-351510-3414,
24 03-35-35-351510-3556, 03-35-35-351510-3558, 03-35-35-351510-3484, 03-35-35-351510-3486, 03-35-
25 35-351510-3488, 03-35-35-351510-3562, 03-35-35-351510-3415, 03-35-35-351510-3746, 03-35-35-
26 351510-3777, 03-35-35-351510-3717, [and] 03-35-35-351510-3703, **and 03-35-35-351510-4016.**

27 179 Motor Vehicles; Waiver in Lieu of Court Appearance. Amend RSA 262:44, I to read as
28 follows:

29 I. Such defendant shall receive, in addition to the summons, a uniform fine schedule entitled
30 "Notice of Fine, Division of Motor Vehicles" which shall contain the normal fines for violations of the
31 provisions of title XXI on vehicles for which a plea may be entered by mail. The defendant shall be
32 given a notice of fine indicating the amount of the fine plus penalty assessment at the time the
33 summons is issued; except if, for cause, the summoning authority wishes the defendant to appear
34 personally. Defendants summoned to appear personally shall do so on the arraignment date
35 specified in the summons, unless otherwise ordered by the court. Defendants who are issued a
36 summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on
37 the summons and return it with payment of the fine plus penalty assessment to the director of the

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1 division of motor vehicles within 30 days of the date of the summons. The director of the division of
2 motor vehicles may accept payment of the fine by credit card in lieu of cash payment. Any
3 transaction costs assessed by the issuer of the credit card shall be paid out of the portion of the fine
4 amount which is credited [~~as agency income~~] **to the highway fund** and not out of the penalty
5 assessment charged by the district court. The director of the division of motor vehicles shall remit
6 the penalty assessments collected to the state treasurer to be credited and continually appropriated
7 to the state general fund and to the victims' assistance fund and the judicial branch information
8 technology fund in the percentages and manner prescribed in RSA 106-L:10. Fines shall be paid
9 over to the state treasurer, and shall be credited [~~as agency income by the department of safety~~] **to**
10 **the highway fund** within 14 days of their receipt [~~and shall not lapse to the general fund until the~~
11 ~~second year of each biennium~~].

12 180 Business Finance Authority Revenue Bonds; Additional State Guarantees. Amend RSA
13 162-I:9-b, I(a) to read as follows:

14 I.(a) The governor and council may award an unconditional state guarantee of the principal
15 of and interest on bonds issued under this chapter. The full faith and credit of the state shall be
16 pledged for any such guarantee, but the total amount of bonds guaranteed by the state under this
17 section [~~shall not exceed in the aggregate at any time \$10,000,000, plus interest, provided that such~~
18 ~~amount shall be increased to \$20,000,000 plus interest on January 1, 1993, to \$30,000,000 plus~~
19 ~~interest on January 1, 1994, to \$40,000,000 plus interest on January 1, 1995, and to \$50,000,000~~
20 ~~plus interest on January 1, 1996. In addition, the amount of bonds guaranteed by the state under~~
21 ~~this section~~] shall not cause the contingent credit limit under RSA 162-A:22 to be exceeded. The
22 governor, with the advice and consent of the council, is authorized to draw his warrant for such sum
23 as may be necessary out of any money in the treasury not otherwise appropriated, for the purpose of
24 honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on
25 each guaranteed bond by an endorsement signed by the state treasurer in substantially the following
26 form:

27 The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the
28 principal and interest on the within bond and for the performance of such guarantee the full faith
29 and credit of the state are pledged.

30

31

32 _____
State Treasurer

33 181 Repeal. RSA 162-I:9-b, II, relative to the total amount of state guarantees issued by the
34 business finance authority, is repealed.

35 182 Business Finance Authority; Unified Contingent Credit Limit. Amend RSA 162-A:22 to
36 read as follows:

37 162-A:22 Unified Contingent Credit Limit. The total amount of state guarantees in force under

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1 RSA 162-A:7-a, RSA 162-A:8, RSA 162-A:10, III, RSA 162-A:13, RSA 162-A:13-a, RSA 162-A:17,
2 ~~[RSA 162-I:9-a,]~~ and RSA 162-I:9-b shall not exceed in the aggregate at any time \$50,000,000 plus
3 interest, provided that such amount shall be increased to \$80,000,000 plus interest on January 1,
4 1993, to \$95,000,000 plus interest on January 1, 1994, and to \$115,000,000 plus interest on May 1,
5 2015. ~~[After May 1, 2015, an amount not to exceed \$30,000,000 plus interest may be used solely for~~
6 ~~bonds guaranteed pursuant to RSA 162-I:9-a, and an amount not to exceed the remaining~~
7 ~~\$85,000,000 plus interest may be used solely for bonds issued pursuant to sections other than RSA~~
8 ~~162-I:9-a.]~~

9 183 Repeal. The following are repealed:

10 I. RSA 12-G:33, relative to submission of a comprehensive development plan by the Pease
11 development authority.

12 II. RSA 12-G:35, relative to loans to Pease development authority to enable the authority to
13 obtain matching funds.

14 184 Office of Professional Licensure and Certification; Fees. Amend RSA 310-A:1-e, I(b) to read
15 as follows:

16 (b) There is hereby established the office of professional licensure and certification fund
17 into which the fees collected under subparagraph (a) shall be deposited. ~~[The fund shall be a~~
18 ~~separate, nonlapsing fund, continually appropriated to the office for the purpose of paying all costs~~
19 ~~and salaries associated with the office]~~ **After paying all costs and salaries associated with the**
20 **office, moneys in this fund shall lapse to the general fund at the close of each fiscal year.**

21 185 New Paragraphs; Department of Justice; Director of the Office of Victim/Witness
22 Assistance. Amend RSA 21-M:3 by inserting after paragraph X the following new paragraphs:

23 XI. The attorney general, subject to the approval of the governor and council, may appoint a
24 director of the office of victim/witness assistance, within the limits of the appropriation made for the
25 appointment, who shall hold office for a term of 5 years. Any vacancy in such office may be filled for
26 the unexpired term. The director of the office of victim/witness assistance may be removed only as
27 provided by RSA 4:1.

28 XII. The attorney general, subject to the approval of the governor and council, may appoint a
29 director of communications within the limits of the appropriation made for the appointment, who
30 shall hold office for a term of 5 years. Any vacancy in such office may be filled for the unexpired
31 term. The director of communications may be removed only as provided by RSA 4:1.

32 186 Department of Justice; Office of Victim/Witness Assistance. Amend the introductory
33 paragraph in RSA 21-M:8-b, II to read as follows:

34 II. There is hereby established within the criminal justice bureau of the department of
35 justice, the office of victim/witness assistance. **The office shall be supervised by the director of**
36 **victim/witness assistance who shall be appointed by the attorney general in accordance**
37 **with the provisions of RSA 21-M:3, XI and who shall carry out the duties imposed by this**

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1 *section under the supervision of the attorney general and perform such other work as the*
2 *attorney general may assign.* The office shall provide information and services to victims and
3 witnesses in criminal cases prosecuted by the attorney general and shall develop and coordinate a
4 statewide victim/witness rights information program. The victim/witness rights information
5 program shall:

6 187 New Paragraph; Department of Justice; Officer-Involved Deadly Force Investigator Position
7 Established. Amend RSA 21-M:8 by inserting after paragraph III the following new paragraph:

8 IV.(a) To assist the attorney general in his or her duty to exercise general supervision of
9 officer-involved use of deadly force investigations and to provide training to local law enforcement
10 officers, the department of justice may hire an unclassified full-time investigator assigned the
11 bureau, who shall work on officer-involved use of deadly force investigations.

12 (b) There is established within the department of justice an unclassified full-time
13 investigator position for the purpose of working on officer-involved use of deadly force investigations
14 as required in this paragraph. Notwithstanding RSA 14:14-c and RSA 94:1-d, the salary for the full-
15 time investigator position shall be established as a labor grade BB pursuant to RSA 94:1-a, I(a).

16 188 Department of Justice; Position Reclassified and Established.

17 I. The position of administrator II-public/legislative information officer, position number
18 18030, within the department of justice shall be designated as an unclassified position.

19 II. There is established within the department of justice the unclassified position of director
20 of communications. The salary of the director of communications shall be determined after
21 assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for
22 the positions which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of
23 this action and appointment of the director of communications, position number 18030 shall be
24 abolished to allow for the transition of its available appropriations into the unclassified position of
25 director of communications. Funding shall be transferred into the proper unclassified expenditure
26 class for the attorney general accounting unit. The incumbent in the abolished classified position
27 shall be offered the opportunity to seek the attorney general's nomination for the unclassified
28 position of director of communications.

29 189 Department of Justice; Position Reclassified and Established.

30 I. The position of attorney III-assistant director of charitable trusts, position number 10321,
31 within the department of justice shall be designated as an unclassified position.

32 II. There is established within the department of justice the unclassified position of
33 assistant attorney general. The salary of the assistant attorney general is established in RSA 94:1-a,
34 I-c. Upon completion of this action and appointment of the assistant attorney general, position
35 number 10321 shall be abolished to allow for the transition of its available appropriations into the
36 unclassified position of assistant attorney general. Funding shall be transferred into the proper
37 unclassified expenditure class for the charitable trust accounting unit. The incumbent in the

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1 abolished classified position shall be offered the opportunity to seek the attorney general's
2 nomination for the unclassified position of assistant attorney general.

3 190 Department of Administrative Services; Rehiring of Laid Off Classified State Employees.

4 I. For purposes of this section, "laid off" means any person in a classified position as
5 described in RSA 21-I:49 who receives written notice of the state's intent to lay him or her off or who
6 is laid off between July 1, 2019 and June 30, 2021, as a result of reorganization or downsizing of
7 state government.

8 II. It is the intent of the general court that any classified position which becomes available
9 in a department or establishment, as defined in RSA 9:1, shall be filled, if possible, by a state
10 employee laid off, as defined in paragraph I, if such person is not currently employed by the state of
11 New Hampshire, if he or she meets the minimum qualifications for the position, and if he or she does
12 not receive a promotion as a result of the rehire.

13 III. The head of each department or agency shall submit the name and classification of any
14 individual laid off between July 1, 2019 and June 30, 2021, to the director of the division of personnel
15 within 10 days of the layoff.

16 191 Appropriation; State Treasurer; Municipal Aid.

17 I. The sum of \$40,000,000 for the fiscal year ending June 30, 2019 is hereby appropriated to
18 the state treasurer for the purpose of providing municipal aid to each city, town, and unincorporated
19 place in the state. The treasurer shall distribute \$20,000,000 of the municipal aid to each city, town,
20 and unincorporated place in the state by October 1 of the fiscal year ending June 30, 2020 and
21 \$20,000,000 of the municipal aid to each city, town, and unincorporated place in the state by October
22 1 of the fiscal year ending June 30, 2021. The proportion of municipal aid distributed to each
23 municipality pursuant to this paragraph shall be calculated pursuant to paragraph II. The governor
24 is authorized to draw a warrant for said sums out of any money in the treasury not otherwise
25 appropriated. The appropriation in this section shall not lapse until June 30, 2021. Municipal aid
26 received by October 1, 2019 may be considered unanticipated revenue under RSA 31:95-b and may
27 be accepted and expended pursuant to RSA 31:95-b, II through IV whether or not a town has
28 adopted the provisions of RSA 31:95-b.

29 II. For each fiscal year of the biennium beginning July 1, 2019, the state treasurer shall
30 reserve the amount in the treasury as determined in paragraph I. Such moneys shall not be used for
31 any purpose other than to distribute grants to municipalities. From such funds, the treasurer shall
32 disburse to each municipality in the state:

33 (a) Twenty percent of such funds for the determination year shall be distributed to
34 municipalities on the basis of the ratio that each municipality's average daily membership in
35 residence bears to the statewide total membership in residence, as determined by the department
36 and provided to the treasurer.

37 (b) Eighty percent of such funds for the determination year shall be distributed to

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1 municipalities on the basis of the ratio that each municipality's number of pupils in the
2 municipality's average daily membership in residence eligible for a free or reduced-price meal bears
3 to the total statewide membership in residence eligible for a free or reduced-price meal, as
4 determined by the department and provided to the treasurer.

5 III. The grant determined in this section shall be distributed to each municipality in one
6 payment of 100 percent on or before October 1 of the fiscal year.

7 IV. For purposes of this section:

8 (a) "Average daily membership in residence" or "ADMR" means the average daily
9 membership in attendance of pupils who are legal residents of the school district, pursuant to RSA
10 193:12 or RSA 193:27, IV, in kindergarten through grade 12 in the determination year and attend a
11 state-approved public or nonpublic school as assigned by the school district in which the pupil
12 resides, or by the state, or attend an approved chartered public school, and who are educated at the
13 school district's expense, which may include costs of attendance at public academies or out-of-district
14 placements.

15 (b) "Department" means the department of education.

16 (c) "Determination year" means the school year immediately preceding the school year
17 for which aid is determined.

18 (d) "Eligible for a free or reduced-price meal" means the ADMR of pupils in kindergarten
19 through grade 12 who are eligible for the federal free or reduced-price meal program.

20 (e) "Municipality" means a city, town, or unincorporated place.

21 192 New Section; Community Development Fund for New Hampshire Established. Amend RSA
22 162-L by inserting after section 4 the following new section:

23 162-L:4-a Community Development Fund for New Hampshire. There is hereby established in
24 the state treasury the community development fund for New Hampshire, which shall be kept distinct
25 and separate from all other funds. All moneys in the fund shall be nonlapsing and continually
26 appropriated to the community development finance authority. In addition to any state
27 appropriations, the community development finance authority may except gifts, grants, and
28 donations from other sources, including contributions and loans from businesses, for deposit into the
29 fund. The fund shall be used to provide flexible loan capital for community development initiatives
30 and for one-time capital infrastructure revitalization and strategic investments.

31 193 New Subparagraph; Dedicated Funds or Accounts; Community Development Fund. Amend
32 RSA 6:12, I(b) by inserting after subparagraph (343) the following new subparagraph:

33 (344) Moneys deposited in the community development fund for New Hampshire
34 established in RSA 162-L:4-a.

35 194 Appropriation; Community Development Finance Authority; Community Development
36 Fund for New Hampshire. There is hereby appropriated to the community development finance
37 authority the sum of \$1,000,000 for the biennium ending June, 30 2021, for deposit in the

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1 community development fund for New Hampshire established in RSA 162-L:4-a. The governor is
2 authorized to draw a warrant for such sum from any money in the treasury not otherwise
3 appropriated.

4 195 State Aid Grant Program; Appropriation to Department of Environmental Services.

5 I. The sum of \$3,652,347 for the fiscal year ending June 30, 2020, is hereby appropriated to
6 the department of environmental services for the purpose of funding state aid grant programs under
7 RSA 486 for wastewater SAG 03-44-44-442010-1003-073-500580. The governor is authorized to
8 draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

9 II. The sum of \$3,781,024 for the fiscal year ending June 30, 2021, is hereby appropriated to
10 the department of environmental services for the purpose of funding state aid grant programs under
11 RSA 486 for wastewater SAG 03-44-44-442010-1003-073-500580. The governor is authorized to
12 draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

13 196 Department of Justice; Victim/Witness Specialist Positions Reclassified and Established.
14 The positions of victim/witness specialist position numbers 18674, 19419, 9T2817, and 9T2811,
15 within the department of justice shall be designated as unclassified positions. There are hereby
16 established within the department of justice 4 unclassified victim/witness specialist positions. The
17 salary of the victim/witness specialist positions shall be determined after assessment and review of
18 the appropriate temporary letter grade allocation for the positions which shall be conducted
19 pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action and appointments to the
20 unclassified positions, position numbers 18674, 19419, 9T2817, and 9T2811 shall be abolished to
21 allow for the transition of the available appropriations to the unclassified positions. Funding shall
22 be transferred into the proper unclassified expenditure class in the victim witness general
23 accounting unit. The incumbents in the abolished classified positions shall be offered the
24 opportunity to seek the attorney general's nomination for the unclassified victim/witness specialist
25 positions.

26 197 New Paragraphs; Department of Justice; Criminal Justice Bureau; Victim/Witness
27 Specialist Positions Established. Amend RSA 21-M:8 by inserting after paragraph IV the following
28 new paragraphs:

29 V. The attorney general, subject to the approval of the governor and council, may appoint
30 permanent victim/witness specialists within the limits of the appropriation made for the
31 appointments, who shall hold office for a term of 5 years. Any vacancy in such position may be filled
32 for the unexpired term. The victim/witness specialists may be removed only as provided by RSA 4:1.

33 VI. The attorney general, subject to the approval of the governor and council, may appoint
34 unclassified, full-time temporary victim/witness specialists within the federal appropriations made
35 for the appointment, who shall hold office subject to continuation of the federal grant funds
36 supporting the victims/witness program. Any vacancy shall be filled in the same manner as the
37 original appointment. The victim/witness specialists may be removed only as provided by RSA 4:1,

1 or if the federal appropriation no longer supports the positions.

2 VII. There is established within the department of justice an unclassified full-time elections
3 attorney. The salary of the elections attorney is established in RSA 94:1-a, I(c).

4 198 Department of Natural and Cultural Resources; Curatorial Responsibilities Suspended.
5 Due to inadequate funding and staffing resources at the department of natural and cultural
6 resources, the commissioner of the department of natural and cultural resources may suspend the
7 requirements of RSA 227-C and RSA 12-A relative to curatorial responsibilities, for each year of the
8 biennium ending June 30, 2021.

9 199 Statewide Public Boat Access Fund; Appropriation to Department of Natural and Cultural
10 Resources. Amend RSA 233-A:13 to read as follows:

11 233-A:13 Statewide Public Boat Access Fund Established. There is hereby established a
12 nonlapsing statewide public boat access fund. The \$5 boat registration surcharge collected pursuant
13 to RSA 270-E:5, II(d) and any other public access funds donated to the state shall be placed in this
14 fund. ~~[All]~~ Funds received under this section are continually appropriated to the fish and game
15 department for the purposes of the statewide public boat access program established under this
16 chapter, *except for sufficient funds which are hereby appropriated to the department of*
17 *natural and cultural resources for payment of principal and interest on bonds and notes*
18 *for the Mount Sunapee state park beach boat ramp project.*

19 200 Department of State; Archives and Records Management; Appointment of Director. Amend
20 RSA 5:28 to read as follows:

21 5:28 Appointment of Director. The secretary of state, with the approval of governor and council,
22 shall appoint the director of the division of archives and records management, who shall be known as
23 the state archivist and who shall be an unclassified state employee. The director shall have a
24 minimum of a master's degree in library science ~~[or]~~, history, *or equivalent* or 10 years prior
25 experience as an archivist or experience in a related field. The term of office for the state archivist
26 shall be for 4 years. Any vacancy shall be filled for the unexpired term. The salary of the state
27 archivist shall be as specified in RSA 94:1-a.

28 201 Department and Secretary of State; Election Fund. Amend RSA 5:6-d, I-III to read as
29 follows:

30 I. There is established in the office of the state treasurer a nonlapsing fund to be known as
31 the election fund which shall be kept distinct and separate from all other funds. The election fund is
32 established to meet the requirements of section 254(b) of the Help America Vote Act, Public Law
33 107-252 *and the 2018 Election Reform Program authorized by the Consolidated*
34 *Appropriations Act of 2018, Public Law 115-141, hereafter referred to as the "2018 Election*
35 *Reform Program"*.

36 II. The treasurer shall deposit in the election fund all monies received by the state pursuant
37 to the Help America Vote Act of 2002, Public Law 107-252 *and the 2018 Election Reform*

1 **Program.** The treasurer shall also deposit in the election fund such other funds received under
2 state or federal law, or donated to the state by private parties, for the purposes of conducting
3 elections, voter and election official education, election law enforcement, and related information
4 technology projects and improvements, and shall credit any interest or income earned on monies on
5 deposit to the fund.

6 III. The secretary of state is authorized to accept, budget, and, subject to the limitations of
7 this paragraph, expend monies in the election fund received from any party for the purposes of
8 conducting elections, voter and election official education, the purchase or lease of equipment that
9 complies with the Help America Vote Act of 2002, Public Law 107-252, or with RSA 659:13, V,
10 reimbursing the department of safety for the actual cost of voter identification cards, election law
11 enforcement, **enhancing election technology, making election security improvements,** and
12 improvements to related information technology, including acquisition and operation of an
13 automated election management system. **With the exception of federal and state portions of**
14 **funds associated with the 2018 Election Reform Program,** the secretary of state shall not
15 expend any monies in the election fund unless the balance in the fund following such expenditures
16 shall be at least 12 times the estimated annual cost of maintaining the programs established to
17 comply with the Help America Vote Act of 2002, Public Law 107-252.

18 202 Short Title. Sections 203-209 of this act shall be known as the Granite State Jobs Act of
19 2019.

20 203 Findings. The general court finds it is in the public interest to enhance public-private
21 partnerships to recruit, train, and re-employ workers in order to meet New Hampshire's skills gap
22 and worker shortage, efficiently and timely assisting Granite state businesses and Granite stater
23 looking for work, including those in recovery.

24 204 Unemployment Compensation; Contribution Rates. Amend RSA 282-A:87, IV(a) to read as
25 follows:

26 IV.(a)(1) Each employer subject to payment of contributions pursuant to RSA 282-A:69, I
27 shall have its rate reduced by ~~[2/10]~~ **2/5** of one percent beginning in the ~~[second]~~ **fourth** quarter of
28 ~~[2007]~~ **2019**. An administrative contribution equal to the amount of this reduction shall be paid by
29 all such employers.

30 (2) Commencing ~~[July 1, 2007]~~ **January 1, 2020**, after deduction of all costs
31 incurred in the collection of the administrative contribution, 1/3 of the quarterly administrative
32 contribution collected, not to exceed ~~[\$2,000,000]~~ **\$6,000,000** annually, shall be deposited each
33 quarter in the fund established by ~~[RSA 282-A:138-a]~~ **RSA 282-A:182** and shall be expended only as
34 provided by and for the purposes provided in that section **and shall lapse to the unemployment**
35 **trust fund account established in RSA 282-A:104, I(b) if unspent or unencumbered at the**
36 **end of the relevant program year.** The remaining quarterly administrative contribution collected
37 shall be **divided so that the proportional share of the quarterly administrative contribution**

1 *resulting from the increase over 2/10 of one percent shall be deposited in the unemployment*
2 *compensation fund established in RSA 282-A:103 and the remaining amount* deposited in the
3 fund established by RSA 282-A:140 and shall be expended only as provided by and for the purposes
4 provided in that section, and not for any other purpose.

5 205 Department of Employment Security; Job Training Program. Amend RSA 282-A by
6 inserting after section 180 the following new subdivision:

7 Job Training Program

8 282-A:181 Job Training Program. The department of employment security shall administer the
9 job training program in this subdivision. The commissioner of the department of employment
10 security shall adopt rules under RSA 541-A, relative to the grant award process and general
11 administration of this subdivision.

12 I. Training programs may include, but shall not be limited to:

13 (a) Structured, on-site laboratory or classroom training.

14 (b) Basic skills.

15 (c) Technical skills.

16 (d) Quality improvement.

17 (e) Safety.

18 (f) Management and supervision.

19 (g) English as a second language.

20 II. No more than \$500,000 annually, from sources other than the WorkReadyNH program,
21 shall be provided to support programs offered as of January 1, 2019, and, in addition to programs
22 offered as of January 1, 2019, funding shall be provided for:

23 (a) Training individuals not otherwise eligible for state or federal training funds
24 available as of January 1, 2019, including the cost of certificate programs, apprenticeship programs
25 as defined under 29 C.F.R. Part 29, and occupational skills training in order to fill current, in-
26 demand employment in New Hampshire with employers having immediate employment needs, with
27 a priority for jobs identified through the state's sector partnership initiative and for employers who
28 pay individuals during training periods.

29 (b) Enhanced support services, including child care and transportation assistance, which
30 would not otherwise be available through any other state, federal, or other programs, with such
31 assistance limited to income eligible individuals with an identified career path and who are
32 determined to be in need of such support services to successfully compete for employment
33 opportunities;

34 (c) The WorkReadyNH program established by the community college system of New
35 Hampshire in an amount not to exceed \$500,000 annually.

36 (d) Certificate programs, apprenticeship programs as defined under 29 C.F.R. Part 29,
37 and occupational skills training opportunities for New Hampshire high school students upon

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1 graduation in order to fill current, in-demand employment in New Hampshire.

2 (e) Marketing of New Hampshire's workforce development initiatives to employers and
3 business community representatives in New Hampshire.

4 (f) Recruitment and coordination of services provided in this section to populations with
5 higher than average unemployment in New Hampshire, including persons in need of training to
6 change careers, persons with substance use disorders who are in recovery programs, persons with
7 disabilities, inmates transitioning to the general population, persons who are homeless, senior
8 citizens, legal immigrants and speakers of languages other than English, including documented
9 outreach to and priority given to persons with substance use disorders who are in recovery programs.

10 **282-A:182 Training Fund.**

11 I. There is hereby created in the state treasury a special fund to be known as the training
12 fund. Commencing January 1, 2020, the moneys in this fund shall be used solely as determined by
13 the commissioner of the department of employment security in accordance with rules and guidelines
14 adopted by the department for funding training under the job training program established in this
15 subdivision. The commissioner of the department of employment security shall make rules relative
16 to administration of the grant award process under this subdivision.

17 II. The commissioner shall act as the fiscal agent for moneys deposited in the training fund.
18 All costs incurred by the commissioner acting as fiscal agent of the training fund shall be paid from
19 such fund.

20 III. Any interest earned on the moneys in this fund shall remain in the fund and shall be
21 expended as provided in paragraph I.

22 IV. Any moneys paid into the training fund during a calendar year, which are either not
23 obligated by June 30 of the following year or spent by June 30 of the year thereafter, shall be
24 continually appropriated and shall not lapse.

25 **282-A:183 Expenditure for Job Training Program.** The department of employment security
26 shall use no more than 10 percent, or \$600,000, of any moneys received from the training fund
27 established in RSA 282-A:182, whichever is less, to administer the job training program in this
28 subdivision, including support for the sector partnership initiative.

29 **282-A:184 Report.** The commissioner shall annually submit a report to the governor's state
30 workforce innovation board, the speaker of the house of representatives, the president of senate, the
31 chairperson of the senate committee with jurisdiction over commerce issues, and the chairperson of
32 the house committee with jurisdiction over labor issues concerning the effectiveness of the job
33 training program established in this subdivision.

34 **206 Commission to Review and Evaluate Workforce and Job Training Programs in New**
35 **Hampshire.** Amend RSA 273:28, IV(g)(12) to read as follows:

36 (12) Department of [~~business and economic affairs~~] **employment security**, job
37 training program [~~for economic growth~~] pursuant to RSA [~~12-O:30-37~~]**282-A:181-184.**

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1 207 Application of Receipts. Amend RSA 6:12, I(b)(74) to read as follows:

2 (74) Moneys deposited in the training fund established by RSA [~~282-A:138-a~~] 282-
3 A:182.

4 208 New Hampshire Workforce Opportunity Fund. Amend RSA 12-O:45, V to read as follows:

5 V. In accordance with RSA [~~12-O:30~~] 282-A:181 through RSA [~~12-O:37~~] 282-A:184, the
6 commissioner of the department of employment security shall have the authority to make grants to
7 New Hampshire employers for the purpose of training employees in accordance with this chapter,
8 such grants not to exceed the amounts specified in RSA 282-A:87, IV(a)(2), and not to exceed to any
9 single employer in any grant year the sum of \$70,000, unless first approved by governor and council.
10 The commissioner shall provide the governor and council an information item not less frequently
11 than semi-annually describing all such grants expended pursuant thereto. Such grants shall be
12 made pursuant to a form of agreement that shall be approved by governor and council after review
13 by the attorney general and the commissioner of the department of administrative services.

14 209 Repeal. The following are repealed:

15 I. RSA 12-O:30 through RSA 12-O:37, relative to the job training program for economic
16 growth.

17 II. RSA 282-A:138-a, relative to the training fund.

18 210 Appropriation; Affordable Housing Fund. The sum of \$5,000,000 for the fiscal year ending
19 June 30, 2020, is hereby appropriated to the housing finance authority for deposit in the affordable
20 housing fund established in RSA 204-C:57, for the purpose of providing financing or state matching
21 funds for affordable housing. The appropriation shall be in addition to any other funds appropriated
22 to the housing finance authority. The governor is authorized to draw a warrant for said sum out of
23 any money in the treasury not otherwise appropriated.

24 211 New Section; Special Account. Amend RSA 432 by inserting after section 30 the following
25 new section:

26 432:30-a Special Account. There is established a separate account to which shall be credited all
27 funds appropriated or acquired to provide financial and technical assistance associated with this
28 subdivision. This shall be a nonlapsing account, and funds in said account are hereby appropriated
29 for the purpose of this subdivision.

30 212 Appropriation. Department of Agriculture, Markets and Food. There is hereby
31 appropriated to the department of agriculture, markets and food the sum of \$250,000 for the fiscal
32 year ending June 30, 2020 and \$500,000 for the fiscal year ending June 30, 2021 for deposit in the
33 special account established in RSA 432:30-a. The governor is authorized to draw a warrant for said
34 sum out of any money in the treasury not otherwise appropriated.

35 213 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after
36 subparagraph (343) the following new subparagraph:

37 (344) Moneys deposited in the special account for agriculture development rights

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1 under RSA 432:30-a.

2 214 State Demographer. For the biennium ending June 30, 2021, the provisions of RSA 4-C:36
3 and RSA 14:46, VII are hereby suspended. For said biennium, the director of the office of strategic
4 initiatives may provide assistance to the commission on demographic trends established pursuant to
5 RSA 4-C:37, the department of health and human services pursuant to RSA 9:9-e, or the legislative
6 budget assistant pursuant to RSA 9:9-f, in place of the state demographer.

7 215 Board of Tax and Land Appeals; Staff. Amend RSA 71-B:14 to read as follows:

8 71-B:14 Staff. The board shall have upon its staff [2] *at least one* review [appraisers]
9 *appraiser* who shall be *a* classified state [employees] *employee* and who shall be competent to
10 review the value of property for tax and eminent domain purposes. In addition, the board shall have
11 such clerical and technical staff as may be necessary within the limits of appropriation made
12 therefor.

13 216 Coos County Job Creation Tax Credit Extended. Amend RSA 77-E:3-c, II to read as follows:

14 II. ~~[The initial job creation tax credit allowed under this paragraph shall not apply to any~~
15 ~~tax period ending prior to the effective date of this section, or to any tax period ending after~~
16 ~~December 31, 2018.]~~ After being initially granted, the tax credit shall be renewable for 4 consecutive
17 additional years, provided that no additional tax credit shall be granted under this chapter for any
18 tax period after December 31, [2022] **2027**.

19 217 Business Profits Tax; Imposition of Tax; 2019. RSA 77-A:2 is repealed and reenacted to
20 read as follows:

21 77-A:2 Imposition of Tax. A tax is imposed at the rate of 7.9 percent upon the taxable business
22 profits of every business organization.

23 218 Business Enterprise Tax; Imposition of Tax; 2019. RSA 77-E:2 is repealed and reenacted to
24 read as follows:

25 77-E:2 Imposition of Tax. A tax is imposed at the rate of .675 percent upon the taxable
26 enterprise value tax base of every business enterprise.

27 219 Repeal of Prospective Amendments. The following are repealed:

28 I. 2017, 156:215; relative to the rate of the business profits tax in 2021.

29 II. 2017, 156:216, relative to the rate of the business enterprise tax in 2021.

30 III. 2017, 156:217, II, relative to the applicability of the 2021 rates changes.

31 220 Applicability. Sections 217 and 218 of this act shall apply to taxable periods ending on or
32 after December 31, 2019.

33 221 Education Trust Fund. Notwithstanding RSA 198:39, I, for the biennium ending June 30,
34 2021, the education trust fund may be used for the purpose of distributing school building aid to
35 school districts and approved chartered public schools pursuant to RSA 198:15-b, distributing tuition
36 and transportation funds to school districts for students attending career and technical education
37 programs pursuant to RSA 188-E:9, and distributing special education aid to school districts

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1 pursuant to RSA 186-C:18.

2 222 New Section; The Budget; Transmission to the Legislature; Changes to Statutory Law.
3 Amend RSA 9 by inserting after section 2 the following new section:

4 9:2-a Transmission to the Legislature; Changes to Statutory Law. Not later than February 15 of
5 the first year of each biennial legislative session, the governor shall transmit to the legislature a
6 document to be known as the trailer bill containing any changes to statutory law deemed necessary
7 for the ensuing biennium. This document shall be separate from the document known as the budget
8 as provided in RSA 9:2 and shall not be considered a budget bill as provided in part II, article 18-a of
9 the New Hampshire constitution. This document shall be available in printed format and at least
10 one electronic computer file format in common use at the time.

11 223 Department of Safety; Deputy Director of Administration; Position Established. There is
12 established within the department of safety the unclassified position of deputy director of
13 administration. The deputy director of administration shall be qualified to hold that position by
14 reason of education and experience, and shall be appointed by and serve at the pleasure of the
15 commissioner of safety. The deputy director of administration shall assist the director of
16 administration in carrying out the duties of the department of safety. The salary of the deputy
17 director of administration shall be determined after assessment and review of the appropriate
18 temporary letter grade allocation in RSA 94:1-a, I for the position which shall be conducted pursuant
19 to RSA 94:1-d and RSA 14:14-c. Funding shall be appropriated from expenditure class 012, within
20 accounting unit 02-23-23-232015-2310.

21 224 New Section; Department of Safety; Deputy Director of Administration. Amend RSA 21-P
22 by inserting after section 6 the following new section:

23 21-P:6-a Deputy Director of Administration.

24 I. The commissioner of safety shall nominate a deputy director of administration for
25 appointment by the governor, with the consent of the council. The deputy director of administration
26 shall serve a term of 4 years, and may be reappointed. The deputy director of administration shall
27 be qualified to hold that position by reason of education and experience.

28 II. The deputy director of administration shall perform such duties as are assigned by the
29 director of administration. The deputy director of administration shall assume the duties of the
30 director of administration in the event that the director of administration is unable for any reason to
31 perform such duties.

32 III. The salary of the deputy director of administration shall be as specified in RSA 94:1-a.

33 225 Assistant Director of Division of Fire Standards and Training and Emergency Medical
34 Services; Membership in New Hampshire Retirement System. Notwithstanding any provision of
35 RSA 100-A to the contrary, the current assistant director of the division of fire standards and
36 training and emergency medical services, department of safety, shall be considered to have been
37 properly enrolled as a member in group II of the New Hampshire retirement system as of his original

1 date of hire with the division of fire standards and training and emergency medical services and he
2 shall retain such membership for the duration of service in his present capacity.

3 226 Motor Vehicles; Copies of Certificates and Motor Vehicle Records. Amend RSA 260:15, II to
4 read as follows:

5 II. The department may issue a copy of any motor vehicle record upon the request of an
6 insurance company or any other authorized agent, and notwithstanding RSA 91-A shall require
7 payment by the insurance company or authorized agent of a fee of [~~\$12~~] **\$13** for email or other
8 computer-generated requests where payment is debited against an account established with the
9 department, or \$15 for all other requests, which shall be deposited in the fire standards and training
10 and emergency medical services fund established in RSA 21-P:12-d.

11 227 Motor Vehicles; Drivers' Licenses; Real ID Compliant; Fee. Amend RSA 263:42, I to read as
12 follows:

13 I. For each original driver's license and examination or driver's license renewal, other than
14 for a commercial vehicle or motorcycle- **\$60 for a Real ID Act compliant license under RSA**
15 **263:14-b or \$50 for each other license**; for each license issued under RSA 263:5-f- \$10; for each
16 youth operator's license and examination- \$10 per year, not to exceed \$50; for each license issued to a
17 nonresident alien for less than 5 years- \$10 per year or portion thereof; for each original commercial
18 driver license and examination or commercial driver license renewal- \$60; for each commercial driver
19 license reexamination in a one-year period- \$20; for each commercial vehicle endorsement, renewal
20 of an endorsement, or removal of a restriction- \$10; for each special motorcycle original license and
21 examination or special motorcycle license renewal- \$50; for each original motorcycle endorsement-
22 \$25; for each 3-wheeled motorcycle endorsement- \$25; for each motorcycle endorsement and 3-
23 wheeled motorcycle endorsement renewal- no charge. For each original driver's license issued, \$5
24 shall be credited to the driver training fund established by RSA 263:52. Except as provided in RSA
25 263:5-f, I, RSA 263:14, and RSA 263:39-a, III, every license shall expire on the licensee's birthdate in
26 the fifth year following the issuance of such license. No fee collected under this paragraph shall be
27 refunded once an examination has been taken or a license issued, except as provided in RSA 263:43.

28 228 Department of Transportation; Capital Corridor Rail Expansion. The department of
29 transportation is hereby authorized to access the Boston Urbanized Area Formula Funding program
30 of the Federal Transit Administration, 49 U.S.C. section 5307, identified in the 2019-2028 Ten Year
31 Transportation Improvement Plan, to complete the project development phase of the project named
32 Nashua-Manchester-Concord, project number 40818. The department may use toll credits pursuant
33 to RSA 228:12-a for this project.

34 229 Department of Transportation; Use of Toll Credits. Amend RSA 228:12-a to read as follows:

35 228:12-a Use of Toll Credits. The department may use toll credits as a match for federal
36 highway funds solely for the funding of highway and road projects, [~~or~~] projects concerning the travel
37 of motor vehicles on such highways and roads, **and the completion of the project development**

1 *phase of the project named Nashua-Manchester-Concord, project number 40818, in the*
2 *2019-2028 Ten Year Transportation Improvement Plan.* Any other use of toll credits shall
3 require approval of the joint legislative capital budget overview committee, established in RSA 17-
4 J:1, prior to moving the project forward for approval in the state 10-year transportation
5 improvement program.

6 230 Department of Transportation; Appropriation. There is hereby appropriated to the
7 department of transportation the sum of \$1,870,000 for the fiscal year ending June 30, 2019, for the
8 purpose of demolition and environmental mitigation of structures on state-owned property. Such
9 funds shall not lapse. The governor is authorized to draw a warrant for said sum out of any money
10 in the treasury not otherwise appropriated.

11 231 Rulemaking Exception; Medicaid Rate of Reimbursement Methodology for Nursing
12 Facilities. Amend RSA 541-A:21 by inserting after paragraph III the following new paragraph:

13 III-a. Rules adopted relative to the budget adjustment factor contained within the Medicaid
14 rate of reimbursement methodology for nursing facilities shall be exempt from the provisions of 541-
15 A:5 through 541-A:14 provided that the budget adjustment factor applied to the reimbursement
16 methodology is equal to or less than 28.76 percent. If the budget adjustment factor to be applied to
17 the reimbursement methodology is greater than 28.76 percent, the provisions of 541-A shall apply.

18 232 Alcohol Abuse Prevention and Treatment Fund; Disbursements. Amend RSA 176-A:1, III to
19 read as follows:

20 III. Moneys received from all other sources other than the liquor commission pursuant to
21 RSA 176:16, III, *including any community benefit contribution made by New Hampshire's*
22 *hospitals*, shall be disbursed from the fund upon the authorization of the governor's commission on
23 alcohol and drug abuse prevention, treatment, and recovery established pursuant to RSA 12-J:1 *and*
24 *shall not be diverted for any other purposes.* Funds disbursed shall be used for alcohol and
25 other drug abuse prevention, treatment, and recovery services, and other purposes related to the
26 duties of the commission under RSA 12-J:3; provided, however, that funds received from any source
27 other than the liquor commission, pursuant to RSA 176:16, III, shall not be used to support the New
28 Hampshire granite advantage health care program and shall not be deposited into the fund
29 established in RSA 126-AA:3.

30 233 Appropriation; Department of Health and Human Services; Inpatient Psychiatric
31 Treatment Facility for Children.

32 I. There is hereby appropriated the sum of \$6,000,000 for the fiscal year ending June 30,
33 2019, which shall be nonlapsing, to the department of health and human services for the purpose of
34 obtaining and renovating a new treatment facility for children who are in need of acute inpatient
35 psychiatric treatment. The governor is authorized to draw a warrant for said sum out of any money
36 in the treasury not otherwise appropriated.

37 II. There is hereby appropriated the sum of \$5,500,000 for the fiscal year ending June 30,

1 2020, which shall be nonlapsing, to the department of health and human services for the purpose of
2 operating the psychiatric treatment facility under paragraph I. The governor is authorized to draw a
3 warrant for said sum out of any money in the treasury not otherwise appropriated.

4 III.(a) Upon completion of the design of the facility authorized in paragraph I, and before
5 entering into any contractual obligation regarding the facility, the commissioner of the department
6 of health and human services shall prepare a report which describes how the design and operational
7 plan shall certify and provide for:

8 (1) Continued Joint Commission accreditation;

9 (2) Age- and developmentally- appropriate education, recreation, and rehabilitation
10 services; and

11 (3) Backup staffing and security services so that the capacity for response to staffing
12 shortages and emergencies, including psychiatric emergencies of children, is no less effective and no
13 less protective than now exists at New Hampshire hospital.

14 (b) The report shall be provided to the governor, the speaker of the house of
15 representatives, the president of the senate, and the fiscal committee of the general court no later
16 than 30 days before the issuance of a request for proposals or the entrance into any contractual
17 obligation for the construction, renovation, or development of the facility.

18 (c) In addition, the commissioner shall ensure that the facility is operated consistently
19 with the principles and requirements of RSA 135-F, regarding the system of care for children's
20 mental health.

21 234 Appropriation; Department of Health and Human Services; New Hampshire Hospital
22 Repurposing. There is hereby appropriated to the department of health and human services the sum
23 of \$4,000,000 for the fiscal year ending June 30, 2019, which shall be nonlapsing, for the purpose of
24 repurposing the children's unit at New Hampshire Hospital for up to 48 adult beds. Of this amount,
25 \$3,000,000 shall be a charge against the state general fund, and \$1,000,000 shall be a charge against
26 trust funds established for the benefit of New Hampshire Hospital. The unit shall be operational for
27 adult patients by June 1, 2021. The governor is authorized to draw a warrant for the general fund
28 share of said sum out of any money in the treasury not otherwise appropriated. The appropriation
29 made in this section shall be contingent upon the department submitting and presenting a plan to
30 the fiscal committee of the general court.

31 235 Appropriation; Department of Health and Human Services; Transitional Housing Beds.
32 There is hereby appropriated to the department of health and human services the sum of \$5,000,000
33 for the fiscal year ending June 30, 2019, which shall be nonlapsing, for the purpose of funding 40
34 new transitional housing beds for forensic patients and/or patients with complex behavioral health
35 conditions including those transitioning from the New Hampshire hospital. The plans for
36 constructing such beds shall be completed by January 1, 2020, and the beds shall be operational by
37 June 1, 2021. The appropriation made in this section shall be contingent upon the department

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1 submitting and presenting a plan to the fiscal committee of the general court. The governor is
2 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
3 appropriated.

4 236 Appropriation; Department of Health and Human Services; Patients Residing in Hospital
5 Emergency Rooms. There is hereby appropriated to the department of health and human services
6 the sum of \$500,000 for the fiscal year ending June 30, 2019, which shall be nonlapsing, and shall be
7 expended for the purpose of providing assistance to hospitals in addressing the immediate needs of
8 involuntary emergency admissions patients currently residing in emergency rooms in hospitals
9 further than 30 miles from an established New Hampshire mobile crisis team or a designated
10 receiving facility; provided that no hospital shall receive more than \$100,000. The appropriation
11 made in this section shall only cover the portion of costs not reimbursable by insurance carriers. The
12 commissioner of the department of health and human services shall establish the application process
13 for such funds. The governor is authorized to draw a warrant for said sum out of any money in the
14 treasury not otherwise appropriated.

15 237 Transfer of Funds for Operation of the Sununu Youth Services Center. Notwithstanding
16 RSA 9:16-a and RSA 9:16-c, for the biennium ending June 30, 2021, prior approval of the fiscal
17 committee of the general court shall be required for any transfer of funds required for the operation
18 of the Sununu youth services center.

19 238 Medicaid Managed Care Program; Dental Benefits. RSA 126-A:5, XIX(a) is repealed and
20 reenacted to read as follows:

21 XIX.(a) The commissioner shall employ a managed care model for administering the
22 Medicaid program and its enrollees to provide for managed care services for all Medicaid populations
23 throughout New Hampshire consistent with the provisions of 42 U.S.C. section 1396u-2. Models for
24 managed care may include, but not be limited to, a traditional capitated managed care organization
25 contract, an administrative services organization, an accountable care organization, or a primary
26 care case management model, or a combination thereof, offering the best value, quality assurance,
27 and efficiency, maximizing the potential for savings, and presenting the most innovative approach
28 compared to other externally administered models. Services to be managed within the model shall
29 include all mandatory Medicaid covered services and may include, but shall not be limited to, care
30 coordination, utilization management, disease management, pharmacy benefit management,
31 provider network management, quality management, and customer services. The commissioner
32 shall enter into contracts with the vendors that demonstrate the greatest ability to satisfy the state's
33 need for value, quality, efficiency, innovation, and savings. The commissioner shall establish rates
34 based on the appropriate model for the contract that is full risk to the vendors. The rates shall be
35 established in rate cells or other appropriate units for each population or service provided including,
36 but not limited to, persons eligible for temporary assistance to needy families (TANF), aid for the
37 permanently and totally disabled (APTD), breast and cervical cancer program (BCCP), home care for

1 children with severe disabilities (HC-CSD), and those residing in nursing facilities. The rates and/or
2 payment models for the program shall be presented to the fiscal committee of the general court on an
3 annual basis. The managed care model or models' selected vendors providing the Medicaid services
4 shall emphasize patient-centered, value-based care and include enhanced care management of high-
5 risk populations as identified by the department. In contracting for the managed care program, the
6 department shall ensure no reduction in the quality of care of services provided to enrollees in the
7 managed care model and shall exercise all due diligence to maintain or increase the current level of
8 quality of care provided. The commissioner may, in consultation with the fiscal committee, adopt
9 rules, if necessary, to implement the provisions of this paragraph. The department shall seek, with
10 the approval of the fiscal committee, all necessary and appropriate waivers to implement the
11 provisions of this paragraph.

12 239 Department of Health and Human Services; Adult Dental Benefit; Development of Plan.
13 The department of health and human services shall develop a plan for the incorporation of an adult
14 dental benefit into a value-based care platform, as follows:

15 I. In this section, "value-based care" means an oral health care delivery model in which
16 providers are paid based upon making positive health outcomes while reducing costs.

17 II. No later than 30 days after the effective date of this section, the department shall
18 convene a working group consisting, at a minimum, of representatives of the following stakeholders:
19 each managed care plan under contract with the state, the New Hampshire Oral Health Coalition, a
20 public health dentist and a solo private practice dentist recommended by the New Hampshire Dental
21 Society, the New Hampshire Dental Hygienist Association, and the Bi-State Primary Care
22 Association, a representative of a New Hampshire dental insurance carrier designated by the
23 governor, 2 members of the house of representatives, one of whom shall be from the majority party
24 and one of whom shall be from the minority party, appointed by the speaker of the house of
25 representatives, 2 members of the senate, one of whom shall be from the majority party and one of
26 whom shall be from the minority party, appointed by the president of the senate, a member of the
27 commission to evaluate the effectiveness and future of the New Hampshire granite advantage health
28 care program designated by the commission, and 2 members of the New Hampshire medical care
29 advisory committee, one of whom shall be a consumer advocate, designated by the committee.

30 III. The working group shall be convened by the commissioner of health and human services
31 and shall be subject to RSA 91-A. The department, in consultation with the working group, shall
32 prepare a plan for the incorporation of an adult dental benefit into a value-based care platform. The
33 adult dental benefit shall become effective on July 1, 2021. Each plan shall include, at a minimum, a
34 detailed description of the following: eligibility and enrollment covered benefits and scope of services,
35 cost benefit analysis including projected expenditures and anticipated cost savings, transition
36 planning, prior authorization, transportation, pharmacy, case management, network adequacy,
37 credentialing, quality metrics and outcome measurements, patient safety, utilization management,

1 finance and reimbursement, rates and payment, grievance and appeals, and office of ombudsman.
2 Each plan shall also address how the incorporation of the services into a value-based care platform
3 shall achieve the legislative intent of providing value, quality, efficiency, innovation, and savings.

4 IV. Under no circumstances shall a fee for service model be included in the plan. The plan
5 shall promote the development of an adult value-based dental benefit and/or an alternative payment
6 model.

7 240 Reports.

8 I. The department of health and human services shall present an update on the status of the
9 plan preparation each month to the fiscal committee of the general court and the oversight
10 committee on health and human services, established in RSA 126-A:13, until the plan has been
11 implemented. The department's updates shall also include managed care organization and
12 department readiness for implementation.

13 II. No later than October 1, 2019, the commissioner shall submit to the speaker of the house
14 of representatives, the president of the senate, and the governor, all proposed changes to state law
15 the commissioner believes may be necessary for the incorporation of an adult dental benefit into a
16 value-based care platform.

17 241 Repeal. RSA 126-A:5, XIX(b), relative to relative to enrollment in the managed care
18 program, is repealed.

19 242 New Subdivision; Child Abuse Specialized Medical Evaluation Program. Amend RSA 169-C
20 by inserting after section 39-k the following new subdivision:

21 style="text-align:center">Child Abuse Specialized Medical Evaluation Program

22 169-C:39-1 Child Abuse Specialized Medical Evaluation Program Established. A child abuse
23 specialized medical evaluation program is hereby established in the department. The program shall
24 include the following elements:

25 I. Child protective service workers shall have on-call access, 24 hours a day and 7 days a
26 week, to an experienced health care professional who is trained in and can advise on the
27 standardized diagnostic methods, treatment, and disposition of suspected child sexual abuse and
28 physical abuse.

29 II. Department nurses and child protective service workers performing screenings and
30 assessments of reported cases of child abuse shall receive pre-service training in the standardized
31 medical diagnostic methods, treatment, and disposition as well as periodic in-service training by
32 health care providers experienced in child abuse and neglect.

33 III. Annually, a limited number of designated health care providers geographically
34 distributed shall be trained in nationally recognized curricula to respond to initial presentations of
35 child sexual abuse, physical abuse, and neglect.

36 IV. Health care professionals who participate in the training or are members of a
37 multidisciplinary team, working with the department of health and human services or law

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1 enforcement, shall participate in periodic peer or expert reviews of their evaluations and undertake
2 continuing education in the medical evaluation of child abuse and neglect according to professional
3 standards.

4 V. The department shall contract with a health care provider with experience in child abuse
5 and neglect to administer the program in collaboration with participating private and public entities.

6 VI. Reimbursement rates for health care providers who participate in the program shall
7 reflect the average cost to deliver such services, including the participation in multidisciplinary team
8 activities and associated court proceedings. The rates shall be periodically reviewed and, if
9 necessary, revised.

10 VII. The commissioner of the department shall adopt rules, under RSA 541-A, relative to the
11 medical evaluation program, training and continuing education requirements, and reimbursement
12 rates.

13 243 Federal Family Planning Funding. If the proposed federal rule on Compliance with
14 Statutory Program Integrity Requirements, 83 Fed. Reg. 25,502 (to be codified at 42 C.F.R. pt 59)
15 does not go into effect and federal family planning funds are made available to the providers funded
16 out of account 05-95-90-902010-5530, the unused portion of general funds appropriated to that
17 account for the purpose of replacing lost federal funds shall lapse to the general fund.

18 244 New Section; Commission to Study School Funding. Amend RSA 193-E by inserting after
19 section 2-d the following new section:

20 193-E:2-e Commission Established.

21 I. There is established a commission to study school funding.

22 II. The members of the commission shall be as follows:

23 (a) Four members of the house of representatives, appointed by the speaker of the house
24 of representatives.

25 (b) Two members of the senate, appointed by the president of the senate.

26 (c) Six members of the public, 3 of whom shall be appointed by the president of the
27 senate and 3 of whom shall be appointed by the speaker of the house of representatives.

28 (d) One member appointed by the governor.

29 (e) Three members appointed by the chairperson of the commission pursuant to
30 paragraph V.

31 III. Legislative members of the commission shall receive mileage at the legislative rate when
32 attending to the duties of the commission.

33 IV. The commission shall:

34 (a) Review the education funding formula and make recommendations to ensure a
35 uniform and equitable design for financing the cost of an adequate education for all public school
36 students in pre-kindergarten through grade 12 in the state.

37 (b) Determine whether the New Hampshire school funding formula complies with court

1 decisions mandating the opportunity for an adequate education for all students in pre-kindergarten
2 through grade 12, with a revenue source that is uniform across the state.

3 (c) Identify trends and disparities across the state in student performance in pre-
4 kindergarten through grade 12 based on current school funding options.

5 (d) Re-establish the baseline for the costs, programs, staffing, and facilities needed to
6 provide the opportunity for an adequate education.

7 (e) Act as an independent commission.

8 (f) Study and produce recommendations regarding all costs and existing funding for
9 special education, including listing any currently unfunded special education mandates issued to
10 date by the state department of education:

11 (g) Study integrating into the education funding adequacy formula a factor that accounts
12 for the number of Class A, B, and C properties in a community, and the distribution of education
13 funding costs across those numbers and classes of properties.

14 (h) Consider other policy issues as the committee deems necessary. The commission
15 may consult with outside resources and state agencies, including but not limited to the department
16 of education, the department of revenue administration, and the legislative budget office.

17 V. The members of the study commission shall elect a chairperson from among the members.
18 The chairperson shall appoint 3 individuals to be members of the commission. The first meeting of
19 the commission shall be called by the first-named house member. The first meeting of the
20 commission shall be held within 60 days of the effective date of this section. Eight members of the
21 commission shall constitute a quorum. The commission shall establish a calendar to meet on a
22 regular basis.

23 VI. The commission shall establish a budget and hire staff with an understanding of school
24 finance options. Such staff shall be independent of government agencies.

25 VII. The commission shall make an initial report to the speaker of the house of
26 representatives, the president of the senate, the senate clerk, the house clerk, the governor, and the
27 state library 9 months after its first meeting, with a subsequent report to the house clerk, the senate
28 clerk, the governor, and the state library on or before September 1, 2020. The commission shall
29 remain active until and when the general court addresses its recommendations.

30 245 Appropriation. The sum of \$500,000 for the biennium ending June 30, 2021 is hereby
31 appropriated to the commission to study school funding established in RSA 193-E:2-e for the purpose
32 of administration, staffing, and the utilization of independent school finance experts.
33 Notwithstanding restrictions on the use of moneys in the education trust fund in RSA 198:39, said
34 appropriation shall be a charge against the education trust fund and shall be nonlapsing.

35 246 School Money; Definitions. Amend RSA 198:38, I(a) to read as follows:

36 (a) "Average daily membership in attendance" or "ADMA" means the average daily
37 membership in attendance, as defined in RSA 189:1-d, III, of pupils in kindergarten through grade

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1 12, in the determination year[, ~~provided that no kindergarten pupil shall count as more than 1/2 day~~
2 ~~attendance per school year~~]. ADMA shall only include pupils who are legal residents of New
3 Hampshire pursuant to RSA 193:12 and educated at school district expense which may include
4 public academies or out-of-district placements. For the purpose of calculating funding for
5 municipalities, the ADMA shall not include pupils attending chartered public schools, but shall
6 include pupils attending a charter conversion school approved by the school district in which the
7 pupil resides.

8 247 Repeal. RSA 198:48-c, III, relative to distribution of a kindergarten grant based on Keno
9 revenue, is repealed.

10 248 School Money; Fiscal Capacity Disparity Aid. RSA 198:40-c is repealed and reenacted to
11 read as follows:

12 198:40-c Fiscal Capacity Disparity Aid.

13 I. In addition to aid for the cost of the opportunity for an adequate education provided under
14 RSA 198:40-a, each biennium the commissioner shall calculate fiscal capacity disparity aid and
15 provide that amount of aid in each year of the biennium to a municipality's school districts as
16 follows:

17 (a) A municipality with an equalized valuation per pupil of \$350,000 or less shall receive
18 \$675 per pupil in the municipality's ADMA.

19 (b) A municipality with an equalized valuation per pupil between \$350,001 and \$899,999
20 shall receive a grant equal to \$0.0012 for each dollar of difference between its equalized valuation
21 per pupil and \$900,000, per pupil in the municipality's ADMA.

22 (c) A municipality with an equalized valuation per pupil of \$900,000 or more shall
23 receive no fiscal capacity disparity aid.

24 II. Fiscal capacity disparity aid shall be distributed pursuant to RSA 198:42.

25 III. In this section, "equalized valuation per pupil" means a municipality's equalized
26 valuation, including properties subject to taxation under RSA 82 and RSA 83-F, as determined by
27 the department of revenue administration, that was the basis for the local tax assessment in the
28 determination year, divided by the school district's kindergarten through grade 12 ADMA in the
29 determination year.

30 249 Determination of Education Grants. Amend RSA 198:41, IV(d) to read as follows:

31 (d) For fiscal year 2017 and each fiscal year thereafter, the department of education
32 shall distribute a total education grant to each municipality in an amount equal to the total
33 education grant for the fiscal year in which the grant is calculated plus a percentage of the
34 municipality's fiscal year 2012 stabilization grant, if any, distributed to the municipality; the
35 percentage shall be 96 percent for fiscal year 2017, [~~and shall be reduced by 4 percent of the amount~~
36 ~~of the 2012 education grant for each fiscal year thereafter~~] **92 percent for fiscal year 2018, 88**
37 **percent for fiscal year 2019, and 100 percent for fiscal year 2020 and each fiscal year**

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1 **thereafter.** No stabilization grant shall be distributed to any municipality for any fiscal year in
2 which the municipality's education property tax revenue collected pursuant to RSA 76 exceeds the
3 total cost of an adequate education or to any municipality for any fiscal year in which the
4 municipality's ADMA is zero.

5 250 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b)(1)(A) to read as follows:

6 (b)(1)(A) Except as provided in subparagraph (2), for a chartered public school
7 authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition
8 pursuant to RSA 198:40-a, II(a)-(c) and (e) plus an additional grant of \$3,286 to all chartered public
9 schools for the fiscal year ending June 30, 2018, ~~and~~ \$3,411 to all chartered public schools for the
10 fiscal year ending June 30, 2019, **and \$3,785 to all chartered public schools for the fiscal year**
11 **ending June 30, 2020** and each fiscal year thereafter, except for the Virtual Learning Academy
12 Charter School, directly to the chartered public school for each pupil who is a resident of this state in
13 attendance at such chartered public school. Beginning July 1, 2017 and every biennium thereafter,
14 the department of education shall adjust the per pupil amount of the additional grant based on the
15 average change in the Consumer Price Index for All Urban Consumers, Northeast Region, using the
16 "services less medical care services" special aggregate index, as published by the Bureau of Labor
17 Statistics, United States Department of Labor. The state shall pay amounts required pursuant to
18 RSA 198:40-a, II(d) directly to the resident district.

19 251 General Fund Surplus; Revenue Stabilization Reserve Account. Notwithstanding RSA 9:13-
20 e, after transferring \$5,000,000 to the revenue stabilization reserve account at the close of the fiscal
21 biennium ending June 30, 2019, the remainder of the general fund surplus for said biennium shall
22 remain in the general fund.

23 252 Appropriation; Internet Crimes Against Children Fund; Reductions.

24 I. The sum of \$250,000 for the fiscal year ending June 30, 2020, and \$250,000 for the fiscal
25 year ending June 30, 2021 are hereby appropriated to the New Hampshire Internet crimes against
26 children fund established in RSA 21-M:17. The governor is authorized to draw a warrant for said
27 sums out of any money in the treasury not otherwise appropriated.

28 II. In order to offset sums appropriated under paragraph I, the department of education
29 shall reduce state general fund appropriations to account 06-56-56-567010-3058, expenditure class
30 631-building aid lease, by \$300,000 for the fiscal year ending June 30, 2020.

31 253 Governor's Commission on Disability; Analysis and Report. The governor's commission on
32 disability, established in RSA 275-C, shall analyze the state's system of support for individuals with
33 developmental disabilities and recommend reforms and improvements to ensure that the state's
34 service delivery model is structured to provide maximum benefit and tailored services to individuals
35 with developmental disabilities. The governor's commission on disability shall consult with the
36 university of New Hampshire institute on disability, the department of health and human services,
37 the New Hampshire council on developmental disabilities, Granite State Independent Living,

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1 Community Support Network, Inc., Disability Rights Center-NH, the developmental services quality
2 council of the department of health and human services, and any other relevant stakeholders
3 including individuals with developmental disabilities and their families and/or guardians, and may
4 accept and expend any applicable federal funds, and any gifts, grants, or donations that may be
5 available for the purposes of this section. The commission shall also coordinate with the New
6 Hampshire council on developmental disabilities to secure any funds that may be used for this
7 purpose under the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 (PL
8 106-402) and in conjunction with the development and amendment of the state plan goals and
9 objectives. The governor's commission on disability shall report its findings to the governor, the
10 speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk,
11 and the state library on or before November 1, 2019.

12 254 Department of Administrative Services; Study of Personnel System.

13 I. In order to ensure that the state is as effective an organization as possible in the 21st
14 century to deliver quality public services to the people of New Hampshire while also operating as
15 model employer for its workforce, the department of administrative services shall conduct a
16 comprehensive study of the state's personnel system. The study shall include a review of all laws,
17 administrative rules, and collective bargaining agreements related thereto, and by November 1,
18 2019, the commissioner of the department of administrative services shall issue a report with
19 recommendations to the governor, the speaker of the house of representatives, and the president of
20 the senate.

21 II. The sum of \$150,000 for the fiscal year ending June 30, 2019 is hereby appropriated to
22 the department of administrative services for the purpose of a study of the state's personnel system
23 as specified in paragraph I of this section. Said sum shall not lapse until June 30, 2021. The
24 governor is hereby authorized to draw a warrant for said sum out of any money in the treasury not
25 otherwise appropriated.

26 255 Appropriation; Department of Administrative Services. The sum of \$1,300,000 for the fiscal
27 year ending June 30, 2019 is hereby appropriated to the department of administrative services for
28 the purpose of obtaining scheduling software. Said sum shall not lapse until June 30, 2021. The
29 governor is hereby authorized to draw a warrant for said sum out of any money in the treasury not
30 otherwise appropriated.

31 256 Joint Legislative Historical Committee; Annual Appropriation. Amend RSA 17-I:5 to read
32 as follows:

33 17-I:5 Annual Appropriation. There is hereby appropriated annually the sum of [~~\$10,000~~]
34 **\$25,000** to the joint legislative historical committee established in RSA 17-I for deposit in the
35 nonlapsing historical fund established under RSA 177:8, II for the purpose of carrying out its
36 statutory duties. The governor is authorized to draw [~~his~~] a warrant for said sum out of any money
37 in the treasury not otherwise appropriated.

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1 257 Legislative Branch; Special Account. Amend 2011, 224:217, II(c), as amended by 2013,
2 144:102, 2015, 276:214, and 2017, 156:129 to read as follows:

3 (c) ~~[Beginning in]~~ *For* fiscal year 2017 and ~~[for each]~~ fiscal year ~~[thereafter]~~ **2018**,
4 unexpended and unencumbered appropriations shall be transferred to the appropriate subaccount.

5 (d) *Beginning in fiscal year 2019 and for each year thereafter, any unexpended*
6 *and unencumbered appropriations of the house of representatives, senate, joint offices, and*
7 *office of legislative budget assistant remaining at the close of the fiscal year shall not*
8 *lapse.*

9 258 Office of Professional Licensure and Certification; Division Directors. Amend RSA 310-A:1-c
10 to read as follows:

11 310-A:1-c Division Directors~~[- Positions Transferred].~~

12 I. There is established in the office of professional licensure and certification 2 [~~classified~~
13 ~~positions, at salary grade 35, of]~~ **unclassified directors**: *The* director of the division of technical
14 professions and director of the division of health professions. *Each director shall be qualified to*
15 *hold that position by reason of education and experience and shall perform such duties as*
16 *the executive director from time to time may authorize.*

17 II. *The executive director shall nominate for appointment by the governor, with the*
18 *consent of the council, each unclassified division director, each of whom shall serve for a*
19 *term of 4 years.*

20 ~~II. Every classified or unclassified state employee position authorized in the boards,~~
21 ~~councils, and commissions under RSA 310-A:1-a shall be transferred to the office of professional~~
22 ~~licensure and certification and subject to the supervisory authority of the executive director.~~

23 ~~III. The authority granted to the executive director of the real estate commission under RSA~~
24 ~~331-A:8, relative to the issuance and denial of licenses, hearing and procedures on denial of licenses,~~
25 ~~the hiring of clerical, administrative, and investigative staff, maintenance of the official record, and~~
26 ~~implementation of a program for consumer education, is hereby transferred to the executive director~~
27 ~~of the office of professional licensure and certification.~~

28 ~~IV. The unclassified position of executive director of the real estate commission shall be~~
29 ~~converted from an unclassified position to a similar classified position when the incumbent serving~~
30 ~~as the executive director of the real estate commission upon transfer to the office of professional~~
31 ~~licensure and certification vacates the position. Any funds appropriated for the compensation of the~~
32 ~~unclassified position of executive director of the real estate commission shall be used for~~
33 ~~compensation of the classified position at the office of professional licensure and certification.]~~

34 259 Division Directors; Salary; OPLC.

35 I. The salary of the unclassified director of the division of technical professions and director
36 of the division of health professions shall be determined after assessment and review of the
37 appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be

1 conducted pursuant to RSA 94:1-d and RSA 14:14-c.

2 II. Upon completion of the action in paragraph I, and appointment of the director of the
3 division of technical professions, position number 44018 shall be abolished to allow for the transition
4 of this classified position with its available appropriations into the unclassified position of director of
5 the division of technical professions. Funding shall be transferred into a new expenditure class
6 number 11 within accounting unit 01-21-21-212010-2405. The incumbent in the abolished classified
7 position shall be offered the opportunity to seek the executive director's appointment to the
8 unclassified position of director of the division of technical professions.

9 III. Upon completion of the action in paragraph I, and appointment of the director of the
10 division of health professions, position number 44019 shall be abolished to allow for the transition of
11 this classified position with its available appropriations into the unclassified position of director of
12 the division of health professions. Funding shall be transferred into a new expenditure class number
13 11 within accounting unit 01-21-21-215010-2406. The incumbent in the abolished classified position
14 shall be offered the opportunity to seek the executive director's appointment to the unclassified
15 position of director of the division of health professions.

16 260 Board of Nursing. Amend RSA 326-B:3, VI to read as follows:

17 VI. No more than ~~one~~ 2 board ~~member~~ *members* shall be associated with a particular
18 agency, corporation, or other enterprise or subsidiary at one time.

19 261 Controlled Drug Prescription Health and Safety Program; Definitions. Amend the
20 introductory paragraph of RSA 318-B:31, IV to read as follows:

21 IV. "Dispenser" means a person *or entity* who is lawfully authorized to deliver a schedule II-
22 IV controlled substance, but does not include:

23 262 New Paragraph; Controlled Drug Prescription Health and Safety Program; Definitions.
24 Amend RSA 318-B:31 by inserting after paragraph IV the following new paragraphs:

25 IV-a. "Executive director" means the executive director of the office of professional licensure
26 and certification.

27 IV-b. "Office" means office of professional licensure and certification, established in RSA
28 310-A.

29 263 Controlled Drug Prescription Health and Safety Program Established. RSA 318-B:32 is
30 repealed and reenacted to read as follows:

31 318-B:32 Controlled Drug Prescription Health and Safety Program Established.

32 I. The office shall design, establish, and contract with a third party for the implementation
33 and operation of an electronic system to facilitate the confidential sharing of information relating to
34 the prescribing and dispensing of schedule II-IV controlled substances, by prescribers and dispensers
35 within the state.

36 II. The office may establish fees for the establishment, administration, operations and
37 maintenance of the program. The program may also be supported through grants and gifts. The fee

1 charged to individuals requesting their own prescription information shall not exceed the actual cost
2 of providing that information.

3 III. Prescription information relating to any individual shall be deleted 3 years after the
4 initial prescription was dispensed. All de-identified data may be kept for statistical and analytical
5 purposes for perpetuity.

6 IV. The executive director shall establish an advisory council, as provided in RSA 318-B:38.

7 264 Controlled Drug Prescription Health and Safety Program Operation. Amend RSA 318-B:33,
8 I to read as follows:

9 I. The [board] *office* shall develop a system of registration for all prescribers and dispensers
10 of schedule II-IV controlled substances within the state. The system of registration shall be
11 established by rules adopted by the [board] *office*, pursuant to RSA 541-A.

12 265 Controlled Drug Prescription Health and Safety Program; Confidentiality. Amend RSA
13 318-B:34, II and III to read as follows:

14 II. The [board] *office* shall establish and maintain procedures to ensure the privacy and
15 confidentiality of patients and patient information.

16 III. The [board] *office* may use and release information and reports from the program for
17 program analysis and evaluation, statistical analysis, public research, public policy, and educational
18 purposes, provided that the data are aggregated or otherwise de-identified.

19 266 New Subparagraph; Controlled Drug Prescription Health and Safety Program; Providing
20 Controlled Drug Prescription Health and Safety Information. Amend RSA 318-B:35, I(b) by
21 inserting after subparagraph (4) the following new subparagraph:

22 (5) A practitioner or consultant retained by the office to review the system
23 information of an impaired practitioner program participant or a referral who has agreed to be
24 evaluated or monitored through the program and who has separately agreed in writing to the
25 consultant's access to and review of such information.

26 267 Controlled Drug Prescription Health and Safety Program; Information. Amend RSA 318-
27 B:35, I(b)(3) to read as follows:

28 (3) Authorized law enforcement officials on a case-by-case basis for the purpose of
29 investigation and prosecution of a criminal offense when presented with a court order based on
30 probable cause. No law enforcement agency or official shall have direct access to [the] *query*
31 program *information*.

32 268 Controlled Drug Prescription Health and Safety Program; Providing Controlled Drug
33 Prescription Health and Safety Information. Amend RSA 318-B:35, II to read as follows:

34 II. The program shall notify the appropriate regulatory board listed in subparagraph I(b)(2)
35 and the prescriber or dispenser at such regular intervals as may be established by the [board] *office*
36 if there is reasonable cause to believe a violation of law or breach of professional standards may have
37 occurred. The program shall provide prescription information required or necessary for an

1 investigation.

2 269 Controlled Drug Prescription Health and Safety Program; Unlawful Act and Penalties.
3 Amend RSA 318-B:36, I and II to read as follows:

4 I. Any [person] *dispenser or prescriber* who fails to submit the information required in
5 RSA 318-B:33 or knowingly submits incorrect information shall be subject to a warning letter and
6 provided with an opportunity to correct the failure. Any [person] *dispenser or prescriber* who
7 subsequently fails to correct or fails to resubmit the information may be subject to discipline by the
8 [board] *appropriate regulatory board*.

9 II. Any [person] *dispenser or prescriber* whose failure to report the dispensing of a
10 schedule II-IV controlled substance that conceals a pattern of diversion of controlled substances into
11 illegal use shall be guilty of a violation and subject to the penalties established under RSA 318-B:26
12 and the [board's] *office's and appropriate regulatory board's* rules as applicable. In addition,
13 such [person] *dispenser or prescriber* may be subject to appropriate criminal charges if the failure
14 to report is determined to have been done knowingly to conceal criminal activity.

15 270 Controlled Drug Prescription Health and Safety Program; Rulemaking. Amend the
16 introductory paragraph of RSA 318-B:37 to read as follows:

17 318-B:37 Rulemaking. [~~By June 30, 2013, the board~~] *The office* shall adopt rules, pursuant to
18 RSA 541-A, necessary to implement *and maintain* the program including:

19 271 Controlled Drug Prescription Health and Safety Program; Advisory Council. RSA 318-B:38
20 is repealed and reenacted to read as follows:

21 318-B:38 Advisory Council Established.

22 I. There is hereby established an advisory council to carry out the duties under this
23 subdivision. Members of the council shall not be compensated for serving on the council, or serve on
24 the council for more than 5 consecutive years except for the attorney general, or designee, or the
25 commissioner of the department of health and human services, or designee. The members of the
26 council shall be as follows:

27 (a) A member of the board of medicine, appointed by such board.

28 (b) A member of the pharmacy board, appointed by such board.

29 (c) A member of the board of dental examiners, appointed by such board.

30 (d) A member of the New Hampshire board of nursing, appointed by such board.

31 (e) A member of the board of veterinary medicine, appointed by such board.

32 (f) A physician appointed by the New Hampshire Medical Society.

33 (g) A dentist appointed by the New Hampshire Dental Society.

34 (h) A chief of police appointed by the New Hampshire Association of Chiefs of Police.

35 (i) A community pharmacist appointed jointly by the New Hampshire Pharmacists
36 Association, the New Hampshire Independent Pharmacy Association, and the New Hampshire
37 Association of Chain Drug Stores.

1 (j) Two public members appointed by the governor's commission on alcohol and drug
2 abuse prevention, treatment, and recovery, one of whom may be a member of the commission.

3 (k) A hospital administrator appointed by the New Hampshire Hospital Association.

4 (l) A nurse practitioner appointed by the New Hampshire Nurse Practitioner
5 Association.

6 (m) The attorney general, or designee.

7 (n) The commissioner of the department of health and human services, or designee.

8 (o) A member of the senate, appointed by the president of the senate.

9 (p) Two members of the house of representatives, appointed by the speaker of the house
10 of representatives.

11 II. The council shall:

12 (a) Make recommendations to the office relating to the design, implementation and
13 maintenance of the program, including recommendations relating to:

14 (1) Rules.

15 (2) Legislation.

16 (3) Sources of funding, including grant funds and other sources of federal, private, or
17 state funds;

18 (b) Review the program's annual report and make recommendations to the office
19 regarding the operation of the program.

20 (c) Provide ongoing advice and consultation on the implementation and operation of the
21 program, including recommendations relating to:

22 (1) Changes in the program to reflect advances in technology and best practices.

23 (2) Changes to statutory requirements.

24 (3) The design and implementation of an ongoing evaluation component of the
25 program.

26 (d) Advise the executive director regarding the implementation of this subdivision.

27 (e) Adopt rules necessary for the operation of the council.

28 (f) Develop a mission statement for the program and strategic goals for its
29 implementation, develop metrics to measure the program's efficient operation, review the
30 performance of the program against the metrics, and make recommendations to the program and
31 ensure they are incorporated.

32 III. The council shall meet at least quarterly to effectuate its goals. A chairperson shall be
33 elected by the members. A majority of the members of the council constitutes a quorum for the
34 transaction of business. Action by the council shall require the approval of a majority of the
35 members of the council.

36 IV. The council shall make a report, at least annually, commencing on November 1, 2019, to
37 the senate president, the speaker of the house of representatives, the oversight committee on health

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1 and human services, established in RSA 126-A:13, and the licensing boards of all professions
2 required to use the program relative to the effectiveness of the program.

3 272 Controlled Drug Prescription Health and Safety Program. Amend 2012, 196:3, I to read as
4 follows:

5 I. In the event that there is not adequate funding for the controlled drug prescription health
6 and safety program established in section 2 of this act, the [pharmacy board] *office* may curtail,
7 temporarily suspend, or cancel the program.

8 273 Repeal. The following are repealed:

9 I. RSA 318-B:31, I, relative to the definition of "board."

10 II. 2012, 196:3, III, relative to a reporting requirement.

11 274 Statement of Intent. The purpose of sections 275-278 of this act is to provide the public with
12 a simpler, less expensive, and faster alternative process to resolve complaints under RSA 91-A.

13 275 Right-to-Know; Violation. Amend RSA 91-A:7 to read as follows:

14 91-A:7 Violation.

15 I. Any person aggrieved by a violation of this chapter may petition the superior court for
16 injunctive relief. In order to satisfy the purposes of this chapter, the courts shall give proceedings
17 under this chapter high priority on the court calendar. Such a petitioner may appear with or
18 without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of
19 this chapter, and may be filed by the petitioner or his or her counsel with the clerk of court ~~[or any~~
20 ~~justice thereof. Thereupon the clerk of court or any justice shall order service by copy of the petition~~
21 ~~on the person or persons charged. Subject to objection by either party, all documents filed with the~~
22 ~~petition and any response thereto shall be considered as evidence by the court. All documents~~
23 ~~submitted shall be provided to the opposing party prior to a hearing on the merits. When any justice~~
24 ~~shall find that time probably is of the essence, he or she may order notice by any reasonable means,~~
25 ~~and he or she shall have authority to issue an order ex parte when he or she shall reasonably deem~~
26 ~~such an order necessary to insure compliance with the provisions of this chapter].~~

27 *II. In lieu of the procedure under paragraph I, an aggrieved person may file a*
28 *complaint with the ombudsman under RSA 91-A:7-b and in accordance with RSA 91-A:7-c.*

29 *III. A person's decision to petition the superior court forecloses the ability to file a*
30 *complaint with the ombudsman pursuant to RSA 91-A:7-c.*

31 *IV. A person's decision to file a complaint with the ombudsman forecloses the*
32 *ability to petition the superior court until the ombudsman issues a final ruling or the*
33 *deadline for such a ruling has passed.*

34 276 New Sections; Citizens' Right-to-Know Appeals Commission; Office of the Ombudsman;
35 Complaint Process; Appeals. Amend RSA 91-A by inserting after section 7 the following new
36 sections:

37 91-A:7-a Citizens' Right-to-Know Appeals Commission Established. There is established a

1 commission to provide oversight for an alternative right-to-know complaint resolution process.

2 I. The members of the commission shall be as follows:

3 (a) One member of the senate, appointed by the president of the senate.

4 (b) One member of the house of representatives, appointed by the speaker of the house of
5 representatives.

6 (c) Ten citizen members, one from each county, no more than 2 of whom shall be current,
7 local, county, state or federal employees or currently serving in any elected or appointed capacity
8 with any political subdivision, public agency or public institution, appointed by the governor with
9 advice and consent of the council.

10 II. The members of the commission shall serve without compensation, but shall be
11 reimbursed for necessary travel and other necessary expenses. Legislative members shall receive
12 mileage at the legislative rate when attending to the duties of the commission.

13 III. Legislative members of the commission shall serve a term coterminous with their term
14 in office. The members appointed under subparagraph I(c) shall serve for a term of 3 years, except
15 that the initial appointment of such members shall be for staggered terms of one, 2, and 3 years. No
16 member shall serve more than 3 consecutive terms. No member under subparagraph I(c) shall be a
17 current lobbyist or an attorney for any entity subject to this chapter, or an attorney for any
18 organization representing the interests of such entity. Nor shall any such member be employed by
19 any such lobbyist or attorney.

20 IV.(a) The commission:

21 (1) Shall establish rules of procedure, pursuant to RSA 541-A, to establish the
22 process to resolve complaints under this chapter consistent with the final report of the commission
23 established in 2017, 126.

24 (2) Shall make recommendations to the legislature concerning proposed changes to
25 this chapter.

26 (3) May provide educational materials relative to this chapter.

27 (b) The members of the commission shall act as a resource for all political subdivisions in
28 the member's respective counties.

29 V. The members of the commission shall elect a chairperson and a vice chairperson annually
30 from among the members. The first meeting of the commission shall be called by the senate
31 member. The first meeting of the commission shall be held within 45 days of the effective date of
32 this section. Five members of the commission shall constitute a quorum.

33 VI. The commission and the ombudsman shall be administratively attached to the
34 department of state.

35 VII. Beginning November 1, 2020, and each November 1 thereafter, the commission shall
36 submit an annual report of its findings and any recommendations for proposed legislation to the
37 president of the senate, the speaker of the house of representatives, and the governor. The report

1 shall also include the total number of complaints received, the number of complaints received
2 concerning public records and public meetings, the number of complaints received concerning state
3 and county agencies, municipalities, school administrative units, and other public entities, the
4 number of complaints in which a ruling was rendered by the ombudsman, the number of violations of
5 each provision of this chapter found by the ombudsman, and the number of ombudsman rulings that
6 were appealed to the superior court, including whether the appeal was from a complainant or a
7 public agency or official, and whether the ombudsman's ruling was sustained before the superior
8 court or overturned.

9 91-A:7-b Office Established. There is hereby established the office of the right-to-know
10 ombudsman to be administratively attached to the department of state under RSA 21-G:10. The
11 ombudsman shall work no more than 20 hours per week and may serve in such capacity on a pro
12 bono basis. The ombudsman shall be appointed by the governor and council, after consultation with
13 the commission, and shall have the following minimum qualifications:

14 I. Be a member of the New Hampshire bar.

15 II. Have a minimum of 10 years full-time practice of law in any jurisdiction.

16 III. Be experienced with and knowledgeable of the provisions of this chapter, the federal
17 Freedom of Information Act, and all state laws regarding right-to-know.

18 IV. Annually, complete a minimum of 3 hours of continuing legal education courses or other
19 training relevant to the provisions of this chapter.

20 91-A:7-c. Complaint Process.

21 I. Any party aggrieved by a violation of this chapter shall have the option to either petition
22 the superior court or file a signed, written complaint, along with a \$25 fee, with the office of the
23 ombudsman, established under RSA 91-A:7-b. The ombudsman shall have the discretion to waive
24 the \$25 fee upon a finding of inability to pay. Any signed, written complaint filed with the
25 ombudsman shall attach, if applicable, the request served on the public agency or official and the
26 written response of the public agency or official. The complaint shall be deemed sufficient if it states
27 facts constituting a violation of this chapter.

28 II. Once a complaint has been filed and provided by the ombudsman to the public body or
29 public agency, the public body or public agency shall have 20 calendar days to submit an
30 acknowledgment of the complaint and an answer to the complaint, which shall include applicable
31 law and, if applicable, a justification for any refusal to or delay in producing the requested
32 information, access to meetings, or otherwise comply with the provisions of this chapter. This 20-day
33 deadline may be reasonably extended by the ombudsman for good cause.

34 III. In reviewing complaints, the ombudsman shall be authorized to:

35 (a) Compel timely delivery of records within a reasonable time, regardless of medium
36 and format, and conduct a confidential in-camera review of records where the ombudsman concludes
37 that it is necessary and appropriate under the law.

1 (b) Compel interviews with the parties.

2 (c) Order attendance at hearings within a reasonable time if the ombudsman determines
3 that a hearing is necessary. Such hearings shall be open subject to the provisions of RSA 91-A.

4 (d) Issue findings in writing to all parties.

5 (e) Order a public body or public agency to disclose requested records within a
6 reasonable time, provide access to meetings, or otherwise comply with the provisions of this chapter,
7 subject to appeal.

8 (f) Make any finding and order any other remedy to the same extent as provided by the
9 court under RSA 91-A:8.

10 IV. The ombudsman may draw negative inferences from a party's failure to participate and
11 comply with orders during the review process.

12 V. In implementing the provisions of this section, the ombudsman shall follow the
13 procedures established by the commission pursuant to RSA 541-A.

14 VI. The ombudsman shall determine whether there have been any violations of this chapter
15 and issue a ruling within 30 calendar days following the deadline for receipt of the parties'
16 submissions. This 30-day deadline may be extended to a reasonable time frame by the ombudsman
17 for good cause. The ombudsman may also expedite resolution of the complaint upon a showing of
18 good cause. Rulings on expedited complaints shall be issued within 10 business days, or sooner
19 where necessary.

20 VII. The ombudsman shall, where necessary and appropriate under the law, access
21 governmental records in camera that a public body or public agency believes are exempt in order to
22 make a ruling concerning whether the public body or public agency shall release the records or
23 portions thereof to the public. The ombudsman shall maintain the confidentiality of records provided
24 to the ombudsman by a public body or public agency under this section and shall return the records
25 to the public body or public agency when the ombudsman's review is complete. All records submitted
26 to the ombudsman for review shall be exempt from the public disclosure provisions of RSA 91-A
27 during such review.

28 VIII. Nothing in this section shall affect the ability of a person to seek relief in superior
29 court under RSA 91-A:7, I in lieu of this process.

30 91-A:7-d Appeal and Enforcement.

31 I. Any party may appeal the ombudsman's final ruling to the superior court by filing a notice
32 of appeal in superior court no more than 30 calendar days after the ombudsman's ruling is issued.
33 The ombudsman's ruling shall be attached to the document initiating the appeal, admitted as a full
34 exhibit by the superior court, considered by the judge during deliberations, and specifically
35 addressed in the court's written order. Citizen-initiated appeals shall have no filing fee or surcharge.
36 The public body or public agency shall pay the sheriff's service costs if the public body or public
37 agency, or its attorney, declines to accept service. Nothing in this section shall prevent a superior

1 court from staying an ombudsman's decision pending appeal to the superior court.

2 II. A superior court appeal of the ombudsman's ruling shall review the ruling de novo.

3 III. If the ombudsman's final ruling is not appealed, the ombudsman shall, after the
4 deadline has passed, follow up with all parties, as required, to verify compliance with rulings issued.

5 IV. The ombudsman's final rulings which are not appealed may be registered in the superior
6 court as judgments and enforceable through contempt of court. If such action is necessary to enforce
7 compliance, all costs and fees, including reasonable attorney fees, shall be paid by the noncompliant
8 public body or public agency.

9 91-A:7-e Rulemaking. The commission shall adopt rules pursuant to RSA 541-A relative to:

10 I. Establishing procedures to streamline the process of resolving complaints under this
11 chapter.

12 II. Content of educational materials under RSA 91-A:7-a.

13 III. Other matters necessary to the proper administration of RSA 91-A:7-a through RSA 91-
14 A:7-d.

15 277 Right-to-Know; Violation. Amend RSA 91-A:7 to read as follows:

16 91-A:7 Violation.

17 ~~[E.]~~ Any person aggrieved by a violation of this chapter may petition the superior court for
18 injunctive relief. In order to satisfy the purposes of this chapter, the courts shall give proceedings
19 under this chapter high priority on the court calendar. Such a petitioner may appear with or
20 without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of
21 this chapter, and may be filed by the petitioner or his or her counsel with the clerk of court *or any*
22 *justice thereof. Thereupon the clerk of court or any justice shall order service by copy of*
23 *the petition on the person or persons charged. Subject to objection by either party, all*
24 *documents filed with the petition and any response thereto shall be considered as evidence*
25 *by the court. All documents submitted shall be provided to the opposing party prior to a*
26 *hearing on the merits. When any justice shall find that time probably is of the essence, he*
27 *or she may order notice by any reasonable means, and he or she shall have authority to*
28 *issue an order ex parte when he or she shall reasonably deem such an order necessary to*
29 *insure compliance with the provisions of this chapter.*

30 ~~[H. In lieu of the procedure under paragraph I, an aggrieved person may file a complaint~~
31 ~~with the ombudsman under RSA 91-A:7-b and in accordance with RSA 91-A:7-e.~~

32 ~~III. A person's decision to petition the superior court forecloses the ability to file a complaint~~
33 ~~with the ombudsman pursuant to RSA 91-A:7-e.~~

34 ~~IV. A person's decision to file a complaint with the ombudsman forecloses the ability to~~
35 ~~petition the superior court until the ombudsman issues a final ruling or the deadline for such a~~
36 ~~ruling has passed.]~~

37 278 Repeal. RSA 91-A:7-a through 91-A:7-e, relative to the citizen's right-to-know commission,

1 office of the ombudsman, complaint process, appeal and enforcement, and rulemaking, is repealed.

2 279 New Paragraph; Tax on Transfer of Real Property; Distribution of Funds. Amend RSA 78-
3 B:13 by inserting after paragraph II the following new paragraph:

4 III. Annually, on or before October 1, the commissioner shall direct the state treasurer to
5 transfer the sum of \$5,000,000 from revenue collected pursuant to the tax imposed by RSA 78-B:1 to
6 the affordable housing fund established in RSA 204-C:57.

7 280 Business Profits Tax; Apportionment; 2021. Amend RSA 77-A:3, I(c) to read as follows:

8 (c) The percentage of the total sales, including charges for services, made by the business
9 organization everywhere as is made by it within this state[-] :

10 (1) Sales of tangible personal property are made in this state if the property is
11 delivered or shipped to a purchaser, other than the United States government, within this state
12 regardless of f.o.b. point or other conditions of sale, or the property is shipped from an office, store,
13 warehouse, factory or other place of storage in this state and ~~[(1)]~~ (A) the purchaser is the United
14 States government, or ~~[(2)]~~ (B) the business organization is not taxable in the state of the purchaser.

15 (2) Sales other than sales of tangible personal property are in this state if the
16 ~~[income-producing activity is performed in this state, or the income-producing activity is performed~~
17 ~~both in and outside this state and a greater proportion of the income-producing activity is performed~~
18 ~~in this state than in any other state, based on costs of performance]~~ *business organization's*
19 *market for the sales is in this state, as follows:*

20 (A) *In the case of sale, rental, lease, or license of real property, if and to*
21 *the extent the property is located in this state;*

22 (B) *In the case of rental, lease, or license of tangible personal property, if*
23 *and to the extent the property is located in this state;*

24 (C) *In the case of sale of a service, if and to the extent the service is*
25 *delivered to a location in this state;*

26 (D) *In the case of sale, rental, lease, or license of intangible property, if*
27 *and to the extent the property is used in this state;*

28 (E) *In the case of interest income, if and to the extent the debtor or*
29 *encumbered property is located in this state;*

30 (F) *In the case of dividend income, if and to the extent the business*
31 *organization's commercial domicile is in this state; and*

32 (G) *In the case of other income, if and to the extent the income is derived*
33 *from sources in this state.*

34 (3) *In the case of sales other than sales of tangible personal property, if the*
35 *state or states of assignment cannot be determined, the state or states of assignment shall*
36 *be reasonably approximated.*

37 (4) *In the case of sales other than sales of tangible personal property, if the*

1 *taxpayer is not taxable in a state to which a sale is assigned, or if the state of assignment*
2 *cannot be determined or reasonably approximated, such sale shall be excluded from the*
3 *denominator of the sales factor.*

4 281 Business Enterprise Tax; Apportionment of Dividends; 2021. Amend RSA 77-E:4, I(c)(3) to
5 read as follows:

6 (3) The percentage of the total sales, including charges for services, made by the
7 business enterprise everywhere as is made by it within this state[-]:

8 (A) Sales of tangible personal property are made in this state if the property is
9 delivered or shipped to a purchaser, other than the United States government, within this state
10 regardless of free on board point or other conditions of sale, or the property is shipped from an office,
11 store, warehouse, factory or other place of storage in this state and [(A)] (i) the purchaser is the
12 United States government, or [(B)] (ii) the business enterprise is not taxable in the state of the
13 purchaser.

14 (B) Sales other than sales of tangible personal property are in this state if the
15 ~~[revenue producing activity is performed in this state, or the revenue producing activity is performed~~
16 ~~both in and outside this state and a greater proportion of the revenue producing activity is~~
17 ~~performed in this state than in any other state, based on costs of performance]~~ *business*
18 *enterprise's market for the sales is in this state, as follows:*

19 (i) *In the case of sale, rental, lease, or license of real property, if and*
20 *to the extent the property is located in this state;*

21 (ii) *In the case of rental, lease, or license of tangible personal*
22 *property, if and to the extent the property is located in this state;*

23 (iii) *In the case of sale of a service, if and to the extent the service is*
24 *delivered to a location in this state;*

25 (iv) *In the case of sale, rental, lease, or license of intangible property,*
26 *if and to the extent the property is used in this state;*

27 (v) *In the case of interest income, if and to the extent the debtor or*
28 *encumbered property is located in this state;*

29 (vi) *In the case of dividend income, if and to the extent the business*
30 *enterprise's commercial domicile is in this state; and*

31 (vii) *In the case of other income, if and to the extent the income is*
32 *derived from sources in this state.*

33 (C) *In the case of sales other than sales of tangible personal property, if*
34 *the state or states of assignment cannot be determined, the state or states of assignment*
35 *shall be reasonably approximated.*

36 (D) *In the case of sales other than sales of tangible personal property, if*
37 *the taxpayer is not taxable in a state to which a sale is assigned, or if the state of*

1 *assignment cannot be determined or reasonably approximated, such sale shall be excluded*
2 *from the denominator of the sales factor.*

3 282 Business Profits Tax; Apportionment; 2022. Amend RSA 77-A:3, I-III to read as follows:

4 I. A business organization which derives gross business profits from business activity both
5 within and without this state, and which is subject to a net income tax, a franchise tax measured by
6 net income, or a capital stock tax in another state or is subject to the jurisdiction of another state to
7 impose a net income tax or capital stock tax upon it, whether or not such tax is actually imposed,
8 shall apportion its gross business profits so as to allocate to this state a fair and equitable proportion
9 of such business profits. Except as provided in this section, such apportionment shall be made ~~on~~
10 ~~the basis of the following 3 factors]~~ *in the following manner:*

11 *(a) For taxable periods ending before December 31, 2022:*

12 *(1) The business organization's gross business profits shall be apportioned*
13 *on the basis of the following 3 factors:*

14 ~~[(a)]~~ *(A)* The percentage of value of the total real and tangible personal property owned,
15 rented and employed by the business organization everywhere as is owned, rented and employed by
16 it in the operation of its business in this state. Property owned by the business organization shall be
17 valued at its original cost. Property rented by the business organization shall be valued at 8 times
18 the net annual rental rate. Net annual rental rate is the annual rental rate paid by the business
19 organization less any annual rental rate received by the business organization from subrentals.

20 ~~[(b)]~~ *(B)* The percentage of total compensation paid by the business organization to
21 employees everywhere as is paid by the business organization to employees for services rendered
22 within this state. Such compensation is deemed to be disbursed for services in this state if the
23 service is performed entirely within this state, or if the service is performed both within and without
24 this state and the service performed without this state is incidental to the service within this state,
25 or some of the service is performed in this state and ~~[(1)]~~ *(i)* the base of operations or, if there is no
26 base of operations, the place from which the service is directed or controlled is in this state, or ~~[(2)]~~
27 *(ii)* the base of operations or the place from which the service is directed or controlled is not in any
28 state in which some part of the service is performed, but the individual performing such service
29 resides within this state.

30 ~~[(c)]~~ *(C)* The percentage of the total sales, including charges for services, made by the
31 business organization everywhere as is made by it within this state:

32 ~~[(1)]~~ *(i)* Sales of tangible personal property are made in this state if the property is
33 delivered or shipped to a purchaser, other than the United States government, within this state
34 regardless of f.o.b. point or other conditions of sale, or the property is shipped from an office, store,
35 warehouse, factory or other place of storage in this state and ~~[(A)]~~ the purchaser is the United States
36 government, or ~~[(B)]~~ the business organization is not taxable in the state of the purchaser.

37 ~~[(2)]~~ *(ii)* Sales other than sales of tangible personal property are in this state if the

1 business organization's market for the sales is in this state, as follows:

2 [(A)] 1. In the case of sale, rental, lease, or license of real property, if and to the
3 extent the property is located in this state;

4 [(B)] 2. In the case of rental, lease, or license of tangible personal property, if and
5 to the extent the property is located in this state;

6 [(C)] 3. In the case of sale of a service, if and to the extent the service is delivered
7 to a location in this state;

8 [(D)] 4. In the case of sale, rental, lease, or license of intangible property, if and
9 to the extent the property is used in this state;

10 [(E)] 5. In the case of interest income, if and to the extent the debtor or
11 encumbered property is located in this state;

12 [(F)] 6. In the case of dividend income, if and to the extent the business
13 organization's commercial domicile is in this state; and

14 [(G)] 7. In the case of other income, if and to the extent the income is derived
15 from sources in this state.

16 [(3)] (iii) In the case of sales other than sales of tangible personal property, if the
17 state or states of assignment cannot be determined, the state or states of assignment shall be
18 reasonably approximated.

19 [(4)] (iv) In the case of sales other than sales of tangible personal property, if the
20 taxpayer is not taxable in a state to which a sale is assigned, or if the state of assignment cannot be
21 determined or reasonably approximated, such sale shall be excluded from the denominator of the
22 sales factor.

23 [(H)(a)] (2) A fraction, the numerator of which shall be the property factor in subparagraph
24 [(a)] I(a)(1)(A) plus the compensation factor in subparagraph [(b)] I(a)(1)(B) plus 2 multiplied by
25 the sales factor in subparagraph [(c)] I(a)(1)(C) and the denominator of which is 4, shall be applied
26 to the total gross business profits (less foreign dividends) of the business organization to ascertain its
27 gross business profits in this state.

28 (b) *For taxable periods ending on or after December 31, 2022, the business*
29 *organization's gross business profits shall be apportioned by multiplying the total gross*
30 *business profits (less foreign dividends) of the business organization by the sales factor in*
31 *subparagraph I(a)(1)(C).*

32 II.(a) If [this] *the applicable* method of apportionment *in paragraph I* does not fairly
33 represent the business organization's business activity in this state, the business organization may
34 petition for, or the commissioner may require, in respect to all or any part of the business
35 organization's business activity, if reasonable[?],

36 ~~[(1) The exclusion of any one or more of the apportionment factors;~~

37 ~~(2) The inclusion of one or more additional apportionment factors which will fairly~~

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1 ~~represent the business organization's business activity in the state; or~~

2 (3) the employment of any other method to effect an equitable apportionment of the
3 business organization's gross business profits.

4 (b) For foreign dividends from unitary sources, the following formula shall be used to
5 modify factors relating to included dividends:

6 (1) Determine a percentage for each dividend payor consisting of dividends paid
7 divided by taxable income which has been computed using United States standards.

8 (2) Apply this percentage to the dividend payor's foreign property, payroll, and sales
9 *for taxable periods ending before December 31, 2022, or to the dividend payor's foreign*
10 *sales for taxable periods ending on or after December 31, 2022.*

11 (3) Sum the results in subparagraph (2) for all dividend payors.

12 (4) Add the result in subparagraph (3) to the denominators of the combined water's
13 edge group. The numerator will remain the New Hampshire numerator.

14 (5) Apply the resulting percentage to the foreign dividends.

15 (6) Add this amount to the amount of New Hampshire taxable business profits
16 computed pursuant to RSA 77-A:3, I ~~and II(a)~~.

17 III. When 2 or more related business organizations are engaged in a unitary business, as
18 defined in RSA 77-A:1, XIV, a part of which is conducted in this state by one or more members of the
19 group, the income attributable to this state shall be determined by means of the *applicable*
20 combined apportionment factors of the unitary business group in accordance with paragraphs I and
21 II.

22 283 Business Profits Tax; Qualified Manufacturing Research and Development Expenditures.
23 Amend the introductory paragraph of RSA 77-A:5, XIII(b)(1) to read as follows:

24 (1) The term "qualified manufacturing research and development expenditures"
25 shall mean solely any wages paid or incurred to an employee of the business organization for services
26 rendered by such employee within this state within the meaning of RSA ~~[77-A:3;I(b)]~~ 77-A:3,
27 *I(a)(1)(B)*, provided that:

28 284 Business Enterprise Tax; Application of Credit for Business Enterprise Tax Against
29 Business Profits Tax. Amend RSA 77-E:13, I and II to read as follows:

30 I. Determine a combined nexus group denominator for the ~~[property, payroll and sales]~~
31 *applicable apportionment* factors by adding the ~~[property, payroll and sales]~~ *apportionment*
32 factor numerators of the individual members of the combined group subject to tax under RSA 77-A.

33 II. Determine an individual apportionment percentage for each member of the combined
34 group subject to tax under RSA 77-A by dividing such member's *applicable* individual New
35 Hampshire ~~[property, payroll and sales]~~ *apportionment* factor numerators by the combined nexus
36 group denominators determined in paragraph I.

37 285 New Paragraph; Business Profits Tax; Definition. Amend RSA 77-A:1 by inserting after

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1 paragraph XVIII the following new paragraph:

2 XVIII-a. "Foreign sales" as used in RSA 77-A:3, II means the sales data of overseas business
3 organizations which have paid dividends to a member of the water's edge combined group.

4 286 Applicability. Sections 280 and 281 of this act shall apply to taxable periods ending on or
5 after December 31, 2021.

6 287 New Subparagraph; Business Profits Tax; Definition; Internal Revenue Code. Amend RSA
7 77-A:1, XX by inserting after subparagraph (n) the following new subparagraph:

8 (o) For all taxable periods beginning on or after January 1, 2020, the United States
9 Internal Revenue Code of 1986 in effect on December 31, 2018, subject to RSA 77-A:3-b.

10 288 Business Profits Tax; Adjustments; Internal Revenue Code Provisions. Amend RSA 77-A:3-
11 b, II to read as follows:

12 II. The United States Internal Revenue Code shall be applied without section [199] *951A* of
13 such code.

14 289 Communications Services Tax; Purpose; Basic Communications Services Deleted. Amend
15 RSA 82-A:1 to read as follows:

16 82-A:1 Statement of Purpose. It is the intent of the general court to impose a tax on those who
17 use 2-way communications services and to source mobile telecommunications services to the place of
18 primary use. It is also the intent of the general court that Internet access service [~~and basic
19 communications services essential to public health, safety, and welfare~~] shall not be subject to the
20 tax imposed by this chapter.

21 290 Definitions; Communications Services. Amend the introductory paragraph of RSA 82-A:2,
22 III to read as follows:

23 III. "Communications services" means services for transmitting, emitting, or receiving signs,
24 signals, writing, images, sounds or intelligence of any nature by any electromagnetic system capable
25 of 2-way communication and includes, without limitation, messages or information transmitted
26 through use of local, toll and wide area telephone service; private line services and networks,
27 whether leased, rented or owned; channel services; telegraph services; teletypewriter services; cable
28 television; computer exchange services; mobile telecommunications services; *prepaid wireless*
29 *telecommunications services; VoIP*; facsimile services; specialized mobile radio; stationary 2-way
30 radio; paging services; or any other form, whether stationary, portable or mobile, of 2-way
31 communications; or any other transmission of messages or information by electronic or similar
32 means, between or among points by wire, cable, fiber-optics, laser, microwave, radio, satellite or
33 similar facilities. "Communications services" shall not include:

34 291 Definitions; Retailer. Amend RSA 82-A:2, X to read as follows:

35 X. "Retailer" means and includes every person engaged in the business of making sales at
36 retail as defined in this chapter. The department may, in its discretion, upon application, authorize
37 the collection of the tax hereby imposed by any retailer not maintaining a place of business within

1 this state, who, to the satisfaction of the department, furnishes adequate security to insure collection
2 and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax.
3 When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross
4 charges for communications services in this state in the same manner and subject to the same
5 requirements as a retailer maintaining a place of business within this state. The permit may be
6 revoked by the department at its discretion. ***For purposes of the tax imposed by this chapter on***
7 ***prepaid wireless telecommunications service, "retailer" has the same meaning as "seller."***

8 292 New Paragraphs; Definitions; Prepaid Wireless Telecommunications Service; VoIP. Amend
9 RSA 82-A:2 by inserting after paragraph XXVI the following new paragraphs:

10 XXVII. "Prepaid wireless telecommunications service" means "prepaid commercial mobile
11 radio service," as that term is defined in RSA 106-H:2, VIII-b.

12 XXVIII. "Retail transaction" means the purchase of prepaid wireless telecommunications
13 service from a seller for any purpose other than resale.

14 XXIX. "Seller" means a person who sells prepaid wireless telecommunications service to
15 another person.

16 XXX. "Voice over Internet Protocol" or "VoIP" means any service that:

- 17 (a) Enables real-time, 2-way voice communications that originate from or terminate to
18 the user's location in Internet Protocol or any successor protocol;
- 19 (b) Requires a broadband connection from the user's location; and
- 20 (c) Permits users generally to receive calls that originate on the public switched
21 telephone network and to terminate calls to the public switched telephone network.

22 293 Imposition of Tax; Reference Added. Amend RSA 82-A:4 to read as follows:

23 82-A:4 Imposition of Tax; Interstate Communications Services. Except as provided in RSA 82-
24 A:4-b, ***RSA 82-A:4-d, and RSA 82-A:4-e***, a tax is imposed upon interstate communications services
25 and private communications services furnished to a person in this state and purchased at retail from
26 a retailer by such person, at the rate of 7 percent of the gross charge when such service purchased on
27 a call-by call basis originates in this state and terminates outside this state or originates outside this
28 state and terminates in this state and the service address is in this state, or when such service
29 purchased on a basis other than a call-by-call basis is provided to a person with a place of primary
30 use in this state or when such private communications services are apportioned to this state in
31 accordance with RSA 82-A:4-c. Provided however, a tax is imposed upon interstate paid calling
32 service furnished to a person in this state and purchased at retail from a retailer by such person, at
33 the rate of 7 percent of the gross charge when the origination point of the communications signal (as
34 first identified by either (a) the seller's telecommunications system, or (b) information received by the
35 seller from its service provider, where the system used to transport such signals is not that of the
36 seller) is in this state. To prevent actual multi-state taxation of communications services that are
37 subject to taxation under this section, any taxpayer, upon proof that the taxpayer has paid a tax in

1 another state on such services, shall be allowed a credit against the tax imposed in this section to the
2 extent of the amount of such tax properly due and paid in such other state. However, such tax is not
3 imposed on communications services to the extent such services may not, under the Constitution and
4 statutes of the United States, be made the subject of taxation by the state.

5 294 New Sections; Special Rules for VOIP Services and Prepaid Wireless Telecommunications
6 Service. Amend RSA 82-A by inserting after section 4-c the following new sections:

7 82-A:4-d Special Rules for VoIP Services. A tax is imposed on intrastate and interstate
8 communications services that are VoIP services provided by a retailer to a person with a place of
9 primary use in this state, regardless of where the VoIP services originate, terminate, or pass
10 through. The tax shall be imposed on the gross charge at the rate specified in RSA 82-A:3 and RSA
11 82-A:4. No tax shall be imposed on a person whose place of primary use is outside this state.

12 82-A:4-e Special Rules for Prepaid Wireless Telecommunications Service.

13 I. A tax is imposed on each retail transaction in this state of intrastate and interstate
14 communications services that are prepaid wireless telecommunications services. The tax shall be
15 imposed on the gross charge at the rate specified in RSA 82-A:3 and 82-A:4.

16 II. For purposes of paragraph I, a retail transaction is sourced to New Hampshire:

17 (a) If the retail transaction occurs in person at a seller's location in New Hampshire; or

18 (b) If subparagraph (a) does not apply, the prepaid wireless telecommunications service
19 is evidenced by a physical item, such as a card, and the purchaser provides a New Hampshire
20 delivery address for such item; or

21 (c) If subparagraphs (a) and (b) do not apply, the consumer gives a New Hampshire
22 address during the consummation of the sale, including the address associated with the consumer's
23 payment instrument if no other address is available, and the address is not given in bad faith; or

24 (d) If subparagraphs (a)-(c) do not apply, the consumer's mobile telephone number is
25 associated with a postal zip code, telephone area code, or location within New Hampshire.

26 III. The tax imposed by this section shall be collected by the seller from the consumer with
27 respect to each retail transaction sourced to New Hampshire, in accordance with RSA 82-A:6;
28 provided, however, the amount of the tax shall be either separately stated on an invoice, receipt, or
29 other similar document that is provided by the seller to the consumer, or otherwise disclosed to the
30 consumer.

31 IV. If prepaid wireless telecommunications service is sold with one or more other products or
32 services for a single, non-itemized charge, then the tax shall apply to the entire non-itemized charge
33 except as provided in RSA 82-A:2, V(e).

34 V. If a minimal amount of prepaid wireless telecommunications service is sold with a
35 prepaid wireless device for a single, non-itemized charge, then the seller may elect not to apply the
36 tax to such transaction. For purposes of this subparagraph, an amount of service denominated as 10
37 minutes or less, or \$5 or less, is minimal.

1 VI. The seller shall be liable to remit all taxes required by this section that are collected
2 from consumers, including all such taxes that the seller is deemed to collect where the amount of the
3 tax has not been separately stated on an invoice, receipt, or other similar document provided by the
4 seller to the consumer, in accordance with RSA 82-A:7.

5 VII. The prepaid commercial mobile radio service E911 surcharge imposed under RSA 106-
6 H:9, I-a shall not be subject to the tax imposed by this section.

7 295 Applicability. Sections 289-294 of this act shall apply to taxable periods ending after
8 December 31, 2019.

9 296 Findings. The general court declares that:

10 I. An adequate supply of housing that is affordable to a range of incomes is essential to New
11 Hampshire's economic and community development goals.

12 II. Access to an efficient and inexpensive legal appeals process is fundamental to protecting
13 private property rights against unreasonable governmental regulation and processes.

14 III. Individual homeowners who are denied local permits for additions or other simple
15 modifications to their homes often abandon their legal right to appeal because of the time and
16 expense involved in a superior court appeal.

17 IV. Abutters and other parties with standing to appeal local land use decisions on housing
18 developments often abandon their legal right to appeal because of the costs associated with court
19 appeals.

20 V. There are several factors that inhibit builders' ability to meet the demand for new
21 housing in New Hampshire. Significant among these factors are local land use regulations and
22 board practices that can arbitrarily thwart development or impose costly delays. These powers are
23 delegated to municipalities by the state, and must be used in a manner that is consistent with state
24 law.

25 VI. Builders may appeal local land use decisions to the superior court, but such appeals are
26 expensive and time consuming, often leading builders to either abandon their appeals or completely
27 avoid seeking development permits.

28 VII. The cost of litigating such matters in court is significant, and by establishing an
29 alternative process, but without eliminating the option of court appeals, will help to reduce costs of
30 litigation for all parties.

31 VIII. It is appropriate and necessary to establish an alternative track for review of local
32 decisions on housing and housing development without diminishing anyone's existing legal right to
33 pursue a remedy in superior court and without affecting local control or changing the legal standards
34 by which local decisions are adjudicated.

35 297 New Chapter; Housing Appeals Board. Amend RSA by inserting after chapter 678 the
36 following new chapter:

HOUSING APPEALS BOARD

1
2 679:1 Board Established. There is hereby established a housing appeals board, hereinafter
3 referred to as the board, which shall be composed of 3 members who shall individually and
4 collectively be learned and experienced in questions of land use law or housing development or both.
5 At least one member shall be an attorney licensed to practice law in the state of New Hampshire,
6 and at least one member shall be either a professional engineer or land surveyor. The members of
7 the board shall be full-time employees and shall not engage in any other employment, appointments,
8 or duties during their terms that is in conflict with their duties as members of the board.

9 679:2 Appointment; Term; Chair. The members of the board shall be appointed by the supreme
10 court and commissioned by the governor for a term of 5 years and until their successors are
11 appointed and qualified; provided, however, that any vacancy on the board shall be filled for the
12 unexpired term. The initial members of the board shall serve staggered terms of 3, 4, and 5 years.
13 The supreme court shall designate one member as chair to serve in that capacity for the duration of
14 his or her term.

15 679:3 Removal. Any member may be removed by the same authority for inefficiency, neglect of
16 duty, or malfeasance in office; but, before removal, the member shall be furnished with a copy of the
17 charges and have an opportunity to be heard in defense.

18 679:4 Compensation. Each member of the board shall receive the annual salary prescribed by
19 RSA 94:1-a and reasonable expenses, including transportation, subject to the approval of the
20 governor and council.

21 679:5 Authority; Duties.

22 I. It shall be the duty of the board and it shall have power and authority to hear and affirm,
23 reverse, or modify, in whole or in part, appeals of final decisions of municipal boards, committees,
24 and commissions regarding questions of housing and housing development. This includes, but is not
25 limited to:

26 (a) Planning board decisions on subdivisions or site plans.

27 (b) Board of adjustment decisions on variances, special exceptions, administrative
28 appeals, and ordinance administration.

29 (c) The use of innovative land use controls.

30 (d) Growth management controls and interim growth management controls.

31 (e) Decisions of historic district commissions, heritage commissions, and conservation
32 commissions.

33 (f) Other municipal permits and fees applicable to housing and housing developments.

34 (g) Matters subject to the board's authority may include mixed-use combinations of
35 residential and nonresidential uses. Such different uses may occur on separate properties, provided
36 such properties are all part of a common scheme of development.

37 II. In exercising its authority under this chapter, the board shall have the power to award

1 all remedies available to the superior courts in similar cases, including permission to develop the
2 proposed housing.

3 III. Relative to RSA 674:58 through RSA 674:61, the board shall have the power and
4 authority to hear and determine appeals of decisions of local land use boards regarding proposals for
5 workforce housing, including but not limited to whether the municipality's land use ordinances and
6 regulations provide a reasonable and realistic opportunity for the development of workforce housing;
7 whether the local land use board has imposed conditions of approval that render the proposal
8 economically unviable; and whether a denial by a local land use board was unreasonable or unlawful.

9 IV. After local remedies have been exhausted, appeals may be brought before the board by
10 an applicant to the municipal board, committee, or commission, or by any other aggrieved or injured
11 party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15. The
12 municipality shall be a party to the action. If the applicant is not the party initiating the action
13 before the board, then the applicant shall automatically be an intervenor. The board shall grant
14 intervenor status to abutters and to any other aggrieved or injured party who can demonstrate legal
15 standing to appeal pursuant to RSA 677:4 or RSA 677:15.

16 679:6 Timing of Appeals and Board Proceedings.

17 I. Appeals shall be filed with the board within 30 days of the final decision of a municipal
18 board, committee, or commission. At the same time an appeal is filed with the board, the applicant
19 shall notify the municipal board, committee, or commission of such appeal.

20 II. The municipal board, committee, or commission shall within 30 days of receipt of such
21 notice submit to the board a certified record of its proceedings on the matter subject to the appeal.

22 III. The board shall hold a hearing on the merits within 90 days of its receipt of a notice of
23 appeal.

24 IV. The board shall make a decision on an appeal within 60 days after conducting a hearing
25 on the merits.

26 679:7 Jurisdiction; Court Appeals.

27 I. In matters within its authority the board shall have concurrent, appellate jurisdiction
28 with the superior court. An election by any party to bring an action before the board shall be deemed
29 a waiver of any right to bring an action in the superior court, but shall not abrogate any party's right
30 to appeal decisions of the board to the supreme court; as such, the board shall retain jurisdiction of
31 any matter originally brought before it. At any time during an appeal to the board, if the board
32 determines that it does not have jurisdiction to hear the appeal, the appellant shall have 30 days to
33 file an appeal with the superior court.

34 II. In an appeal of a local decision on housing or housing development, any claim that is
35 within the board's authority under RSA 679:5 and that has previously been or is subsequently
36 included in an appeal in superior court by another party to the decision or by any other aggrieved or
37 injured party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15

1 shall automatically be stayed by the court to provide the party with standing the opportunity to
2 intervene in the matter before the board. If intervenor status is granted, the stay of the court action
3 regarding those claims shall continue during the pendency of the appeal to the board. After the
4 board has decided the appeal, the court shall dismiss the matter before it to the extent the matter
5 has been resolved by the board. Any claim included in an appeal to superior court that is not within
6 the board's authority shall not be subject to automatic stay by the court.

7 679:8 Quorum; Disqualification; Temporary Members.

8 I. In all matters a majority of the board shall constitute a quorum to transact business.

9 II. No member of the board shall represent a party or testify as an expert witness or render
10 any professional service for any party or interest before the board, and any member having an
11 interest in the subject matter shall be disqualified to act therein.

12 III. If, in the event of a disqualification or temporary disability of a member or members of
13 the board, it shall become necessary to do so, the board, subject to the approval of the supreme court,
14 shall appoint such number of temporary board members as shall be necessary to meet the
15 requirements herein imposed. Such temporary board members shall serve with respect to such
16 matter until the same has been fully disposed of before the board.

17 IV. Temporary board members shall have the same qualifications as regular board members
18 in whose place they are acting.

19 V. A temporary board member shall be compensated at the rate of \$75 for each day devoted
20 to the work of the board and shall be reimbursed the necessary and reasonable expenses incurred by
21 him or her in the performance of his or her duties.

22 VI. In the event of a vacancy on the board, the appellant may elect to continue the
23 proceedings while awaiting the appointment of a successor board member.

24 679:9 Hearing Procedure; Standard of Review.

25 I. Appeals to the board shall be consistent with appeals to the superior court pursuant to
26 RSA 677:4 through RSA 677:16. Appeals shall be on the certified record, and except in such cases as
27 justice may warrant, in the sole discretion of the board, no additional evidence will be introduced.
28 Consistent with the contested case provisions of RSA 541-A, the rules of evidence shall not strictly
29 apply. In addition to the provisions of RSA 91-A, the board shall record the proceedings of any
30 hearing before it and shall make such recording available to the public for inspection and recording
31 from the date of the hearing to a date which is 15 working days after the board has made a final
32 decision on the matter which is the subject of the hearing, or, if an appeal is made from such
33 decision, the date upon which the matter has been finally adjudicated, whichever date is later.

34 II. The board shall not reverse or modify a decision except for errors of law or if the board is
35 persuaded by the balance of probabilities, on the evidence before it, that said decision is
36 unreasonable.

37 679:10 Representation by Nonattorneys. Nonattorneys, including professional engineers,

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1 architects, and land surveyors, may represent any party before the board. Nothing in this section
2 shall prevent the board from denying representation by any individual it deems to be improper,
3 inappropriate, or unable to adequately represent the interests of the applicant to the municipal
4 board, committee, or commission.

5 679:11 Board Meetings. The board's deliberative processes in adjudicatory proceedings held
6 pursuant to RSA 541-A shall be exempt from the public meeting and notice provisions of RSA 91-A.
7 Decisions and orders in adjudicatory proceedings shall be publicly available, but only after they have
8 been reduced to writing, signed by a quorum of the board, and served upon the parties, and shall set
9 forth the board's rulings of law and findings of fact in support of its decisions. Discussions and
10 actions by the board concerning procedural, administrative, legal, and internal matters shall be
11 exempt from the meeting and notice provisions of RSA 91-A:2.

12 679:12 Rules and Regulations. The board may adopt rules under RSA 541-A necessary for
13 carrying out its functions including but not limited to rules of procedure to be followed in hearings
14 conducted by it not inconsistent with the provisions of this chapter.

15 679:13 Administration of Oaths, Subpoenas, Etc.; Fees. The board shall have authority to
16 administer oaths and to compel the attendance of witnesses to proceedings before it. The board shall
17 have the power to subpoena and subpoena duces tecum. Witnesses compelled to appear shall be paid
18 the same fee and mileage that are paid to witnesses in the superior court of the state. A subpoena or
19 subpoena duces tecum of the board may be served by any person designated in the subpoena or
20 subpoena duces tecum to serve it. Any testimony given by a person duly sworn shall be subject to
21 the pains and penalties of perjury. All applications or petitions to the board for which no filing fee
22 has been otherwise specified by statute shall be accompanied by a \$250 filing fee. Costs and
23 attorney's fees may be taxed as in the superior court.

24 679:14 Notice. The board shall serve notice in writing of the time, place, and cause of any
25 hearing upon all parties at least 20 days prior to the date of the hearing.

26 679:15 Appeal. Decisions of the board may be appealed to the supreme court by any party in
27 accordance with the provisions of RSA 541 as from time to time amended.

28 679:16 Enforcement of Decisions. After a decision of the board becomes final, the board shall, at
29 the request of any party, file a certified abstract thereof in the Merrimack county superior court.
30 The clerk of said court shall forthwith enter judgment thereon and such judgment may be enforced
31 as with any final judgment of the superior court.

32 679:17 Staff. The board shall have such clerical, administrative, and technical staff as may be
33 necessary within the limits of the appropriation made therefor.

34 679:18 Office. The board shall be provided with an office in Concord in which its records,
35 documents, and books shall be kept, and with a suitable room in which it may hold hearings.

36 679:19 Neglect to Comply With Board's Orders. Neglect or failure on the part of any
37 municipality to comply with such orders shall be deemed willful neglect of duty, and it shall be

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1 subject to the penalties and damages provided by law in such cases.

2 298 Salaries Established; Amend RSA 94:1-a, I(b) by inserting in salary grade DD the following
3 new positions:

4 DD housing appeals board member

5 DD housing appeals board chair

6 299 Appropriation; Housing Appeals Board. The sums of \$415,000 for the fiscal year ending
7 June 30, 2020 and \$415,000 for the fiscal year ending June 30, 2021 are hereby appropriated to the
8 housing appeals board established pursuant to RSA 679 for the proper administration of said
9 chapter. Said sums shall not lapse until June 30, 2021. The governor is authorized to draw a
10 warrant for said sums out of any money in the treasury not otherwise appropriated.

11 300 Adequate Representation for Indigent Defendants in Criminal Cases; Repayment. RSA
12 604-A:9, I, I-a, I-b, and I-c are repealed and reenacted to read as follows:

13 I.(a) Any adult defendant or juvenile respondent who has been assigned counsel or a public
14 defender shall be subject to an order by the court, pursuant to this section, regarding payment to the
15 state for counsel fees and expenses paid by the state on behalf of the defendant or juvenile, and
16 regarding payment of an administrative service assessment. Any payment obligation shall apply
17 only to a defendant who has been convicted or a juvenile who has been found delinquent.

18 (b) Upon entering a judgment of conviction or a finding of delinquency, and the issuance
19 of sentence or disposition, the court shall enter a separate written order setting forth the reasons for
20 the court's conclusion regarding the financial ability of the defendant or the juvenile, including any
21 person liable for the support of the juvenile pursuant to RSA 604-A:2-a, to make payment of counsel
22 fees and expenses, and administrative service assessment. In its discretion, the court may conduct
23 an ability-to-pay hearing to assist in its determination. If the court finds that there is an ability to
24 pay some or all of the counsel fees and expenses and the assessment, either presently or in the
25 future, it shall order payment in such amounts and upon such terms and conditions it finds
26 equitable; any payment obligation shall not commence until the conviction and sentence or the
27 finding of delinquency and disposition has become final. If the court finds that there is no such
28 ability to pay, it shall so order, and any payment obligation shall terminate.

29 (c) In assessing ability to pay upon or after the entering of a judgment of conviction and
30 the issuance of a sentence, neither the court nor the office of cost containment shall consider income
31 that is exempt from execution, levy, attachment, garnishment, or other legal process under any state
32 or federal law, and shall be reduced only by the amount of expenses which are reasonably necessary
33 for the maintenance of the defendant and his dependents.

34 (d) If the court determines that the defendant is financially unable to repay any fees and
35 expenses to the state, the repayment obligation shall be waived. A copy of each order finding that
36 the defendant has an ability to pay fees and assessments shall be forwarded to the commissioner of
37 the department of administrative services and the office of cost containment. An order waiving the

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1 repayment obligation shall not be forwarded. Neither the commissioner of the department of
2 administrative services nor the office of cost containment shall have the authority to alter the court's
3 determination that a repayment obligation is waived.

4 (e) After the judgment of conviction is entered and a repayment order is issued, a
5 defendant subject to a repayment order under this section may, if his or her circumstances have
6 changed since the date of the court's order, petition the court for relief from the obligation imposed
7 by this section, which may be granted upon a finding that the defendant is unable to comply with the
8 terms of the court's order or any modification of the order by the court.

9 (f) The maximum payment amount for counsel fees and expenses shall be according to a
10 schedule established by the administrator of the office of cost containment with the approval of the
11 administrative justices of the courts. Any payment obligation for fees and expenses shall not exceed
12 the amount of the state's flat rate payable to a contract attorney as established pursuant to RSA 604-
13 B. The administrative service assessment shall not exceed 10 percent of the counsel fees and
14 expenses. Payment shall be made to the office of cost containment unless the defendant or juvenile
15 is placed on probation or sentenced to a period of conditional discharge, in which case repayment
16 shall be made to the state through the department of corrections. Any payment obligation
17 attributable to a juvenile shall terminate when the juvenile reaches the age of majority, except when
18 the juvenile has been certified and tried as an adult.

19 (g) In a case where counsel has been appointed, and a repayment order issued, the
20 defendant shall be required to notify the clerk of the court and the office of cost containment of each
21 change of mail address and actual street address. Whenever notice to the defendant is required,
22 notice to the last mail address on file shall be deemed notice to and binding on the defendant.

23 301 Adequate Representation for Indigent Defendants in Criminal Cases; Repayment. Amend
24 RSA 604-A:9, II to read as follows:

25 II. All petitions for court appointed counsel shall bear the following words in capital letters:
26 I UNDERSTAND THAT I MAY BE REQUIRED TO REPAY THE SERVICES PROVIDED TO ME
27 BY COURT APPOINTED COUNSEL IF I AM CONVICTED UNLESS THE COURT FINDS THAT I
28 AM OR WILL BE FINANCIALLY UNABLE TO PAY.

29 302 Reference Change; Appointment of Counsel; Payment Obligation. Amend RSA 604-A:2-f, IV
30 to read as follows:

31 IV. When the court appoints counsel to represent a defendant in a proceeding under this
32 section, the court shall grant the defendant relief from the obligation to repay the state for appointed
33 counsel fees under ~~[RSA 604-A:9, I b]~~ **RSA 604-A:9, I(b)**, if the court determines that the defendant
34 is financially unable to repay.

35 303 New Paragraph; Department of Justice; Bureau of Civil Law; Authority to Hire Additional
36 Staff for Campaign Finance, Election Law, Inaugural Committee Oversight, and Lobbying Matters.
37 Amend RSA 21-M:11 by inserting after paragraph III the following new paragraph:

1 IV. To assist the attorney general in his or her duty to exercise supervision of campaign
2 finance, election law, inaugural committee oversight, and lobbying matters, the department of justice
3 may hire:

4 (a) An unclassified full-time investigator assigned to the bureau, who shall work
5 exclusively on, campaign finance, election law, inaugural committee oversight, and lobbying matters.
6 Notwithstanding RSA 14:14-c, the salary for the full-time investigator position shall be established
7 as a salary grade BB.

8 (b) A classified full-time investigative paralegal assigned to the bureau, who shall work
9 exclusively on campaign finance, election law, inaugural committee oversight, and lobbying matters.
10 The classification shall be a paralegal II, labor grade 19.

11 304 New Paragraph; FRM Victims' Contribution Recovery Fund. Amend RSA 359-P:2 by
12 inserting after paragraph I the following new paragraph:

13 I-a. In addition to the funds contributed under paragraph I, the fund shall also consist of the
14 amount contributed under RSA 421-B:6-601(j).

15 305 New Subparagraph; Uniform Securities Act; Administration of Chapter; Investor Education
16 Fund. Amend RSA 421-B:6-601 by inserting after subparagraph (i) the following new subparagraph:

17 (j) Any excess of the funds credited to the general fund pursuant to paragraph (h) up to
18 \$500,000 per fiscal year shall be contributed to the FRM victims' contribution recovery fund
19 established in RSA 359-P:2.

20 306 Repeal. The following are repealed:

21 I. RSA 359-P:2, I-a, relative to funds contributed pursuant to RSA 421-B:6-601(j).

22 II. RSA 421-B:6-601(j), relative to moneys contributed to the FRM victims' contribution
23 recovery fund.

24 307 Off Highway Recreational Vehicles and Trails; Regulations of Political Subdivisions.
25 Amend RSA 215-A:15, V to read as follows:

26 V. Enforcement of ~~paragraph~~ **paragraphs IV and VII** shall be the joint responsibility of
27 the city of Concord and the state of New Hampshire.

28 308 New Paragraph; Off Highway Recreational Vehicles and Trails; Regulations of Political
29 Subdivisions. Amend RSA 215-A:15 by inserting after paragraph VI the following new paragraph:

30 VII. OHRVs shall be prohibited from traveling on Hoit Road Marsh in the city of Concord.

31 309 Statement of Findings and Purpose. The general court hereby finds that outdoor recreation
32 is vital to a diverse economy, is a delineating asset for the state in competition for workforce and
33 employer recruitment, represents an opportunity for communities of the state to connect to a
34 statewide asset, and contributes to a healthy community. In furtherance of these objectives, the
35 general court hereby establishes an office of outdoor recreation industry development in the
36 department of business and economic affairs.

37 310 New Section; Department of Business and Economic Affairs; Outdoor Recreation Industry

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1 Development; Office and Position Established. Amend RSA 12-O by inserting after section 23 the
2 following new section:

3 12-O:23-a Office of Outdoor Recreation Industry Development Established.

4 I. There is established in the department the office of outdoor recreation industry
5 development. The office shall be under the supervision of a classified director of the office of outdoor
6 recreation industry development, who shall serve under the supervision of the commissioner. The
7 director shall provide administrative oversight and ensure that the responsibilities of the office
8 described in this section are fulfilled.

9 II. The office of outdoor recreation industry development shall:

10 (a) Coordinate outdoor recreation policy, management, and promotion among state and
11 federal agencies and local government entities.

12 (b) Promote economic development in the state by:

13 (1) Coordinating with outdoor recreation stakeholders.

14 (2) Using outdoor recreational infrastructure and industry to promote tourism and
15 recruit members of the general workforce.

16 (3) Working with stakeholders and academic institutions to develop relevant
17 training and curricula for members of the outdoor industry and manufacturing workforce.

18 (4) Improving motorized and nonmotorized recreational opportunities in cooperation
19 with the department of natural and cultural resources.

20 (5) Recruiting outdoor recreation business and industry.

21 (c) Recommend policies and initiatives to enhance recreational amenities and
22 experiences in the state and help implement those policies and initiatives.

23 (d) Develop outcome-driven data regarding the effect of outdoor recreation in the state.

24 (e) Promote the health and social benefits of outdoor recreation, especially to young
25 people.

26 (f) Advance sustainable land stewardship initiatives recognizing the relationship
27 between outdoor recreation and its economic benefit to the state.

28 III. Provided that any federally funded programs managed by the department of natural and
29 cultural resources, division of parks on the effective date of this section shall continue to be managed
30 by the division of parks, the office of outdoor recreation industry development may:

31 (a) Seek federal grants or loans.

32 (b) Seek private foundation partnerships.

33 (c) Seek to participate in federal programs.

34 (d) In accordance with applicable federal program guidelines, administer federally
35 funded outdoor recreation programs.

36 311 New Paragraph; Community Recreation Service; Duties. Amend RSA 12-B:3 by inserting
37 after paragraph X the following new paragraph:

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1 XI. To serve as liaison to the office of outdoor recreation industry development established
2 pursuant to RSA 12-O:23-a.

3 312 Appropriation; Department of Business and Economic Affairs. The sum of \$125,000 for the
4 fiscal year ending June 30, 2020 and the sum of \$125,000 for the fiscal year ending June 30, 2021 are
5 hereby appropriated to the department of business and economic affairs for the purpose of
6 supporting the small business development center and its programs. The governor is authorized to
7 draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

8 313 Fill and Dredge in Wetlands; Excavating and Dredging Permits. Amend RSA 482-A:3, I(b)
9 and (c) as follows:

10 (b) The application fee for shoreline structure projects shall be [~~\$200~~] **\$400** plus an
11 amount based on the area of dredge, fill, or dock surface area proposed, or a combination thereof,
12 which shall be [~~\$2~~] **\$4** per square foot for permanent dock surface area; [~~\$1~~] **\$2** per square foot for
13 seasonal dock surface area; and [~~\$.20~~] **\$.40** per square foot for dredge or fill surface area or both. For
14 projects involving only the repair, reconstruction, or reconfiguration of an existing docking structure,
15 the application fee shall be [~~\$200~~] **\$400**.

16 (c) The application fee shall be [~~\$200~~] **\$400** for minimum impact dredge and fill projects
17 [~~under this chapter~~] **and for non-enforcement related publicly funded and supervised**
18 **restoration projects as defined by rules, regardless of impact classification, if undertaken**
19 **by other than the person or persons responsible for causing the restoration to be needed.**
20 The application fee for all projects under this chapter which are not covered by subparagraph (b) or
21 (c) or paragraphs IV-a, V, X through XII, XV, XVI, or XVII through XIX shall be [~~\$.20~~] **\$.40** per
22 square foot of proposed impact, with a minimum fee of [~~\$200~~] **\$400** for all such projects that impact
23 fewer than [~~1,000~~] **600** square feet.

24 314 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Use of Fees. Amend RSA
25 482-A:3, III to read as follows:

26 III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), XII(c), and X are
27 continually appropriated to and shall be expended by the department for paying per diem and
28 expenses of the public members of the council, hiring additional staff, reviewing applications and
29 activities relative to [~~the~~] wetlands [~~of the state~~] **under RSA 482-A, [and] protected shorelands**
30 **under RSA 483-B, alteration of terrain under RSA 485-A:17, conducting field investigations, and**
31 **holding public hearings. Such fees and any monetary grants, gifts, donations, or interest**
32 **generated by these funds shall be deposited with and held by the treasurer in a nonlapsing fund**
33 **identified as the [~~wetlands and shorelands review~~] water resources fund.**

34 315 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certain Fees. Amend RSA
35 482-A:3, X(a) to read as follows:

36 (a) The maximum cash application fee for the New Hampshire department of
37 transportation shall be [~~\$10,000~~] **\$30,000** per application plus provisions for technical or consulting

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1 services or a combination of such services as necessary to meet the needs of the department. The
2 department may enter into a memorandum of agreement with the New Hampshire department of
3 transportation to accept equivalent technical or consulting services or a combination of such services
4 in lieu of a portion of their standard application fees.

5 316 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Review of Applications.
6 Amend RSA 482-A:3, XIV(b)(1) to read as follows:

7 (1) The time limits prescribed by this paragraph shall supersede any time limits
8 provided in any other provision of law. ***The time limits prescribed by this paragraph shall not***
9 ***apply to applications submitted by the department of transportation, for which time limits***
10 ***shall be set by a memorandum of agreement between the commissioner of the department of***
11 ***environmental services and the commissioner of the department of transportation.*** If the
12 department fails to act within the applicable time frame established in subparagraphs (a)(3), (a)(4),
13 and (a)(5), the applicant may ask the department to issue the permit by submitting a written
14 request. If the applicant has previously agreed to accept communications from the department by
15 electronic means, a request submitted electronically by the applicant shall constitute a written
16 request.

17 317 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Review of Applications.
18 Amend RSA 482-A:3, XIV(e) to read as follows:

19 (e) ***Any request for an amendment to an application or permit shall be***
20 ***submitted to the department on the appropriate amendment form.*** Any request for a
21 significant amendment to a pending application or an existing permit which changes the footprint of
22 the permitted fill or dredge area shall be deemed a new application subject to the provisions of RSA
23 482-A:3, I and the time limits prescribed by this paragraph. "Significant amendment" means an
24 amendment which changes the proposed or previously approved acreage of the permitted fill or
25 dredge area by 20 percent or more, [~~relocates the proposed footprint of the permitted fill or dredge~~
26 ~~area,~~] includes a prime wetland, or [~~surface waters of the state, includes a wetland of a different~~
27 ~~classification as classified by the department, or includes non-wetland areas requiring permits for~~
28 ~~filling and dredging]~~ ***elevates the project's impact classification.*** This meaning of "significant
29 amendment" shall not apply to an application amendment that is in response to a request from the
30 department.

31 318 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Permit Duration and
32 Extensions. Amend RSA 482-A:3, XIV-a to read as follows:

33 XIV-a.(a) With the exception of permits issued under subparagraph (b) ***or paragraph XIV-***
34 ***b,*** all permits issued pursuant to this chapter shall be valid for a period of 5 years. Requests for
35 extensions of such permits may be made to the department ***by submitting the information***
36 ***required in rules adopted by the department.*** The department shall grant one extension of up to
37 5 additional years, provided the applicant demonstrates all of the following:

1 (1) The permit for which extension is sought has not been revoked or suspended
2 without reinstatement.

3 (2) Extension would not violate a condition of law or rule *other than that*
4 *established in this paragraph relative to permit duration.*

5 (3) The project is proceeding towards completion in accordance with plans and other
6 documentation referenced by the permit.

7 (4) The applicant proposes reasonable mitigation measures to protect the public
8 waters of the state from deterioration during the period of extension.

9 (b) Any permit issued to repair or replace shoreline structures to maintain the integrity
10 and safety of such structures including, but not limited to docks, sea walls, breakwaters, riprap,
11 access ramps and stairs, that are damaged by storms or ice, shall expire 10 years from the date the
12 permit was issued as long as any work performed after the initial permitted work complies with the
13 following:

14 (1) The work is not in violation of the original permit or subparagraphs (a)(1)-(4).

15 (2) All structures are repaired or replaced to the original permitted location and
16 configuration.

17 (3) All significant work is reported to the department in accordance with the
18 reporting requirements for the original permit.

19 (c) *After review, if the department determines that a request to extend a permit,*
20 *for a major project in public waters meets the stated criteria, the department shall submit*
21 *the request to the governor and executive council with a recommendation that the request*
22 *be approved. The department shall issue decisions on all other extension requests.*

23 319 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Utilities. Amend the
24 introductory paragraph of RSA 482-A:3, XV(b):

25 (b) [~~Appropriate~~] *The utility provider shall provide an annual* notice to the
26 department, *which* shall include the following information:

27 320 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Utilities. Amend RSA 482-
28 A:3, XV(d) to read as follows:

29 (d) A [~~one-time-annual~~] *non-refundable* filing fee of [~~\$200~~] *\$400* per town[, ~~not to~~
30 ~~exceed a maximum of \$10,000,~~] per year shall accompany the notice to the department. Such fees
31 shall be held in accordance with paragraph III.

32 321 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certified Culvert
33 Maintainers. Amend RSA 482-A:3, XVIII and XIX to read as follows:

34 XVIII. The department shall develop [~~an installer's~~] *a certification program for culvert*
35 *maintainers*, in accordance with paragraph XVII, and shall determine the educational
36 requirements for certification, including continuing education requirements. Professional engineers
37 who are duly licensed by the New Hampshire board of professional engineers are exempt from the

1 program requirements of this section. All certified individuals who perform such work shall submit
2 a quarterly report to the department fully identifying work that they performed during each quarter
3 and documentation of continuing education requirements.

4 XIX. The department shall issue ~~[an installer's permit]~~ **a culvert maintainer certificate**
5 to any individual who submits an application provided by the department, and has satisfactorily
6 completed the program in accordance with paragraphs XVII and XVIII. ~~[Permits]~~ **Initial**
7 **certificates** shall be ~~[issued]~~ **valid through December 31 of the year following the year of**
8 **issue. Renewal certificates shall be valid** from January 1 ~~[and shall expire]~~ **through** December
9 31 of every other year. Permits shall be renewable upon proper application, and documentation of
10 compliance with the continuing education requirement of paragraph XVIII. The installer's permit
11 may be suspended, revoked, or not renewed for just cause, including, but not limited to, the
12 installation of culverts in violation of this chapter or the refusal by a permit holder to correct
13 defective work. The department shall not suspend, revoke, or refuse to renew a permit except for
14 just cause until the permit holder has had an opportunity to be heard by the department. An appeal
15 from such decision to revoke, suspend, or not renew a permit may be taken pursuant to RSA 21-O:14.

16 322 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certified Application
17 Preparer Program. Amend RSA 482-A:3, XX(d) to read as follows:

18 (d) The certification shall be valid for one year from the date of issuance and may be
19 renewed every year. The initial fee for certification shall be \$200 and the fee for renewal shall be
20 \$50. The department shall not issue a certification or a renewal certification if the required fee is
21 not paid. All fees shall be deposited into the ~~[wetlands and shoreland review]~~ **water resources**
22 **fund** established in RSA 482-A:3, III.

23 323 Aquatic Resources Fund. Amend RSA 482-A:29, II to read as follows:

24 II. A separate, non-lapsing account shall be established within the fund into which all
25 administrative assessments collected under RSA 482-A:30, III and RSA 482-A:30-a, II shall be
26 placed. Such account moneys shall ~~[only]~~ be used ~~[to support up to 2 full time positions]~~ for
27 administration of the fund, **including staff**, and **aquatic resource mitigation** related projects.
28 ~~[No other fund moneys shall be used for state personnel costs.]~~

29 324 Shoreland Water Quality Protection; Permit Application Fees. Amend the introductory
30 paragraph of RSA 483-B:5-b, VI:

31 VI. All permits issued pursuant to this chapter shall be valid for a period of 5 years.
32 Requests for extensions of such permits may be made to the department **by providing such**
33 **information as is required by rules adopted pursuant to RSA 541-A**. The department shall
34 grant one extension of up to 5 additional years, provided the applicant demonstrates all of the
35 following:

36 325 Shoreland Water Quality Protection; Permit Application Fees. Amend RSA 483-B:5-b, I(b)
37 to read as follows:

1 (b) The permit application fee shall be ~~[\$100]~~ *the base fee specified in this*
2 *subparagraph* plus *an impact fee of* ~~[\$.10]~~ *\$.20* per square foot of area affected by the proposed
3 activities and shall be deposited in the ~~[wetlands and shorelands review]~~ *water resources* fund
4 established under RSA 482-A:3, III. ~~[Such fees shall be capped as follows:-~~

5 (1) For projects that qualify for permit by notification under this paragraph or RSA
6 483-B:17, X, ~~[\$100]~~, *the base fee shall be \$200* for restoration of water quality improvement
7 projects, and ~~[\$250]~~ *the base fee shall be \$400* for all other permit by notification projects.

8 ~~(2) For projects of 0-9,999 square feet, that do not qualify for a permit by~~
9 ~~notification, \$750.~~

10 ~~(3) For projects of 10,000-24,999 square feet, \$1,875.~~

11 ~~(4) For projects of 25,000 square feet or more, \$3,750.]~~

12 326 Shoreland Water Quality Protection; Other Required Permits and Approvals. Amend RSA
13 483-B:6, II to read as follows:

14 II. In applying for approvals and permits, pursuant to paragraph I, applicants shall
15 demonstrate that the proposal meets or exceeds the development standards of this chapter. The
16 department shall develop minimum standards for information to be required on or with all
17 applications under paragraph I. The department or municipality shall grant, deny, or attach
18 reasonable conditions to approvals or permits listed in subparagraphs I(a)-(f) *and RSA 483-B:5-b*, to
19 protect the public waters or the public health, safety, or welfare. Such conditions shall be related to
20 the purposes of this chapter.

21 327 Terrain Alteration; Permit Application Fees. Amend RSA 485-A:17, II to read as follows:

22 II.(a) The department shall charge a fee for each review of plans, including project
23 inspections, required under this section. The *plan review* fee shall be based on the ~~[extent of~~
24 ~~contiguous]~~ *total* area to be disturbed. Except for *property subject to* RSA 483-B:9, the fee for
25 *review of* plans encompassing an area of at least 100,000 square feet but less than 200,000 square
26 feet shall be ~~[\$1,250]~~ *\$3,125*. For the ~~[purposes of]~~ *property subject to* RSA 483-B:9, the fee for
27 *review of* plans encompassing an area of at least 50,000 square feet but less than 200,000 square
28 feet shall be ~~[\$1,250]~~ *\$3,125*. An additional fee of ~~[\$500]~~ *\$1,250* shall be assessed for each additional
29 area of up to 100,000 square feet to be disturbed. No ~~[permit]~~ *application* shall be ~~[issued]~~
30 *accepted* by the department until the fee required by this paragraph is paid. All fees required
31 under this paragraph shall be paid when plans are submitted for review and shall be deposited in
32 the ~~[terrain alteration]~~ *water resources* fund established in ~~[paragraph II a]~~ *RSA 482-A:3, III*.

33 (b) *The department shall charge a non-refundable fee of \$500 plus a \$.10 per*
34 *square foot fee for each request to amend a permit that requires plans to be reviewed.*

35 328 Wetlands and Shorelands Review Fund Renamed. Amend RSA 6:12, I(b)(131) to read as
36 follows:

37 (131) Moneys deposited in the ~~[wetlands and shorelands review]~~ *water resources*

1 fund *established* under RSA 482-A:3, III.

2 329 Repeal. The following are repealed.

3 I. 2008, 5:27, I, relative to repealing permit application fees.

4 II. RSA 6:12, I(b)(256), relative to the terrain alteration fund.

5 III. RSA 482-A:3, XV(e), relative to the additional fee for amendments to the notification for
6 maintenance to existing utility services.

7 IV. RSA 485-A:17, II-a, relative to the terrain alteration fund.

8 330 Appropriation; Department of Environmental Services; Ossipee Lake Dam Reconstruction.
9 There is hereby appropriated the sum of \$1,500,000 for the fiscal year ending June 30, 2019 to the
10 department of environmental services to supplement the capital appropriation in 2017, 228:1, VIII,
11 H, for the purpose of reconstructing the Ossipee Lake Dam. This appropriation shall not lapse until
12 June 30, 2021. The governor is authorized to draw a warrant for said sum out of any money in the
13 treasury not otherwise appropriated.

14 331 New Paragraph; Pease Development Authority; Real Estate Transfer Tax Exemption for
15 Leases. Amend RSA 78-B:2 by inserting after paragraph XXII the following new paragraph:

16 XXIII. To a lease of any term by and between the Pease development authority and any
17 other person, including any sales, transfers, or assignments of any interest in the leased property.

18 332 Hazardous Waste Clean Up; Civil Actions; Cost Recovery. Amend RSA 147-B:10, III(a) to
19 read as follows:

20 (a) The attorney general may institute an action before the superior court for the county
21 in which the facility is located against any person liable pursuant to paragraph I of this section to
22 recover all costs incurred by the state. Costs recovered under this section shall be deposited into the
23 fund *except that costs recovered to offset expenditures made from the drinking water and*
24 *groundwater trust fund established in RSA 6-D:1 shall be deposited into the drinking*
25 *water and groundwater trust fund.*

26 333 New Section; Deposits to Drinking Water and Groundwater Trust Fund. Amend RSA 485-F
27 by inserting after section 5 the following new section:

28 485-F:6 Deposits to Drinking Water and Groundwater Trust Fund. Any money received by the
29 state related to the contamination of drinking water or groundwater, other than fees, fines,
30 penalties, oil or hazardous waste cost recovery, or any other money already allocated to a specified
31 fund, shall be deposited into the drinking water and groundwater trust fund. This paragraph shall
32 not be construed to limit any damages otherwise awarded in a related private cause of action.

33 334 New Paragraph; Recovered Costs; Deposited in Drinking Water and Groundwater Trust
34 Fund. Amend RSA 485-F:3 by inserting after paragraph II the following new paragraph:

35 III. Costs paid from the drinking water and groundwater trust fund for the action described
36 in paragraph I(a) and recovered by the state under RSA 147-B:10, shall be deposited to the drinking
37 water and groundwater trust fund pursuant to RSA 147-B:10, III(b). In addition, upon payment

1 from the trust fund for any costs for which a third party would otherwise be liable, the right to
2 recover payment from such third party shall be assumed by the drinking water and groundwater
3 advisory commission to the extent of payment made from the trust fund. Any money so recovered
4 shall be repaid to the trust fund. No party shall receive multiple compensation for the same injury,
5 and any such compensation shall be repaid to the trust fund.

6 335 Contingency; Drinking Water and Groundwater Trust Fund; SB 169. If SB 169 of the 2019
7 regular legislative session becomes law, then sections 332-334 of this act shall not take effect.

8 336 Repeal. RSA 176:16-a, relative to liquor commission revenue shortfalls, is repealed.

9 337 Definition of Pet Vendor. Amend RSA 437:1, IV to read as follows:

10 IV. "Pet vendor" means any person, firm, corporation, or other entity [~~engaged in the~~
11 ~~business of transferring~~] **that transfers 25 or more dogs, 25 or more cats, 30 or more ferrets, or**
12 **50 or more birds**, live animals or birds customarily used as household pets to the public, with or
13 without a fee or donation required, and whether or not a physical facility is owned by the licensee in
14 New Hampshire, when transfer to the final owner occurs within New Hampshire, **between July 1**
15 **and June 30 of each year. Pet vendor also means any person, firm, corporation, or other**
16 **entity that transfers amphibians, reptiles, fish, or small mammals customarily used as**
17 **household pets to the public in quantities set in rules adopted by the department, with or**
18 **without a fee or donation required, and whether or not a physical facility is owned by the**
19 **licensee in New Hampshire between July 1 and June 30 of each year. Nothing in this**
20 **paragraph shall be construed to alter or affect the municipal zoning regulations that a pet**
21 **vendor shall conform with under RSA 437:3.**

22 338 Exemptions; Commercial Kennel Deleted. Amend RSA 437:7 to read as follows:

23 437:7 Exceptions. The license provisions of this subdivision shall not apply to breeders of dogs
24 that do not meet the definition of [~~commercial kennel~~] **pet vendor** in RSA 437:1, veterinarians, or
25 the transfer of livestock or poultry.

26 339 New Paragraph; Health Certificates for Dogs, Cats, and Ferrets. Amend RSA 437:8 by
27 inserting after paragraph V the following new paragraph:

28 VI. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
29 without first being protected against infectious diseases using a vaccine approved by the state
30 veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
31 unless accompanied by an official health certificate issued by a licensed veterinarian. No transfer
32 shall occur unless the transferred animal is accompanied by a health certificate issued within the
33 prior 14 days. The certificate shall be in triplicate, one copy of which shall be retained by the signing
34 veterinarian, one copy of which shall be for the licensee's records, and one copy of which shall be
35 given to the transferee upon transfer as provided in paragraph III. If an official health certificate is
36 produced, it shall be prima facie evidence of transfer. The signing veterinarian shall provide a copy
37 of the health certificate to the department of agriculture, markets, and food upon request.

1 340 New Chapter; Cost of Care Fund. Amend RSA by inserting after chapter 437-A the
2 following new chapter:

3 CHAPTER 437-B

4 COST OF CARE FUND

5 437-B:1 Cost of Care Fund.

6 I. There is established in the department of agriculture, markets, and food a nonlapsing
7 fund to be known as the cost of care fund which shall be kept distinct and separate from all funds.
8 The cost of care fund is established to assist municipalities in covering the costs of care incurred
9 from caring for animals pending the resolution of any action brought for animal cruelty under RSA
10 644:8 or RSA 644:8-a.

11 II. The treasurer shall deposit in the cost of care fund court-ordered restitution for care in
12 animal cruelty cases under RSA 644:8 or RSA 644:8-a as specified in paragraph VI.

13 III. The arresting officer or his or her designee may apply to the commissioner of the
14 department of agriculture, markets, and food for a grant from the cost of care fund to reimburse costs
15 incurred caring for animals in animal cruelty cases brought under RSA 644:8 or RSA 644:8-a during
16 pretrial care, for the period between when the animals are seized and until the final disposition of
17 the case. The commissioner of the department of agriculture, markets, and food and the state
18 veterinarian shall review such applications, respond to such applications within 15 days, and
19 distribute no more than \$500,000 per application.

20 IV. The commissioner shall establish rules under RSA 541-A relative to:

21 (a) The administration and disbursement of the cost of care fund, including guidelines to
22 ensure that multiple applicants would have equitable access to grants.

23 (b) The application process by an arresting officer or his or her designee for financial
24 assistance to cover the cost of emergency veterinary treatment.

25 V. The commissioner may accept private gifts and donations of any kind for the purpose of
26 supporting the cost of animal care which shall be deposited into the cost of care fund.

27 VI. If a person is convicted of animal cruelty and is ordered by the court to make restitution,
28 the municipality shall report such restitution to the department of agriculture, markets, and food. If
29 the restitution exceeds the costs incurred by the municipality in caring for the seized animals, that
30 excess shall be remitted to the department and shall be deposited into the cost of care fund.

31 341 Department of Agriculture, Markets, and Food; Cost of Care Fund. The sum of \$100,000 for
32 the fiscal year ending June 30, 2020, and the sum of \$100,000 for the fiscal year ending June 30,
33 2021 are hereby appropriated to the department of agriculture, markets, and food to fund the cost of
34 care fund established in RSA 437-B:1. The governor is authorized to draw a warrant for said sums
35 out of any money in the treasury not otherwise appropriated.

36 342 Repeal. RSA 437:1, II, relative to the definition of commercial kennel, is repealed.

37 343 New Paragraph; Cemetery Operations. Amend RSA 110-B:77 by inserting after paragraph

1 III the following new paragraph:

2 IV. All federal funds received and income earned from internment fees shall be nonlapsing
3 and continually appropriated for the sole purpose of supporting the New Hampshire state veterans
4 cemetery.

5 344 New Subparagraph; Application of Receipts; Sunny Day Fund. Amend RSA 6:12, I(b) by
6 inserting after subparagraph (343) the following new subparagraph:

7 (344) Moneys credited to the sunny day fund established in RSA 12-O:21-a.

8 345 General Fund Surplus Account; Transfer to Sunny Day Fund. On June 30, 2019, the state
9 treasurer shall transfer the sum of \$3,000,000 from the general fund surplus account to the sunny
10 day fund established in RSA 12-O:21-a.

11 346 New Section; Department of Business and Economic Affairs; Sunny Day Fund. Amend RSA
12 12-O by inserting after section 21 the following new section:

13 12-O:21-a Sunny Day Fund Established.

14 I. There is hereby established in the office of the state treasurer a fund to be known as the
15 sunny day fund, which shall be kept distinct and separate from all other funds. The commissioner
16 shall administer the fund. The fund shall be nonlapsing and continually appropriated to the
17 commissioner for the purpose of obtaining and disbursing grants for research and development,
18 including any preliminary funding necessary to obtain grant funding, supporting the infrastructure
19 necessary to address critical gaps in the state's ability to attract research and development projects,
20 increasing commercialization of new technologies, leveraging federal funds, and supporting business
21 development and expansion. Grants may be from federal, private, or other sources.

22 II. The New Hampshire Research and Industry Council ("council"), with the support of the
23 New Hampshire Established Program to Stimulate Competitive Research (NH EPSCoR), shall
24 administer the grant program application and approval process in consultation with the
25 commissioner, manage the annual investment portfolio, and evaluate investment performance. An
26 organization may apply for funding under this section pursuant to the procedures established by the
27 council. The council shall assign preference to grant applications that:

28 (a) Increase New Hampshire's competitiveness through innovation.

29 (b) Attract talent to New Hampshire.

30 (c) Target existing industrial-cluster strength, potential growth, and research capacity.

31 (d) Target areas of strategic priority as determined by NH EPSCoR and the department
32 of business and economic affairs.

33 (e) Qualify for available matching funds from federal, private, or other sources.

34 III. Beginning July 1, 2021, and annually thereafter, the council shall conduct a survey of all
35 organizations which receive grants under this section to evaluate the return on investment from the
36 state's funding support and to permit the general court to consider legislation for continued funding.
37 The council shall, no sooner than 18 months after the effective date of this section, develop and

1 distribute a survey instrument to all organizations that have received grant funding under this
2 section. The survey shall, at a minimum, collect the following information for each organization that
3 receives grant funds under this section:

- 4 (a) Number of grants obtained.
- 5 (b) Total funding from grants and other investments.
- 6 (c) Amount of federal funds obtained.
- 7 (d) Number of employees.
- 8 (e) Number of jobs created as a result of funding received under this section.
- 9 (f) Number of licensing agreements secured.
- 10 (g) Number of patents filed.

11 IV. An organization shall submit the completed survey to the council within 6 weeks of
12 receipt. The council shall collect the completed surveys and submit them to the commissioner of the
13 department of business and economic affairs. Any organization which fails to timely submit a
14 completed survey shall not be eligible to obtain additional funding under this section.

15 V. Administrative costs shall not exceed 8 percent of annual fund expenditures.

16 347 Appropriation; Department of Environmental Services; Report Required.

17 I. The sum of \$6,000,000 for the fiscal year ending June 30, 2019 is hereby appropriated to
18 the department of environmental services for the purpose of studying, investigating, and testing for
19 contamination caused by perfluorinated chemicals, and the preliminary design for a treatment
20 system for such contamination. This appropriation shall not lapse until June 30, 2021. Such
21 appropriation shall be a charge against the drinking water and groundwater trust fund established
22 in RSA 6-D:1.

23 II. The department of environmental services, in coordination with the attorney general,
24 shall report to the fiscal committee of the general court upon any significant developments relative to
25 the state's lawsuit against companies for the manufacturing and dissemination of perfluorinated
26 chemicals in New Hampshire.

27 348 New Paragraph; Organization of Executive Branch; Purpose. Amend RSA 21-G:2 by
28 inserting after paragraph III the following new paragraph:

29 IV. The various scopes in the mission of the executive branch departments, agencies, and
30 commissions require a delineation of their organization within the executive branch.

31 349 Organization of Executive Branch; Definitions. RSA 21-G:5 is repealed and reenacted to
32 read as follows:

33 21-G:5 Definitions. In this chapter:

34 I. "Administratively attached agency" means an independent agency linked to a department
35 for purposes of reporting and sharing support services.

36 II. "Administrative head of the agency" means the individual, by whatever title conferred
37 upon them by the relevant statute, who in charge of operations of an executive agency, executive

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1 commission, or administratively attached agency.

2 III. "Advisory committee" means a committee established pursuant to RSA 21-G:11 which
3 shall furnish advice, gather information, make recommendations and perform such other activities
4 as may be instructed or as may be necessary to fulfill advisory functions or to comply with federal
5 funding requirements, but which shall not administer a program or function or set policy.

6 IV. "Agency" means any department, commission, board, institution, bureau, office, or other
7 entity, by whatever name called, other than the legislative and judicial branches of state
8 government, established in the state constitution, statute, session law, or executive order.

9 V. "Bureau" means the principal unit within a division, which is directly responsible to the
10 division level and is concerned with individual program management.

11 VI. "Commissioner" means the individual in charge of the operations of an executive
12 department, who is directly responsible to the governor.

13 VII. "Constitutional office" means an executive department that also comprises a
14 constitutional office established by the state constitution and common law practice.

15 VIII. "Division" means the principal unit within a department, which is directly responsible
16 to the department level and is concerned with related major functional programs and activities.

17 IX. "Executive agency" means an administrative unit within the executive branch of state
18 government, which is concerned with a specific objective or administrative function.

19 X. "Executive commission" means an administrative unit within the executive branch of
20 state government established to provide a specific enterprise or regulatory function.

21 XI. "Executive department" means the principal administrative unit within the executive
22 branch of state government, which is concerned with broad functional responsibilities.

23 XII. "Field operations" means district or area offices which may combine division, bureau,
24 and section functions.

25 XIII. "Section" means the principal unit of a bureau, which is directly responsible to the
26 bureau level and is concerned with direct provision of services to the public or other state agencies.

27 350 Structure of Executive Branch. Amend the section heading in RSA 21-G:6 to read as
28 follows:

29 21-G:6 Structure of Executive Branch *Departments.*

30 351 Repeal. RSA 21-G:6, II(d), relative to division into subsections, is repealed.

31 352 New Section; Organization of Executive Branch. Amend RSA 21-G by inserting after
32 section 6-a the following new section:

33 21-G:6-b Organization of the Executive Branch.

34 I. Constitutional offices are as follows:

35 (a) The executive department, comprising the office of the governor.

36 (b) The department of state, comprising the office of the secretary of state.

37 (c) The state treasury, comprising the office of the state treasurer.

1 (d) The department of justice, comprising the office of the attorney general.

2 II. The executive departments are as follows:

3 (a) The department of administrative services.

4 (b) The department of agriculture, markets, and food.

5 (c) The department of banking.

6 (d) The department of business and economic affairs.

7 (e) The department of corrections.

8 (f) The department of education.

9 (g) The department of employment security.

10 (h) The department of environmental services.

11 (i) The department of health and human services.

12 (j) The department of information technology.

13 (k) The department of insurance.

14 (l) The department of labor.

15 (m) The department of military affairs and veteran services.

16 (n) The department of natural and cultural resources.

17 (o) The department of revenue administration.

18 (p) The department of safety.

19 (q) The department of transportation.

20 III. The executive agencies are as follows:

21 (a) Council on developmental disabilities.

22 (b) Veterans' home.

23 (c) The office of professional licensure and certification.

24 (d) The police standards and training council.

25 (e) The public employee labor relations board.

26 (f) The board of tax and land appeals.

27 (g) The judicial council.

28 IV. The executive commissions are as follows:

29 (a) The fish and game commission.

30 (b) The public utilities commission.

31 (c) The state liquor commission.

32 (d) The state lottery commission.

33 353 New Subdivision; Component Units of State Government. Amend RSA 6 by inserting after
34 section 43 the following new subdivision:

35 Component Units of State Government

36 6:44 Component Units of State Government.

37 I. All systems, authorities, and organizations established by the state which are not part of

1 the executive, legislative, or judicial branches shall be considered component units of the state
2 government. For the purpose of this section, the following shall be considered component units:

- 3 (a) Community college system of New Hampshire.
- 4 (b) Community development finance authority.
- 5 (c) Judicial retirement plan.
- 6 (d) Land and community heritage authority.
- 7 (e) Business finance authority.
- 8 (f) Health and educational facilities authority.
- 9 (g) Housing finance authority.
- 10 (h) Municipal bond bank.
- 11 (i) Pease development authority.
- 12 (j) Retirement system of New Hampshire.
- 13 (k) University system of New Hampshire.

14 II. All component units shall report to the state treasurer, in a manner determined by the
15 treasurer, on a quarterly basis. These quarterly reports shall include interim financial information,
16 performance metrics, and all relevant information on the component unit's activities. The state
17 treasurer shall provide the governor, president of the senate, and speaker of the house of
18 representatives the compiled quarterly reports on an ongoing basis.

19 354 General Fund Transfer to Highway Fund. The sum of \$6,463,000 for the fiscal year ending
20 June 30, 2019 is hereby appropriated to the highway fund. The governor is authorized to draw a
21 warrant for said sum out of any money in the treasury not otherwise appropriated.

22 355 Administration of Motor Vehicle Laws; Road Tolls; Exception. Amend RSA 260:60 to read
23 as follows:

24 260:60 Exception. Notwithstanding all other laws and rules to the contrary, annually, on or
25 before June 1, the road toll administrator shall compare the number of gallons on which refunds
26 have been made for the preceding calendar year for motor fuel used in the propulsion of boats on
27 inland public waters of the state, with the number of gallons of such motor fuel sold and delivered
28 directly into the fuel tanks, or supplementary fuel tanks, of boats or outboard motors upon the
29 inland public waters for use in such boats or outboards, based on the number of boats registered in
30 the state at 100 gallons usage per boat, and if there is any balance of unrefunded tolls so collected,
31 the administrator shall report the same to the comptroller who shall, on July 1, next following, credit
32 1/2 of said balance to the general fund and credit 1/2 of said balance to the fish and game
33 department. The funds credited to the fish and game department shall be used by said department
34 to carry out its program and be accounted for as *unrestricted revenue to* the fish and game fund [~~is~~
35 ~~accounted for~~]. Any funds credited to the fish and game department as above provided shall not
36 lapse at the end of the fiscal year. The department shall pay monthly to the state treasurer all
37 revenue from the aircraft landing area toll.

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1 356 Administration of Motor Vehicle Laws; Road Tolls; Credit Provided. Amend RSA 260:61, I
2 to read as follows:

3 I. Annually, on or before June 30, the comptroller shall transfer, from road tolls collected, an
4 amount equal to the number of licensed OHRVs and snowmobiles for the previous year times the
5 average number of gallons consumed per year per OHRV and snowmobile times the gasoline road
6 toll imposed under RSA 260:32, less any amount refunded for OHRV and snowmobile use for the
7 previous year, to the fish and game department and the bureau of trails as follows. The road toll
8 administrator shall report to the comptroller if there is a balance of unrefunded road tolls collected.
9 The administrator shall certify the amount to the comptroller who shall credit 1/2 of such balance to
10 the bureau of trails for use as provided in paragraph I-a, and 1/2 of such balance to the fish and
11 game department *as unrestricted revenue to the fish and game fund*. For the purposes of this
12 section, "the average number of gallons consumed per year per OHRV or snowmobile" is 100.

13 357 Department of Safety Appropriations; Revenue from Motor Vehicle Fines; Exemption. For
14 the fiscal year ending June 30, 2019, department of safety appropriations funded with agency income
15 from restricted revenue collected under RSA 262:44, I, shall be exempt from 2017, 155:1.08(I).

16 358 Department of Safety; Fund Transfer; Authorization. Notwithstanding the provisions of
17 RSA 9:16-a, for the biennium ending June 30, 2021, the department of safety may transfer funds
18 between accounting units in classes 027-transfers to the department of information technology, 028-
19 transfers to general services, 064-retiree pension benefit-health insurance compensation, and 211-
20 property and casualty insurance, upon approval of the department of administrative services' budget
21 office.

22 359 Substance Abuse Enforcement Program; Appropriations.

23 I. The sum of \$587,700 for the fiscal year ending June 30, 2019 is hereby appropriated to the
24 department of safety. This sum shall be expended as follows:

25 (a) \$171,600 shall be expended for the purpose of funding overtime at the state forensic
26 laboratory as a result of increased caseloads attributable to narcotics related enforcement and
27 investigations with no more than 50 percent of the appropriation expended in each fiscal year of the
28 biennium ending June 30, 2021.

29 (b) \$416,100 shall be expended for the purpose of funding overtime at the state police for
30 narcotics related enforcement and investigations with no more than 50 percent of the appropriation
31 expended in each fiscal year of the biennium ending June 30, 2021.

32 II. The sum of \$2,400,000 for the fiscal year ending June 30, 2019 is hereby appropriated to
33 the department of safety to disburse grants to county and local law enforcement agencies for the
34 purpose of funding overtime costs for county and local law enforcement officers performing law
35 enforcement activities attributable to the substance abuse enforcement program established in RSA
36 21-P:66. No more than 50 percent of the appropriation shall be expended in each fiscal year of the
37 biennium ending June 30, 2021.

1 III. The governor is authorized to draw a warrant for said sums out of any money in the
2 treasury not otherwise appropriated.

3 IV. No appropriation made in this section shall lapse until July 1, 2021.

4 360 Department of Safety; Appropriation. There is hereby appropriated to the department of
5 safety the sum of \$195,000 for the fiscal year ending June 30, 2019, for the purpose of providing
6 administrative support to the state building code review board. The governor is authorized to draw a
7 warrant for said sums out of any money in the treasury not otherwise appropriated and said sums
8 shall not lapse until June 30, 2021.

9 361 Public School Infrastructure Fund. Amend RSA 198:15-y, II to read as follows:

10 II. There is hereby established in the office of the state treasurer the public school
11 infrastructure fund which shall be kept distinct and separate from all other funds and which shall be
12 administered by the department of education. After transferring sufficient funds to the revenue
13 stabilization reserve account to bring the balance of that account to \$100,000,000, the state treasurer
14 shall transfer the remainder of the general fund surplus for fiscal year 2017, as determined by the
15 official audit performed pursuant to RSA 21-I:8, II(a), to the fund. Any earnings on fund moneys
16 shall be added to the fund. All moneys in the fund shall be continually appropriated [~~for the~~
17 ~~biennium ending June 30, 2019 and~~]. ***The department of education may retain up to 3 percent***
18 ***of the total annual appropriation of the public school infrastructure fund on or after July***
19 ***1, 2019, to be used to administer the public school infrastructure program.*** Any unexpended
20 or unencumbered balance as of June 30, 2019 shall be transferred to the general fund.

21 362 Public School Infrastructure Fund. Amend RSA 198:15-y, III(e) to read as follows:

22 (e) ***A school building or infrastructure proposal which is necessary to comply***
23 ***with Americans with Disabilities Act (ADA) regulations.***

24 (f) Other school building or infrastructure needs the governor, in consultation with the
25 public school infrastructure commission, may identify, except for school building aid projects that are
26 otherwise prohibited by law.

27 363 Department of Education; Vocational Rehabilitation Programs or Services. For the
28 biennium ending June 30, 2021, the department of education may request funds not otherwise
29 appropriated for the purpose of funding unanticipated costs relative to vocational rehabilitation
30 programs or services, with review and approval of the joint fiscal committee of the general court.

31 364 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, I to read as follows:

32 I. Each school board shall make [a] ***at least one*** meal available during school hours to every
33 pupil under its jurisdiction. Such meals shall be served without cost or at a reduced cost to any
34 [needy] child who [~~is unable to pay the full cost of said meals~~] ***meets federal income eligibility***
35 ***guidelines.*** The state board of education shall [insure] ***ensure*** compliance with this section and
36 shall establish minimum nutritional standards for such meals [~~and shall further establish~~] ***as well***
37 ***as*** income guidelines [~~setting forth~~] ***set for*** the [minimum] family size [~~annual income levels to be~~]

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1 used in determining eligibility for free and reduced price meals. Nothing in this section shall
2 prohibit the operation of both a breakfast and lunch program in the same school. [~~Further any~~
3 ~~requirement of this section which conflicts with any federal statute or regulation may be waived by~~
4 ~~the state board of education.~~]

5 365 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, VII(b) to read as
6 follows:

7 (b) Such school which demonstrates to the department of education that an approved
8 school wellness policy, as required under the [~~Child Nutrition and WIC Reauthorization Act of 2004~~]
9 ***Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296, and the Richard B. Russell***
10 ***National School Lunch Act, 42 U.S.C. section 1758b*** is in effect, and that such school is
11 providing breakfast meals to pupils that meet or exceed the United States Department of
12 Agriculture's child nutrition criteria may apply for and receive a 3 cent reimbursement for each
13 breakfast meal served to a pupil ***and an additional 27 cent reimbursement for each meal***
14 ***served to students eligible for a reduced price meal.*** The department of education shall request
15 biennial appropriations in an amount sufficient to meet projected school breakfast reimbursements
16 ***to ensure students eligible for reduced price meals are offered breakfast at no cost.*** The
17 department of education shall prescribe forms as necessary under this paragraph.

18 366 New Section; Department of Education; New Position; School Nurse Coordinator. Amend
19 RSA 21-N by inserting after section 6 the following new section:

20 21-N:6-a School Nurse Coordinator. There is established within the division of learner support
21 the position of school nurse coordinator who shall be a classified employee. The school nurse
22 coordinator shall be a licensed RN eligible for New Hampshire school nurse certification under RSA
23 200:29 and shall be qualified to hold such position by reason of education and experience. The
24 position shall be subject to any other employment requirements as determined by the department.
25 The school nurse coordinator shall coordinate and provide technical assistance to guide school nurses
26 and other school personnel responsible for student health care in the areas of student health and
27 wellness, safety, behavioral and mental health, and alcohol and substance use disorder. The school
28 nurse coordinator shall also be a resource for administrators, educators, families, and policymakers
29 across the state.

30 367 New Subdivision; Family and Medical Leave Coverage. Amend RSA 189 by inserting after
31 section 72 the following new subdivision:

32 **Family and Medical Leave Coverage**

33 189:73 Family and Medical Leave Coverage. A school district employee who has been employed
34 by the school district for at least 12 months and who has worked at least 900 hours in the previous
35 12-month period shall be eligible for family and medical leave under the same terms and conditions
36 as leave provided to eligible employees under the federal Family and Medical Leave Act of 1993
37 (Pub. L. 103-3), 29 U.S.C. section 2611, et seq., as amended.

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1 368 Heat and Hot Water System Purchase and Replacement; Appropriation. The sum of
2 \$1,000,000 for the fiscal year ending June 30, 2020 is hereby appropriated to the department of
3 administrative services to be disbursed to the Concord school district no later than September 1,
4 2019, which shall be used for the purchase and replacement of all systems providing heat to those
5 buildings in the Concord school district which previously obtained steam from the former Concord
6 Steam corporation. The Concord school district is authorized to expend such appropriation for the
7 purpose set forth in this section. The Concord school district shall advise the commissioner of the
8 department of administrative services of cost and expenditure estimates relating to the project. The
9 governor is authorized to draw a warrant for said sum out of any money in the treasury not
10 otherwise appropriated.

11 369 Appropriation; Community College System of New Hampshire. In addition to funds
12 otherwise appropriated, there is hereby appropriated to the community college system of New
13 Hampshire the sum of \$3,200,000 in the fiscal year ending June 30, 2019, which shall not lapse. The
14 governor is authorized to draw a warrant for said sum out of any money in the treasury not
15 otherwise appropriated.

16 370 Department of Transportation; Appropriation. The sum of \$2,140,000 is hereby
17 appropriated to the department of transportation for the fiscal year ending June 30, 2019, which
18 shall be nonlapsing, for the purpose of providing a state aid construction program match for the
19 project named Tilton project number 29753, to reconstruct and reclassify 1.97 miles of Calef Hill
20 Road. The governor is authorized to draw a warrant for said sum out of any money in the treasury
21 not otherwise appropriated.

22 371 Appropriation; Department of Education. The sum of \$500,000 for the fiscal year ending
23 June 30, 2019 is hereby appropriated to the department of education for the purpose of providing
24 funding to Granite State Independent Living to support the IMPACCT (Inspiring the Mastery of
25 Post-Secondary Achievement in College, Career, and Training) program. This appropriation shall be
26 in addition to any other funds appropriated to the department of education and shall not lapse. The
27 governor is authorized to draw a warrant for said sum out of any money in the treasury not
28 otherwise appropriated.

29 372 Department of Safety; Appropriation. The sum of \$2,100,000 is hereby appropriated to the
30 department of safety for the biennium ending June 30, 2021, for the purpose of funding the
31 reallocation, pursuant to a request made under RSA 21-I:54, of all sworn state police troopers from
32 the rank of probationary trooper through the rank of executive major. In the event the reallocation
33 request is not approved, said funds may be used to fund a collectively bargained trooper pay raise.
34 The governor is authorized to draw a warrant for said sum out of any money in the treasury not
35 otherwise appropriated and such funds shall not lapse until June 30, 2021.

36 373 Statement of Findings.

37 I. The general court hereby finds that:

1 (a) The ongoing mental health, substance misuse, and child protection crises have taken
2 a significant toll on New Hampshire's children and families, impacting all child-serving systems and
3 placing increased pressure on the children's behavioral health system;

4 (b) The New Hampshire department of health and human services recently released an
5 Adequacy and Enhancement Assessment of New Hampshire's child welfare system, which called for
6 sweeping reforms including further integration of services with the children's behavioral health
7 system; immediate enhancements to the service array for children with significant emotional,
8 behavioral and mental health needs; and transformation of New Hampshire's child-serving system to
9 one that is based on early intervention, evidence-based services, and accountability for outcomes;

10 (c) Recent changes to child welfare funding at the federal level with the passage of the
11 federal Family First Prevention Services Act also drive the need to transform New Hampshire's
12 child-serving system;

13 (d) The state of New Hampshire faces a significant shortage in its capacity to provide
14 children with early and effective home and community-based services and therefore must rely on
15 expensive, residential and inpatient treatment that drain the state resources;

16 (e) Adoption of interventions that are proven to be effective such as mobile crisis and
17 stabilization services will provide support and treatment to families in crisis and will in many cases
18 avoid costly, restrictive, and often unnecessary institutional care;

19 (f) Increasing access to mobile crisis response and stabilization services for children can
20 also help the state meet its legal obligations under the Early and Periodic Screening, Diagnostic and
21 Treatment ("EPSDT") provisions of the federal Medicaid Act and the integration mandate of the
22 federal Americans with Disabilities Act. EPSDT is a federally mandated robust benefit for Medicaid-
23 eligible children under age 21, designed to address children's health concerns before they become
24 advanced and treatment is more difficult and costlier;

25 II. Therefore, this act directs the department of health and human services to expand home
26 and community-based behavioral health services for children to include mobile crisis response and
27 stabilization services and make the following improvements to the child-serving system as
28 recommended by the Adequacy and Enhancement Assessment and in alignment with the federal
29 Family First Prevention Services Act and EPSDT.

30 374 System of Care for Children's Mental Health. Amend RSA 135-F:3, III(e) to read as follows:

31 (e) Services that are family-driven, youth-guided, community-based, *trauma-informed*,
32 and culturally and linguistically competent.

33 375 New Paragraph; System of Care for Children's Mental Health; Duties of the Department of
34 Health and Human Services; Care Management Entities. Amend RSA 135-F:4 by inserting after
35 paragraph II the following new paragraph:

36 III. Establish and maintain at least one care management entity to oversee and coordinate
37 the care for children with complex behavioral health needs who are at risk for residential, hospital,

1 or corrections placement or involved in multiple service systems. In this section, "care management
2 entity" means an organizational entity that serves as a centralized entity to coordinate all care for
3 youth with complex behavioral health challenges who are involved in multiple systems and their
4 families.

5 (a) The care management entity shall oversee and manage residential treatment,
6 psychiatric hospitalization, and the development of a continuum of community-based services and
7 supports for children and youth with more complex needs.

8 (b) Beginning January 1, 2020, the care management entity shall coordinate behavioral
9 health services in no less than 25 percent of cases involving referrals for residential treatment.
10 Beginning January 1, 2021, the care management entity shall coordinate services in no less than 50
11 percent of such cases, and, beginning January 1, 2022 and thereafter, the care management entity
12 shall coordinate services in no less than 75 percent of such cases.

13 376 New Sections; Family Support Clearinghouse; System of Care Advisory Committee. Amend
14 RSA 135-F by inserting after section 7 the following new sections:

15 135-F:8 Family Support Clearinghouse.

16 I. The department of health and human services shall establish and maintain an
17 information clearinghouse for families seeking information regarding children's behavioral health
18 services. The clearinghouse functions required by this section may be assigned to an entity that has
19 responsibilities in addition to those required by this section.

20 II. The information provided shall be available on the department of health and human
21 services website and shall include:

22 (a) Access to mobile crisis and stabilization services.

23 (b) Insurance coverage and other reimbursement sources.

24 (c) The results of assessments of the quality of service providers and whether they utilize
25 evidence-based practices.

26 (d) Referral information for legal service organizations.

27 (e) Referral information, including links to websites and contact telephone numbers, for
28 behavioral health service providers, organized by region.

29 (f) Advice and guidance regarding family navigation of the behavioral health system.

30 135-F:9 System of Care Advisory Committee. The department of education and the department
31 of health and human services shall create a system of care advisory committee to improve the well-
32 being of children and families; promote coordination across state agencies; identify cost-savings,
33 opportunities to increase efficiency, and improvements to the service array and service delivery
34 system and effectiveness; and assist and advise the commissioners of the department of education
35 and the department of health and human services on the system of care principles and values and
36 implementation of RSA 135-F. The committee shall include youth and families with relevant
37 experience and members of child-serving public and private agencies, including experts in education,

1 community-based and facility-based behavioral health services, and effective administration of
2 private and public educational and health services. The committee shall meet at least 6 times per
3 year and at such other times as the chairperson deems necessary.

4 377 Home and Community-Based Behavioral Health Services for Children; Mobile Crisis
5 Response and Stabilization Services Included. Amend RSA 167:3-1 to read as follows:

6 167:3-1 Home and Community-Based Behavioral Health Services for Children.

7 **I.** The department shall establish a Medicaid home and community-based behavioral health
8 services program for children with severe emotional disturbances whose service needs cannot be met
9 through traditional behavioral health services. The department may establish such services through
10 a state plan amendment as provided in Section 1915(i) of the Social Security Act or a waiver under
11 other provisions of the Act, **as needed**. If the department proceeds with a waiver, it shall not limit
12 the geographic availability of services.

13 **II.** Such services shall include the following services or their functional equivalent:

- 14 (a) Wraparound care coordination.
- 15 (b) Wraparound participation.
- 16 (c) In-home respite care.
- 17 (d) Out-of-home respite care.
- 18 (e) Customizable goods and services.
- 19 (f) Family peer support.
- 20 (g) Youth peer support.

21 **III.** *Mobile crisis response and stabilization services for children under 21 shall be*
22 *provided and delivered using system of care values and principles in compliance with RSA*
23 *135-F.*

24 (a) *The department shall contract with one or more third-party entities to*
25 *ensure that all children in the state under 21 years of age have access to mobile crisis*
26 *response and stabilization services, that such services are available with a response time of*
27 *no more than one hour, and that such services are available in every part of the state.*

28 (b) *The department shall ensure the development of a performance*
29 *measurement system for monitoring quality and access to mobile crisis response and*
30 *stabilization services.*

31 (c) *All providers of mobile crisis response and stabilization services shall*
32 *coordinate with the child's wraparound care coordinator, primary care physician, and any*
33 *other care management program or other behavioral health providers providing services*
34 *to the youth throughout the delivery of the service.*

35 (d) *Development and procurement of the mobile crises and stabilization services*
36 *required under this section shall begin on the effective date of this section; implementation*
37 *shall occur upon completion of the procurement process and approval by the governor and*

1 **council.**

2 378 Delinquent Children; Arraignment. Amend RSA 169-B:13, I(f)(1)(C) to read as follows:

3 (C) Identified as eligible for special education services[-]; **or**

4 (D) ***Previously referred to a care management entity as defined in RSA***

5 ***135-F:4, III.***

6 379 New Paragraph; Delinquent Children; Court Referrals; Referral to Care Management
7 Entity. Amend RSA 169-B:13 by inserting after paragraph II the following new paragraph:

8 II-a. The court may, at the arraignment or at any time thereafter, with the consent of the
9 minor and the minor's family, refer the minor and family to a care management entity, as defined in
10 RSA 135-F:4, III, for evaluation and/or behavioral health services to be coordinated and supervised
11 by that entity.

12 380 New Subparagraph; Delinquent Children; Disposition; Referral to Care Management
13 Entity. Amend RSA 169-B:19, I by inserting after subparagraph (k) the following new
14 subparagraph:

15 (l) With the consent of the minor and the minor's family, refer the minor and family to a
16 care management entity, as defined in RSA 135-F:4, III, for behavioral health services to be
17 coordinated and supervised by that entity. Such referral may be accompanied by one or more other
18 dispositions in this section, if otherwise authorized and appropriate.

19 381 New Paragraph; Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19 by
20 inserting after paragraph I the following new paragraph:

21 I-a. In the case of a child for whom behavioral health services are being coordinated by a
22 care management entity as defined in RSA 135-F:4, III, the court shall solicit and consider treatment
23 and service recommendations from the entity. If the court orders a disposition which is not
24 consistent with the care management entity's recommendations, it shall make written findings
25 regarding the basis for the disposition and the reasons for its determination not to follow the
26 recommendations.

27 382 Children in Need of Services; Initial Appearance. Amend RSA 169-D:11, II(e)(2) and (3) to
28 read as follows:

29 (2) Determined to have a mental illness, emotional or behavioral disorder, or another
30 disorder that may impede the child's decision-making abilities; [or]

31 (3) Identified as eligible for special education services[-]; **or**

32 (4) ***Previously referred to a care management entity as defined in RSA 135-***

33 ***F:4, III.***

34 383 New Paragraph; Children in Need of Services; Initial Appearance; Referral to Case
35 Management Entity. Amend RSA 169-D:11 by inserting after paragraph II-a the following new
36 paragraph:

37 II-b. The court may, at the initial appearance or at any time thereafter, with the consent of

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1 the minor and the minor's family, refer the minor and family to a care management entity as defined
2 in RSA 135-F:4 III for evaluation and/or behavioral health services to be coordinated and supervised
3 by that entity.

4 384 New Paragraph; Children in Need of Services; Dispositional Hearing; Recommendations of
5 Care Management Entity. Amend RSA 169-D:17 by inserting after paragraph I the following new
6 paragraph:

7 I-a. In the case of a child for whom behavioral health services are being coordinated by a
8 care management entity as defined in RSA 135-F:4, the court shall solicit and consider treatment
9 and service recommendations from the entity. If the court orders a disposition which is not
10 consistent with the entity's recommendations, it shall make written findings regarding the basis for
11 the disposition and the reasons for its determination not to follow the recommendations.

12 385 New Paragraph; Children in Need of Services; Dispositional Hearing; Referral to Care
13 Management Entity. Amend RSA 169-D:17 by inserting after paragraph III the following new
14 paragraph:

15 III-a. In addition to any other disposition, the court may, with the consent of the minor and
16 the minor's family, refer the minor and family to a care management entity as defined in RSA 135-
17 F:4 III for behavioral health services to be coordinated and supervised by that entity. Such a referral
18 may be accompanied by one or more other dispositions in this section, if otherwise authorized and
19 appropriate.

20 386 New Paragraph; Services for Children Youth and Families; Definition of Evidence-Based
21 Practice. Amend RSA 170-G:1 by inserting after paragraph V the following new paragraph:

22 V-a. "Evidence-based practice" means a practice that has been recognized as supported by
23 research evidence by an evidence-based clearinghouse, such as the California Evidence-Based
24 Clearinghouse for Child Welfare and the Title IV-E Prevention Services Clearinghouse. Other
25 acceptable evidence-based practices shall include practices and programs evaluated using research
26 which utilizes methods that meet high scientific standards. Acceptable methods shall include:

27 (a) Systematic, empirical techniques that draw on observation or experiment.

28 (b) Rigorous data analyses that are adequate to test stated hypotheses and justify
29 general conclusions.

30 (c) Measurements or observational methods that provide reliable and valid data across
31 evaluators and observers, across multiple measurements and observations, and across studies by the
32 same or different investigators.

33 (d) Randomized controlled trials when possible and appropriate.

34 387 New Paragraph; Services for Children, Youth, and Families; Duties of the Department of
35 Health and Human Services. Amend RSA 170-G:4 by inserting after paragraph XX the following
36 new paragraph:

37 XXI. Utilize, to the fullest permissible extent, available public reimbursement for behavioral

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1 health and other services provided pursuant to this chapter and RSA 169-B, 169-C, and 169-D, in
2 settings including the home, schools, and treatment facilities. Such reimbursement includes, but is
3 not limited to, the federal Early and Periodic Screening, Diagnosis and Treatment Program under 42
4 U.S.C. section 1396d.

5 388 New Sections; Services for Children Youth and Families. Amend RSA 170-G by inserting
6 after section 4-a the following new sections:

7 170-G:4-b Evidence-Based Practices.

8 I. On or before July 1, 2020, at least 10 percent of state funds received by the department for
9 children's behavioral health services, whether or not they are subject to this chapter, shall be
10 expended for evidence-based practices. Beginning July 1, 2022, the percentage of state funds
11 expended for evidence-based practices shall be at least 25 percent; and beginning July 1, 2025, the
12 percentage expended for evidence-based practices shall be at least 50 percent.

13 II. The department shall submit a biennial report containing:

14 (a) An assessment of each service provider on which the department expends funds,
15 including but not limited to whether each service provided is an evidence-based practice, and
16 whether the service provider is in compliance with the contract accountability requirements of RSA
17 170-G:4-d.

18 (b) The percentage of state funds the department receives for behavioral health services
19 that is being expended on evidence-based practices.

20 (c) The percentage of federal and other funds the department receives for behavioral
21 health services that is being expended on evidence-based practices.

22 (d) A description of the efforts the department is making to increase the use of evidence-
23 based practices for children's behavioral health and other services.

24 III. The department shall submit the report required under paragraph II no later than
25 January 15 of each odd-numbered year to the governor, the administrative justice of the circuit
26 court, and the house and senate finance committees. The report shall also be posted on the
27 department's website.

28 170-G:4-c Establishment of Resource Center for Children's Behavioral Health. The department
29 shall establish and maintain a resource center for children's behavioral health, which shall:

30 I. Provide technical assistance to the department and to service providers to support the
31 implementation and operation of evidence-based practices, along with the provision of services
32 according to the system of care characteristics described in RSA 135-F:3.

33 II. Provide training on a statewide basis to persons employed in the children's behavioral
34 health system, relating to:

35 (a) The use of evidence-based practices.

36 (b) The analysis of quality assurance protocols to determine whether service providers
37 are utilizing evidence-based practices with fidelity.

1 III. Act as a clearinghouse for information and statewide resources on evidence-based
2 practices for children receiving services pursuant to RSA 169-B, 169-C, 169-D, and 170-G.

3 IV. Facilitate collaboration among state and local agencies and service providers to increase
4 access to such providers.

5 V. Provide support for the assessment of the implementation of evidence-based practices by
6 such state and local agencies.

7 170-G:4-d Content of Provider Contracts.

8 I. All contracts between the department and providers of services under this chapter, or any
9 behavior health service to children, shall include provisions addressing outcome measurement,
10 incentives for the use of evidence-based practices, and accountability for high-quality services. Such
11 provisions shall, at minimum, include the following:

12 (a) Required use of a uniform assessment instrument developed and/or approved by the
13 department pursuant to RSA 170-G:4-e.

14 (b) In the case of providers of services to children pursuant to the dispositional authority
15 of the circuit court under RSA 169-B and 169-D, outcome measurement which includes recidivism as
16 measured by post-service arrests, violations of parole, conditional release, or other conditional
17 liberty, and behavior meeting the definition of a child in need of service under RSA 169-D:2.
18 Contracts with such providers shall also include incentives for recidivism reduction.

19 (c) Reporting to the department changes in assessment results following provision of the
20 contracted service for each child served.

21 II. The department shall include substantially similar requirements in its standards for
22 provider certification and other processes administered by the department to qualify providers to
23 deliver services pursuant to this chapter.

24 170-G:4-e Assessment, Treatment, and Discharge Planning.

25 I. In every case in which a placement outside the home is being considered, the department
26 shall require the completion of a written clinical assessment of the behavioral health and other
27 treatment needs of the child.

28 II. A written treatment plan shall be required upon a child's placement in a residential or
29 other treatment program. The plan shall have definable goals and strategies to achieve those goals
30 and include concrete, outcome-oriented interventions with the objective of restoring, rehabilitating,
31 or maintaining the child's capacity to successfully function in the community and diminish the need
32 for a more intensive level of care.

33 III. The development of a written discharge plan for each child shall begin upon admission
34 to any treatment program, and shall be available to the parents or guardians of the child no later
35 than 10 days following admission to the program. Treatment and discharge plans shall be updated
36 on an ongoing basis as treatment proceeds and a child's condition changes.

37 IV. All assessments conducted pursuant to this section shall include the use of a universal,

1 strengths-based assessment tool which is adopted by the department and used throughout the
2 system of care for children's mental health as defined in RSA 135-F.

3 V. The assessment of the child's behavioral health and other treatment needs shall be
4 repeated upon discharge from any residential treatment program or commitment pursuant to RSA
5 169-B:19, I(j).

6 VI. Assessments required by this section may not be conducted by employees of a residential
7 treatment provider or commitment pursuant to RSA 169-B:19, I(j).

8 170-G:4-f Medical Assistance Screening. The department of health and human services shall
9 establish a procedure to assess court-involved children for eligibility for private and public medical
10 insurance, including the medical assistance program under RSA 167. This procedure shall apply to
11 any child who is subject to proceedings under RSA 169-B or 169-D, or receives services pursuant to
12 RSA 169-C. Children who may be eligible and their families shall be provided assistance by the
13 department in making application for such assistance. The circuit court shall make any necessary
14 adjustments to its arraignment and other procedures to facilitate such assessments.

15 389 Establishment of Resource Center for Children's Behavioral Health; RFP Required. On or
16 before January 1, 2020, the department of health and human services shall issue a request for
17 proposals to establish the resource center for children's behavioral health pursuant to RSA 170-G:4-
18 c, as inserted by this act, and shall establish the resource center no later than July 1, 2020.

19 390 New Paragraph; Release and Discharge from the Youth Services Center. Amend RSA
20 621:19 by inserting after paragraph III the following new paragraph:

21 III-a. In every case in which there is a diagnosis or other evidence that a minor at the center
22 may have a serious emotional disturbance or other behavioral health disorder, the center shall, with
23 the consent of the minor and the minor's family, refer the minor to a care management entity, as
24 defined in RSA 135-F:4, III, for evaluation and recommendations for behavioral health services to be
25 coordinated and supervised by that entity before and after discharge from the facility. Discharge
26 plans shall incorporate the recommendations of the care management entity whenever appropriate.
27 In any case where the recommendations of the care management entity are not incorporated into the
28 discharge planning process, the minor, the minor's family, and counsel for the minor shall be notified
29 in writing of the decision and of the basis for the decision.

30 391 Appropriation; Department of Health and Human Services; Child Welfare Behavioral
31 Health Services. The sum of \$6,084,000 for the fiscal year ending June 30, 2020, and the sum of
32 \$13,164,000 for the fiscal year ending June 30, 2021, are hereby appropriated to the department of
33 health and human services for the purposes of sections 374-390 of this act. Notwithstanding RSA
34 14:30-a, VI, the department may accept and expend any federal fund match to the appropriation in
35 this section without prior approval of this fiscal committee of the general court. The governor is
36 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
37 appropriated.

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1 392 Department of Health and Human Services; Medicaid Rate Increases. The commissioner of
2 the department of health and human services shall increase all Medicaid provider rates, including
3 all state plan services and waiver programs, excluding any provider rate increases for inpatient-only
4 substance use disorder treatment services, by 3.1 percent in the fiscal year ending June 30, 2020 and
5 an additional 3.1 percent in the fiscal year ending June 30, 2021. The commissioner shall apply the
6 rate increases to the Medicaid fee-for-service fee schedule for the purpose of determining payments
7 for all services not delivered through managed care, and shall require the department's actuary to
8 incorporate the rate increases into the capitation payment for all services provided in the care
9 management program. Nothing in this section shall be construed to alter the traditional method of
10 establishing the county contribution for the Medicaid federal medical assistance percentage.

11 393 Department of Health and Human Services; Appropriation.

12 I. The sum of \$60,000,000 for the biennium ending June 30, 2021 is hereby appropriated to
13 the department of health and human services for the purposes of section 392 of this act. Said sums
14 shall be charged as follows:

15 (a) The sum of \$52,128,000 shall be a charge against the state general fund, and the
16 governor is authorized to draw a warrant for said sum out of any money in the treasury not
17 otherwise appropriated; :

18 (b) The sums of \$3,753,000 in the fiscal year ending June 30, 2020 and \$3,966,000 in the
19 fiscal year ending June 30, 2021 shall be a charge against state general funds appropriated in
20 account 05-95-93-930010-7100; and

21 (c) The sums of \$74,000 in the fiscal year ending June 30, 2020 and \$79,000 in the fiscal
22 year ending June 30, 2021 shall be a charge against state general funds appropriated in account 05-
23 95-48-482010-2152.

24 II. Notwithstanding RSA 14:30-a, VI, in addition to the amounts appropriated in paragraph
25 I, the department of health and human services may accept and expend any matching federal funds
26 available for the purposes of this section without the prior approval of the fiscal committee of the
27 general court.

28 III. Nothing in this section shall be construed to provide a rate increase of an amount other
29 than 3.1 percent in each fiscal year to providers funded in accounts 05-95-93-930010-7100 and 05-95-
30 48-482010-2152.

31 394 New Hampshire Granite Advantage Health Care Program. Amend RSA 126-AA:2, I(a) to
32 read as follows:

33 I.(a) The commissioner shall apply for any necessary waivers and state plan amendments to
34 implement a 5-year demonstration program beginning on January 1, 2019 to create the New
35 Hampshire granite advantage health care program [~~which shall be funded exclusively from non-~~
36 ~~general fund sources, including federal funds~~]. The commissioner shall include in an application for
37 the necessary waivers submitted to the Centers for Medicare and Medicaid Services (CMS) a waiver

1 of the requirement to provide 90-day retroactive coverage and a state plan amendment allowing
2 state and county correctional facilities to conduct presumptive eligibility determinations for
3 incarcerated inmates to the extent provided under federal law. To receive coverage under the
4 program, those individuals in the new adult group who are eligible for benefits shall choose coverage
5 offered by one of the managed care organizations (MCOs) awarded contracts as vendors under
6 Medicaid managed care, pursuant to RSA 126-A:5, XIX(a). The program shall make coverage
7 available in a cost-effective manner and shall provide cost transparency measures, and ensure that
8 patients are utilizing the most appropriate level of care. Cost effectiveness shall be achieved by
9 offering cash incentives and other forms of incentives to the insured by choosing preferred lower cost
10 medical providers. Loss of incentives shall also be employed. MCOs shall employ reference-based
11 pricing, cost transparency, and the use of incentives and loss of incentives to the Medicaid and newly
12 eligible population. For the purposes of this subparagraph, "reference-based pricing" means setting
13 a maximum amount payable for certain medical procedures.

14 395 New Hampshire Granite Advantage Health Care Program; Trust Fund. Amend RSA 126-
15 AA:3, I to read as follows:

16 I. There is hereby established the New Hampshire granite advantage health care trust fund
17 which shall be accounted for distinctly and separately from all other funds and shall be non-interest
18 bearing. The fund shall be administered by the commissioner and shall be used solely to provide
19 coverage for the newly eligible Medicaid population as provided for under RSA 126-AA:2, to pay for
20 the administrative costs for the program, and reimburse the federal government for any over
21 payments of federal funds. All moneys in the fund shall be nonlapsing and shall be continually
22 appropriated to the commissioner for the purposes of the fund. The fund shall be authorized to pay
23 and/or reimburse the cost of medical services and cost-effective related services, including without
24 limitation, capitation payments to MCOs. No state general funds shall be deposited into the fund
25 ***unless the commissioner has certified that a deficit is projected in the fund and the federal***
26 ***match rate is at least 90 percent. If those conditions have been met, the commissioner may***
27 ***seek approval from the fiscal committee of the general court to transfer general funds from***
28 ***the department's budget into the trust fund to cover the amount of the projected deficit.***

29 Deposits into the fund shall be limited exclusively to the following:

30 (a) Revenue transferred from the alcohol abuse prevention and treatment fund pursuant
31 to RSA 176-A:1, IV;

32 (b) Federal Medicaid reimbursement for program costs and administrative costs
33 attributable to the program;

34 (c) Surplus funds generated as a result of MCOs managing the cost of their services
35 below the medical loss ratio established by the commissioner for the managed care program
36 beginning on July 1, 2019;

37 (d) Taxes attributable to premiums written for medical and other medical related

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1 services for the newly eligible Medicaid population as provided for under this chapter, consistent
2 with RSA 400-A:32, III(b);

3 (e) Funds received from the assessment under RSA 404-G;

4 (f) Funds recovered or returnable to the fund that were originally spent on the cost of
5 coverage of the granite advantage health care program; [and]

6 (g) Gifts, grants, and donations[-];

7 (h) *Medicaid enhancement tax moneys necessary to pay for the portion of*
8 *provider rate increases pursuant to RSA 167:64, I(a)(2)(C) that is attributable to services*
9 *provided under this chapter; and*

10 (i) *General funds.*

11 396 Appropriation; Department of Health and Human Services; Safe Stations. The sum of
12 \$375,000 for the fiscal year ending June 30, 2020 and the sum of \$375,000 for the fiscal year ending
13 June 30, 2021 is hereby appropriated to the department of health and human services for the
14 purpose of funding existing Safe Stations located in Manchester and Nashua. The governor is
15 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
16 appropriated.

17 397 Supported Housing. Amend 2017, 156:186, I as amended by 2018, 343:14 to read as follows:

18 I. The commissioner of the department of health and human services shall contract with
19 programs that enable individuals with serious mental illness to attain and maintain integrated,
20 affordable, supported housing. The department shall use funding not to exceed \$500,000 from
21 existing appropriations for the biennium ending June 30, 2019. *Such funds, not to exceed*
22 *\$500,000 from accounting unit 05-95-92-922010-4117, shall not lapse until June 30, 2021.*
23 Eligibility for such funding shall include persons who are not eligible for existing housing subsidy
24 programs. The department shall submit a monthly report to the fiscal committee of the general
25 court regarding implementation of this section.

26 398 Department of Health and Human Services; Appropriation. Notwithstanding RSA 126-
27 AA:2, I(a) and RSA 126-AA:3, the sum of \$5,000,000 for the biennium ending June 30, 2021 is hereby
28 appropriated to the department of health and human services, which shall be nonlapsing, for the
29 purpose of enhancing provider rates for mental health and substance use disorder inpatient and
30 outpatient services consistent with 2018, 342. The governor is authorized to draw a warrant for said
31 sum out of any money in the treasury not otherwise appropriated. Notwithstanding RSA 14:30-a, VI,
32 the department may accept and expend any federal fund match to the appropriation in this section
33 without prior approval of the fiscal committee of the general court.

34 399 Repeal. 2019, 41:1, relative to an appropriation to the department of health and human
35 services for increasing diagnosis-related group (DRG) rates for designated receiving facilities (DRF)
36 beds, is repealed.

37 400 Department of Health and Human Services; Designated Receiving Facilities Beds. 2019,

1 41:3 is repealed and reenacted to read as follows:

2 41:3 Department of Health and Human Services; Designated Receiving Facilities; Residential
3 Beds; Hospital Renovations.

4 I. The commissioner of the department of health and human services is authorized to enter
5 into a signed agreement with a hospital in either Sullivan or Cheshire county to provide up to 10
6 new designated receiving facility (DRF) beds to be operational by October 1, 2020. If such an
7 agreement is reached by July 1, 2020, then the department shall be hereby appropriated the
8 amounts provided in paragraph II. If an agreement is not reached by July 1, 2020, then no funds in
9 paragraph II shall be appropriated.

10 II.(a) The sum of \$1,000,000 for the fiscal year ending June 30, 2019 for the purpose of
11 renovating the designated receiving facility (DRF) under agreement in paragraph I. Such
12 appropriation shall not lapse. The governor is authorized to draw a warrant for said sum out of any
13 money in the treasury not otherwise appropriated.

14 (b) The sum of \$976,000 in the fiscal year ending June 30, 2021 for the purpose of
15 increasing the diagnosis-related group (DRG) rates for all designated receiving facility (DRF) beds in
16 New Hampshire. Such rate increases shall be effective October 1, 2020. For the amount
17 appropriated, \$488,000 shall be state general funds and \$488,000 shall be federal funds. Such funds
18 shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the
19 treasury not otherwise appropriated. Notwithstanding RSA 14:30-a, VI, the department may accept
20 and expend any matching federal funds without prior approval of the fiscal committee of the general
21 court.

22 III. The commissioner of the department of health and human services shall allocate and
23 disburse any funds appropriated in paragraph I through a request for applications (RFA) The RFA
24 shall be issued no later than December 1, 2019 and the new DRF beds shall be operational by
25 October 1, 2020. Any hospital receiving funds appropriated under subparagraph I(a) shall operate
26 the new DRF beds for no less than 5 years.

27 401 Appropriation; Secure Psychiatric Unit Facility. The sum of \$17,500,000 for the fiscal year
28 ending June 30, 2019 is hereby appropriated to the department of health and human services and
29 shall be expended for the purpose of constructing a new 25-bed secure psychiatric unit facility on the
30 New Hampshire Hospital grounds. The sum appropriated shall be nonlapsing, provided that any
31 unexpended amount following construction shall lapse to the general fund. The facility shall be built
32 to house such persons that do not require continued joint commission accreditation. The department
33 of administrative services shall prioritize this project in its workload. The department of
34 administrative services and the department of health and human shall provide reports each quarter
35 to the fiscal committee of the general court and the senate finance and house finance committees
36 concerning the progress of the project. Appropriate persons housed in the secure psychiatric unit of
37 the state prison shall be safely transferred to this facility no later than two weeks after it is

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1 operational. This facility shall be operated and managed by the department of health and human
2 services. The state shall not enter into a contract with a private or for-profit prison company for the
3 construction or operation of the secure psychiatric facility unit. The governor is authorized to draw a
4 warrant for said sum out of any money in the treasury not otherwise appropriated.

5 402 Repeal. The following are repealed:

6 I. RSA 84-D, relative to the ICF quality assessment.

7 II. RSA 151-E:15-a, relative to expenditure of funds from ICF quality assessment.

8 403 Department of Health and Human Services; State Plan Amendment; Medicaid for Older
9 Employed Adults with Disabilities (MOAD) Work Incentive Program. On or before January 15,
10 2020, the commissioner of the department of health and human services shall apply to the Centers
11 for Medicare and Medicaid Services for an amendment to the state Medicaid plan pursuant to 42
12 C.F.R. section 430.12 to allow working persons with disabilities who are age 65 and older to receive
13 medical assistance pursuant to 42 U.S.C. section 1396a(a)(10)(A)(ii)(XIII) and as permitted under
14 the Balanced Budget Act of 1997, to be known as Medicaid for Older Employed Adults with
15 Disabilities (MOAD). The state plan amendment shall be used to create a program similar to the
16 state's Medicaid for Employed Adults with Disabilities (MEAD) program, established pursuant to
17 RSA 167:3-i, which is currently limited to individuals between 18 and 64 years of age. Program
18 eligibility under the state plan amendment shall be structured to provide the broadest range of
19 Medicaid coverage consistent with federal eligibility criteria, and to utilize available income and
20 asset disregards so that, to the extent possible, persons eligible for the MEAD program shall also be
21 eligible for the MOAD program when they reach age 65.

22 404 New Paragraph; Definitions; MOAD Program. Amend RSA 167:6 by inserting after
23 paragraph IX the following new paragraph:

24 IX-a. A person with a disability age 65 and older who is eligible to participate in the work
25 incentive program, known as Medicaid for employed older adults with disabilities (MOAD), shall be
26 eligible for medical assistance as medically needy or categorically needy but not to exclude Medicare
27 coverage. The department of health and human services shall establish a sliding fee scale for
28 participants to contribute to the cost of such medical assistance. Participants in the MOAD program
29 shall be employed at the time of enrollment, and may remain enrolled during temporary
30 unemployment for medical reasons or other good cause.

31 405 New Section; MOAD Work Incentive Program. Amend RSA 167 by inserting after section 3-
32 l the following new section:

33 167:3-m MOAD Work Incentive Program.

34 I. Pursuant to section 1902(a)(10)(A)(ii)(XIII) of the Social Security Act, 42 U.S.C. section
35 1396a(a)(10)(A)(ii)(XIII), the department of health and human services shall establish and
36 administer a work incentive program, known as Medicaid for employed older adults with disabilities
37 (MOAD). The purpose of the program shall be to ensure the availability of long-term supports to

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1 workers age 65 and older with disabilities who are medically eligible for Medicaid, enabling them to
2 maximize their employment potential and financial independence and prevent impoverishment and
3 dependence upon cash assistance programs.

4 II. In addition to the requirements of RSA 167:6, IX-a, the MOAD program shall:

5 (a) Exclude from consideration resources accumulated from earnings, including interest
6 earned by the resource, by a MOAD-eligible individual beginning on or after the date of eligibility
7 through the period of MOAD eligibility and kept in a separate account from other resources, when
8 determining future eligibility for other medical assistance programs.

9 (b) Provide continued eligibility during periods of temporary unemployment provided
10 that the individual is unable to work for medical reasons but is likely to return to work, or the
11 individual becomes unemployed for other good cause and is actively seeking employment.

12 (c) Define employment for eligibility purposes in a manner that permits a self-employed
13 individual to earn less than the federal minimum wage.

14 (d) Permit individuals who are eligible for home and community-based care waiver
15 services and who qualify for a special income limit, to receive medical assistance through the MOAD
16 program, if they so choose.

17 (e) Provide notice and an opportunity for a fair hearing in the event of any adverse
18 action affecting eligibility for or enrollment in the MOAD program.

19 (f) Establish oversight and enforcement procedures to prevent fraud and to assure that
20 participants are consistently engaging in gainful employment.

21 III. Pursuant to section 1902(a)(10)(A)(ii)(XIII) of the Social Security Act, 42 U.S.C. section
22 1396a(a)(10)(A)(ii)(XIII), individuals shall be eligible for MOAD if their income does not exceed 250
23 percent of the federal poverty level, and they meet all criteria for receiving benefits under the
24 Supplemental Security Income (SSI) program.

25 406 New Paragraph; Rulemaking; MOAD Program. Amend RSA 167:3-c by inserting after
26 paragraph XII the following new paragraph:

27 XII-a. Administration of the MOAD work incentive program established pursuant to RSA
28 167:6, IX-a and RSA 167:3-m.

29 407 Applicability; MOAD. Sections 404-406 of this act shall take effect on the date that the
30 commissioner of the department of health and human services certifies to the secretary of state and
31 the director of the office of legislative services that the state plan amendment submitted under
32 section 403 of this act has been approved by the Centers for Medicare and Medicaid Services.

33 408 Appropriation; Department of Health and Human Services; Child Protective Service
34 Workers. The sum of \$1,998,005 for the fiscal year ending June 30, 2020, and the sum of \$4,119,845
35 for the fiscal year ending June 30, 2021, are hereby appropriated to the department of health and
36 human services for the purpose of hiring 27 child protective service workers in fiscal year 2020 and
37 an additional 30 child protective service workers in fiscal year 2021. Of these amounts, \$1,398,604

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1 for the fiscal year ending June 30, 2020 and \$2,883,892 for the fiscal year ending June 30, 2021 shall
2 be state general funds, and the remainder shall be federal funds. The funds appropriated in this
3 section shall only be used for the purposes of this section, and shall not be transferred or used for
4 any other purpose. The governor is authorized to draw a warrant for the general fund share of said
5 sums out of any money in the treasury not otherwise appropriated.

6 409 Appropriation; Department of Health and Human Services; Child Protective Service
7 Supervisors. The sum of \$773,552 for the fiscal year ending June 30, 2020, and the sum of
8 \$1,703,152 for the fiscal year ending June 30, 2021, are hereby appropriated to the department of
9 health and human services for the purpose of hiring 9 child protective service supervisors in fiscal
10 year 2020 and an additional 11 supervisors in fiscal year 2021. Of these amounts, \$541,487 for the
11 fiscal year ending June 30, 2020 and \$1,192,207 for the fiscal year ending June 30, 2021 shall be
12 state general funds, and the remainder shall be federal funds. The funds appropriated in this
13 section shall only be used for the purposes of this section, and shall not be transferred or used for
14 any other purpose. The governor is authorized to draw a warrant for the general fund share of said
15 sums out of any money in the treasury not otherwise appropriated.

16 410 Contingent Applicability. If SB 6 of the 2019 general legislative session becomes law,
17 sections 408 and 409 of this act shall not take effect. If SB 6 of the 2019 general legislative session
18 does not become law, sections 408 and 409 of this act shall take effect on July 1, 2019.

19 411 Statement of Purpose. The purpose of sections 412-413 of this act is to set minimum
20 training requirements for staff members working in facilities or programs regulated by the health
21 facilities administration, department of health and human services which include persons with
22 Alzheimer's disease or other dementias in the populations they serve. The dementia-specific
23 training curriculum shall incorporate principles of person-centered dementia care including:
24 thorough knowledge of the person and the person's abilities and needs; advancement of optimal
25 functioning and a high quality of life; and use of problem-solving approaches to care. Staff members
26 shall be trained adequately and appropriately to best address the needs of the population of care
27 recipients they serve. Training shall be culturally competent both for the staff member and the care
28 recipient.

29 412 New Subdivision; Dementia Training for Direct Care Staff in Residential Facilities and
30 Community-Based Services. Amend RSA 151 by inserting after section 46 the following new
31 subdivision:

32 Dementia Training for Direct Care Staff in Residential Facilities
33 and Community-Based Services

34 151:47 Definitions. In this subdivision:

35 I. "Covered administrative staff member" means the senior manager of the facility or
36 program, including administrators, as well as managerial staff members that directly supervise
37 covered direct service staff members.

1 II. "Covered direct service staff member" means a staff member whose work involves
2 extensive contact with residents or program participants. Such staff members include: certified
3 nursing assistants, nurse aides, personal care assistants, home health or personal care aides,
4 licensed practical nurses, licensed vocational nurses, registered nurses, social workers, activity
5 directors, and dietary staff.

6 III. "Department" means the department of health and human services.

7 IV. "Facilities or programs" means residential facilities or home and community-based
8 programs, serving an adult population, licensed as appropriate under this chapter, that provide
9 supportive services including, but not limited to, skilled care facilities, intermediate care facilities,
10 assisted living facilities, residential care for the elderly, adult day programs, home health, in-home
11 services, or adult family care homes or programs that advertise specialty memory care that have
12 residents or program participants with Alzheimer's disease or other dementias.

13 V. "Other covered staff member" means a staff member who has incidental contact on a
14 recurring basis with residents or program participants, including housekeeping staff, front desk
15 staff, maintenance staff, other administrative staff, and other individuals who have such incidental
16 contact.

17 VI. "Staff member" includes full and part-time employees, independent consultants, and
18 staff of contractors and subcontractors.

19 151:48 Initial and Continuing Training in Dementia Required.

20 I. Facilities and programs shall provide initial training to:

21 (a) All covered staff members hired on or after July 1, 2019, who shall complete initial
22 training within 6 months of the commencement of employment.

23 (b) All covered staff members who were employed prior to the date under subparagraph
24 (a) and who have not received equivalent training; such training shall be completed within 6 months
25 of that date.

26 II. Each facility or program shall establish a system for ongoing onsite support, supervision,
27 and mentoring for its staff with regard to the treatment and care of persons with dementia.

28 III. For covered direct service staff members and covered administrative staff members, at a
29 minimum, the curriculum used for the initial training shall adhere to the latest nationwide
30 Alzheimer's Association Dementia Care Practice Recommendations and, at a minimum, cover the
31 following topics:

32 (a) Alzheimer's disease and dementia;

33 (b) Person-centered care;

34 (c) Assessment and care planning;

35 (d) Activities of daily living; and

36 (e) Dementia-related behaviors and communication.

37 IV. For other covered staff members, training shall include, at a minimum, communication

1 issues related to dementia.

2 V. Initial dementia training shall be considered complete only after the staff member has
3 taken and passed an evaluation.

4 151:49 Portability.

5 I. The facility or staff shall issue a certificate to covered staff members upon completion of
6 initial training, which shall be portable between settings. Provided that the covered staff member
7 does not have a lapse of dementia related direct service or administration employment for 24
8 consecutive months or more, the covered staff member shall not be required to repeat the initial
9 dementia training.

10 II. Covered staff members shall be responsible for maintaining records of certificates
11 received.

12 151:50 Continuing Education. In addition to initial training, the commissioner shall adopt rules
13 to determine when and how often continuing education on dementia shall be required. Such
14 continuing education shall include new information on best practices in the treatment and care of
15 persons with dementia. The department shall require at least a minimum of 6 hours of initial
16 continuing education for covered administrative staff members and covered direct service staff
17 members and shall require at least a minimum of 4 hours of ongoing training each calendar year.
18 Such continuing education shall include new information on best practices in the treatment and care
19 of persons with dementia.

20 151:51 Requirements for Trainers; Training Costs. Persons responsible for conducting in-person
21 dementia trainings shall meet minimum criteria including: 2 years of work experience related to
22 Alzheimer's disease or other dementias or in health care, gerontology, or other related field; and
23 have completed training equivalent to the requirements provided herein. Covered staff members
24 shall not be required to bear any of the cost of training or to attend trainings and shall receive their
25 normal compensation when attending required trainings.

26 151:52 Departmental Oversight.

27 I. The department shall exercise oversight of a facility's or program's dementia training
28 program as part of its comprehensive regulatory responsibilities. Such oversight shall:

29 (a) Ensure that the facility or program provides continuing education opportunities.

30 (b) Ensure that the facility or program uses designated online training programs or
31 facility-based training that meets the requirements for dementia training in the state.

32 (c) Ensure compliance with any other requirements specified in this subdivision.

33 II. The department may use all of its enforcement tools to ensure that facilities and
34 programs comply with paragraph I.

35 413 Applicability; Dementia Training. Section 412 of this act is intended to address gaps in
36 current dementia training requirements for covered staff and improve the quality of training. If
37 prior-enacted laws or rules contain more rigorous training requirements for some covered staff

1 members, those laws or rules shall apply. Where there is overlap between these provisions and other
2 laws and rules, the department shall interpret this statute to avoid duplication of requirements
3 while ensuring that the minimum requirements set forth in this act are met.

4 414 Repeal. 2017, 156:211, prohibiting reproductive health facilities from using state funds to
5 provide abortion services, is repealed.

6 415 County Nursing Homes; Proportionate Share Payments. Amend RSA 167:18-h to read as
7 follows:

8 167:18-h County Nursing Homes; Proportionate Share Payments.

9 I. Proportionate share payments to county nursing homes shall be made each state fiscal
10 year in an amount equal to the maximum permissible by federal regulations. All payments shall be
11 ~~[apportioned]~~ **specific** to each facility in ~~[a percentage equal to that facility's proportion of total~~
12 ~~county nursing home medicaid utilization]~~ **accordance with the methodology in the approved**
13 **Medicaid state plan amendment.** If the federal government makes adjustments to any
14 proportionate share payments that have been made by the state, the amounts due under this section
15 shall be amended accordingly and adjusted payments shall be made to or from the state as
16 necessary.

17 II. ~~[Notwithstanding any provision of law to the contrary, each county government shall~~
18 ~~reimburse the state for 50 percent of the total cost of proportionate share payments made to the~~
19 ~~county pursuant to paragraph I.]~~

20 (a) **The certified public expenditure (CPE) nursing facilities group shall be**
21 **financed on the basis of a CPE methodology and shall not require a transfer of funds from**
22 **the respective county to the state to effectuate the federal match.**

23 (b) **Any intergovernmental transfers (IGT) specific to the IGT nursing facilities**
24 **group that serve as the basis for generating the federal match shall originate from the**
25 **county.**

26 416 Aid to Assisted Persons; Liability for Support and Reimbursement from the State;
27 Suspension. RSA 165:20-c, relative to liability for support and reimbursement from the state, shall
28 be suspended for the biennium ending June 30, 2021.

29 417 New Paragraph; Services for Children, Youth and Families; Department of Health and
30 Human Services Funding for Juvenile Diversion Programs. Amend RSA 170-G:4 by inserting after
31 paragraph XX the following new paragraph:

32 XXI. Encourage cities, towns, counties, and non-governmental organizations to develop and
33 maintain court-approved diversion programs for juveniles. The amount to be distributed to the
34 diversion programs shall be not more than \$600,000 for the biennium ending June 30, 2021, from
35 which the sum of \$30,000 in each year of the biennium shall be reserved for newly approved
36 programs, with the remainder divided equally among existing, approved programs that make
37 application for such funding. The judicial branch family division shall establish requirements for

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1 court-approved diversion programs under this section and RSA 169-B:10.

2 418 Appropriation; Department of Health and Human Services; Juvenile Diversion Programs.
3 The sum of \$300,000 annually, for the biennium ending June 30, 2021, is hereby appropriated to the
4 department of health and human services for distribution to juvenile diversion programs developed
5 and maintained by municipalities, counties, and non-governmental organizations pursuant to RSA
6 170-G:4, XXI, as inserted by this act. The governor is authorized to draw a warrant for said sum out
7 of any money in the treasury not otherwise appropriated.

8 419 Department of Health and Human Services; Appropriation. The sum of \$450,000 in the
9 fiscal year ending June 30, 2020 and the sum of \$450,000 in the fiscal year ending June 30, 2021 are
10 hereby appropriated to the department of health and human services for the purpose of funding
11 existing supervised visitation centers in New Hampshire. The governor is authorized to draw a
12 warrant for said sums out of any money in the treasury not otherwise appropriated.

13 420 Department of Health and Human Services; Rural Health and Primary Care Section;
14 Positions Established. There is established within the department of health and human services,
15 division of public health services, rural health and primary care section, 2 full-time, unclassified
16 positions. The salary for such positions shall be as set forth in RSA 94:1-a, provided that the salary
17 for such positions shall be determined after assessment and review of the appropriate temporary
18 letter grade allocation in RSA 94:1-a, I(b) for the positions which shall be conducted pursuant to RSA
19 94:1-d and RSA 14:14-c.

20 421 Appropriations; Department of Health and Human Services; Rural Health and Primary
21 Care Section.

22 I. State Loan Repayment Program. The sum of \$3,250,000 for the fiscal year ending June
23 30, 2020 and the sum of \$3,250,000 for the fiscal year ending June 30, 2021 are hereby appropriated
24 to the department of health and human services, division of public health services, rural health and
25 primary care section to accounting unit 05-95-90-901010-7965, line 103, Contracts for Op Services,
26 and to fund one of the positions established in section 420 of this act. This appropriation shall be
27 nonlapsing. Of this appropriation, the sums of \$750,000 for the fiscal year ending June 30, 2020 and
28 \$750,000 for the fiscal year ending June 30, 2021 shall be expended by clinicians solely to deliver
29 mental health and substance use disorder treatment services in Carroll, Cheshire, and Coos
30 counties. The governor is authorized to draw a warrant for said sums out of any money in the
31 treasury not otherwise appropriated.

32 II. Primary Care Workforce Program. The sum of \$120,000 for the fiscal year ending June
33 30, 2020 and the sum of \$120,000 for the fiscal year ending June 30, 2021 are hereby appropriated to
34 the department of health and human services, division of public health services, rural health and
35 primary care section, for the purpose of funding one of the positions established in section 420 of this
36 act. The commissioner of the department of health and human services may use up to \$20,000 of the
37 appropriation in each fiscal year towards the upgrade of an existing position in the rural health and

1 primary care section. The governor is authorized to draw a warrant for said sums out of any money
2 in the treasury not otherwise appropriated.

3 422 Appropriation; Department of Business and Economic Affairs. The sum of \$100,000 for the
4 fiscal year ending June 30, 2020 and the sum of \$100,000 for the fiscal year ending June 30, 2021 are
5 hereby appropriated to the department of business and economic affairs for the purpose of
6 supporting the education and acceleration programs within New Hampshire's non-profit business
7 technology incubators. The governor is authorized to draw a warrant for said sum out of any money
8 in the treasury not otherwise appropriated.

9 423 New Subdivision; Lead Paint Hazard Remediation Fund. Amend RSA 204-C by inserting
10 after section 87 the following new subdivision:

11 Lead Paint Hazard Remediation Fund

12 204-C:88 Definitions. In this subdivision:

13 I. "Multi-unit" means more than one dwelling unit.

14 II. "Property" means a rental or owner-occupied residential property, or a child care facility
15 licensed under RSA 170-E.

16 III. "Unit" means a single dwelling unit within a structure that contains more than one
17 dwelling unit. "Unit" may also include any dwelling unit within a structure that is otherwise used
18 for non-residential purposes.

19 204-C:89 Lead Paint Hazard Remediation Fund Established.

20 I. There is hereby established within the authority a fund to be used for the purposes of
21 remediating lead paint hazards in housing, to be known as the lead paint hazard remediation fund.
22 The lead paint hazard remediation fund shall be composed of appropriations, gifts, grants,
23 donations, bequests, or other moneys from any public or private source, but such revenues shall not
24 be deemed to be money received from the state, and nothing in this subdivision shall be construed as
25 pledging the faith and credit of the state.

26 II. The authority may use the lead paint hazard remediation fund to make loans to owners
27 of properties for the costs of remediation of lead paint hazards. The authority may also make loans
28 to owners of licensed child care facilities for remediation of lead in water. Loans may be made
29 provided that such remediation is conducted in accordance with lead-safe practices under applicable
30 laws and regulations.

31 III. The authority may use up to 5 percent of any funds deposited in the lead paint hazard
32 remediation fund for program administration.

33 204-C:90 Eligibility. For a property to be eligible to use the funding under this subdivision, the
34 property shall be:

35 I. An owner-occupied single family home occupied by a household with a child under 6 years
36 or a pregnant woman and where household income is no more than 100 percent of the median
37 income adjusted for household size for the metropolitan area or county in which the housing is

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1 located as published annually by the United States Department of Housing and Urban Development;

2 II. A unit in a multi-unit residential property or a renter-occupied single family home where
3 household income is no more than 90 percent of the median income adjusted for household size for
4 the metropolitan area or county in which the housing is located as published annually by the United
5 States Department of Housing and Urban Development; or

6 III. A child care facility licensed under RSA 170-E.

7 204-C:91 Use of Federal Funds. The lead paint hazard remediation fund shall only be used to
8 supplement, but not supplant, existing federal resources. If a property or unit is eligible for federal
9 funding from a program in operation by the authority, or by any state agency or political subdivision,
10 the owner of the property shall first apply to that program before applying to the lead paint hazard
11 remediation fund.

12 204-C:92 Rulemaking. Pursuant to RSA 204-C:53, the authority shall adopt rules governing the
13 distribution the lead paint hazard remediation fund.

14 424 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after
15 subparagraph (343) the following new subparagraph:

16 (344) Moneys deposited in the lead paint hazard remediation fund established under
17 RSA 204-C:89.

18 425 Repeal. Loans for Lead Hazard Remediation Projects. RSA 130-A:15-a, relative to loans for
19 lead hazard remediation projects, is repealed.

20 426 Appropriation; Lead Paint Hazard Remediation Fund. The sum of \$3,000,000 for the fiscal
21 year ending June 30, 2020 is hereby appropriated to the lead paint hazard remediation fund
22 established in RSA 204-C:89. The governor is authorized to draw a warrant for said sum out of any
23 money in the treasury not otherwise appropriated.

24 427 Appropriation; Division of Public Health Services. Notwithstanding the provisions of RSA
25 485-F, \$500,000 in fiscal year 2020 shall be appropriated from the drinking water and groundwater
26 trust fund established in RSA 6-D:1 to the department of health and human services, division of
27 public health services to fund a study to determine the causes of high levels of pediatric cancer in
28 New Hampshire. These funds shall not lapse until June 30, 2021.

29 428 New Hampshire Veterans' Home; Transfer Among Accounts and Classes. Notwithstanding
30 any provision of law to the contrary, for the biennium ending June 30, 2021, the commandant of the
31 New Hampshire veterans' home is authorized to transfer funds within and among all accounting
32 units within the home and to create accounting units and expenditure classes as required and as the
33 commandant deems necessary and appropriate to address present or projected budget deficits, or to
34 respond to changes in federal law, regulations, or programs, and otherwise as necessary for the
35 efficient management of the home, including funding of unfunded positions, provided that if a
36 transfer does not include new accounting units or expenditure classes, only such transfers of
37 \$100,000 or more shall require prior approval of the fiscal committee of the general court and the

1 governor and council. The New Hampshire veterans' home shall be exempt from RSA 9:17-a, I and
2 RSA 9:17-c, subject to approval by the fiscal committee of the general court of any transfer of
3 appropriations from permanent personal services or employee benefits to any other use or purpose

4 429 Committee Established. There is established a committee to study the disparity in pay
5 between independent case managers and case managers who are part of the Medicaid managed care
6 program.

7 I. The members of the committee shall be as follows:

8 (a) Two members of the senate, one of whom shall be the chair of the senate health and
9 human services committee and one of whom shall be from the senate finance committee, appointed
10 by the president of the senate.

11 (b) Two members of the house of representatives, one of whom shall be the chair of the
12 house health, human services and elderly affairs committee and one whom shall be from the house
13 finance committee, appointed by the speaker of the house of representatives.

14 II. Members of the committee shall receive mileage at the legislative rate when attending to
15 the duties of the committee.

16 III.(a) The committee shall examine the extent of any disparity in pay between independent
17 case managers and case managers who are part of the Medicaid managed care program, and the
18 potential causes of and solutions to such disparity.

19 (b) The study shall include a comparison between all 1915(c) waiver case management
20 reimbursement, including reimbursement for providers in the following programmatic areas:
21 developmental services, choices for independence, in-home support, and acquired brain disorder
22 services.

23 IV. The committee may solicit information from any person or entity the committee deems
24 relevant to its study.

25 V. The members of the study committee shall elect a chairperson from among the members.
26 The first meeting of the committee shall be called by the first-named senate member. The first
27 meeting of the committee shall be held within 45 days of the effective date of this section. Three
28 members of the committee shall constitute a quorum.

29 VI. The committee shall report its findings and any recommendations for proposed
30 legislation to the president of the senate, the speaker of the house of representatives, the senate
31 clerk, the house clerk, the governor, and the state library on or before November 1, 2019.

32 430 Statement of Purpose. The purpose of sections 431 and 432 this act is to assist lower income
33 seniors with prescription drug costs when they reach the coverage limit for prescription drugs under
34 the Medicare Part D program. Since most Medicare drug plans have a coverage gap, often called the
35 "donut hole," the general court finds that there is a need for a state assistance plan to supplement or
36 wrap around the benefit available under the federal program to ensure that low income seniors
37 retain access to necessary medication during this gap in coverage.

1 431 New Subdivision; Department of Health and Human Services; New Hampshire
2 Pharmaceutical Assistance Pilot Program for Seniors. Amend RSA 126-A by inserting after section
3 77 the following new subdivision:

4 New Hampshire Pharmaceutical Assistance Pilot Program for Seniors
5 126-A:78 New Hampshire Pharmaceutical Assistance Pilot Program for Seniors.

6 I. The commissioner of the department of health and human services shall establish a
7 prescription drug assistance pilot program for seniors. The purpose of the pilot program shall be to
8 wraparound or supplement the federal prescription drug benefit under Medicare Part D by paying
9 the out-of-pocket costs for prescription drugs for eligible individuals who have reached the coverage
10 gap, known as the donut hole, under Medicare Part D. The pilot program shall be the payer of last
11 resort and shall cover all out-of-pocket prescription drug costs for which assistance is not otherwise
12 available in the coverage gap, known as the donut hole. The pilot program shall be available to the
13 first 1,000 individuals age 65 or older who apply for such assistance, who have a gross annual
14 household income of 250 percent or less of the federal poverty level, and who otherwise meet the
15 eligibility criteria established by the department. Assistance shall be available under the pilot
16 program from January 1, 2020 to January 1, 2021. The commissioner shall make available an online
17 application, a telephone number for applications and questions, and shall provide written
18 applications upon request. Applications shall include information on income, household size,
19 Medicare Part D enrollment and coverage information, the prescription drugs for which assistance is
20 sought, the age of the applicant, and the location of the applicant. On or before November 1, 2019,
21 the commissioner shall adopt rules, under RSA 541-A, relative to pilot program enrollment,
22 administration, and evaluation.

23 II. On or before March 1, 2021, the commissioner of the department of health and human
24 services shall submit an evaluation report of the pilot program to the senate president, the speaker
25 of the house of representatives, the governor, the senate finance committee, the house finance
26 committee, the senate health and human services committee, and the house health, human services
27 and elderly affairs committee. The report shall include information regarding the number of
28 applications, age and location of applicants, prescription drugs for which assistance was provided,
29 costs per eligible applicant, likely costs per non-eligible applicant, and descriptions regarding
30 applicant ineligibility.

31 432 Appropriation; Department of Health and Human Services. For the purpose of funding the
32 prescription drug assistance pilot program for seniors established in this act, the sum of \$2,000,000
33 for fiscal year ending June 30, 2019, is hereby appropriated to the department of health and human
34 services. Such appropriation shall not lapse. The governor is authorized to draw a warrant for said
35 sum out of any money in the treasury not otherwise appropriated.

36 433 Appropriation. The sum of \$1,000,000 for the fiscal year ending June 30, 2019 is hereby
37 appropriated to the department of health and human services for the purposes of upgrading existing

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1 substance use disorder treatment and recovery housing facilities and creating new substance use
2 disorder treatment and recovery housing facilities. Funds appropriated under this section shall be
3 used for upgrading or renovating existing facilities to ensure compliance with fire code and safety
4 standards; expanding existing facilities to increase service capacity; and developing new substance
5 use disorder treatment and recovery housing facilities. Facilities receiving funds under this section
6 shall be in compliance with any state rules associated with the operation of such programs. The
7 governor is authorized to draw a warrant for said sum out of any money in the treasury not
8 otherwise appropriated. Funds appropriated in this section shall be nonlapsing.

9 434 Effective Date.

10 I. Sections 1, 36, 37, 63, 66, 72, 73, 191, 197, 230, paragraph I of section 233, 234-236, 251,
11 paragraph II of section 252, 254-255, 257, 304-305, paragraph I of section 329, 330, 344-346, 347,
12 354, 357, 359, 360, 367, 369-371, 372, 397, 399-401, and 430-433 of this act shall take effect June 30,
13 2019.

14 II. Sections 261-273, 300-302, 309-311, and 411-413 of this act shall take effect 60 days after
15 its passage.

16 III. Sections 133-140, 227, 289-294, and RSA 170-G:4-d, as inserted by section 388, of this
17 act shall take effect January 1, 2020.

18 IV. Section 275 and RSA 91-A:7-b, 91-A:7-c, and 91-A:7-d as inserted by section 276 of this
19 act shall take effect April 1, 2020.

20 V. Section 279 and RSA 170-G:4-b, as inserted by section 388 of this act shall take effect
21 July 1, 2020.

22 VI. Sections 280 and 281 of this act shall take effect January 1, 2021.

23 VII. Sections 282-285 of this act shall take effect January 1, 2022.

24 VIII. Section 306 of this act shall take effect July 1, 2022.

25 IX. Sections 277 and 278 of this act shall take effect July 1, 2024.

26 X. Sections 332-334 of this act shall take effect as provided in section 335 of this act.

27 XI. Sections 404-406 of this act shall take effect as provided in section 407 of this act.

28 XII. Sections 408-409 of this act shall take effect as provided in section 410 of this act.

29 XIII. Section 5 of this act shall take effect as provided in section 6 of this act.

30 XIV. Sections 102-107 of this act shall take effect as provided in section 108 of this act.

31 XV. Section 110 of this act shall take effect as provided in section 111 of this act.

32 XVI. The remainder of this act shall take effect July 1, 2019.

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2019-2403s

AMENDED ANALYSIS

1. Repeals 2017,155:7, which directed the commissioner of administrative services to eliminate appropriations to class 027 transfers to OIT in all agencies and departments.
2. Establishes the unclassified position of director of plant and property within the department of administrative services.
3. Converts managers in the department of administrative services to directors, and renames divisions and units accordingly.
4. Authorizes the department of administrative services to consolidate state agency human resources, payroll, and business processing functions.
5. Provides that cost sharing and plan design for unrepresented active state employees who participate in the health plans offered by the state shall be the same as those for individuals covered by the collective bargaining agreement.
6. Extends the state heating systems savings account.
7. Establishes an additional surplus fund within the department of administrative services.
8. Establishes the building maintenance fund within the department of administrative services and assesses charge to state agencies.
9. Permits the supreme court to transfer funds among judicial branch accounts.
10. Provides the department of corrections with additional transfer authority for the biennium ending June 30, 2021 and establishes the cost of care reimbursement account and the unclassified position of director of nursing in the department of corrections.
11. Provides that chartered school lease aid shall not exceed more than \$30,000 per school in any fiscal year.
12. Directs the department of health and human services to raise the income eligibility for elderly and adult clients under the social services block grant program each January.
13. Increases the limit for county reimbursements under RSA 167:18-a.
14. Extends the prospective repeal for eligibility of state mental health services under 2011, 209:6, I.
15. Suspends direct and indirect graduate medical education payments to hospitals for the biennium ending June 30, 2021.
16. Suspends catastrophic aid to hospitals for the biennium ending June 30, 2021.
17. Makes an appropriation to the department of safety, division of fire standards and training and emergency medical services, for the purpose of providing grants to local firefighters for medical examinations conducted pursuant to RSA 281-A:17.
18. Requires the commissioner of the department of health and human services to make

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quarterly reports to the governor, speaker of the house of representatives, and president of the senate on the status of estimated Medicaid payments in relation to actual costs.

19. Permits the department of health and human services to fill unfunded positions during the biennium ending June 30, 2021.

20. Suspends RSA 151-E:18, relative to presumptive eligibility for home and community based services, for the biennium ending June 30, 2021.

21. Establishes certain revolving funds within the department of health and human services.

22. Directs that the Laconia state school trust shall be dissolved upon final distribution of the funds pursuant to court order.

23. Establishes a committee to study outdated non-regulatory boards.

24. Requires the department of health and human services to develop a plan to close the cliff effect for individuals and families who receive public benefits.

25. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2021.

26. Adds requirements for uses of system benefits charges for energy efficiency programs.

27. Suspends provisions of the RSAs that credit a portion of meals and rooms tax revenue to the division of travel and tourism development for the biennium ending June 30, 2021.

28. Suspends the integrated land development permit procedure for the biennium ending June 30, 2021.

29. Suspends certain environmental state aid grants.

30. Provides for reimbursement for sheriff's offices for court security.

31. Adds a representative from the New Hampshire Hospital Association and a representative from the state's faith-based community to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery.

32. Establishes a system of paid family and medical leave insurance.

33. Modifies the provision of civil legal services funds for low-income persons to New Hampshire legal assistance and eliminates the dedicated civil services legal fund.

34. Authorizes sports betting in New Hampshire and establishes a council for responsible gambling.

35. Requires Keno revenue to be deposited in the education trust fund.

36. Defines and regulates the sale of electronic cigarettes or e-cigarettes.

37. Modifies the duties of the board of veterinary medicine.

38. Modifies the procedure for certified application prepayers for minimum environmental impact projects.

39. Regulates public bathing facilities.

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40. Moves recreational camp licensing to the department of health and human services.
41. Combines the adjutant general's department, the office of veterans services, and the bureau of community based military programs into the department of military affairs and veterans services and makes the adjutant general the commissioner of the department of military affairs and veterans services.
42. Transfers the bureau of visitor services within the department of business and economic affairs to the office of the commissioner of business and economic affairs.
43. Transfers administration of the existing governor's scholarship program and fund to the college tuition savings plan advisory commission.
44. Requires a portion of funds in the New Hampshire excellence in higher education endowment trust fund to be used to support the New Hampshire college tuition savings plan UNIQUE programs.
45. Authorizes the business finance authority to provide funding from bonds issued and repaid for regenerative manufacturing worker educational debt relief.
46. Authorizes the commissioner of the department of transportation to recommend the bulk disposal of real estate purchased with state or federal highway funds or both, or turnpike funds.
47. Repeals the Maine-New Hampshire interstate bridge authority.
48. Repeals witness fees for witnesses summoned before certain boards and commissions.
49. Amends the granite workforce program.
50. Exempts certain accounting units within the department of natural and cultural resources from transfer restrictions.
51. Requires payment of any transaction costs assessed for credit card payments on motor vehicle fines to be paid out of the fine amount which is credited to the highway fund.
52. Deletes obsolete limits on total bonds issued by the business finance authority.
53. Repeals the requirement for the Pease development authority to submit a comprehensive development plan.
54. Requires moneys in the office of professional licensure and certification fund to lapse each fiscal year.
55. Authorizes the attorney general, subject to the approval of the governor and council, to appoint a director of the office of victim/witness assistance and a director of communications.
56. Establishes an unclassified full-time investigator position in the department of justice for the purpose of working on officer-involved use of deadly force investigations and to provide training to local law enforcement officers.
57. Abolishes a position in the department of justice to fund the director of communication position and establishes the position of assistant attorney general.
58. Provides for the rehiring of laid-off classified state employees, if possible.

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59. Makes an appropriation to the state treasurer for the fiscal year ending June 30, 2019 for the purpose of providing municipal aid grants to each city, town, and unincorporated place in the state by October 1 of the fiscal years ending in June 30, 2020 and June 30, 2021.

60. Establishes the community development fund for New Hampshire, which shall be administered by the community development finance authority, and makes an appropriation to the fund.

61. Makes appropriations to the department of environmental services for the purpose of funding state aid grant programs.

62. Establishes victim/witness specialist positions in the department of justice.

63. Establishes an unclassified, full-time elections attorney position within the department of justice.

64. Permits the department of natural and cultural resources to suspend curatorial responsibilities for the biennium ending June 30, 2021.

65. Allows for statewide public boat access funds to be used for payment of the cost of bonds for the Mount Sunapee state park beach boat ramp project of the department of natural and cultural resources.

66. Clarifies the qualifications of the director of the division of archives and records management.

67. Modifies the election fund to include monies received by the state pursuant to the 2018 Election Reform Program, and expands the list of authorized uses of monies deposited into the fund.

68. Makes changes to unemployment compensation contribution rates.

69. Transfers the job training program for economic growth from the department of business and economic affairs to the department of employment security.

70. Makes an appropriation to the housing finance authority for affordable housing.

71. Establishes a separate account for funds acquired to provide financial and technical assistance associated with agricultural restricted covenants, funding developmental rights, or for farmland preservation and makes an appropriation therefor.

72. Suspends the position of state demographer for the biennium.

73. Changes the number of review appraisers the staff of the board of tax and land appeals is required to have.

74. Extends the Coos county job creation tax credit until 2027.

75. Establishes the rates of the business profits tax and the business enterprise tax for taxpayer tax years ending on or after December 31, 2019 and for subsequent tax years, and repeals rate reductions effective in 2021.

76. Directs the governor to submit a document to be known as the trailer bill to the legislature as part of the budget process and clarifies that the document shall not be considered a budget bill under the New Hampshire constitution.

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77. Establishes the position of deputy director of administration in the department of safety, division of administration.

78. Provides that the current assistant director of the division of fire standards and training and emergency medical services, department of safety, shall be considered to have been properly enrolled as a member in group II of the New Hampshire retirement system as of his original date of hire.

79. Raises the fee for email or other computer-generated motor vehicle record requests by insurance companies or other authorized agents.

80. Establishes the fee for a Real ID Act compliant driver's license.

81. Permits the department of transportation to access certain federal funding for the purpose of completing the project development phase of the capital corridor rail project in the 2019-2028 Ten Year Transportation Improvement Plan and permits the department of transportation to use toll credits for this project.

82. Makes an appropriation to the department of transportation for the purpose of demolition and environmental mitigation of structures on state-owned property.

83. Exempts certain rules on the Medicaid rate of reimbursement methodology for nursing facilities from the administrative procedures act, RSA 541-A.

84. Clarifies disbursements of community benefit contributions from the alcohol abuse prevention and treatment fund.

85. Makes an appropriation to the department of health and human services for the purpose of obtaining, renovating, and operating a new treatment facility for children in need of inpatient psychiatric treatment.

86. Makes an appropriation to the department of health and human services for the purpose of repositing the children's unit of New Hampshire hospital for adult beds.

87. Makes an appropriation to the department of health and human services for the purpose of constructing transitional housing beds.

88. Makes an appropriation to the department of health and human services for the purpose of providing assistance to hospitals in addressing the needs of certain patients residing in emergency rooms.

89. Requires fiscal committee approval for any transfer of funds required for operation of the Sununu youth services center.

90. Requires the Medicaid managed care program to provide dental benefits to covered persons beginning in 2021.

91. Establishes a child abuse specialized medical evaluation program in the department of health and human services.

92. Requires evaluation of a minor committed to the youth development center to determine whether an alternative placement in a safe, therapeutic, and cost-effective, residential treatment facility is feasible.

93. Provides for the availability of certain federal family planning funds.

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94. Establishes a commission to study school funding.
95. Calculates kindergarten pupils as full day attendance for the purpose of adequate education grants.
96. Repeals distribution of kindergarten grants based on Keno revenue.
97. Permits additional education-related expenditures from the education trust fund for the biennium ending June 30, 2021, and revises the formula for fiscal disparity aid and stabilization grants.
98. Provides that any budget surplus in excess of \$5,000,000 at the close of the biennium ending June 30, 2019, shall not be deposited in the revenue stabilization reserve account but shall remain in the general fund.
99. Makes an appropriation to the Internet crimes against children fund.
100. Requires the governor's commission on disability to analyze the state's system of support for individuals with developmental disabilities and recommend reforms and improvements.
101. Requires the commissioner of the department of administrative services to conduct a study of the state's personnel system and makes an appropriation therefor.
102. Makes an appropriation to the department of administrative services for scheduling software.
103. Increases the annual appropriation to the joint legislative historical committee.
104. Provides that unexpended and unencumbered funds in the legislative branch special account shall not lapse.
105. Establishes the director of the division of technical professions and director of the division of health professions in the office of professional licensure and certification as unclassified officials.
106. Modifies the membership qualifications for the board of nursing.
107. Makes changes to the controlled drug prescription health and safety program, including transferring the program from the board of pharmacy to the office of professional licensure and certification, and authorizing the program to share certain information with other state departments.
108. Establishes procedures to streamline the resolution of complaints under RSA 91-A, the citizens' right-to-know appeals commission and the office of the right-to-know ombudsman, and an alternative process to resolve right-to-know complaints.
109. Requires a portion of the revenue collected from the imposition of the real estate transfer tax to be transferred to the affordable housing fund.
110. Revises the method of apportionment of gross business profits in this state under the business profits tax and the apportionment of dividends under the business enterprise tax.
111. Updates provisions and adjustments of the United States Internal Revenue Code applicable to the business profits tax.
112. Clarifies the applicability of the communications services tax to voice over Internet protocol

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(VoiP) and prepaid wireless telecommunications service.

113. Establishes a housing appeals board to hear appeals of decisions of municipal boards, committees, and commissions regarding questions of housing and housing development, and makes an appropriation to the housing appeals board for the administration of the board's duties.

114. Amends the procedure for determining an indigent defendant's ability to pay for services rendered by court-appointed counsel in a criminal case and provides that a repayment obligation shall only apply to a defendant who has been convicted or a juvenile who has been found delinquent.

115. Authorizes the attorney general to hire an investigator and an investigative paralegal to be assigned to campaign finance, election law, inaugural committee oversight, and lobbying matters, in the civil law bureau.

116. Requires a certain amount of excess moneys from the investor education fund to be deposited in the FRM victims' contribution recovery fund.

117. Prohibits off highway recreational vehicles from traveling on Hoit Road Marsh in the city of Concord.

118. Establishes the office of outdoor recreation industry development in the department of business and economic affairs and also establishes the position of director of the office.

119. Makes an appropriation to the department of business and economic affairs to support the small business development center and its programs.

120. Renames the wetlands and shoreland review fund as the water resources fund; clarifies that certain application and permit fees are non-refundable; and repeals the terrain alteration fund.

121. Makes a supplemental appropriation to the department of environmental services for the Ossipee Lake Dam reconstruction.

122. Adds an exception to the real estate transfer tax for any lease involving the Pease development authority.

123. Requires costs that are recovered from damages awarded in cases of hazardous waste clean up after expenditures from the drinking water and groundwater trust fund be deposited in such fund, contingent on SB 169 of the 2019 regular legislative session.

124. Repeals a provision relative to liquor commission revenue shortfalls.

125. Repeals the definition of commercial kennel and revises the definition of pet vendor; authorizes the department of agriculture, markets, and food to make rules relative to the number of amphibians, reptiles, fish, or small mammals a person may sell and qualify as a pet vendor; requires dogs, cats, and ferrets offered for transfer to be accompanied by a health certificate; and establishes and makes an appropriation to the cost of care fund.

126. Makes federal funds and internment fees received by the state veterans cemetery nonlapsing.

127. Establishes the sunny day fund and grant program in the department of business and economic affairs to obtain and disburse grants for research and development, support the infrastructure necessary to address critical gaps in the state's ability to attract research and development projects, increase commercialization of new technologies, leverage federal funds, and support business development and expansion. The bill also transfers funds from the general fund

surplus account to fund the program.

128. Makes an appropriation to the department of environmental services to study, investigate, and test for contamination caused by perfluorinated chemicals and design a system to treat such contamination, and requires reporting on developments.

129. Defines terms for executive branch departments, agencies, commissions, and units, and provides for delegation of a departmental commissioner's authority.

130. Makes a transfer from the general fund to the highway fund.

131. Converts certain funds credited to the fish and game department to unrestricted revenue in the fish and game fund.

132. Exempts department of safety appropriations funded with income from motor vehicle fines from certain reductions for the fiscal year ending June 30, 2019.

133. Authorizes the department of safety to transfer funds between certain accounting units as necessary and upon approval of the department of administrative services budget office.

134. Makes appropriations to the department of safety for narcotics related law enforcement activities.

135. Makes an appropriation to the department of safety for the purpose of providing administrative support to the building code review board.

136. Authorizes the department of education to retain a certain percentage of public school infrastructure funds to administer the public school infrastructure program.

137. Permits the department of education to request funds for vocational rehabilitation programs and services.

138. Requires schools to make at least one free or reduced cost meal available to children who meet federal eligibility guidelines and increases reimbursement to schools offering breakfast at no cost to eligible students.

139. Establishes the position of school nurse coordinator in the division of learner support, department of education.

140. Provides family and medical leave to certain school district employees who are not otherwise eligible for leave under the federal Family and Medical Leave Act.

141. Makes an appropriation to the department of administrative services for the purchase and replacement of the heat and hot water systems in the Concord school district.

142. Makes an appropriation to the community college system of New Hampshire for the fiscal year ending June 30, 2019.

143. Makes an appropriation to the department of transportation to provide a state aid construction program match for the project named Tilton project number 29753, to reconstruct and reclassify 1.97 miles of Calef Hill Road.

144. Makes an appropriation to the department of education to support the Granite State Independent Living IMPACCT program.

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145. Makes an appropriation to the department of safety to fund the reallocation of certain state police troopers.

146. Expands home and community-based behavioral health services for children and makes an appropriation to the department of health and human services for this purpose.

147. Requires the commissioner of the department of health and human services to increase Medicaid provider rates and makes an appropriation therefor.

148. Allows general funds to be used for the New Hampshire granite advantage health care program. Also allows moneys from the Medicaid enhancement tax to be used if necessary to pay for certain provider rate increases.

149. Makes an appropriation to the department of health and human services for safe stations in Manchester and Nashua.

150. Extends the funding for supported housing.

151. Makes an appropriation to the department of health and human services for the purpose of enhancing provider rates for mental health and substance use disorder inpatient and outpatient services.

152. Modifies appropriations and provisions for new or expanded designated receiving facilities (DRF) beds and diagnosis-related group (DRG) rates.

153. Makes an appropriation to the department of health and human services for the purpose of constructing a new secure psychiatric facility on the New Hampshire hospital grounds.

154. Repeals the ICF quality assessment imposed on intermediate care facilities for the intellectually disabled.

155. Expands eligibility for Medicaid for employed adults with disabilities age 65 and over.

156. Makes a contingent appropriation to the department of health and human services for the purpose of hiring 27 child protective service workers, and 20 child protective service supervisors.

157. Requires dementia training for direct care staff in residential facilities and community-based settings and grants rulemaking authority to the commissioner.

158. Repeals a prohibition on the use of state funds for abortion services.

159. Clarifies proportionate share payments to county nursing homes.

160. Suspends liability for support and reimbursement for assisted persons for the biennium ending June 30, 2021.

161. Provides for the transfer of funds from the department of health and human services to municipalities, counties, and nongovernmental organizations to encourage the development of local juvenile diversion programs and makes an appropriation to the department for this purpose.

162. Makes appropriations to the department of health and human services for the purpose of funding existing supervised visitation centers in New Hampshire.

163. Makes appropriations to the department of health and human services for the purpose of funding existing supervised visitation centers in New Hampshire.

164. Makes appropriations to the department of health and human services, rural health and primary care section to establish new positions and to fund the state loan repayment program.

165. Makes an appropriation to the department of business and economic affairs to support education programs with non-profit business incubators.

166. Establishes the lead paint hazard remediation fund in RSA 204-C and makes an appropriation for the purposes of the fund.

167. Makes an appropriation to the department of health and human services, division of public health services to fund a study to determine the causes of high levels of pediatric cancer in New Hampshire.

168. Grants authority to the New Hampshire Veterans' Home to transfer funds among accounts and classes for the biennium ending June 30, 2021.

169. Establishes a committee to study the disparity in pay between independent case managers and case managers who are part of the Medicaid managed care program.

170. Establishes the New Hampshire pharmaceutical assistance pilot program for seniors and makes an appropriation therefor.

171. Makes an appropriation to the department of health and human services for the purposes of upgrades to substance use disorder treatment facilities.

Sen. Gray, Dist 6
June 5, 2019
2019-2446s
08/01

10-14
DEFEATED!

Floor Amendment to HB 2-FN-A-LOCAL

- 1 Delete section 59.
- 2
- 3 Delete section 77.

2019-2446s

AMENDED ANALYSIS

Delete paragraph 25, relative to the revenue sharing suspension.

Sen. Birdsell, Dist 19
June 5, 2019
2019-2447s
06/04

10-14
DEFEATED!

Floor Amendment to HB 2-FN-A-LOCAL

- 1 Delete sections 226-227.

2019-2447s

AMENDED ANALYSIS

Delete paragraph 79, relative to raising the fee for email or other computer-generated motor vehicle record requests by insurance companies or other authorized agents.

Delete paragraph 80, establishing the fee for a Real ID compliant driver's license.

Sen. Giuda, Dist 2
June 5, 2019
2019-2445s
10/04

10-14
DEFEATED!

Floor Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting sections 289-295.

2019-2445s

AMENDED ANALYSIS

Delete paragraph 112, relative to the applicability of the communications services tax to voice over Internet protocol (VoIP) and prepaid wireless telecommunications service.

Sen. Morse, Dist 22
June 5, 2019
2019-2448s
04/06

10-14
DEFEATED!

Floor Amendment to HB 2-FN-A-LOCAL

- 1 Delete sections 394-395.

2019-2448s

AMENDED ANALYSIS

Delete paragraph 148, relative to using general funds for the New Hampshire granite advantage health care program and allowing moneys from the Medicaid enhancement tax to be used if necessary to pay for certain provider rate increases..

Sen. Birdsell, Dist 19
June 5, 2019
2019-2450s
01/10

10-14
DEFEATED!

Floor Amendment to HB 2-FN-A-LOCAL

- 1 Delete section 414.

2019-2450s

AMENDED ANALYSIS

Delete paragraph 158, relative to repealing a prohibition on the use of state funds for abortion services.

Sen. Morse, Dist 22
June 4, 2019
2019-2428s
11/06

10-14
DEFEATED!

Floor Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by deleting sections 91-93.

2

3 Amend the bill by replacing section 347 with the following:

4

5 347 Appropriation; Department of Environmental Services. The sum of \$6,000,000 for the
6 fiscal year ending June 30, 2019 is hereby appropriated to the department of environmental
7 services for the purpose of studying, investigating, and testing for contamination caused by
8 perfluorinated chemicals, and the preliminary design for a treatment system for such
9 contamination. The appropriation shall not lapse until June 30, 2021. The governor is authorized
10 to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

11

12 Amend the bill by replacing section 427 with the following:

13

14 427 Appropriation; Division of Public Health Services. The sum of \$1,200,000 is hereby
15 appropriated to the department of health and human services, division of public health services to
16 fund a study to determine the causes of high levels of pediatric cancer in New Hampshire. These
17 funds shall not lapse until June 30, 2021. The governor is authorized to draw a warrant for said
18 sum out of any money in the treasury not otherwise appropriated.

2019-2428s

AMENDED ANALYSIS

Delete paragraph 32, establishing a system of paid family and medical leave insurance.

Replace paragraph 128 with the following:

128. Makes an appropriation to the department of environmental services to study, investigate, and test for contamination caused by perfluorinated chemicals and design a system to treat such contamination.

W. T. H. D. R. A. W. O. V.

Floor Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by deleting sections 91-93, 344-~~386~~, and 399.

2
3 Amend the bill by replacing sections 400-401 with the following:

4
5 400 Department of Health and Human Services; Designated Receiving Facilities; Residential
6 Beds; Hospital Renovations. Amend 2019, 41:3 to read as follows:

7 41:3 Department of Health and Human Services; Designated Receiving Facilities; Residential
8 Beds; Hospital Renovations.

9 I. The sum of [~~\$4,400,000~~] **\$3,000,000** is hereby appropriated to the department of health
10 and human services for the fiscal year ending June 30, 2019 for the purpose of renovating existing
11 hospital facilities for up to 3 new or expanded designated receiving facilities (DRF), as set forth in
12 RSA 135-C:26, of no fewer than 8 beds per new DRF. In no event shall the total number of beds
13 funded under this section exceed 30. Said sum shall be a charge against any general fund surplus
14 for the fiscal year ending June 30, 2019, and shall not lapse until June 30, 2021. The governor is
15 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
16 appropriated.

17 II. The commissioner of the department of health and human services shall allocate and
18 disburse such funds through a request for applications (RFA) and shall prioritize the use of the
19 funds to areas within the state of New Hampshire that are underserved for inpatient psychiatric
20 treatment. Any hospital receiving such funding shall operate the new or expanded DRF beds for no
21 less than 5 years. The RFA shall be issued no later than December 1, 2019 and the new or
22 expanded DRF beds shall be operational by [~~January 1, 2020~~] **October 1, 2020**.

23 *III. The sum of \$1,400,000 is hereby appropriated to the department of health and*
24 *human services for the fiscal year ending June 30, 2019 for reimbursement rates for*
25 *designated receiving facilities (DRFs). Said sum shall be a charge against any general*
26 *fund surplus for the fiscal year ending June 30, 2019, and shall not lapse until June 30,*
27 *2021. Notwithstanding RSA 14:30-a, VI, the department may accept and expend any*
28 *matching federal funds without prior approval of the fiscal committee of the general*
29 *court. The governor is authorized to draw a warrant for said sum out of any money in the*
30 *treasury not otherwise appropriated.*

31 401 Secure Psychiatric Unit Facility; Appropriation.

32 I. The sum of \$26,000,000 for the fiscal year ending June 30, 2019 is hereby appropriated to

1 the department of health and human services and shall be expended for the purpose of constructing
2 a new 60-bed secure psychiatric unit facility on the New Hampshire hospital grounds. The sum
3 appropriated shall be nonlapsing, provided that any unexpended amount following construction
4 shall lapse to the general fund. The department of administrative services shall prioritize this
5 project in its workload. Said facility shall be operational by June 1, 2021. The department of
6 administrative services and the department of health and human shall provide reports each quarter
7 to the fiscal committee of the general court and the senate finance and house finance committees
8 concerning the progress of the project. This facility shall be operated and managed by the
9 department of health and human services. The state shall not enter into a contract with a private
10 or for-profit prison company for the construction or operation of the secure psychiatric facility unit.
11 The governor is authorized to draw a warrant for said sum out of any money in the treasury not
12 otherwise appropriated.

13 II. The commissioner of the department of health and human services, in consultation and
14 collaboration with the attorney general, the commissioner of the department of corrections, and the
15 commissioner of the department of administrative services, shall recommend proposed legislation
16 for any changes to statutes or administrative rules that are deemed necessary for the transition of
17 patients to and the operation of the new facility. In developing such recommendations, the
18 commissioner of the department of health human services shall solicit input from public and private
19 stakeholders as the commissioner deems necessary and appropriate. The commissioner of the
20 department of health human services shall submit the plans and recommendations required by this
21 paragraph to the governor, the speaker of the house of representatives, and the president of the
22 senate no later than January 1, 2020.

23 434 Effective Date. Sections 400 and 401 of this act shall take effect June 30, 2019.

Floor Amendment to HB 2-FN-A-LOCAL
- Page 3 -

2019-2432s

AMENDED ANALYSIS

Delete paragraphs 32, 127, and 152.

Replace:

153. Appropriates funds to the department of health and human services for the purpose of constructing a new 60-bed secure psychiatric unit facility on the New Hampshire Hospital grounds and for reimbursement rates for designated receiving facilities.

Sen. Giuda, Dist 2
June 5, 2019
2019-2436s
11/04

10-14
DEFEATED!

Floor Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 372 with the following:

2

3 372 Department of Safety Position Reallocation; Appropriation.

4 I. The sum of \$1,450,000 is hereby appropriated, upon approval of the fiscal committee of
5 the general court by June 30, 2020, to the department of safety for the biennium ending June 30,
6 2021 for the purpose of funding reallocation of all sworn police troopers from the rank of
7 probationary trooper through the rank of executive major for the last 6 months of the biennium
8 ending June 30, 2021. The department of administrative services shall conduct an assessment
9 review of the reallocation request and shall report its findings to the fiscal committee prior to the
10 fiscal committee vote. Reallocated pay shall take effect January 1, 2021.

11 II. The sum of \$50,000 for the biennium ending June 30, 2021 is hereby appropriated to the
12 department of administrative services for the purpose of retaining a consultant to assist with the
13 assessment review conducted pursuant to paragraph I.

14 III. The governor is authorized to draw a warrant for said sums in this section out of any
15 money in the treasury not otherwise appropriated. Such funds shall not lapse until June 30, 2021.

2019-2436s

AMENDED ANALYSIS

Replace paragraph 145 with the following:

145. Makes an appropriation to the department of safety to fund the reallocation of certain state police troopers, and makes an appropriation to the department of administrative services to fund an assessment review for such reallocation.

Sen. Reagan, Dist 17
June 4, 2019
2019-2427s
01/06

10-14
DEFEATED!

Floor Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 252 with the following:

2

3 252 Appropriation; Internet Crimes Against Children Fund. The sum of \$250,000 for the fiscal
4 year ending June 30, 2020, and \$250,000 for the fiscal year ending June 30, 2021 are hereby
5 appropriated to the New Hampshire Internet crimes against children fund established in RSA 21-
6 M:17. The governor is authorized to draw a warrant for said sums out of any money in the treasury
7 not otherwise appropriated.

Sen. Giuda, Dist 2
June 5, 2019
2019-2444s
06/01

10-14

DEFEATED!

Floor Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by deleting sections 91-93.

2

3 Amend the bill by inserting after section 433 the following new sections:

4

5 434 New Subdivision; The Twin State Voluntary Leave Plan. Amend RSA 21-I by inserting
6 after section 95 the following new subdivision:

7

The Twin State Voluntary Leave Plan.

8 21-I:96 The Twin State Voluntary Leave Plan. There is hereby established the twin state
9 voluntary leave plan, which shall be implemented in accordance with this subdivision and RSA 282-
10 B.

11 21-I:97 Purpose and Policy. The purpose of this subdivision is to leverage the purchasing
12 power and economies of scale available to the state when it is acting as purchaser on behalf of state
13 employees to make available to other private and public employers in the state, on a voluntary
14 basis, advantageously priced family and medical leave insurance (FMLI) wage replacement benefits.
15 By purchasing FMLI coverage for state employees through the medium of commercial insurance
16 and by acting as premium aggregator for individuals and smaller employers, the state will position
17 itself to create a market for advantageously priced FMLI benefits. In order to derive additional
18 purchasing power and economies of scale above what is available through a single state solution,
19 this subdivision also authorizes the department of administrative services to jointly procure with
20 the Vermont Department of Human Resources an FMLI insurance contract or contracts that
21 provide wage replacement benefits, contingent upon each state enacting appropriately similar
22 authorizing legislation. It is the intent of this subdivision to significantly increase the number of
23 employees in the state who have access to FMLI wage replacement benefits. The social benefits of
24 increasing the rate of FMLI coverage include attracting and retaining workers, including younger
25 workers, to the state; enabling parents to bond with biological, adopted, or foster children; helping
26 to meet the needs of an aging population; advancing the health of the state's workforce and
27 workplace stability; and enhancing worker retention and productivity. Many larger employers
28 provide paid FMLI benefits through self-insurance, but this is not feasible for most mid-sized and
29 smaller businesses. Over 90 percent of New Hampshire and Vermont businesses have fewer than
30 50 employees and face difficulties associated with providing paid FMLI to their employees. The
31 general court therefore finds that it is in the public interest for the state to strategically use its
32 purchasing power to establish a marketplace in the state for advantageously priced FMLI wage

Floor Amendment to HB 2-FN-A-LOCAL

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1 replacement benefits.

2 21-I:98 Definitions. In this subdivision:

3 I. "Child" has the same meaning as "son or daughter" in 29 U.S.C. section 2611(12).

4 II. "Commissioner" means the commissioner of the department of administrative services.

5 III. "Department" means the department of administrative services.

6 IV. "Family member" means a child, a biological, adoptive, or foster parent, stepparent, or
7 legal guardian of the child or the child's spouse or domestic partner, a biological, adoptive, or foster
8 grandparent or step grandparent, or a spouse or domestic partner under RSA 457.

9 V. "Family and medical leave" means leave from work because of:

10 (a) The birth of a child of the employee, within the past 12 months;

11 (b) The placement of a child with the employee for adoption or fostering within the past
12 12 months;

13 (c) A serious health condition of a family member;

14 (d) A serious health condition of the employee that isn't related to employment; or

15 (e) Any qualifying exigency arising from foreign deployment with the armed forces, or
16 caring for a service member with a serious injury or illness as permitted under the federal Family
17 and Medical Leave Act, 29 U.S.C. section 2612(a)(1)(E) and 29 C.F.R. section 825.126(a)(1) through
18 (8), as they existed on October 19, 2017, for family members as defined in paragraph IV.

19 VI. "FMLI" means family and medical leave insurance providing wage replacement benefits
20 under specified conditions.

21 VII. "Family and Medical Leave Act" means the federal Family and Medical Leave Act of
22 1993, Public Law 103-3, 29 U.S.C. section 2601 et seq.

23 VIII. "Serious health condition" means any illness covered by the Family and Medical Leave
24 Act including treatment for addiction as prescribed by a treating clinician, consistent with
25 American Society of Addiction Medicine criteria, as well as treatment for a mental health condition,
26 consistent with American Psychiatric Association criteria.

27 IX. "State rate" means the per employee premium amount that is charged by the successful
28 bidder or bidders for the state contract for FMLI coverage for state government employees as
29 provided in this subdivision. The state rate shall be expressed as a percentage of wages.

30 21-I:99 Contracting and Administrative Authority.

31 I. The commissioner may solicit proposals for, negotiate, enter into, and administer group
32 insurance contracts with duly authorized accident and life insurance carriers as necessary and
33 appropriate to provide to qualifying state employees, at state expense and at no cost to such
34 employees, an FMLI plan of wage replacement as described in this subdivision. The provision of
35 this coverage shall be considered a matter of legislatively established public policy that is designed
36 to benefit all employers and employees in the state and that is "confined exclusively to the public
37 employer by statute" as provided in RSA 273-A:1 XI and shall not be subject to collective

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1 bargaining. Nor shall the meaning of this subdivision be construed to invalidate any portion of a
2 collective bargaining agreement entered into by the state.

3 II. The state shall provide to all permanent state employees wage replacement coverage for
4 qualified leave, which shall be available for the same types of leave as protected under the Family
5 and Medical Leave Act. This shall include leave for:

6 (a) The birth of a child and caring for the newborn child within one year of birth;

7 (b) The placement with the employee of a child for adoption or foster care and caring for
8 the newly placed child within one year of placement;

9 (c) Caring for the employee's spouse, child, or parent who has a serious health
10 condition;

11 (d) A serious health condition that makes the employee unable to perform the essential
12 functions of his or her job; or

13 (e) Any qualifying exigency arising out of the fact that the employee's spouse, son,
14 daughter, or parent is a covered military member on covered active duty, or caring for a covered
15 service-member with a serious injury or illness if the eligible employee is the service member's
16 spouse, son, daughter, parent, or next of kin.

17 III. The wage replacement benefits under this FMLI plan shall be structured as follows:

18 (a) Eligible employees shall receive 60 percent of their average weekly wage.

19 (b) The maximum duration of wage replacement shall be 6 weeks per year, with no
20 minimum duration required.

21 (c) Wages used to determine the 60 percent FMLI coverage shall be capped at the
22 amount of the Social Security maximum taxable earnings as amended from time to time.

23 IV. The commissioner shall establish, through the commissioner's discretionary authority
24 in administering the request for information and the request for proposals process, the following
25 additional elements of the benefit structure for the coverage to be provided to state employees
26 consistent with the purposes and policy of this subdivision:

27 (a) The base period by which the average weekly wage shall be determined.

28 (b) The tenure requirement, expressed in terms of months of work, before an employee
29 is eligible to be covered; provided, however, that no tenure requirement shall apply to an employee
30 who has already met the requirement and then changes jobs.

31 (c) A waiting period or elimination period; provided, however, that a waiting or
32 elimination period shall not be a required element of the benefit structure, and the commissioner
33 shall have authority to implement a plan with no such requirement.

34 21-I:100 Coverage Offerings for Other Employers and Individuals. The commissioner shall
35 include in the request for proposals for FMLI benefits for state employees a requirement that the
36 winning bidder or bidders shall, as a condition of the state contract, also offer FMLI coverage to
37 private employers and other public employers and individual employees on the following terms:

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1 I. Employers with 100 percent employee enrollment shall be eligible to purchase coverage
2 with the same benefit structure as the coverage provided to state employees.

3 II. Employers with 20 employees or more may contract directly with the winning bidder or
4 bidders.

5 III. Employers with fewer than 20 employees may contract indirectly with the winning
6 bidder or bidders through the purchasing pool for family and medical leave insurance authorized
7 under RSA 282-B and administered by the department of employment security.

8 IV. Individuals who work for employers who choose not to offer FMLI coverage under this
9 subdivision or who fail to meet minimum participation requirements and who do not offer an FMLI
10 benefit that is at least equivalent to the twin state voluntary leave plan shall have the opportunity
11 to contract indirectly with the winning bidder or bidders through the purchasing pool for family and
12 medical leave insurance authorized under RSA 282-B and administered by the department of
13 employment security. Coverage for this group may be experience rated, and the coverage may be
14 subject to elimination and/or waiting periods, within parameters established by the commissioner.

15 V. The commissioner shall establish, through the commissioner's discretionary authority in
16 administering the request for information and the request for proposals process, the following
17 additional elements of the benefit structure and plan administration specifically for employees of
18 non-state employers consistent with the purposes and policy of this subdivision:

19 (a) The minimum participation requirement, if any, provided however, that in no event
20 shall the minimum participation requirement exceed 50 percent.

21 (b) The parameters for open enrollment periods.

22 (c) Procedures for contributory plans, partially contributory plans, and non-contributory
23 plans.

24 (d) Procedures for payroll deduction and premium remittance.

25 (e) Permissible rating parameters for employer groups.

26 (f) Permissible parameters for experience rating, elimination periods, and waiting
27 periods for coverage offered to individuals under paragraph IV.

28 21-I:101 Conditions of Non-State Employer Participation. Participation in the plan by non-
29 state employers shall be voluntary. In addition, non-state employers may choose to provide FMLI
30 at no cost to their employees or on a contributory or partially contributory basis.

31 21-I:102 Twin State Voluntary Leave Plan Joint Procurement Process. The commissioner may
32 enter into an interstate compact whereby the department will jointly procure with the Vermont
33 Department of Human Resources an FMLI insurance contract or contracts conforming to this
34 subdivision, provided that each state enact appropriately similar authorizing legislation. It is the
35 intent of this subdivision that the authority to enter into a compact and to engage in a joint
36 procurement process herein delegated to the department and the Vermont Department of Human
37 Resources shall constitute an exercise of governing authority that is within those powers reserved

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1 to the states under the federal constitution and shall not operate in any way as an infringement on
2 federal authority or on the authority of any other state, nor, for this reason, shall the compact
3 require congressional approval. The commissioner and the Vermont Department of Human
4 Resources shall enter into a memorandum of agreement setting out the governing principles that
5 apply to the 2 agencies and the 2 states and providing the terms and conditions for the joint
6 procurement process. The memorandum of agreement shall be approved by the governor and
7 council and the joint fiscal committee prior to implementation. Under this agreement, the
8 commissioner may issue a joint request for proposals with the Vermont Department of Human
9 Resources to secure FMLI coverage for all eligible employees of the states of New Hampshire and
10 Vermont and to make advantageously priced coverage available to all other private and public
11 employers in the twin states as provided in this subdivision and in the Vermont enabling legislation
12 subject to all of the requirements contained herein and therein. The department and the Vermont
13 Department of Human Resources shall jointly evaluate the proposals received in response to the
14 request for proposals and jointly contract with an insurance carrier or carriers to provide FMLI
15 coverage. The contract with the winning bidder or bidders shall be subject to governor and council
16 approval. The selected insurance carriers shall be licensed by the states of New Hampshire and
17 Vermont and in good standing in both states. The selected insurance carriers shall be subject to all
18 applicable insurance laws and regulations of the states of New Hampshire and Vermont, and the
19 rates and forms for the FMLI contracts shall be filed for approval with the insurance commissioners
20 of both states. If the Vermont legislature does not enact appropriately similar authorizing
21 legislation, then the commissioner shall proceed under this subdivision on a single state basis.

22 21-I:103 Family and Medical Leave Insurance Advisory Board. There is hereby established the
23 family and medical leave insurance advisory board within the department which shall hereinafter
24 be called the FMLI advisory board. The FMLI advisory board shall consist of 9 members to be
25 appointed, with the exception of the legislative members, by the governor. Three of the appointees
26 of the advisory board shall be persons who, because of their vocations, employment, or affiliations,
27 shall represent employers; 3 shall be persons who, because of their vocations, employment, or
28 affiliations, shall represent employees; one shall be a senator appointed by the senate president; one
29 shall be a representative appointed by the speaker of the house of representatives; the remaining
30 appointee, who shall be the chairman, shall be a person whose training and experience qualify such
31 person to deal with FMLI procurement, eligibility, benefit design, and program administration. The
32 advisory board shall meet no later than 45 days after each calendar quarter and shall aid the
33 commissioner in formulating policies and discussing problems related to the implementation and
34 administration of this subdivision and RSA 282-B and in assuring impartiality and freedom from
35 political influence. Advisory board meetings shall provide opportunity for public comment.

36 21-I:104 Report and Outreach.

37 I. Working in coordination with the commissioner of administrative services as provided in

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1 RSA 282-B:5, I, the department shall jointly produce, on an annual basis, a summary report on the
2 twin state voluntary leave plan. This report shall be made public and submitted to the governor,
3 the senate president, and the speaker of the house of representatives. It shall include but not be
4 limited to, a description of progress in carrying out the processes under this subdivision, progress in
5 improving the rate of FMLI coverage of employees in the state, and recommendations for more fully
6 achieving the purposes and policy goals of this subdivision.

7 II. Working in coordination with the department of employment security as provided in
8 RSA 282-B:5, II, the department shall develop and implement an outreach program to ensure that
9 employers who may benefit from sponsoring FMLI coverage for their employees and individuals
10 who may be eligible to receive FMLI coverage under this subdivision are made aware of this
11 program. Outreach information shall explain in an easy to understand format, eligibility
12 requirements, benefit structures, and the process for accessing coverage and enrolling individuals.

13 21-I:105 Rulemaking. The commissioner may adopt rules, pursuant to RSA 541-A, as deemed
14 necessary for the implementation of this chapter.

15 21-I:106 Program Start-up. The request for proposals for FMLI coverage as described in this
16 subdivision shall be issued no later than September 30, 2019. The FMLI coverage as described in
17 this subdivision shall be in place for state government employees and available for purchase by
18 other public and private employers and individuals by July 1, 2020.

19 435 Exemption from State Premium Tax. Amend RSA 400-A:34, I to read as follows:

20 I.(a) The provisions of RSA 400-A:31 and 32 shall not apply to mutual insurance companies
21 that operate on an assessment plan and require as a condition for granting insurance the signing of
22 a premium deposit note by the insured, which note is given for the purpose of establishing a limit of
23 liability to assessment, while their total receipts from policyholders is less than \$10,000 per year.

24 (b) *The provisions of RSA 400-A:31 and RSA 400-A:32 shall not apply to*
25 *premiums written by duly authorized insurance companies for family and medical leave*
26 *insurance written in connection with the administration of RSA 21-I:96-RSA 21-I:106 or*
27 *RSA 282-B.*

28 436 New Chapter; Purchasing Pool for Family and Medical Leave Insurance. Amend RSA by
29 inserting after chapter 282-A the following new chapter:

30 CHAPTER 282-B

31 PURCHASING POOL FOR FAMILY AND MEDICAL LEAVE INSURANCE

32 282-B:1 Purpose. The purpose of this chapter is to establish a group purchasing mechanism
33 whereby employers with fewer than 20 employees and individuals who work for employers who do
34 not offer either family and medical leave insurance (FMLI) coverage under the twin state voluntary
35 leave plan as authorized under RSA 21-I:96-RSA 21-I:106 or an FMLI benefit that is at least
36 equivalent to such coverage will have the opportunity to purchase twin state voluntary leave plan
37 coverage through a mechanism established by the state in conjunction with the state government

1 employee FMLI plan.

2 282-B:2 Definitions. In this chapter:

3 I. "Child" has the same meaning as "son or daughter" in 29 U.S.C. section 2611(12).

4 II. "Commissioner" means the commissioner of the department of employment security.

5 III. "Department" means the department of employment security.

6 IV. "Employer" has the same definition as relevant provisions of RSA 282-A:8, except as
7 provided in RSA 282-A:9.

8 V. "Employment" means wages paid for services by an employer that is covered by this
9 chapter.

10 VI. "Family member" means a child, a biological, adoptive or foster parent, stepparent, or
11 legal guardian of the child or the child's spouse or domestic partner, a biological, adoptive, or foster
12 grandparent or step grandparent, or a spouse or domestic partner under RSA 457.

13 VII. "Family and medical leave" means leave from work because of:

14 (a) The birth of a child of the employee, within the past 12 months;

15 (b) The placement of a child with the employee for adoption or fostering within the past
16 12 months;

17 (c) A serious health condition of a family member;

18 (d) A serious health condition of the employee that isn't related to employment; or

19 (e) Any qualifying exigency arising from foreign deployment with the armed forces, or
20 caring for a service member with a serious injury or illness as permitted under the Federal Family
21 and Medical Leave Act, 29 U.S.C. section 2612(a)(1)(E) and 29 C.F.R. section 825.126(a)(1) through
22 (8), as they existed on October 19, 2017, for family members as defined in paragraph VI.

23 VIII. "FMLI" means family and medical leave insurance providing wage replacement
24 benefits under specified conditions.

25 IX. "Family and Medical Leave Act" means the federal Family and Medical Leave Act of
26 1993, Public Law 103-3 (29 U.S.C. section 2601 et seq.).

27 X. "Serious health condition" means any illness covered by the federal family and medical
28 leave act including treatment for addiction as prescribed by a treating clinician, consistent with
29 American Society of Addiction Medicine criteria, as well as treatment for a mental health condition,
30 consistent with American Psychiatric Association criteria.

31 282-B:3 Employer and Employee Rights and Responsibilities.

32 I. Individuals who are employed by private employers who do not offer either FMLI
33 coverage under the twin state voluntary leave plan as authorized under RSA 21-I:96 or an FMLI
34 benefit that is at least equivalent to such coverage will have the opportunity to purchase twin state
35 voluntary leave plan coverage through payroll deduction whereby premiums are paid into an FMLI
36 premium fund administered by the department as provided in this chapter and established in
37 coordination with the commissioner of administrative services acting pursuant to RSA 21-I:96-RSA

1 21-I:106.

2 II. Employers with fewer than 20 employees who wish to purchase FMLI coverage through
3 the twin state voluntary leave plan shall have the opportunity to purchase such coverage by making
4 premium remittances into an FMLI premium fund administered by the department as provided in
5 this chapter and established in coordination with the commissioner of administrative services acting
6 pursuant to RSA 21-I:96 and RSA 21-I:106.

7 III. Individuals opting into this group purchasing mechanism shall be required to make
8 their premium remittances to the department in a manner as directed by the commissioner. All
9 private employers who have employees who have individually opted into this group purchasing
10 mechanism or who have, as an employer with fewer than 20 employees, opted into the mechanism
11 shall remit FMLI premium payments to the department in a manner as directed by the
12 commissioner.

13 282-B:4 FMLI Premium Fund Administration. The department shall create and administer an
14 FMLI premium fund for deposits of insurance premium payments paid pursuant to RSA 282-B:3
15 and for remittance of such premiums to the FMLI carrier or carriers participating in the twin state
16 voluntary leave plan. The department shall develop standard enrollment procedures in
17 coordination with participating carriers and shall transmit enrollment and eligibility information to
18 such carriers on a timely basis. The department shall establish procedures and mechanisms for the
19 billing and collection of premiums from employers. The department shall specify in contracts with
20 participating carriers how all premiums shall be transmitted and the frequency of that transmission
21 and how penalties and grace periods on late payments of premiums shall be calculated. The
22 department may contract with qualified, independent vendors for the services necessary to carry
23 out some or all of the duties under this paragraph.

24 282-B:5 Report and Outreach.

25 I. Working in coordination with the commissioner of employment security as provided in
26 RSA 21-I:104, I, the department shall produce, on an annual basis, a summary report on the twin
27 state voluntary leave plan. This report shall be made public and submitted to the governor, senate
28 president, and speaker of the house of representatives. It shall include but not be limited to, a
29 description of progress in implementing the provisions of this chapter, payments into and out of the
30 fund, the number of employees in the state participating in the purchasing mechanism, and
31 recommendations for improvement of the program and for further increasing the rate at which New
32 Hampshire employees have FMLI coverage.

33 II. Working in coordination with the department of administrative services as provided in
34 RSA 21-I:104, II, the department shall develop and implement an outreach program to ensure that
35 individuals who may be eligible to receive FMLI benefits under this chapter or under RSA 21-I:96-
36 RSA 21-I:106 are made aware of these benefits. Outreach information shall explain in an easy to
37 understand format, eligibility requirements, benefit structures, and the process for accessing

Floor Amendment to HB 2-FN-A-LOCAL

- Page 9 -

1 coverage and enrolling.

2 282-B:6 Rulemaking. The commissioner may adopt rules, pursuant to RSA 541-A, as deemed
3 necessary for the implementation of this chapter.

4 282-B:7 Program Start-up. The FMLI premium fund shall be operational and available for use
5 by individuals, the self-employed, and qualifying employers on a timetable that is sufficient to
6 ensure that FMLI coverage shall be available for purchase by July 1, 2020.

7 437 New Section; Discrimination in the Workplace. Amend RSA 275:37 by inserting after
8 section 37-b the following new section:

9 275:37-c Family and Medical Leave Insurance. If an employer has 20 or more employees and
10 sponsors family and medical leave insurance pursuant to RSA 21-I:96, then any employee of that
11 employer who takes family or medical leave and accesses wage replacement benefits under such
12 family and medical leave insurance coverage shall be restored to the position she or he held prior to
13 such leave or to an equivalent position by her or his employer consistent with the job restoration
14 provisions of the federal Family and Medical Leave Act of 1993, Public Law 103-3, 29 U.S.C. section
15 2601 et seq. Such employers shall continue to provide health insurance to employees during the
16 leave. However, employees shall remain responsible for any employee-shared costs associated with
17 the health insurance benefits. Such employers shall not discriminate or retaliate against any
18 employee for accessing family or medical leave wage replacement benefits. However, employers of
19 employees participating in the twin state voluntary leave plan authorized under RSA 21-I:96 or
20 RSA 282-B may require that paid leave taken under this program be taken concurrently or
21 otherwise coordinated with leave allowed under the terms of a collective bargaining agreement or
22 other established employer policy or the Family and Medical Leave Act, as applicable.

23 438 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after
24 subparagraph 343 the following new subparagraph:

25 (344) Moneys deposited in the family and medical leave premium fund established
26 in RSA 282-B:4.

2019-2444s

AMENDED ANALYSIS

Delete paragraph 93.

Insert new paragraph:

172. Establishes the twin state voluntary leave plan.

Sen. Reagan, Dist 17
June 5, 2019
2019-2443s
08/04

10-14

DEFEATED!

Floor Amendment to HB 2-FN-A-LOCAL

1 Delete sections 91-93.

2

3 Amend the bill by inserting after section 433 the following new section:

4

5 434 Appropriation; Governor's Scholarship Fund. The sum of \$3,000,000 for the fiscal year
6 ending June 30, 2020 and the sum of \$5,000,000 for the fiscal year ending June 30, 2021 are hereby
7 appropriated to the governor's scholarship fund established in RSA 4-C:32. The governor is
8 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
9 appropriated.

2019-2443s

AMENDED ANALYSIS

Deletes paragraph 32 relative to establishing a system of paid family and medical leave insurance.

1. Makes an appropriation to the governor's scholarship fund.

Sen. Starr, Dist 1
June 5, 2019
2019-2434s
05/10

10-14

DEFEATED!

Floor Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting after section 433 the following new section:

2

3 434 Appropriation; Department of Health and Human Services; Division of Behavioral Health;
4 Coos County Family Health Services Berlin Facility Expansion. The sum of \$750,000 for the
5 biennium ending June 30, 2021 is hereby appropriated to the department of health and human
6 services, division of behavioral health for the purpose of funding the Coos County Family Health
7 Services Berlin facility expansion. The governor is authorized to draw a warrant for such sum from
8 any money in the treasury not otherwise appropriated.

2019-2434s

AMENDED ANALYSIS

172. Makes an appropriation to the department of health and human services, division of behavioral health for the purpose of funding the Coos County Family Health Services Berlin facility expansion.

Sen. Birdsell, Dist 19
June 4, 2019
2019-2416s
11/05

10-13
DEFEATED!

Floor Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting after section 433 the following new sections:

2

3 434 Department of Health and Human Services; School Mental Health Services. The
4 commissioner of the department of health and human services shall undertake a 2-year
5 demonstration project to provide school crisis response and prevention services to school districts in
6 Rockingham County. The commissioner shall contract with the Center of Life Management in
7 Rockingham County for these services within the area served by the Center. Following the first
8 year of the program, the commissioner shall report to the governor, the president of the senate, and
9 the speaker of the house of representatives on the implementation of the program and how the
10 program may be expanded to other areas of the state.

11 435 Appropriation; Department of Health and Human Services. The sum of \$400,000 for the
12 fiscal year ending June 30, 2020, and the sum of \$400,000 for the fiscal year ending June 30, 2021
13 are hereby appropriated to the department of health and human services for the purposes of section
14 434 of this act. The governor is authorized to draw a warrant for said sums out of any money in the
15 treasury not otherwise appropriated.

AMENDED ANALYSIS

Insert:

172. Authorizes the department of health and human services to undertake a demonstration project to provide school crisis response and prevention services to school districts in Rockingham county, and makes an appropriation for the project.

Sen. Starr, Dist 1
Sen. Giuda, Dist 2
June 5, 2019
2019-2452s
11/10

10-14
DEFEATED!

Floor Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting after section 433 the following:

2

3 434 Appropriation; New Hampshire Community College System. There is hereby appropriated
4 to the New Hampshire community college system the sum of \$5,200,000 for the biennium ending
5 June 30, 2021, for the purpose of redeveloping the former Hitchiner Manufacturing site in Littleton
6 to expand the system. The governor is authorized to draw a warrant for said sum out of any money
7 in the treasury not otherwise appropriated and such funds shall not lapse until June 30, 2021.

2019-2452s

AMENDED ANALYSIS

Insert:

172. Makes an appropriation to the New Hampshire community college system to be used for the redevelopment of the former Hitchiner Manufacturing site in Littleton.

Sen. Giuda, Dist 2
June 5, 2019
2019-2440s
10/06

10-14
DEFEATED!

Floor Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting after section 433 the following:

2

3 434 New Section; Department of Education; State Accountability Administrator. Amend RSA
4 21-N by inserting after section 7 the following new section:

5 21-N:7-a State Accountability Administrator. There is established within the division of
6 education analytics and resources, the unclassified position of state accountability administrator.
7 The state accountability administrator shall be qualified to hold such position by reason of
8 education and experience and shall serve at the pleasure of the commissioner. The position shall be
9 subject to any other employment requirements as determined by the commissioner. The state
10 accountability administrator shall coordinate and monitor the accountability for delivery of an
11 adequate education through both input-based and performance-based accountability systems, as
12 required in RSA 193-E. The state accountability administrator shall evaluate work procedures and
13 plan the development and modification of policies and procedures for state accountability programs
14 and verify, review, and evaluate all information submitted by schools in meeting the requirements
15 of input-based and performance-based accountability systems. The salary of the state
16 accountability administrator shall be determined after assessment and review of the appropriate
17 temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be conducted
18 pursuant to RSA 94:1-d and RSA 14:14-c.

19 435 Appropriation; Department of Education. The sum of \$120,000 for the fiscal year ending
20 June 30, 2020, and the sum of \$121,000 for the fiscal year ending June 30, 2021 are hereby
21 appropriated to the department of education, division of education analytics and resources, for the
22 position of state accountability administrator established in this act. The governor is authorized to
23 draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

2019-2440s

AMENDED ANALYSIS

172. Establishes the unclassified position of state accountability administrator in the department of education.

Sen. Giuda, Dist 2
June 5, 2019
2019-2439s
08/10

9-15
DEFEATED!

Floor Amendment to HB 2-FN-A-LOCAL

- 1 Delete sections 261-273.

Floor Amendment to HB 2-FN-A-LOCAL
- Page 2 -

2019-2439s

AMENDED ANALYSIS

Delete section 107 relative to the controlled drug prescription health and safety program.

This Document did
not include Page 17

Sen. Giuda, Dist 2
June 5, 2019
2019-2449s
01/04

11-13
DEFEATED!

Floor Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting after section 433 the following new section:

2

3 434 Department of Administrative Services; Study Required. The department of
4 administrative services, in consultation with the department of health and human services shall
5 study the feasibility of offering optional 12-hour shifts at state-operated direct care facilities. In
6 conducting its study, the department of administrative services shall solicit input from labor unions,
7 relevant state agencies, and any other person or entity deemed relevant to the study. The
8 commissioner of the department of administrative services shall file a report, together with the
9 findings, to the president of the senate, the speaker of the house of representatives, the governor
10 and the state library on or before December 1, 2019.

2019-2449s

AMENDED ANALYSIS

172. Requires the department of administrative services to study the feasibility of 12-hour shifts at state-operated direct care facilities.

Sen. Giuda, Dist 2
June 4, 2019
2019-2430s
01/10

10-14

DEFEATED!

Floor Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting sections 126-128 and section 130.

2019-2430s

AMENDED ANALYSIS

Replace paragraph 39 with the following:

39. Clarifies emergency closures for public bathing facilities.

Sen. Bradley, Dist 3
June 4, 2019
2019-2431s
06/10

9-14
DEFEATED

Floor Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by deleting sections 91-93, 191, 217-220, and 344-346.

2

3 Amend section 434 of the bill by replacing paragraph VIII with the following:

4

5 VIII. Sections 248 and 306 of this act shall take effect July 1, 2022.

6

7 Amend the bill by inserting after section 433 the following:

8

9 434 Department of Health and Human Services; Appropriation Reduction. The department of
10 health and human services shall reduce state general fund appropriations to account 05-95-47-
11 470010-8009, expenditures class 102 contracts for program services, by \$5,913,184 for the fiscal year
12 ending June 30, 2020, and by \$6,284,055 for the fiscal year ending June 30, 2021.

Floor Amendment to HB 2-FN-A-LOCAL
- Page 2 -

2019-2431s

AMENDED ANALYSIS

Delete paragraphs 32, 59, 75, and 127.

Add paragraph:

172. Reduces general fund appropriations to a certain account within the department of health and human services.

Sen. Bradley, Dist 3
June 6, 2019
2019-2458s
06/04

10-14
DEFEATED!

Floor Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by deleting sections 91-93, 344-346, and 399.

2

3 Amend the bill by replacing sections 400-401 with the following:

4

5 400 Department of Health and Human Services; Designated Receiving Facilities; Residential
6 Beds; Hospital Renovations. Amend 2019, 41:3 to read as follows:

7 41:3 Department of Health and Human Services; Designated Receiving Facilities; Residential
8 Beds; Hospital Renovations.

9 I. The sum of [~~\$4,400,000~~] **\$3,000,000** is hereby appropriated to the department of health
10 and human services for the fiscal year ending June 30, 2019 for the purpose of renovating existing
11 hospital facilities for up to 3 new or expanded designated receiving facilities (DRF), as set forth in
12 RSA 135-C:26, of no fewer than 8 beds per new DRF. In no event shall the total number of beds
13 funded under this section exceed 30. Said sum shall be a charge against any general fund surplus
14 for the fiscal year ending June 30, 2019, and shall not lapse until June 30, 2021. The governor is
15 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
16 appropriated.

17 II. The commissioner of the department of health and human services shall allocate and
18 disburse such funds through a request for applications (RFA) and shall prioritize the use of the
19 funds to areas within the state of New Hampshire that are underserved for inpatient psychiatric
20 treatment. Any hospital receiving such funding shall operate the new or expanded DRF beds for no
21 less than 5 years. The RFA shall be issued no later than December 1, 2019 and the new or
22 expanded DRF beds shall be operational by [~~January 1, 2020~~] **October 1, 2020**.

23 **III. The sum of \$1,400,000 is hereby appropriated to the department of health and**
24 **human services for the fiscal year ending June 30, 2019 for reimbursement rates for**
25 **designated receiving facilities (DRFs). Said sum shall be a charge against any general**
26 **fund surplus for the fiscal year ending June 30, 2019, and shall not lapse until June 30,**
27 **2021. Notwithstanding RSA 14:30-a, VI, the department may accept and expend any**
28 **matching federal funds without prior approval of the fiscal committee of the general**
29 **court. The governor is authorized to draw a warrant for said sum out of any money in the**
30 **treasury not otherwise appropriated.**

31 401 Secure Psychiatric Unit Facility; Appropriation.

32 I. The sum of \$26,000,000 for the fiscal year ending June 30, 2019 is hereby appropriated to

Floor Amendment to HB 2-FN-A-LOCAL

- Page 2 -

1 the department of health and human services and shall be expended for the purpose of constructing
2 a new 60-bed secure psychiatric unit facility on the New Hampshire hospital grounds. The sum
3 appropriated shall be nonlapsing, provided that any unexpended amount following construction
4 shall lapse to the general fund. The department of administrative services shall prioritize this
5 project in its workload. Said facility shall be operational by June 1, 2021. The department of
6 administrative services and the department of health and human shall provide reports each quarter
7 to the fiscal committee of the general court and the senate finance and house finance committees
8 concerning the progress of the project. This facility shall be operated and managed by the
9 department of health and human services. The state shall not enter into a contract with a private
10 or for-profit prison company for the construction or operation of the secure psychiatric facility unit.
11 The governor is authorized to draw a warrant for said sum out of any money in the treasury not
12 otherwise appropriated.

13 II. The commissioner of the department of health and human services, in consultation and
14 collaboration with the attorney general, the commissioner of the department of corrections, and the
15 commissioner of the department of administrative services, shall recommend proposed legislation
16 for any changes to statutes or administrative rules that are deemed necessary for the transition of
17 patients to and the operation of the new facility. In developing such recommendations, the
18 commissioner of the department of health human services shall solicit input from public and private
19 stakeholders as the commissioner deems necessary and appropriate. The commissioner of the
20 department of health human services shall submit the plans and recommendations required by this
21 paragraph to the governor, the speaker of the house of representatives, and the president of the
22 senate no later than January 1, 2020.

23 434 Effective Date. Sections 400 and 401 of this act shall take effect June 30, 2019.

Floor Amendment to HB 2-FN-A-LOCAL
- Page 3 -

2019-2458s

AMENDED ANALYSIS

Delete paragraphs 32, 127, and 152.

Replace:

153. Appropriates funds to the department of health and human services for the purpose of constructing a new 60-bed secure psychiatric unit facility on the New Hampshire Hospital grounds and for reimbursement rates for designated receiving facilities.

Committee Minutes

SENATE CALENDAR NOTICE
Finance

Sen Lou D'Allesandro, Chair
Sen Dan Feltes, Vice Chair
Sen Cindy Rosenwald, Member
Sen Jay Kahn, Member
Sen John Reagan, Member
Sen Bob Giuda, Member

Date: March 20, 2019

REGULAR MEETING

Tuesday	03/26/2019	
(Day)	(Date)	
Finance	SH 103	1:00 p.m.
(Name of Committee)	(Place)	(Time)

1:00 p.m.

BUDGET BRIEFING - LEGISLATIVE BUDGET ASSISTANT

Deb Martone 271-4980

Lou D'Allesandro
Chairman

SENATE CALENDAR NOTICE
Finance

Sen Lou D'Allesandro, Chair
Sen Dan Feltes, Vice Chair
Sen Cindy Rosenwald, Member
Sen Jay Kahn, Member
Sen John Reagan, Member
Sen Bob Giuda, Member

Date: April 10, 2019

Monday	04/15/2019	
(Day)	(Date)	
Finance	SH 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)

BUDGET PRESENTATION

9:00 a.m.

Presentation of HB 1-A and HB 2-FN-A-LOCAL by House Finance Committee Chair Mary Jane Wallner and House Finance Committee Members.

11:15 a.m.

Office of Legislative Budget Assistant Presentation on Surplus Statement to Senate Finance Committee.

AGENCY PRESENTATIONS ON THE BUDGET

1:00 p.m.

Pease Development Authority

1:30 p.m.

Community Development Finance Authority

2:00 p.m.

Department of Environmental Services

3:00 p.m.

Department of Safety

Deb Martone 271-4980

Lou D'Allesandro
Chairman

SENATE CALENDAR NOTICE
Finance

Sen Lou D'Allesandro, Chair
Sen Dan Feltes, Vice Chair
Sen Cindy Rosenwald, Member
Sen Jay Kahn, Member
Sen John Reagan, Member
Sen Bob Giuda, Member

Date: April 10, 2019

Tuesday	04/16/2019	
(Day)	(Date)	
Finance	SH 103	3:00 p.m.
(Name of Committee)	(Place)	(Time)

AGENCY PRESENTATION ON THE BUDGET

3:00 p.m.

Governor's Office

Deb Martone 271-4980

Lou D'Allesandro
Chairman

SENATE CALENDAR NOTICE
Finance

Sen Lou D'Allesandro, Chair
Sen Dan Feltes, Vice Chair
Sen Cindy Rosenwald, Member
Sen Jay Kahn, Member
Sen John Reagan, Member
Sen Bob Giuda, Member

Date: April 10, 2019

Friday	04/19/2019	
(Day)	(Date)	
Finance	SH 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)

AGENCY PRESENTATIONS ON THE BUDGET

9:00 a.m.	Developmental Disabilities Council
9:15 a.m.	Executive Council
9:30 a.m.	Boxing and Wrestling Commission
9:45 a.m.	Department of State
10:15 a.m.	Break
10:30 a.m.	Lottery Commission
11:00 a.m.	Board of Tax & Land Appeals
11:30 a.m.	LCHIP
11:45 a.m.	Break
1:00 p.m.	Department of Natural and Cultural Resources
1:30 p.m.	Judicial Council
2:00 p.m.	Treasury Department
2:30 p.m.	Banking Department

Deb Martone 271-4980

Lou D'Allesandro
Chairman

SENATE CALENDAR NOTICE
Finance

Sen Lou D'Allesandro, Chair
Sen Dan Feltes, Vice Chair
Sen Cindy Rosenwald, Member
Sen Jay Kahn, Member
Sen John Reagan, Member
Sen Bob Giuda, Member

Date: April 17, 2019

Monday	04/22/2019
(Day)	(Date)
Finance	SH 103 9:00 a.m.
(Name of Committee)	(Place) (Time)

AGENCY PRESENTATIONS ON THE BUDGET

9:00 a.m.	New Hampshire Retirement System
9:30 a.m.	Department of Revenue Administration
10:00 a.m.	Insurance Department
10:30 a.m.	Department of Labor
11:00 a.m.	New Hampshire Employment Security
11:15 a.m.	Fish and Game Department
11:45 a.m.	Break
1:00 p.m.	Public Employee Labor Relations Board
1:15 p.m.	Department of Agriculture, Markets & Food
1:45 p.m.	Liquor Commission
2:15 p.m.	Office of Professional Licensure and Certification
2:45 p.m.	Break
3:00 p.m.	Department of Business and Economic Affairs
3:30 p.m.	Department of Information Technology

Deb Martone 271-4980

Lou D'Allesandro
Chairman

SENATE CALENDAR NOTICE
Finance

Sen Lou D'Allesandro, Chair
Sen Dan Feltes, Vice Chair
Sen Cindy Rosenwald, Member
Sen Jay Kahn, Member
Sen John Reagan, Member
Sen Bob Giuda, Member

Date: April 18, 2019

EXECUTIVE SESSION

Tuesday	04/23/2019	
(Day)	(Date)	
Finance	SH 103	2:30 p.m.
(Name of Committee)	(Place)	(Time)

2:30 p.m.

EXECUTIVE SESSION ON PENDING LEGISLATION

AGENCY PRESENTATIONS ON THE BUDGET

3:00 p.m.

Department of Justice

3:30 p.m.

Human Rights Commission

3:45 p.m.

Judicial Branch

4:15 p.m.

Police Standards & Training Council

Deb Martone 271-4980

Lou D'Allesandro
Chairman

SENATE CALENDAR NOTICE
Finance

Sen Lou D'Allesandro, Chair
Sen Dan Feltes, Vice Chair
Sen Cindy Rosenwald, Member
Sen Jay Kahn, Member
Sen John Reagan, Member
Sen Bob Giuda, Member

Date: April 17, 2019

Friday	04/26/2019	
(Day)	(Date)	
Finance	SH 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)

AGENCY PRESENTATIONS ON THE BUDGET

9:00 a.m.	Veterans Home
9:30 a.m.	Adjutant General's Department Office of Veterans Services
10:30 a.m.	Break
10:45 a.m.	Department of Transportation
11:45 a.m.	Break
1:00 p.m.	University System of New Hampshire
1:30 p.m.	Department of Education

Deb Martone 271-4980

Lou D'Allesandro
Chairman

SENATE CALENDAR NOTICE
Finance

Sen Lou D'Allesandro, Chair
Sen Dan Feltes, Vice Chair
Sen Cindy Rosenwald, Member
Sen Jay Kahn, Member
Sen John Reagan, Member
Sen Bob Giuda, Member

Date: April 24, 2019

Monday	04/29/2019	
(Day)	(Date)	
Finance	SH 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)

AGENCY PRESENTATIONS ON THE BUDGET

Department of Health and Human Services:

9:00 a.m.	Office of the Commissioner
10:00 a.m.	Division of Economic and Housing Stability
11:15 a.m.	Break
11:30 a.m.	Division of Long-Term Supports and Services
12:30 p.m.	Break
1:30 p.m.	Division of Medicaid Services
2:45 p.m.	Break
3:00 p.m.	Division of Public Health Services

Deb Martone 271-4980

Lou D'Allesandro
Chairman

SENATE CALENDAR NOTICE
Finance

Sen Lou D'Allesandro, Chair
Sen Dan Feltes, Vice Chair
Sen Cindy Rosenwald, Member
Sen Jay Kahn, Member
Sen John Reagan, Member
Sen Bob Giuda, Member

Date: April 24, 2019

EXECUTIVE SESSION

Tuesday	04/30/2019
(Day)	(Date)
Finance	SH 103
(Name of Committee)	(Place)
	2:30 p.m.
	(Time)

2:30 p.m.

EXECUTIVE SESSION ON PENDING LEGISLATION

AGENCY PRESENTATIONS ON THE BUDGET

2:45 p.m.

Office of the Child Advocate

3:00 p.m.

Department of Administrative Services

4:00 p.m.

Community College System of New Hampshire

Deb Martone 271-4980

Lou D'Allesandro
Chairman

SENATE CALENDAR NOTICE
Finance

Sen Lou D'Allesandro, Chair
Sen Dan Feltes, Vice Chair
Sen Cindy Rosenwald, Member
Sen Jay Kahn, Member
Sen John Reagan, Member
Sen Bob Giuda, Member

Date: April 24, 2019

Friday		05/03/2019
(Day)		(Date)
Finance	SH 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)

AGENCY PRESENTATIONS ON THE BUDGET

9:00 a.m.	Department of Corrections
10:00 a.m.	Public Utilities Commission
10:30 a.m.	Break
10:45 a.m.	Department of Health and Human Services Continued: Division of Behavioral Health
11:45 a.m.	Break
1:00 p.m.	New Hampshire Hospital Glenclyff Home
2:00 p.m.	Division of Children, Youth and Families

Deb Martone 271-4980

Lou D'Allesandro
Chairman

SENATE CALENDAR NOTICE
Finance

Sen Lou D'Allesandro, Chair
Sen Dan Feltes, Vice Chair
Sen Cindy Rosenwald, Member
Sen Jay Kahn, Member
Sen John Reagan, Member
Sen Bob Giuda, Member

Date: May 1, 2019

PUBLIC HEARING

Tuesday			05/07/2019
(Day)			(Date)
Finance	SH Reps Hall	1:00 p.m.	
(Name of Committee)	(Place)	(Time)	

1:00 p.m. to 5:00 p.m. HB 1-A Making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021.

 HB 2-FN-A Relative to state fees, funds, revenues and expenditures.

6:00 p.m. to 8:00 p.m. HB 1-A Making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021.

 HB 2-FN-A Relative to state fees, funds, revenues and expenditures.

Please note: These hearings will be streamed live via the Internet at the following web address:
<http://sg001-harmony.sliq.net/00288/Harmony/en/PowerBrowser/PowerBrowserV2/20190507/1029/21365>

Deb Martone 271-4980

Lou D'Allesandro
Chairman

Senate Finance Committee

Deb Martone 271-4980

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021.

~~HB 2-EN-A-LOCAL~~, relative to state fees, funds, revenues and expenditures.

Hearing Date: ~~May 7, 2019~~

Time Opened: 1:00 p.m.

Time Closed: 7:40 p.m.

Members of the Committee Present: Senators D'Allesandro, Feltes, Rosenwald, Kahn, Reagan and Giuda

Bill Analysis: No analysis needed.

Sponsors:

Rep. Wallner

Who supports the bill: Please refer to Public Hearing Sign-in Sheets.

Who opposes the bill: Please refer to Public Hearing Sign-in Sheets.

Who is neutral on the bill: Please refer to Public Hearing Sign-in Sheets.

Summary of testimony presented:

Carol Conforti-Adams:

- Please support SB 308. It is essential to her and many of her peers that receive Medicaid for personal care home service.
- It takes a minimum of 4 hours from bed to chair when she is ready for the day.
- With personal care workers they can live a purposeful life which is much more cost effective. The alternative would be living in a nursing home.
- Since 2012 Ms. Adams has experienced a 75 percent turnover rate of personal care workers. The rate of pay starts at \$10.50 per hour without any benefits. The average age of her workers is 64 years of age.
- Ms. Adams was emotionally abused by a personal care worker in 2017, but was forced to keep her due to a lack of workers.

Cora Huter:

- Cora is a junior at Berlin High School, speaking on behalf of the students and staff.
- Ms. Huter thanked the Legislature for funding their preschool and providing a safer main entrance at the high school.

- Their school is severely affected by the lack of state funding. In Berlin they have closed schools, reduced staff and considered eliminating after-school activities and sports.
- Funding education is an investment in the future of the state.

Parish Mahoney:

- Mr. Mahoney is a 19-year old attending Merrimack Valley High School.
- He is involved with Granite State Independent Living's IMPACCT Program, which creates pathways for students with disabilities. Through the program he is preparing for college, and is employed at the NHTI Bookstore.
- IMPACCT is a wonderful program, and makes it possible for those with disabilities to go out into the community and make a difference. Please continue to fund this program.

Rep. Laurel Stavis:

- Rep. Stavis represents the residents of West Lebanon. On behalf of her constituents she requests the Senate Finance Committee carry forward the one-time expenditure of \$750,000 to demolish State-owned, dilapidated buildings in the Westboro Rail Yard. They are willing to contribute \$287,700 to this project and will dispose of demolition debris providing a substantial savings to the State.
- The buildings in the rail yard are a fire risk, are strong attractors of criminal activity, and are in danger of imminent collapse. Their presence in the heart of historic downtown West Lebanon has caused the city center to degrade, halting all efforts to attract businesses to the area and add new affordable housing.
- The hollowed-out buildings constantly leach petroleum-based contaminants into the Connecticut, White and Mascoma Rivers.
- Please retain these funds so their citizens' urgent public health and safety issues can be addressed.

Rep. Nancy Murphy:

- Rep. Murphy represents the Town of Merrimack.
- She urges the committee support rate increases for direct service providers, early supports and services, and fully fund the DD Waitlist.
- They should support preventative dental care for adults on Medicaid.
- Her multiple-disabled child has greatly benefitted from DHHS and Gateway Community Center supports. He has graduated from high school and is going to college.

Paula Super:

- Ms. Super is a member of Rights and Democracy.
- We need to more fairly fund our public schools.
- People in New Hampshire are spending up to 30 percent of their income on property taxes.
- When state taxes and state spending are cut the responsibility to raise the needed revenue is shifted onto local towns and cities.
- In 2011 the state shifted the responsibility for paying into the New Hampshire Retirement System, including teacher pensions, onto local municipalities in the form of local property taxes.
- In 2017 the state started cutting stabilization grants by 4 percent per year.

- Eighty percent of capital gains revenue will come from people making \$200,000 per year or more.
- Keep the increase in school funding provided by the House. Keep the capital gains tax as a source of revenue for increasing school funding. Invest in an independent study commission that can develop a long-term solution to our school funding crisis. Keep the Education Trust Fund.

Karen Ulmer Dorsch/Mary Roberge:

- AARP New Hampshire supports increasing spending for home and community-based services in the Choices for Independence Program. This funding is more cost effective than nursing home care for those who don't require such intense care.
- New Hampshire ranks 50th among all of the states and the District of Columbia in the amount of Medicaid spending for older people and adults with physical disabilities for home and community-based services.
- Funds included in the DHHS budget request for the Choices for Independence Program should be included in the budget. These funds were reduced in the House budget to stay within the county cap. General Funds should be included in the budget to facilitate this, rather than raising the county cap.
- Support SB 308.

Amelia Keane:

- Ms. Keane's upbringing was characterized by financial uncertainty.
- Determined to complete her education, she enlisted in the Army Reserves, and is currently a nurse and a medic in the Army.
- She is graduating with \$35,000 of student loan debt.
- Students in New Hampshire are saddled with the highest student debt rates in the country.
- Almost 60 percent of young people seeking a 4-year college degree leave New Hampshire seeking that degree elsewhere.
- UNH has the highest in-state tuition rate of any public university in the country. It is 25-30% higher than the national average for in-state tuition.
- Maintain the House budget increased funding for UNH.

Bob Clegg:

- Mr. Clegg represents the New Hampshire Association of Independent Case Managers.
- He distributed information about CFI service population.
- There were 8,048 unserved skilled nurse visits. Folks are not receiving the care they should be.
- There are more waitlists than the DD Waitlist, including home health aide visits. We need to fix that.
- Each time a bill is passed in the New Hampshire House and Senate it has an impact. Included in Mr. Clegg's materials is a comparison of the impact of proposed minimum wage legislation. The financial impact of just the minimum wage increase alone for one person is anywhere between \$5,700 - \$11,900.
- A 5 percent increase to services may not cover the cost of all the bills the Legislature is passing this session. Make sure to calculate the increase of SB 308 after calculating the cost of all of the legislation.

Carolyn Virtue:

- Case histories of the elderly and adult CFI population going without care are also included in Mr. Clegg's materials.

Amy Moore:

- Ms. Moore is the Director of Ascentria In-Home Care, providing personal care services for over 460 people through CFI.
- Over 3,000 Granite Staters depend on CFI, such as low income, medically vulnerable individuals ages 18-102 who qualify for nursing homes. CFI enables them to remain in their homes with help from nurses, home health aides, personal care and homemakers.
- It costs New Hampshire approximately \$17,500 per year to provide care for a CFI client at home, compared to more than \$56,000 for a nursing home.
- The CFI program has been underfunded for over a decade.
- DHHS' own data shows huge gaps in the number of authorized services vs. services paid. This means CFI clients are not receiving all the care they need.
- Ascentria turns away anywhere from 30-50 cases every month as they cannot staff them.
- Individuals can go to work at Market Basket, McDonalds or Walmart and make a much higher wage.
- The rate for CFI personal care services has been increased a total of 88 cents in 12 years.
- Add General Fund dollars to CFI, and fully fund SB 308. This would rebase rates and stabilize the provider network, enabling home care agencies to invest in the workforce.

Ellen Tavino:

- Ms. Tavino spoke on behalf of the North Country's Alternative Life Center, which provides peer support services.
- These services need appropriate and adequate funding. They are an integral part of an individual's recovery.
- Ms. Tavino suffers from a severe and persistent mental illness.
- The center strives to be a community--a place where people can come and be heard. All are respected and valued. The sense of belonging is huge.
- Please support funding for these services.

Ashley Gibson:

- The College Board supports the Governor's proposed budget line item to fund advanced placement exam fees at \$250,000 per year.
- Each of the AP's 38 courses are modeled on a comparable college course. They align with college level standards. Most colleges and universities accept successful exam scores for credit, advanced placement or both.

Darlene Gildersleeve

- Ms. Gildersleeve related the experiences of her 19-yr. old son after he lost a friend to a drug overdose. He became suicidal. Riverbend's Adult Mobile Crisis team came to their home, stabilized him and was able to get him into services within 3 days, avoiding hospitalization.
- Ms. Gildersleeve's daughter, Anna, went through a totally different experience. While experiencing anxiety at school, she ended up being placed in the back of a

police car, taken to Concord Hospital and co-mingled with adults in severe crisis. The total costs of her daughter's six different experiences totaled \$120,000, which included ambulance rides to both Vermont and Massachusetts due to a lack of beds in New Hampshire.

- Fully fund children's mobile crisis units.
- Ms. Gildersleeve lost her job, and had no paid medical or family leave. She was unable to care for her family. Please fund paid family leave.

Anna Mond:

- Ms. Mond is a 13 yr. old who relayed her panic attack experience. She was handcuffed by police, placed into the back of a cruiser and brought to Concord Hospital. She was eventually evaluated by a Riverbend crisis team and was able to go home with her family.
- Please fund a children's mobile crisis team.

Mary Wilke:

- Keep the House budget's school funding provisions.
- The salary level for teachers make it difficult for them to pay for living expenses.
- Teachers are the No. 1 influence on students' achievement in school.
- Twenty-five years ago the New Hampshire Supreme Court ruled that our Constitution guarantees every New Hampshire student the opportunity for an adequate education.
- Please solve school funding.

Sarra Dennehy:

- Sarra is the mother of Liam, a 17 yr. old son with Down Syndrome.
- Please include in the budget critical funding for the DD Waitlist. And, provide \$750,000 for competitive grants under the Governor's Commission on Disability for a plan that would help put this state at the forefront of innovative initiatives to include people with intellectual and developmental disabilities in all aspects of life.
- Liam has benefitted from both the inclusive educational opportunities available through public schools and the programs available to youth with disabilities in New Hampshire. But upon entering his "transition years", and without access to programs that provide scaffolding and support, Liam will not have equitable access to the same opportunities as his peers.
- Individuals like Liam are not yet expected to pursue higher education or the career of their choosing. They are not yet seen as potential volunteers and recruits for civic organizations.

Elissa Margolin:

- Ms. Margolin is the Director of Housing Action New Hampshire.
- It has never been harder or more expensive to access an affordable home in this state. It affects workforce recruitment, is driving millennials out of state, and is increasing family homelessness.
- Please support SB 15, the Affordable Housing Fund, SB 84, the expansion of homeless services, and SB 306, the Housing Appeals Board.

Julie Coleman, Ph.D.

- Please support the Sunny Day Fund.

- Dr. Coleman and her husband, both neuroscientists, have directly benefitted from New Hampshire's biotech industry.
- Dr. Coleman's employer, Celdara Medical, partners with academic labs across the country to assist researchers in translating their discoveries into commercial products that can help patients. Their partnerships typically include New Hampshire Small Business Innovation Research grants, funding which is essential for early stage innovation as it provides development capital that traditional federal grants, angel investors or venture capitalists won't fund.
- The Sunny Day Fund will make New Hampshire businesses more competitive for SBIRs, as well as other federal funding, which provides enormous leverage and even larger economic impact. It will have an outsized positive impact on biomedical innovation in this state. Let's support our entrepreneurs.

Frank Sprague:

- Mr. Sprague chairs the Claremont School Board.
- Make adequate school funding a reality.
- There have been a total of 5 new houses built in Claremont in the last 8 years, due to stagnant economic growth.
- Due to state cuts in special education aid, stabilizations grants, retirement contributions, as well as fixed cost increases, they will have needed to cut \$800,000 from their 2019-2020 budget simply to level-fund.
- It is nearly impossible to attract and retain teachers and staff due to the eventual annual elimination of positions, just to offset cuts in stabilization grants.
- Claremont offers noncompetitive wages.
- Taxpayers in Claremont are at the breaking point with a tax rate of nearly \$45 per thousand of evaluation.
- The House and Senate needs courage to face the fact that additional sources of revenue must be found. They need the courage to repair a flawed education funding system that negatively impacts 77 percent of the students in this state, including an immediate moratorium on stabilization grant cuts.
- If life support for schools is cut off, the economic health of the entire community is compromised.

Forest Zander Stone:

- Please support full funding for New Hampshire Legal Assistance.
- NHLA provides sorely needed civil advice and representation to the poorest, most vulnerable citizens of our state.
- Ms. Zander Stone related her experiences with NHLA. She was on the verge of becoming homeless, along with her 16 yr. old daughter. Her NHLA-sponsored attorney reached an agreement on Ms. Zander Stone's behalf with the Portsmouth Housing Authority without any court involvement.
- Last year, with a budget of \$1.2 million NHLA helped over 6,000 individuals. Unfortunately, hundreds more were turned away as NHLA lacked the resources.

Kara Nickulas:

- Ms. Nickulas is the Executive Director of Crotched Mountain Community Care. This agency provides case management services for approximately 875 clients on the Choices for Independence program. They identify and manage all of the

services necessary to keep an individual safely in their home and out of nursing home placement.

- The CFI program serves over 3,000 people living in our communities. Their program not only serves the elderly population but many residents as young as 18 yrs. old with spinal cord or traumatic brain injuries. Nursing home placement would be completely inappropriate for this population.
- All too often due to the workforce shortage services are not provided as intended. There is no waiting list for CFI services, but not everyone in the program is being served. Over 1/3 of their clients either have no staffing or do not have the amount of staffing they require.
- Ms. Nickulas shared examples of clients they serve and the challenges they face, illustrating the crisis in this state.
- For a fraction of the cost of nursing home care people can remain in their homes with support, but the program is only as good as the investment we put into it.
- Lack of meaningful funding has resulted in the loss of several provider agencies.
- Please fully fund SB 308 and stabilize the provider network.

Barbara Reid:

- The New Hampshire Municipal Association represents 232 cities and towns in the state.
- In 2010, to weather the state's recovery from the recession, there were significant reductions to municipal state aid programs. These reductions were of a magnitude that could not be offset by local spending cuts; consequently, they inevitably led to increased property taxes.
- The state is in a much different financial position than it was in 2010, yet state funding for municipal programs remains suspended, frozen, reduced or eliminated in the proposed House budget.
- The House proposed a one-time appropriation of \$12.5 million in the second year of the biennium to provide property tax relief. This amount is approximately one-half of the amount provided under the revenue sharing program in 2009.
- The time has come for the state to renew its commitment to the state/municipal partnership by honoring the catch-up formula for the Meals and Rooms Tax distribution, which will provide up to \$5 million per year in additional funding to municipalities, contingent upon an actual increase in Meals and Rooms Tax revenues.
- The state should provide funding that reflects a commitment to statewide infrastructure improvements, including roads, bridges and water and sewer facilities. It should help to reduce the property tax burden that resulted from the reduction in state aid to municipalities over the past 10 years.
- Legislation outside of the budget that will increase property tax burdens to meet state mandates should be opposed.

Paul Grenier:

- Mr. Grenier is the Mayor of the City of Berlin.
- Berlin has high property taxes, an elderly population and low property values. Many needs are placed on their school system.
- In the last 4 years, Berlin has lost \$880,000 in stabilization grants.

- They have lost \$500,000 annually in New Hampshire Retirement System aid to the community.
- The city is going to collapse. In their current budget they will eliminate 2 police officers, 2 firemen and one public works employee.
- City-owned snow plows are 30 yrs. old.
- They need funding restored to stabilization grants.

Kris Raymond:

- Ms. Raymond is the Chair of the Allenstown School Board.
- Allenstown has the 26th highest tax rate in this state. With Bear Brook State Park occupying 51 percent of the land in their town, and with little room to expand new business development, the burden of the tax bill rests almost entirely on Allenstown residents' tax bills.
- The state adequacy grant is 80 percent of their total school operating revenue.
- The town loses \$89,000+ each year as a result of the stabilization grant reduction.
- Their classroom average size is greater than the state's average for Grades 1-8. Forty percent of the student population is on free and reduced lunch.
- The town's middle school needs to be shut down in the next 3-5 years.
- Teachers, support staff and administration support extra co-curricular activities by volunteering their time.
- Ms. Raymond urged support for the education funding pieces of the proposed budget.

Doug McNutt:

- Mr. McNutt is with AARP, supporting the CFI program and SB 308.
- The adult day program is truly suffering. Its average cost is approximately \$74 per day. The state Medicaid payment averages \$51 per day. Private pay rates are about \$90 per day. It is a really important program for those who need to keep their parents at home but work themselves, and need someplace safe for their parents during the day. Six of these programs have closed in the last 4 years. There are no options for this population. These programs depend on a mix of payers.

Jodie Cota:

- Ms. Cota belongs to the Monadnock Peer Support Center, which supports those with mental health issues. She is recovering from schizophrenia, and no longer hears voices in her head.
- The center needs funding to continue their work.

Representative Mel Mylar:

- Representative Mylar is the Chair of the House Education Committee.
- Currently there is a "tsunami" of problems with school funding. The disparity between districts is the same now as it was in the original Claremont I court case. His committee has defined a 3-step process: 1) provide funding based upon 2016 to provide immediate money to school districts that need it; 2) take the current funding pattern and begin targeting money to those districts in need; 3) create an independent commission to review the entire issue of school funding.

Representative David Luneau:

- Representative Luneau is Vice-Chair of the House Education Committee.
- The House recommendation for the immediate funding of districts is \$25 million. That fully restores the stabilization funds.
- Appropriate \$125 million of new money in state aid to support property-poor districts across the state. The money would be used for meaningful property tax relief.
- How do we properly fund our schools? How do we pay for it? That would be the role of the independent commission.

Robert Gillis:

- Mr. Gillis is the Associate Director for Monadnock Worksource, a small not-for-profit that currently assists 31 individuals who experience disabilities, with approximately 25 staff, who make \$12 per hour. Monadnock Worksource provides health benefits to these employees as well as paid time off and holiday pay, but it is killing them to do so.
- Mr. Gillis urges support of the Governor's Budget for disability services. Also support SB 308.

Darin Dube:

- Mr. Dube is involved with the "Pittsfield Youth Group In It Together". Their goal is to attempt to fix inequities in school funding and the community of Pittsfield.
- Due to budget cuts they've lost both their Spanish teacher, and their Tech-Ed building. Great teachers have come and gone.

Stefne Ricci:

- Stefne is a senior at Pittsfield High School, where she found there is no Honors English class. They have only normal band and chorus; no jazz or marching band. What little they do have hangs in the balance.
- They have lost their ELO Coordinator. With the loss of stabilization, each year they are set up to lose more and more. They need real and meaningful change. Students at Pittsfield High are being set up to fail.

Daniel Henderson:

- Mr. Henderson is an employee at Keene State College.
- Please support the Governor's proposal of a one-time investment of \$9 million for the construction of the Business Partnership Hub, which will house the optics program being developed in collaboration with BAE Systems, Corning Optics and others. Industry, higher education and business must all collaborate to retain young people in New Hampshire.

Nicole Plourde:

- Ms. Plourde is the Chair of the Berlin School Board.
- The devastation from the loss of the stabilization grants in 2016 initially was not widely understood.
- Their staff has been heroic in taking on additional responsibilities, but they are at their wits end.
- They have made the painful decision to close their last elementary school.
- It's been a very demoralizing time for staff, teachers, students and community members.

- How we educate our kids matters. Please support funding for education, and give them a chance.

Corinne Cascadden:

- Ms. Cascadden is the Superintendent of Berlin public schools.
- They are begging for the reversal of the consistent loss of school funding via stabilization grants and state aid to education
- Since 2016, they have lost a cumulative \$2,198,238. The local property tax rate is \$39.27 per thousand.
- How can you support a funding approach that helps enable inequity? We still have a system that sets up the property-rich communities against the property-poor communities.
- Sixty-eight percent of Berlin's property is tax-exempt, due to the state/federal prison and national forest lands.
- Find a way to adequately fund education that takes the pressure off of property taxes for the good of the students.
- The FY 20 school budget reduction totals \$1.175 million, to avoid another tax increase in Berlin.

Sandy Raeuchle:

- Please continue funding the Granite State Independent Living IMPACCT Academy program. Her son, Evan, is a graduate of the program.
- IMPACCT Academy has been a tremendous learning experience toward achieving some of Evan's goals. The program teaches pre-employment skills, including self advocacy, job exploration, workplace readiness, transition planning and post-secondary education. It provides a boots-on-the-ground, hands-on work experience with employers in the Concord area.
- Evan was offered an internship with a large employer in New London, which turned into a permanent, part-time position. He is now a productive, employed and taxpaying citizen.

Atty. Michele Merritt:

- Atty. Merritt is the President of New Futures.
- Please support the inclusion of a new Medicaid supportive housing benefit, the funding of the state's recovery community organizations, coverage for the first time for an adult dental benefit with Medicaid, and the additional regulation of e-cigarettes.
- Additional funding considerations should be given to health care workforce development, early childhood, and lead poisoning prevention.
- There are currently well over 2,000 vacant positions in the health care sector.
- Atty. Merritt urged inclusion of SB 308 in the Senate's budget.
- New Hampshire has only provided funding to support a fraction of families in need, approximately 11 percent, or one in nine families.
- Funding dedicated to support the state's Alcohol Fund is only guaranteed for another 4 years.

John Freeman:

- Mr. Freeman is the Superintendent of the Pittsfield School District.

- The Pittsfield School District budget has only increased 3 percent over the last 10 years. Due to reductions, they have lost one teacher for each of those last 10 years.
- Restore stabilization grants, which for Pittsfield would total \$87,000 per year. For taxpayers that would mean \$0.33 per thousand.
- The basic adequacy grants are ridiculously inadequate.
- Mr. Freeman distributed copies of their budget with reductions to accommodate adequacy spending only. He suggested starting the school year spending only adequacy funding. It would take them through Thanksgiving, but not through to Christmas.
- Fund an independent commission to develop education funding.
- Special education costs in Pittsfield have exploded.

Emmett Soldarti:

- Please support adequate education funding.
- Mr. Soldarti was born, raised and educated in Somersworth.
- Mr. Soldarti attended private school during his high school years, as Somersworth High School at the time was on probation to lose its accreditation.
- Our tax structure keeps poor communities poor and leaves school boards and city councils to compete and fight over scarce resources.
- Somersworth has no tourism to attract wealth and revenue like other communities have.
- When it costs on average \$20,000 to educate a student in the state, the state should be providing more than 1/5 of that funding.

Gregg Pitman:

- Mr. Pitman is Co-Chair of the New Hampshire Travel Council.
- Tourism in this state is the second biggest sector of the economy, with 60,000 jobs.
- Please fully fund the budget of the Division of Travel and Tourism Development. This would be the first time it has been fully funded with 3.15 percent of the Room and Meals Tax, which is 12 percent of the General Fund.
- Promoting New Hampshire tourism will help workforce recruitment and tax revenue.
- Increasing the tourism budget is part of the solution to our budget challenges.

Brenda Guggisberg:

- Ms. Guggisberg is with the Upper Room Family Resource Center in Derry.
- Family resource centers offer a myriad of programs that address the health and wellness of children, youth and families. Their standards include family centeredness, family strengthening, embracing diversity, community building and evaluation.
- Ms. Guggisberg shared favorable comments from a client that utilized their program

William Johnson:

- It is a necessity to fund the new 10-Year Mental Health Plan.
- Mr. Johnson related the story of his son's 2007 psychotic episode.

- Major Russell Conte of the New Hampshire State Police has developed a new training program for officers and first responders, at which Mr. Johnson relates his son's story.
- Emergency Room boarding is unacceptable. Bed capacity and data sharing need to make it possible to get a bed at New Hampshire Hospital *before* someone becomes a danger to themselves or others.
- Today, Mr. Johnson's son is healthy, working and paying taxes, and receiving the proper treatment and medication he so desperately needed

Mark Thornton:

- Mr. Thornton is the father of two sons with disabilities, and a board member of Gateways Community Services.
- Gateways Community Services has administrative costs of less than 6 percent. It is not a wasteful agency--none of the local agencies are. They do a critical job with very minimal funding.
- Mr. Thornton has directly seen the benefits individuals and families derive from critical services, such as early supports and services, in-home services, family support services and veterans services. The support his sons receive have helped them beyond measure.
- The duration of time for rate increases for those employed by these agencies needs to be addressed. Include SB 308 in the budget.
- Maintain and strengthen these area agency systems.

Jessica Wheeler Russell:

- Mrs. Russell and her husband have a great deal of student debt. Upon graduation, Mrs. Russell was unaware of what her monthly loan payment would be. She had accrued over \$110,000 in debt for her Bachelor's degree. Her payment is similar to a mortgage payment--\$1,400 per month.
- She and her husband will be unable to save for their own children's education, and will be forced to continue this cycle of debt for the next generation.
- According to a 2019 Forbes Magazine article, the total student debt for American citizens is \$1.5 trillion. New Hampshire residents alone carry \$6.8 billion worth of student debt, doubling the amount owed in 2008.
- Increase the operational budget of our higher institutions for the first time since FY 2015.

David Goldstein:

- Mr. Goldstein is the Chief of the Franklin Police Department.
- When employed with the New Hampshire State Police, Chief Goldstein was assigned to the Major Crime Unit and involved in crime scene investigations of more than 100 homicides, of which more than 50 percent were domestic violence-related.
- Please fully fund the 13 domestic and sexual violence crisis centers across the state. These crisis centers play a critical role in our communities.
- Domestic violence calls are among the most dangerous calls law enforcement receives. Even after the immediate crisis is resolved, victims of these crimes are often left with significant trauma, often with nowhere to go or no one to turn to.
- Crisis centers offer victims a place to turn to, support throughout the process, and help in rebuilding their lives after violence.

Brendan Williams:

- Mr. Williams is the President of the New Hampshire Health Care Association, representing 78 long-term facilities throughout the state capable of serving over 7,200 residents--if they were fully staffed.
- Budget cuts occurred in the House budget in conjunction with the county cap. Beyond the restoration of those monies, the provisions of SB 308 are required.
- Too many providers are taking beds "offline" and simply refusing entry to the residence as they cannot responsibly staff those beds.
- On January 1, Medicaid rates for nursing home care went up an average of \$0.17 per resident, per day. Association members cannot afford to pay competitive wages within that construct. The same is true for agencies providing home care and other CFI programs.
- For too long the state budget has been balanced on the backs of caregivers by not taking care of bills. The system is fragile, and at risk of crumbling.
- If SB 308 does not pass, these facilities will close.
- There is a moratorium currently in New Hampshire on new nursing home beds. We simply can't staff to the level of need currently. That program will continue to grow.
- When it comes to Medicaid, New Hampshire has the largest shortfall in New England.

Charles Redfern:

- Mr. Redfern urged support of SB 185, a plan for rail trails in New Hampshire. He is President of the Rail Trail Coalition.
- This bill includes funding for an economic impact plan. The plan encourages development of private groups such as "Pathways for Keene," and maintains the integrity of the rail beds.
- This one-time expenditure will yield millions for education and human services.

Holly Fenn:

- Mrs. Fenn is the mother of a son, Dalton, who died by suicide at the age of 14. Her youngest son witnessed Dalton's death, and suffers from anxiety and depression. With his serious condition, he has had to wait 4 months to be paired with a therapist, due to their limited insurance policy and the waitlist for mental health providers.
- Mrs. Fenn's younger son needed advanced care and had to wait 2+ months to be seen by a psychiatrist. He is now in a desperate state, and a shell of who he once was.
- Please support SB 14-FN and the expansion of mobile crisis response and stabilization services.

Daniel Swanson:

- Daniel is an employee of Monadnock Peer Support in Keene.
- This agency has greatly impacted his life. It offers him an outlet to address the isolation he has felt throughout his life. It has kept him from being hospitalized many times. The programs and groups are life changing.
- Funding must continue for peer support.

Judith Grophear:

- Ms. Grophear is the current Program Director at Monadnock Peer Support.

- Prior to finding peer support she had attempted suicide and hears voices others don't.
- Without peer-led, peer-level support, Ms. Grophear would not be testifying today about such deeply personal matters.
- Therapy is great, but it is not a replacement for nonclinical peer support.
- Peer crisis respite is a program designed to provide an alternative to a psychiatric hospital.
- Why was the RFP for peer support services canceled with no explanation?
- The 10-Year Mental Health Plan calls for increased funding of peer support.

Douglass Robertson:

- Mr. Robertson works for Connections Peer Support Center in Portsmouth. He has struggled with addiction and suicide.
- Individuals in peer support have grown in remarkable ways. These individuals, generally, are the most "siloeed" in their communities. Peer support gives them a place to think, act and achieve independently. They aspire to real, tangible goals.
- Mr. Robertson's testimony is not meant to downplay the importance of medications, therapists or any other service provided in this state.
- Peer support is accessible and free. Individuals can come and receive quality care from each other without degrees.
- Mr. Robertson is alive, happy and successful due to peer support.

Owen Markett:

- Mr. Markett suffers from Asperger's Syndrome, a form of autism. He belongs to the Granite State Independent Living's IMPACCT Program, and is an intern at the library, organizing and sorting books. It is his very first job, and he loves it. He eventually wants to open a bookstore with his Mom.
- Owen urged funding for the IMPACCT Program.

Leslie Roman:

- Peer support offers a message of possibility and opportunity.
- The mental health system would term Leslie as "non-compliant and treatment-resistant". She has been hospitalized over 20 times.
- Peer support for her has been a return to humanity. She has gained the reaping benefits of determination and personal responsibility. She views her recovery as a lifelong journey, and her life has been transformed due to peer support.
- Everyone heals on their own time. We need less restrictions and more choices.
- Eliminating funding is increasing the likelihood of suicide and isolation in rural areas.

Representative Max Abramson:

- Representative Abramson does not support the House version of the budget.
- He has advocated and campaigned for trying to take care of problems at the local level and the private sector first. The state's responsibility is to handle the few services the local level can't. This is especially true when paying for services with user fees wherever.
- Money, power and decision-making must be brought back down to the local level. Ninety percent of the work gets done at that level, with less bureaucracy. It is quicker and more agile to try to get things handled at the local level first.

- Learning a trade is much more powerful and effective, rather than resorting to the state.

Ethan Perry:

- Mr. Perry is also with GSIL's IMPACCT Academy.
- He supports funding for the program so that others like him can also learn.
- They taught him how to write a resume. He now works at Banks Chevrolet as a mechanic.

Laura MeKinora:

- Ms. MeKinora is the Director of Region One Alternative Life Center Peer Support Agency, covering upper Grafton, Carrol and Coos Counties.
- They provide peer support to individuals who cannot get into the community mental health centers, or who do not want to endure a long wait in emergency rooms.
- There are zero resources in the North Country for anything.
- Please increase funding to enable reaching more people.

Peter Starkey:

- Mr. Starkey is the Executive Director of Monadnock Peer Support.
- They provided peer support respite services, an alternative to hospitalization, to 115 individuals, saving the state a total of \$7-\$11 million. His agency's appropriation totals \$264,000.
- The Monadnock Region has zero psychiatric beds.
- Mr. Starkey's staff makes \$10 per hour, and are living in poverty.

Annika Stanley-Smith:

- Ms. Stanley-Smith is the Substance Misuse Prevention Coordinator for the Capital Area Public Health Network. They have some funding from the New Hampshire Charitable Foundation to enable them to do advocacy work.
- Currently, untreated substance use disorders cost New Hampshire \$2.36 billion. To reduce the cost it is vital the Legislature invest in proven prevention initiatives, including early childhood and family support services like home visiting. It is also important to invest in our health care workforce.
- A healthy budget protects the Alcohol Fund.
- We must increase regulations around substances that cause these disorders, such as vaping and e-cigarettes.

Steve Ahnen:

- Mr. Ahnen is the President of the New Hampshire Hospital Association.
- We often hear there are 30-40 patients waiting on average in an acute psychiatric crisis in hospital emergency departments around the state, waiting to get transferred to an appropriate setting for their care. The waitlist is a symptom of a broader, systemic problem--this state does not have adequate resources across the entire system to care for those with a mental health issue.
- There needs to be a comprehensive solution that, in addition to increased inpatient capacity to solve the boarding crisis, increases services out in the community to enable patients to access care and treatment before their condition becomes a crisis. After discharge, patients need community supports necessary to maintain a healthy life.

- Several important initiatives have been proposed to address the behavioral health crisis, including: 1) establishing sustainable reimbursement rates for designated receiving facilities in communities, as well as making available capital funds for renovations of existing facilities; 2) increasing capacity at New Hampshire Hospital by moving the 24 beds that support children's services and operationalizing up to 48 additional adult inpatient beds at New Hampshire Hospital; 3) pursuing a new forensic hospital to move patients out of the Secure Psychiatric Unit and allow New Hampshire Hospital to align its patient populations to best meet the needs of our state's citizens; 4) increasing transitional housing beds for patients after discharge; 5) creating a statewide mobile crisis network which has the additional competency of child evaluation; and, 6) better manage existing resources to ensure patients are able to get the right care, at the right time, in the right place.

Greg Burdwood:

- Mr. Burdwood is the Executive Director of Connections Peer Support Center in Portsmouth.
- He described 3 pathways to successfully remaining in the community: the CFI program, housing and connection to the community.
- Peer support provides empowerment to others.
- They are now facing uncertainty upon the recent cancellation of the RFP. The Legislature must ensure they are adequately funded.

Jeff Dickinson:

- Mr. Dickinson is the Advocacy Director for Granite State Independent Living.
- He urged the committee to fund personal care services, and ensure the provisions of SB 308 are included in the budget.
- Mr. Dickinson is able to live his life with the help of personal care attendants. These are dedicated individuals who have become an extended family.
- We value what these individuals do.

Nicole Jacobson:

- Please support funding for GSIL.
- Prior to the program, Ms. Jacobson was truant from school. She now holds down 2 jobs and has caught up with her high school credits.

Gabriel Worsang:

- Gabriel is a junior at Memorial High School in Manchester.
- He is much more motivated at school and with work since becoming involved with GSIL. It gives him a drive to succeed.
- Many more kids would be out on the streets if it weren't for GSIL.

Jim McLaughlin:

- Mr. McLaughlin is the Respite Manager at Monadnock Peer Support.
- Peer support has ended his need for antidepressant medication, and kept him out of the hospital.
- Peer support is free, and does not require insurance. Most of these agencies provide free meals and transportation.

Patricia Ramesey:

- Ms. Ramesey owns the Edgewood Center in Portsmouth, a skilled nursing facility.

- The lack of human resources in our state is creating a state of emergency.
- In Portsmouth, the lack of workforce housing is also a huge issue.
- The Edgewood Center has decreased its bed capacity by 35+ beds in the last 5-6 years. If it gets any lower, the Center will be out of business.
- Many people are waiting and not receiving the level of service they need. The Center turns people away every single day.
- The residents they serve today are needier than they have ever been. They are living longer with multiple medical issues. It takes very skilled staff to provide for their needs.
- Please support increased funding for long-term care, and incorporate SB 308 into the proposed budget.
- Their staff is passionate about the care they provide, but can't afford to continue to do this work.
- Health insurance costs continue to skyrocket.
- They serve the frailest of the frail. They cannot be cared for in any other environment.

Theresa Noel:

- Ms. Noel is on the Board of Directors of Monadnock Peer Support.
- Peer support has significantly improved her wellbeing. It helps support her to live independently in the community.
- It is a non-judgmental, safe environment to socialize with peers who similarly share a life experience with mental illness.
- They rely on the state for 95 percent of their funding. DHHS canceled their RFP, leaving them with no funding in the proposed state budget.
- The 10-Year Mental Health Plan includes peer support as a priority recommendation, which must be integrated into a continuum of care.

Jim Noyes:

- Mr. Noyes struggled with depression and anxiety.
- Monadnock Peer Support groups are very helpful. He now works there part-time. He facilitates a support group at the county jail. Inmates very much appreciate the group. They open up and talk freely about their experiences.

Amber Ash:

- Amber is involved with GSIL and its IMPACCT Program. The program creates career paths for underserved students across the state.
- She enjoys her work experience at Subway very much.
- Overall, she has noticed a huge improvement in her focus, health and communication skills.
- Please support this program in the state budget for years to come.

Nina Jensson:

- Nina is the Program Coordinator at Connections Peer Support in Portsmouth.
- Peer support prevents emotional distress from becoming a crisis.
- Expanding your social network and community life is a big part of mental health.
- Keep funding this center.

Brian Bishoff:

- Brian is bipolar and is another member of the Monadnock Peer Support agency.

- Talking with peers who share the same life experiences has been invaluable in his recovery.
- Peer support is quite moderate in cost when compared to clinical services.
- We've allowed our community-based care system to deteriorate. We've seen a huge increase in suicide and overdoses. We need to be doing more community-based support.
- The canceling of the RFP for peer support agencies is truly hard to understand.

Lynn Schollett:

- Ms. Schollett is the Executive Director of the NH Coalition Against Domestic and Sexual Violence. In the last two years the Coalition's 13-member programs served nearly 30,000 victims of domestic violence, sexual assault, child abuse, human trafficking and stalking.
- The Domestic Violence Prevention Program provides funding for emergency shelters, services for traumatized children who have been exposed to violence, the operation of 24-hour hotlines, and for trained domestic violence advocates to accompany victims to courts and hospitals.
- When victims and survivors of domestic and sexual violence find the strength to reach out and ask for help, it is absolutely critical that crisis centers are able to respond with the services they need, and with a commitment to keeping victims and their children safe.
- In the last 2 years, these crisis centers were forced to turn away 1,854 adult survivors and 1,310 children in need of immediate housing.
- Every year crisis centers scrimp and save and fundraise to ensure that advocates are available to meet with clients, that shelter space is available, and that age-appropriate prevention education is provided to area schools.

Heather Davis:

- Ms. Davis is the Administrator for Greenbriar Health Care located in Nashua.
- Please support SB 308. They need to be able to attract and retain staff. They are competing with Target, Market Basket, Walmart, Dunkin Donuts and Hobby Lobby. Those positions don't require a license. Greenbriar cannot compete with a \$15 wage rate.

Aubrey Freedman:

- There is a \$194 million budget surplus which should be returned to the taxpayers.
- The Governor's budget is balanced. He is taking the surplus and making one-time expenditures with it, which is reasonable.
- Increased spending calls for more taxes, and impacts everyone.

John Tobin:

- Mr. Tobin was one of the attorneys in the Claremont education funding case, working on the property tax side of the case.
- For the last year, Mr. Tobin has been speaking across the state, raising attention to burdening property taxes and inequitable school funding.
- The property tax problem doesn't just affect schools. It deters economic investment in local towns and communities. It deters young people from staying in New Hampshire due to high taxes when purchasing a house.

- Atty. Tobin distributed copies of a Powerpoint presentation he gave to the Senate Education Committee. He compared Milford and Portsmouth, which have almost the same student enrollment, but very different tax bases. The tax rates in Milford are almost 3 times as high. They are spending thousands of dollars less per student, even with state aid.
- He then compared Pittsfield and Rye. The tax rates are 4 times as high in Pittsfield, and they are spending \$7,000 less per student.
- People are suffering; school districts are collapsing.
- Find new revenue. If you don't like the proposed capital gains solution, find another source of revenue.
- You will never have a better time to solve this problem.

Charlene Lovett:

- Ms. Lovett is the Mayor of Claremont.
- Claremont has the highest tax rate in the state. In 2014 the town lost \$110 million worth of assessed value during its reevaluation. That meant an immediate \$5 increase to the tax rate.
- When you have loss in education funding, loss in revenue sharing, loss in contributions to the Retirement System, it all falls upon the local taxpayer.
- The town cannot make infrastructure investments to grow. Their capital improvement plan includes \$32 million worth of needed improvements in infrastructure. They do not have the resources to meet their infrastructure needs.
- SB 247, regarding child lead poisoning, passed last year. Including in the language was staffing to meet the increased demand with universal testing of one-year and two-year olds. More and more kids will require action. Please support funding for this purpose for DHHS.

Lisa Beaudoin:

- Lisa is the Executive Director of ABLE NH, the mother of a child with a labeled developmental disability, and she herself is experiencing a temporary disability.
- Fully fund the DHHS budget.
- It is unconscionable to have one DHHS population compete against another DHHS population for funding.
- Funding for the DD Waitlist by the Governor is praiseworthy.
- Please support SB 308, which will begin to mitigate New Hampshire's workforce challenges.
- Retain funding for Medicaid's dental coverage.
- Inadequately funding DHHS diminishes its ability to provide elements such as community access and striving for economic self-sufficiency for people with a labeled developmental disability.
- With the appropriate supports and services, and with a robust delivery system, people who happen to experience disabilities can lead meaningful lives, be employed, be lifelong learners, be civically engaged, and take their rightful place as dignified citizens across New Hampshire.
- Be sure DHHS has all the money it needs for the state's most vulnerable citizens.

Marcella Termini:

- Include funding for a paid family and medical leave in the budget.
- At 2.5 years of age her twins were diagnosed with Autism Spectrum Disorder, approximately 3 months before her daughter was born.
- When the twins were born the taking of FMLA by her husband resulted in a demotion and a cut in pay. When her daughter was born, her husband utilized his paid vacation days. Her mother took care of the twins at that time, and also utilized her vacation time to do so. A paid family and medical leave program at this time would have benefitted them all.
- Mrs. Termini's sister suffers from Multiple Sclerosis, and an option for paid medical leave would have helped her and her family as well.
- Accrued personal time and paid vacation time are not substitutes for a family and medical leave program.

Shauna Foster:

- Ms. Foster is the Program Manager for New Beginnings, one of the 13 crisis centers across the state.
- We need to fund the programs that provide abused children and families in crisis the help they need so they don't end up as adults who are drug and alcohol addicted, and living with mental health issues associated with their childhood trauma.

Lizarda Urena:

- Please support funding for the housing crisis and homelessness. More affordable housing is needed.
- Ms. Urena is a childhood, domestic violence trauma survivor. Her father threatened to kill her mother and cut her up in pieces.
- She also suffered from mental health issues.
- Do not discriminate against individuals from other countries; she has been through much.

Kevin Rodwell:

- Mr. Rodwell is representing the Alternative Life Center.
- He had been receiving psychotherapy, case management and medication management. During that time he was homeless for 2 years, unemployed, continuously institutionalized, and made several suicide attempts.
- Community mental health centers are limited in their resources to meet the needs of their community.
- Peer support compliments mental health resources.
- Mr. Rodwell became employed full-time, with an additional part-time position. He is now a happy, productive, contributing member of society.
- Peer support yields positive results. Real support is happening in these centers, with real results. Invest in peer support.

Larry Russell:

- Mr. Russell is the Superintendent of the Hudson School District.
- DOE Commissioner Edelblut requested \$17 million for improvements to the H. Palmer Career and Technical Education Center. The town appropriated \$8.2 million. The Governor cut the appropriation by 15%, down to \$14.5 million. The House did not restore the Governor's cut. Mr. Russell is requesting the Senate restore the remaining requested funds.

- Due to the cut, 8 programs will not be rehabbed, and will not receive necessary equipment.

Robin Christopherson:

- Ms. Christopherson is the Executive Director for the Monadnock Center for Violence Prevention.
- Adequate funding for the Domestic Violence Prevention Program services can literally mean the difference between life and death for individuals.
- Often victims and survivors arrive at the agency's doorstep with no clothing, no money, no transportation, no home, and no idea what the future will hold for them and their children. It takes effort, resources, collaboration and money to support these victims in rebuilding their lives and achieving independence.
- Childhood victimization and exposure to violence leads to severe consequences as adults: alcoholism, substance misuse, homelessness and future victimization.
- With the current opioid crisis these centers are seeing more and more victims with more complex needs.
- Ms. Christopherson shared comments from 10th grade students at Monadnock Regional High School who received dating violence prevention programming from the Monadnock Center for Violence Prevention.

Liz Karagosian:

- Sexual assault is one of the most underreported crimes in the nation, yet one in three women and one in five men here in New Hampshire will be sexually assaulted in their lifetime.
- Factors that often determine if a criminal case will move forward include the victim's emotional reactions; whether they recant their statement to law enforcement; whether the victim had consumed drugs or alcohol prior to being assaulted; and a lack of physical evidence, such as signs of trauma or injury, the presence of DNA, and forensic evidence. Due to these factors, only 3% of all sexual assaults that are reported to law enforcement in New Hampshire ever lead to a conviction or guilty plea for sexual assault. Many factors lead to this low conviction rate, one being that the average person has never navigated the criminal legal system before. Many lack the financial resources to pay for an attorney.
- Crisis centers play a key role in our justice system. Adequately funding them to ensure every victim has an advocate will lead to more victims of violence seeking help and engaging in the criminal justice process, holding offenders accountable and ultimately leading to increased public safety for all.
- We must do all we can to support the brave survivors who have the courage to come forward after experiencing such unimaginable trauma.

Matthew Koehler:

- Sargent Koehler oversees the New Hampshire State Police Cold Case Unit.
- Appropriate additional funding and resources for this unit as proposed in SB 130, including 2 attorney positions in the Department of Justice and 2 State Trooper positions in the Department of Safety. All would be dedicated to working cold cases.
- There is much left to do to bring justice to the victims, families and for the communities in this state. There is never a shortage of cases to be working on.

- The additional investigator positions will help increase investigations, and help resolve these cold cases.
- As investigators, we never give up. The passage of time in no way diminishes the truth. Murder was committed, a family lost a love one, and there is still an offender out there who poses a risk to public safety.
- They use innovative and technological advances in forensics, and utilize creative investigative efforts in a relentless pursuit to bring justice to these most heinous crimes.
- Currently there are 128 unsolved cold cases in New Hampshire. These proposed resources would substantially expand the Cold Case Unit and its ability to actively investigate these crimes, and bring peace and justice to those affected by them.

Ken Dionne:

- Mr. Dionne's sister, Roberta Miller, was murdered in her home in Gilford in 2010.
- Please fund SB 130: Families are waiting for answers.
- Up until recently there was no one to prosecute cold cases. Assistant AG Susan Morrill has recently been assigned fulltime to the unit. Unfortunately, she brought with her to the unit all the previous cases she was working on, as well. In essence, she's a part-time prosecutor. The prosecutor is an essential part of moving cases forward from the investigation to prosecution or closure.
- At this time, his sister's case has its 5th lead detective. It's extremely frustrating.
- On average, there are 19 homicides per year in New Hampshire. Tonight, the 15th homicide in New Hampshire has occurred. The state does not have the manpower to handle this type of workload.

Karen Trudel:

- Ms. Trudel suffers from Premenstrual Dysphoric Disorder, which causes suicidal ideation and depression. She has also been diagnosed with bipolar anxiety. During surgery, the doctors then found evidence of uterine cancer. She underwent additional surgery.
- There are no mental health workers. People are either retiring, or not getting paid enough. There is no funding for medicare reimbursement.
- A mobile crisis unit saved her life twice.
- Please fund the 10-Year Mental Health Plan.

Brian Harlow

- New Hampshire is spending much money on the effects of trauma, including the opioid crisis, high incarceration rates and mental health, just to name a few. At the root of all of these problems is trauma that has gone unaddressed.
- Mr. Harlow is a clergy rape survivor, who struggled with the effects of trauma for decades. As a child, the trauma he experienced caused him to start drinking at the age of 12. He was self-medicating and would drink just to drown out the pain from his childhood. He was able to work past the addiction and start to address the pain he had covered up. He was then able to take back control of his life.

- Mr. Harlow currently has loved ones struggling with opiate addiction, and they, too, became addicted to numbing the pain caused by trauma.
- Getting access to help in your community is critical.
- Prioritize funding for our crisis centers.
- For those willing to risk seeking help, we owe them any assistance they need. It is not only the ethical and compassionate choice, but it is a sound financial one.

Sara Key:

- Ms. Key attends the Moore Center in Manchester.
- She is currently "Ms. New Hampshire Amazing," a pageant for women with disabilities.
- Without the Moore Center and its staff, Sara would not have the opportunity to develop new skills, enriching her life. She wants to contribute to society as much as everyone else.
- Support SB 308.

Regan Lamphier:

- Support additional funding to address the dire health care workforce shortage in New Hampshire.
- Currently, there are approximately 2,000 job vacancies in health care settings across our state. This is especially dangerous with a rapidly aging population.
- Regan's son, Ethan, has serious disabilities, but they had amazing direct support providers who helped with his care.
- The woefully inadequate pay for direct support providers is not enough to support their own families.

Cynthia Varney:

- Ms. Varney has an adult son with severe and persistent mental illness.
- There is no aspect of the 10-Year Mental Health Plan that is disposable. Please fully fund the plan--it is so important!
- She has sat with her son in the hall of an emergency room for days.

Debra Urbanik:

- Mrs. Urbanik is the mother of a 22-year old daughter who has struggled with mental illness since elementary school.
- The Urbaniks did not recognize the symptoms of mental illness, and had no exposure to anxiety and depression in children and teens. Ultimately, they sought mental health support after conversing with a colleague who shared her son's mental health crisis.
- The 10-Year Mental Health Plan proposes to fund community education, early intervention and peer support.
- Finding the right healing path so late resulted in her daughter's depression, anxiety and OCD to become deeply rooted. She had a mental breakdown while attending Syracuse University, which sent her spiraling into self-harm and suicidal ideation.
- Instead of going to an emergency room, or entering in-patient, private services for 60 days at \$90,000 without accepting insurance, they ramped up therapy for Haley.
- New Hampshire families need resources such as suicide prevention awareness, designated receiving facilities and community housing supports.

Maura Penuisi:

- Please support the developmental disabilities services budget and SB 308.
- Her son, Michael, has a complex, medical, neurological, cognitive and physical disability. He requires DSP workers to accompany him in the community. Michael is supported by Community Crossroads, the area agency under the DD Waiver. Maura is also employed by Community Crossroads.
- Michael was supported by a contracted vendor with the agency. Due to the shortage of DSP workers, he was finding it more difficult to work on his personal goals. This resulted in boredom and behavior changes.
- Maura ended this arrangement and started a 525 family-managed plan for day services. She is now the manager of Michael's program, responsible for hiring DSP workers and developing schedules. She hired 2 such workers, paid them \$2 more per hour, and offered them paid vacation and holidays. Managing the plan, however, is very time consuming, alongside her full time job.

John Cantin:

- Mr. Cantin lost his daughter, Melissa, to a domestic violence situation. Melissa was shot and killed by her estranged husband. At the same time, Mr. Cantin himself was shot trying to carry her out of the house, but survived.
- Melissa was working with the Manchester Crisis Center. However, the violence escalated to murder/suicide.
- Statistics show domestic violence accounts for 60 percent of homicides and 92% of murder/suicides.
- Since that day, Mr. Cantin has worked to improve New Hampshire's domestic violence laws.
- Crisis centers are the eyes and ears for victims.
- Ensure our crisis centers are adequately funded and maintain the current level of funding in this budget.

Shaun Mulholland:

- Mr. Mulholland is the City Manager for the City of Lebanon.
- The city is asking the state to demolish the state-owned structures in the Westboro Yard. This will allow them to develop the West Lebanon downtown area.
- Lebanon would provide an in-kind contribution equal to the value of \$287,760 by providing for the disposal of the non-hazardous materials at the landfill.
- Please ensure these funds remain in the budget. These structures are in very poor condition.

Kathy Hubert:

- New Hampshire runs on property taxes.
- Sixty-six percent of the revenue from the state, \$3.685 billion, came from property taxes.
- From 2008 through 2018, this state's property value increased 2.5%. During this same period, Newport's property value decreased by 10.7 percent.
- New Hampshire is the 4th wealthiest state by per-capita median household income in the country.
- New Hampshire's family median income is \$91,000; the US family median income is \$73,891; Newport's family median income is \$58,614.

- For free and reduced school lunches (2015-2016), the state average is 28.06 percent; Newport's is 59.94 percent.
- Childhood poverty creates unique and costly challenges to educate a child. Resources for a quality education are needed to break the cycle of generational poverty.
- From 2007-2017, Newport's school property tax rate increased by 43.8 percent.
- Spending per student in Newport increased from 2007-2017 by 19 percent.
- Newport teachers are the 17th lowest paid in the state; last year 30 out of 98 teachers left Newport.
- One second and third grade class is taught all year by a substitute teacher.
- The Towle School building was closed in an effort to cut costs.
- Seventy-seven percent of New Hampshire students attend schools throughout 133 towns that have a below average tax base.
- Restore stabilization grants to the 2016 level, support targeted aid, support the independent study commission, and keep the Education Trust Fund.

Kona Johnson and Family:

- Please increase the reimbursement rate. Mrs. Johnson can't hire any staff at the rate she can currently offer. One of her sons needs help in every aspect of his life.

Kathleen and Ken Slover:

- Mrs. Slover supports passing a budget that includes school funding provisions. She submitted written testimony. Mr. Slover added "Ditto" and submitted written testimony as well.

Richard Wiggins:

- Mr. Wiggins is on the staff of NAMI-NH. He is peer support for transitional housing in Concord.
- He is a parent of 2 stepchildren who have been involved in the system with substance use issues as well as mental health issues.
- Fully fund the 10-Year Mental Health Plan. It is a critical document that outlines many areas of need.

Janet Carroll:

- Ms. Carroll is a Sexual Assault Nurse Examiner Program Director at the NH Coalition Against Domestic and Sexual Violence.
- As a board certified Sexual Assault Nurse Examiner in both the adolescent/adult and pediatric populations, she responds to emergency departments when a victim of sexual assault comes forward and chooses to undergo a medical forensic examination following their assault.
- New Hampshire has some of the highest rates of sexual violence in the country--an epidemic that often goes hand-in-hand with domestic violence. Most of the patients she treats are not experiencing domestic or sexual violence, but oftentimes both.
- These examinations are comprehensive, emotionally challenging and on average take approximately 4 hours to conduct, often longer. The nurses who treat sexual assault victims do their best to treat these victims with sensitivity and consideration for the trauma they've endured.

- One of the most critical services crisis centers provide is hospital accompaniment for these patients. Confidential crisis center advocates' sole focus is the victim: providing support, accommodating their needs and ensuring they are never alone during what is one of the most painful and traumatic events of their lives. Having an advocate is critical in a victim's first step toward healing.

John Lunn:

- Mr. Lunn is a parent and grandparent of students in Newport.
- The Newport schools are definitely in crisis. But they are not looking for a handout. It is a proud community that wants to look after its kids and its town.
- They have many volunteers in the schools. Teachers reach into their pockets for extras. People donate money to help maintain extracurricular activities for the kids.
- These are New Hampshire's kids.
- For decades now, the New Hampshire Legislature has agreed that education funding is in crisis. The Supreme Court ruled we must educate our kids. Yet we are still bickering. Nothing gets done.
- We need broadbased funding and distribution for education.
- The time has come to act. Support legislation that starts to improve this crisis. It is the right and fair thing to do.

dm

Date Hearing Report completed: May 20, 2019

Senate Finance Committee

Deb Martone 271-4980

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021.

~~**HB 2-FN-A-LOCAL**~~, relative to state fees, funds, revenues, and expenditures.

Hearing Date: ~~May 8, 2019~~

Time Opened: 7:00 p.m.

Time Closed: 10:00 p.m.

Members of the Committee Present: Senators D'Allesandro, Feltes, Rosenwald, Kahn and Reagan

Members of the Committee Absent: Senator Giuda

Bill Analysis on HB 2-FN-A-LOCAL: 1. Repeals 2017,155:7, which directed the commissioner of administrative services to eliminate appropriations to class 027 transfers to OIT in all agencies and departments.

2. Establishes the unclassified position of director of plant and property within the department of administrative services.

3. Converts managers in the department of administrative services to directors, and renames divisions and units accordingly.

4. Authorizes the department of administrative services to consolidate state agency human resources, payroll, and business processing functions.

5. Provides that cost sharing and plan design for unrepresented active state employees who participate in the health plans offered by the state shall be the same as those for individuals covered by the collective bargaining agreement.

6. Extends the state heating systems savings account.

7. Establishes an additional surplus fund within the department of administrative services.

8. Establishes the building maintenance fund within the department of administrative services and assesses charge to state agencies.

9. Limits the number of judges on the superior court and the number of full time judges on the circuit court for the biennium ending June 30, 2021.

10. Permits the supreme court to transfer funds among judicial branch accounts.

11. Provides the department of corrections with additional transfer authority for the biennium ending June 30, 2021 and establishes the cost of care reimbursement account and the unclassified position of director of nursing in the department of corrections.

12. Provides that chartered school lease aid shall not exceed more than \$30,000 per school in any fiscal year.

13. Suspends the senior volunteer grant program and congregate services for the biennium ending June 30, 2021.

14. Directs the department of health and human services to raise the income eligibility for elderly and adult clients under the social services block grant program each January.

15. Increases the limit for county reimbursements under RSA 167:18-a.

16. Extends the prospective repeal for eligibility of state mental health services under 2011, 209:6, I.

17. Suspends direct and indirect graduate medical education payments to hospitals for the biennium ending June 30, 2021.

18. Suspends catastrophic aid to hospitals for the biennium ending June 30, 2021.

19. Makes an appropriation the department of safety, division of fire standards and training and emergency medical services, for the purpose of providing grants to local firefighters for medical examinations conducted pursuant to RSA 281-A:17.

20. Requires the commissioner of the department of health and human services to make quarterly reports to the governor, speaker of the house of representatives, and president of the senate on the status of estimated Medicaid payments in relation to actual costs.

21. Permits the department of health and human services to fill unfunded positions during the biennium ending June 30, 2021.

22. Repeals RSA 151-E:18, relative to presumptive eligibility for nursing services.

23. Establishes certain revolving funds within the department of health and human services.

24. Directs that the Laconia state school trust shall be dissolved upon final distribution of the funds pursuant to court order.

25. Establishes a committee to study outdated non-regulatory boards.

26. Requires the department of health and human services to develop a plan to close the cliff effect for individuals and families who receive public benefits.

27. Directs the commissioner of the department of health and human services to develop a plan for patients civilly committed to the secure psychiatric unit which shall consider the renovation of space at the New Hampshire hospital and establishes an advisory council.

28. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2021.

29. Modifies the funding source of the travel and tourism budget in the department of business and economic affairs.

30. Suspends the integrated land development permit procedure for the biennium ending June 30, 2021.

31. Suspends certain environmental state aid grants.

32. Provides for reimbursement for sheriff's offices for court security.

33. Suspends reimbursements to the foster grandparent program through the senior volunteer grant program for the biennium ending June 30, 2021.

34. Adds a representative from the New Hampshire Hospital Association and a representative from the state's faith-based community to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery.

35. Establishes a system of paid family and medical leave insurance.

36. Modifies the provision of civil legal services funds for low-income persons to New Hampshire legal assistance and eliminates the dedicated civil services legal fund.

37. Clarifies the health facilities licensure moratorium.

38. Authorizes sports betting in New Hampshire and establishes a council for responsible gambling.

39. Requires Keno revenue to be deposited in the education trust fund.

40. Defines and regulates the sale of electronic cigarettes and e-cigarettes.

41. Modifies the duties of the board of veterinary medicine.
42. Modifies the procedure for certified application preparers for minimum environmental impact projects.
43. Regulates public bathing facilities.
44. Moves recreational camp licensing to the department of health and human services.
45. Combines the adjutant general's department, the office of veterans services, and the bureau of community based military programs into the department of military affairs and veterans services.
46. Transfers the bureau of visitor services within the department of business and economic affairs to the office of the commissioner of business and economic affairs.
47. Authorizes the establishment of the governor's finish line New Hampshire scholarship program in the community college system of New Hampshire and transfers administration of the existing governor's scholarship program to the department of education.
48. Authorizes the commissioner of the department of transportation to recommend the bulk disposal of real estate purchased with state or federal highway funds or both, or turnpike funds.
49. Repeals the Maine-New Hampshire interstate bridge authority.
50. Repeals witness fees for witnesses summoned before certain boards and commissions.
51. Amends the granite workforce program.
52. Exempts certain accounting units within the department of cultural and natural resources from transfer restrictions.
53. Requires payment of any transaction costs assessed for credit card payments on motor vehicle fines to be paid out of the fine amount which is credited to the highway fund.
54. Deletes obsolete limits on total bonds issued by the business finance authority.
55. Repeals the requirement for the Pease development authority to submit a comprehensive development plan.

56. Authorizes the attorney general, subject to the approval of the governor and council, to appoint a director of the office of victim/witness assistance and a director of communications.

57. Establishes an unclassified full-time investigator position in the department of justice for the purpose of working on officer-involved use of deadly force investigations and to provide training to local law enforcement officers.

58. Abolishes a position in the department of justice to fund the director of communication position and establishes the position of assistant attorney general.

59. Provides for the rehiring of laid-off classified state employees, if possible.

60. Makes an appropriation to the state treasurer for the fiscal year ending June 30, 2021 for the purpose of providing municipal aid to each city, town, and unincorporated place in the state.

61. Establishes the community development fund for New Hampshire, which shall be administered by the community development finance authority, and makes and appropriation to the fund.

62. Makes appropriations to the department of environmental services for the purpose of funding state aid grant programs.

63. Establishes victim/witness specialist positions in the department of justice.

64. Establishes an unclassified, full-time elections attorney position within the department of justice.

65. Permits the department of natural and cultural resources to suspend curatorial responsibilities for the biennium ending June 30, 2021.

66. Allows for statewide public boat access funds to be used for payment of the cost of bonds for the Mount Sunapee state park beach boat ramp project of the department of natural and cultural resources.

67. Makes an appropriation to the department of natural and cultural resources for redevelopment and improvement projects at the Fort Stark historic site.

68. Clarifies the qualifications of the director of the division of archives and records management.

69. Modifies the election fund to include monies received by the state pursuant to the 2018 Election Reform Program, and expands the list of authorized uses of monies deposited into the fund.

70. Authorizes an appropriation of money to the department of state for the purpose of implementing the 2018 Election Reform Program authorized by the Consolidated Appropriations Act of 2018, Public Law 115-141.

71. Makes changes to unemployment compensation contribution rates.

72. Transfers the job training program for economic growth from the department of business and economic affairs to the department of employment security.

73. Makes an appropriation to the housing finance authority for affordable housing.

74. Establishes a separate account for funds acquired to provide financial and technical assistance associated with agricultural restricted covenants, funding developmental rights, or for farmland preservation and makes an appropriation therefor.

75. Suspends the position of state demographer for the biennium.

76. Changes the number of review appraisers the staff of the board of tax and land appeals is required to have.

77. Extends the Coos county job creation tax credit until 2027.

78. Establishes the rates of the business profits tax and the business enterprise tax for taxpayer tax years ending on or after December 31, 2019 and for subsequent tax years, and repeals rate reductions effective in 2021.

79. Amends the authorized uses of the education trust fund.

80. Directs the governor to submit a document to be known as the trailer bill to the legislature as part of the budget process and clarifies that the document shall not be considered a budget bill under the New Hampshire constitution.

81. Establishes the position of deputy director of administration in the department of safety, division of administration.

82. Provides that the current assistant director of the division of fire standards and training and emergency medical services, department of safety, shall be considered to have been properly enrolled as a member in group II of the New Hampshire retirement system as of his original date of hire.

83. Raises the fee for email or other computer-generated motor vehicle record requests by insurance companies or other authorized agents.

84. Establishes the fee for a Real ID Act compliant driver's license.

85. Permits the department of transportation to access certain federal funding for the purpose of completing the project development phase of the capital corridor rail project in the 2019-2028 Ten Year Transportation Improvement Plan and permits the department of transportation to use toll credits for this project.

86. Makes an appropriation to the department of transportation for the purpose of demolition and environmental mitigation of structures on state-owned property.

87. Exempts certain rules on the Medicaid rate of reimbursement methodology for nursing facilities from the administrative procedures act, RSA 541-A.

88. Clarifies disbursements of community benefit contributions from the alcohol abuse prevention and treatment fund.

89. Makes an appropriation to the department of health and human services for rate increases and construction of designated receiving facility beds.

90. Makes an appropriation to the department of health and human services for the purpose of obtaining and renovating a new treatment facility for children in need of inpatient psychiatric treatment.

91. Makes an appropriation to the department of health and human services for the purpose of repurposing the children's unit of New Hampshire hospital for adult beds.

92. Makes an appropriation to the department of health and human services for the purpose of constructing transitional housing beds.

93. Makes an appropriation to the department of health and human services for the purpose of providing assistance to hospitals in addressing the needs of certain patients residing in emergency rooms.

94. Requires fiscal committee approval for any transfer of funds required for operation of the Sununu youth services center.

95. Requires the Medicaid managed care program to provide dental benefits to covered persons beginning in 2021.

96. Establishes a child abuse specialized medical evaluation program in the department of health and human services.

97. Requires evaluation of a minor committed to the youth development center to determine whether an alternative placement in a safe, therapeutic, and cost-effective, residential treatment facility is feasible.

98. Provides for the availability of certain federal family planning funds.

99. Establishes a commission to study school funding.

100. Extends the interest and dividends tax to capital gains and increases exemptions for the tax.

101. Requires a portion of interest and dividend and capital gains tax revenues to be credited to the education trust fund.

102. Calculates kindergarten pupils as full day attendance for the purpose of adequate education grants.

103. Repeals distribution of kindergarten grants based on Keno revenue.

104. Establishes fiscal capacity disparity aid to municipalities based on equalized valuation per pupil.

105. Provides additional aid to municipalities based on the percentage of pupils eligible to receive a free or reduced-price meal.

106. Requires school districts to report on the use of adequate education grant funds.

107. Provides stabilization grants to municipalities in fiscal year 2020 and repeals the grants in fiscal year 2021 and thereafter.

108. Provides that any budget surplus in excess of \$5,000,000 at the close of the biennium ending June 30, 2019, shall not be deposited in the revenue stabilization reserve account but shall remain in the general fund.

Sponsors:

Rep. Wallner

Who supports the bill: Please refer to Public Hearing Sign-In Sheets.

Who opposes the bill: Please refer to Public Hearing Sign-In Sheets

Who is neutral on the bill: Please refer to Public Hearing Sign-In Sheets.

Summary of testimony presented:

Honorable Joyce Craig:

- Mrs. Craig is the Mayor of the City of Manchester.
- Mrs. Craig thanked the committee for making the budget process more transparent by holding the hearing in the Aldermanic Chambers in Manchester.

- The Mayor appreciates the difficult task of reviewing priorities.
- Manchester serves as the economic engine for the State of New Hampshire.
- As elected officials, there is no higher priority than providing a quality public education for our children, to prepare them for a successful future.
- There is a disconnect between the economics of the state and the economics of our public schools.
- How the state allocates funding for our public schools must change.
- Over the last 10 years, cuts in state aid have cost Manchester more than \$50 million. This has forced the community and many others to place the cost on the backs of local taxpayers, and to cut back on much needed services.
- Students in Manchester are going without updated curriculum due to the lack of funding from the state.
- The House-passed version of the budget makes significant progress, and prioritizes public education.
- By reversing the drop in stabilization funding, providing municipalities with full adequacy grants for kindergartners, and making adjustments to the adequacy formula, the House-passed version of the budget would send an additional \$19.9 million to Manchester over the next two fiscal years.
- The Senate should make a similar pledge to our public schools and local taxpayers.
- We need to acknowledge the challenges facing our educational system.
- Teachers, principals and administrative staff are asked to do a lot of work with limited resources.
- Restoring educational funding at the state level will provide much needed financial relief to Manchester taxpayers.

Mary Roberge:

- Ensure money from the General Fund is used to increase the funding for the Choices for Independence program. Doing this will help all individuals in the program to receive services that will enhance their lives.

Bill Rider:

- Mr. Rider is the President and CEO of the Mental Health Center of Greater Manchester.
- The ten community mental health centers throughout New Hampshire serve over 50,000 individuals in our state who are living with and recovering from mental illness and substance use disorders. They provide ongoing and emergency behavioral health services to both children and adults.
- Like other diseases, mental illness has a pathway to recovery. Recovery rates for people with mental illness are on par and in many cases better than for other chronic health conditions.
- Make workforce investments by increasing the Student Loan Repayment Fund.
- Increase the Medicaid reimbursement rates for providers.
- Appropriate funds to stand up 24 additional Designated Receiving Facility (DRF) beds at up to 3 regional hospitals.
- Relocate the Children's Behavioral Health Unit, currently housed at New Hampshire Hospital. Reconstruct the existing Children's Unit at New Hampshire Hospital to accommodate 48 adult beds.

- Fund 4 additional Mobile Crisis Response Teams, including sufficient coverage for a Children's Mobile Crisis Response Team.
- Begin the process to transfer individuals out of the existing Secure Psychiatric Unit (SPU) at the New Hampshire Prison. Transfer those individuals who have not been found guilty of crimes out of the SPU to a more appropriate setting.

Amanda Sears:

- Ms. Sears is the Director of the "Campaign for a Family Friendly Economy".
- People lose their financial stabilities because they lack access to paid family and medical leave.
- Ms. Sears relayed her experiences with her son, Forrest, who was injured at birth. She used her short-term disability and vacation time for her maternity leave with Forrest. Four years later he required surgery to correct the nerve injuries he had sustained at birth to his left arm and hand. As a result of the surgery, Forrest needed to be held 24/7 for six weeks following surgery to immobilize his neck.
- Families are facing these kind of family care demands across the state of New Hampshire every day.
- Health demands are the single highest cause of family poverty.
- Two-thirds of this state's workforce lack paid leave coverage.
- The economic value of unpaid caregiving by family members in this state is \$2.3 billion per year. It often results in lost wages to New Hampshire families.
- Family and medical leave programs like the version passed by the House have been established in many states. They are proven to work with a demonstrated track record of results. Please keep the House-passed version in the Senate budget.

Kris McCracken:

- Ms. McCracken is the President/CEO of Manchester Community Health Center.
- They provide primary and preventive care to over 14,000 patients per year in the Manchester community.
- Please support SB 308, increasing the Medicaid reimbursement rate.
- Continue to ensure access to family planning services through the Title X program.

George Bald:

- Mr. Bald is the Chairman of the Lakeshore Redevelopment Planning Commission.
- The state previously considered giving away the property known to many as the former "State School" located in Laconia, but no one wanted to take on the uncertainty and the potential liabilities associated with the various known and unknown environmental problems at the site.
- The Commission is charged with studying the site and market conditions to prepare a redevelopment plan that creates jobs, generates state and local taxes, and benefits Laconia and the Lakes Region.
- The state has spent over \$3.5 million in the last ten years to merely maintain the property as it currently stands. That does not include any repairs to over 25 currently unused buildings at the site or repairs needed to the existing onsite

sewer system to mitigate unwanted impacts to the Winnepesaukee River Basin Project sewer system.

- They have had private sector interest in the property, but they need greater clarity and certainty regarding site conditions. Serious investment is unlikely until that clarity and certainty can be provided.
- The Commission is near the completion of its Master Plan, but it will take several more months to complete the process and begin the process of implementing the plan. It will not happen without a further appropriation. If funding is not provided to keep this process moving, another commission may be created in a few years, but all of the momentum and experience that has been created over the last 18 months will be lost.

Bonnie Dunham:

- Please make sure the budget meets the needs of those with developmental disabilities and their families.
- Mrs. Dunham's son has complex disabilities which mean he needs fulltime, one-on-one supervision, most of which she and her husband provide.
- Gateways Community Services provides some respite to Mr. and Mrs. Dunham, and some daytime services so that their son can live at home with a good quality of life.
- Shawn Dunham's direct service provider was thinking about leaving the field due to low pay. The Dunhams eliminated their respite and some other services to give the provider a small wage increase. That is not sustainable, but they did what they had to do. Even with that small increase the provider could make more money delivering pizza or cleaning houses.
- Good direct service providers are leaving the field. Individuals with disabilities and their families are going without critical services, merely because they cannot find individuals to provide them. These providers must be paid a competitive, living wage.
- Please fully fund special education aid.

Sarah Hill:

- Ms. Hill is a former client of New Hampshire Legal Assistance. She relayed her experience of being terminated and denied unemployment benefits. Sarah had resisted unwanted sexual advances from her manager, but was fired for insubordination. NHLA took her case, and filed an appeal. Her unemployment benefits were then awarded. NHLA made a difference in Sarah's life at a time when she had no options and no resources.
- In 2018 NHLA served 6,000 individuals, but turned hundreds more away due to a lack of resources.
- Keep the level of funding the House provided for NHLA.

Senator Kevin Cavanaugh:

- The Senator thanked the committee for their time and effort in developing a sensible budget for the citizens of New Hampshire.

Janice Leahy:

- Ms. Leahy shared her experiences with her mother-in-law, who had been diagnosed with Alzheimers and placed in a private provider facility. She

eventually spent her estate and could no longer make those provider payments. The facility wanted her removed once she became a "charity case".

- Ms. Leahy contacted New Hampshire Legal Assistance and was provided with representation that specialized in elder law. NHLA was able to get the facility to honor the commitment they had made to Ms. Leahy's family to keep her mother-in-law in the facility. If it wasn't for the efforts of NHLA, the mother-in-law would have become a ward of the state.
- Please keep the funding proposed by the House for NHLA.

Liz Olson:

- Dr. Olson is a pediatrician with Dartmouth/Hitchcock in Manchester.
- She sees the benefits of City Year New Hampshire in the city's schools. They make a direct and enormous impact.
- High self esteem from having the supports provided by City Year results in low anxiety levels. Lower anxiety levels decrease the amount of medication she needs to prescribe.
- Funding City Year is funding a program which Dr. Olson has witnessed increases children's self esteem. They interact with up to 15 kids each day. They could provide for more students if they had more funding.
- A Manchester teacher in a classroom with 20+ kids, may find that half of her students need individual support.
- Many of Dr. Olson's patients have experienced trauma, making these children fragile.
- The more funding Dartmouth/Hitchcock has for support staff, the better they take care of their patients. The more funding City Year has, the better education each child receives.

Nicole Jacobsen:

- Please support ongoing funding for Granite State Independent Living.
- Ms. Jacobsen got into a lot of trouble in high school. Since entering the GSIL program Nicole has learned many life skills.
- She now holds down two jobs and has caught up with her educational credits.

Dellie Champagne:

- Ms. Champagne urged support for strengthening a system of care for all New Hampshire children.
- Ms. Champagne's son has been diagnosed with Schizoaffective Disorder. When he was a teenager he made numerous suicide attempts.
- When a crisis would occur with her son, Dellie had only two options--bring him to the Emergency Department at the local hospital, or call the police. In both instances there is not properly trained personnel to treat this type of illness. Calling the police usually resulted in her son being taken to the hospital in the back of a police car while handcuffed--something her son remains humiliated about to this day.
- Unfortunately, psychiatric treatment beds in local hospitals are practically non-existent in New Hampshire for children. This must change. Local hospitals should accept psychiatric patients of all ages so that folks can stay in their own communities to receive care.

- The lack of compassionate care in her community forced Ms. Champagne to seek help at the state psychiatric hospital. In order to get a bed, they were required to go through the involuntary emergency admittance procedure. This is used when someone who may be a danger to himself or others refuses to get help. Many families opt for this route.
- Ms. Champagne learned about "mobile crisis" when the Disability Rights Center filed a lawsuit against the state. One of the items of the lawsuit agreement ensured the state would implement Mobile Crisis Response Teams. The thought of her son receiving professional services in their home or his school to help him deescalate and avoid hospitalization was the answer to Dellie's prayers.
- Five years later Mobile Crisis Response Teams exist sporadically throughout the state, and are not currently designed to serve children.
- If the Champagnes had had mobile crisis as an option when their son was younger, they could have avoided unnecessary and costly hospitalizations.
- Please support SB 14, which takes a systemic approach to improving the child welfare system in this state, and ensures children get the right support at the right place and time.

Maggie Harrington:

- Maggie is an alumni of the City Year program.
- Her first year with the program she was partnered with a first-year teacher. She formed strong relationships with students who needed it most.
- One year later she served as a substitute teacher in a 4th grade class. Her first 3 months of teaching were extremely challenging. Her year with the City Year program spent with the first-year teacher gave her much life experience. She gained the confidence to stay with the classroom, knowing things would improve.
- The benefits of having a City Year program in Manchester are bountiful. Maggie's students directly benefit from having City Year in their classroom. She benefits from her City Year representative as well.
- This program is crucial to the City of Manchester. Maggie believes in it wholeheartedly.

Hannah Perdue:

- Ms. Perdue supports GSIL's IMPACCT program.
- Her experience with IMPACCT was vital as a productive member of society.
- Expecting every child to thrive in a classroom setting is unreasonable.
- IMPACCT gave Hannah opportunities, skills and self-assurance. She would not have graduated without the IMPACCT program.
- They were allowed to practice job skills in the real world. They completed W-2 forms. They developed a resume.
- IMPACCT allows students to focus on their future, and how their education can help them succeed.

Dick Samuels:

- Mr. Samuels is the Chairman of the Board of Directors of City Year New Hampshire. It is a national program in roughly 30 cities in the US. Their objective is to make sure young, disadvantaged children get on track with

reading, mathematics and social skills. It has been in Manchester for the past ten years, and they are in eight elementary schools.

- Data shows if children get on track and stay on track, in 3rd through 5th grade and beyond that in 10th grade, they are four times as likely to graduate from high school. In the long-term, it is an effort to attend to the dropout rate.
- We need more personnel in schoolrooms. City Year members assist teachers and give them the time to teach. There is one City Year member in each classroom.
- The cost to both the city and state is very small. Funding in this state is roughly \$3 million per year, and comes from federal funds, private and foundation donations. It is a cost effective way to assist children.

Guy Chapdelaine:

- Mr. Chapdelaine is a volunteer with AARP.
- He urged increased funding for home and community-based services in the Choices for Independence program in the Department of Health and Human Services.
- In 2018 in New Hampshire, there was a \$20 million gap in home and community-based services approved for older and disabled adults versus services provided. As a result, people are not receiving the assistance they need to remain in their homes and live healthy lives. This leads to the delivery of services in more expensive settings and a greater burden on families. This runs counter to the traditional New Hampshire way of delivering services.
- Rates for home and community-based providers have been inadequate for many years. Until the last biennium, most of these providers had not received a rate increase for ten years. Despite the rate increase given in the last biennium, New Hampshire still ranks next to last in the country in the amount of Medicaid dollars spent on home and community-based services for older and disabled adults.
- DHHS recognized the need and included a substantial increase in its 2020-2021 budget request. The Governor included it in his proposed budget. The House substantially reduced the increase. The Senate should restore the original level of funding to provide services people need.

Jodi Harper:

- Ms. Harper served with City Year for two years in New Hampshire, arranging community service projects around the state. She also led group workshops on social justice.
- She thoroughly enjoyed her after-school volunteer work in Manchester. She worked with hundreds of youth and witnessed the impact the program truly has.
- Ms. Harper read a letter from Sam, an African soon-to-be college graduate describing his positive experience with City Year. Sam now volunteers with City Year as a result of his childhood experiences.
- This program has an immeasurable impact on our schools, students, community and economy.
- Please consider continued funding of this important program.

Ryan Donnelly:

- Mr. Donnelly was born with a disorder that causes severely stunted growth, an inability to walk, and bones that break and fracture very easily.
- He relies on Medicaid-funded personal care services provided through GSIL.
- He has two dedicated, personal care attendants, who enable him to live a comfortable, fulfilling life in the comfort of his home. This vital care allows him to live independently in his community. Without their services, he would be forced to live in a nursing home.
- It would be difficult to find replacement caretakers if the need ever arose. Working as a personal care attendant pays very little, and there are few benefits to speak of. It is challenging to find good, dedicated people to do this type of work due to low Medicaid reimbursement rates. An increase in these rates would enable organizations like GSIL to improve recruitment and retention of the care attendant workforce.

Bob Getchell:

- Please increase the funding for developmental disability services.
- Mr. Getchell experiences a disability, but with a little support he lives independently in his own apartment. He is employed.
- His area agency of support is Community Crossroads. They help him continue to be active in his community.

James Moran:

- Mr. Moran brought his son, Martin, with him to the hearing.
- They first became associated with Gateways in 2005, when Martin was 2 years old and diagnosed with autism.
- For the past 14 years they have used the resources and guidance of Gateways to help Martin gain the skills necessary to live as normal a life as possible.
- The staff at Gateways suggested a STABLE NH account as a means to provide monetary resources for Martin's needs in the future.
- Today, Martin is a freshman at Merrimack High School, participates in high school sports, and works 8 hours a week at a local supermarket.
- Please increase funding for early supports and services, continue to support the developmentally disabled services budget and waitlist, and restore funding to promote and educate families on STABLE NH accounts.

Clay Brennan:

- Clay's mother, Lynn Brennan, was murdered in Manchester in her home in October 2010. Her case remains unsolved 9 years later. His family continues to advocate for the resources to bring resolution to her murder.
- SB 130 would establish 2 attorney positions in the Department of Justice, and 2 State Trooper positions in the Department of Safety. All would be dedicated to the Cold Case Unit. This would ensure these cases move forward.
- There are currently 128 cold cases in New Hampshire, all awaiting justice. It also represents a number of untold offenders who remain undetected, and continue to pose a danger to our communities.
- Enhancing the ability of the Cold Case Unit to investigate these cases is not only a service to these families, it is very much a matter of public safety.
- The passage of time does not diminish the harm done by these crimes. Lynn Brennan deserves the time that should be devoted to these cases.

- Please add these critical resources to the Cold Case Homicide Unit.

Diana LaMothe:

- Ms. LaMothe is a member of the Hudson School Board.
- She is requesting restoration of full funding of the Hudson CTE Center renovation project.
- No upgrades have been made to the Hudson CTE Center since it was built in 1992.
- In March 2018 the taxpayers of Hudson voted to approve the renovation and expansion plan of the Hudson CTE Center, with the understanding that taxpayers would fund approximately \$8.3 million, with the state's portion totaling \$17 million.
- Hundreds of hours have been spent by community volunteers, the architect and the construction manager to fine-tune the Hudson CTE Center project. The project's budget contains hard numbers that add up to the total project cost of \$25.3 million. Construction is scheduled to begin in June or July of this year and will be completed in 24 months.
- The House version of HB 25-A funds the Hudson CTE Center at \$14.4 million, \$2.5 million less than the town had anticipated in good faith. The balance of the \$2.5 million is expected to be appropriated in the biennium beginning July 1, 2021. Although it sounds great, it doesn't help with the Hudson CTE Center renovations that will be completed *before* that date. If the full funding of \$17 million is not appropriated in this next biennium beginning July 1, 2019, the project will have to be scaled back.
- The impact of cutting \$2.5 million out of a \$25.3 million project is significant. Many programs will not receive needed and long overdue upgrades. This would be a disservice to the students who benefit from these programs.
- Please consider fully funding the \$17 million for the Hudson CTE Center in this next biennium.

Darcy Orellana:

- Ms. Orellana is also on the Hudson School Board.
- When she looks to find an HVAC technician or nursing faculty or a graphic designer, those skills and abilities come through CTE programs. The programs require current equipment to prepare students for the workforce.
- We need to provide the types of experiences that would inspire students to stay in New Hampshire and contribute to the state's economy.
- CTE Centers provide the best education and opportunities.
- Please reinstate full funding of the Hudson CTE Center.

Shauna Smith:

- Ms. Smith has served as a Child Protective Service Worker for DHHS for the last 12 years.
- Please support SB 6, which would provide the necessary funding needed to ensure that the safety of New Hampshire's children is a priority. The bill will allow DCYF to address current community and agency challenges, including the substance misuse and mental health crisis, improving trauma care and better assessing adverse childhood experiences, ensuring social worker physical and emotional safety, as well as clinical training for supervisory staff.

- This will allow the agency to expand efforts to recruit quality foster/adoptive families and valuable community resources. It will allow DCYF to provide the community with agency engagement and education necessary for the prevention of future child abuse and neglect.
- Adequate staffing will allow DCYF to comply with strict federal and state guidelines that generate necessary and important funding for the agency.
- The State of New Hampshire has a moral and ethical obligation to prioritize the safety of our children.
- Ms. Smith provided a list of 19 child protective service co-workers who support SB 6.

Carrie Durand:

- Three years ago Ms. Durand became the guardian of her father, who was diagnosed with Alzheimers.
- She has an 8-year old daughter, Katie, who has Down Syndrome. Katie had a direct care provider who came to the Durand home to provide services and help with Katie's independence skills. Allie, the college student, spent 14 hours a week at the Durand's home, but left after one year to resume her education.
- One year later, Carrie has been unable to replace Allie, as she cannot afford to pay the wage such a provider would deserve.
- Please consider increasing the reimbursement rates.

Paden Livingston:

- Both the House and Senate have proposed versions of paid family and medical leave. Governor Sununu has proposed his own plan.
- The employer can pay for such a benefit, rather than instituting a 0.5 percent deduction from employees' wages.
- The Governor's plan, in conjunction with the State of Vermont, is a voluntary "buy in" program, except for state employees. Private sector employers can choose to purchase this benefit from the government or private insurance companies. The less the number of employees who buy into this program, the higher the rate will be.
- Thousands of parents in our state cannot stay home and bond with their newborn, adopted or foster child because they cannot afford to take time off from work.
- Forty percent of New Hampshire families cannot budget a \$400 unexpected expense, medical or otherwise, without causing significant financial harm.

Michele and Theodore Lapinski:

- Ms. Lapinski is the Ward 1 City Councilor from Dover. She runs a high school for students who struggle with substance misuse and mental illness.
- Educators, principals and administrative staff are tasked with finding ways to excite students about education, and find relevant ways to keep them engaged in classrooms that exceed 25 students with diverse learning styles, special education needs, mental health diagnoses, and students whose family members struggle with substance misuse disorders.
- In 2018, the Dover freshman class lost two classmates to suicide.

- They have seen an increase in students who have felt sad or hopeless for two weeks and have stopped doing activities. Many seriously considered suicide. Some have even attempted suicide in the past year.
- There is a mental health crisis happening in our schools and we are not adequately staffed to reach these students.
- New Hampshire's student suicide rate is 50 percent higher than the national average, and is actually spiking.
- An adequacy formula needs to adequately address the needs of our schools. New Hampshire needs to make a greater investment in education.
- Our cities and towns should not bear the burden of funding our schools for the future.
- Find better ways to fund our education.
- Theodore Lapinski is in the 8th grade in Dover Middle School.
- Dover teachers support students who are suffering academically and/or emotionally. They stay after school, helping students with their work and coaching their teams. They are always there for the students.
- In January 2018 a friend of Theodore's committed suicide. Dover teachers held the students together and helped them through this bad time. They are more than teachers. They are role models. They show up every day, regardless of how bad the previous day was.
- Dover teachers have fought hard to get a budget passed that will hopefully increase per pupil expenditures, and avoid being the most underfunded school in the state.
- An increase in funding is an increase in appreciation of our teachers and administrators.

Kelly Ehrhart:

- Please support the developmental disability services budget and the people that carry out the work.
- Kelly is supported by Gateways Community Services and The Plus Company through DD Waiver services.
- Karen, Kelly's direct support professional, helps her be more involved with her community. She helps Kelly work on her social skill goals.
- Without these services, Kelly would be unable to stay in her apartment and be independent.
- Address the workforce challenges we are faced with.
- Include SB 308 in the budget to provide a much needed rate increase to providers.
- Fully fund the 10-Year Mental Health Plan, especially peer support for teens.

Michelle Fritchey:

- Ms. Fritchey's son has had a lifelong struggle with mental illness. Over the last 11 years, he has been hospitalized 14 times for suicide attempts or ideation.
- In her experience, the average ER wait time to get a bed in a psychiatric facility in this state averages 4-7 days. During these various ER visits, Michelle's son has never been seen by a psychiatrist, or given medication to stabilize or treat his psychosis. He sits in a cold room, stripped of all of his clothing and items of comfort, being watched by a stranger, occasionally restrained and sedated.

- Michelle described numerous attempts her son made to take his own life. The thought of going to the ER brings severe PTSD flashbacks to her son, and debilitating anxieties on top of crippling depression and the ultimate desire to die.
- ER staff members are not trained to deal with mental illness. To wait days and weeks to get treatment is cruel.
- Michelle found a Mobile Crisis Response Team by accident in Nashua. The team came, did an assessment and got her son immediate outpatient care.
- Please support a Mobile Crisis Response Team for children in this state. What a difference immediate care makes!

Sherrie Therrien:

- Eleven years ago Ms. Therrien's husband, Michael, had a debilitating stroke. He had a congenital heart defect and experienced the stroke after surgery.
- They have had the support of Gateway Community Services since that time.
- Please support the developmentally disabled services budget and the people that carry out this critical work.
- Michael is supported by the in-home services support waiver.
- They need Gateway's services to pay the bills and stay in their home. A nursing home would bankrupt them.
- Families like theirs struggle to hire direct service professionals.
- Sherrie works fulltime and takes care of her husband when she gets home from work. She has been unable to find another caregiver due to the pay for these individuals.
- Support and include SB 308 in the budget for a much needed Medicaid reimbursement rate increase. The system hasn't seen an increase in 13 years.

Jim Culhane:

- Mr. Culhane is the CEO of Lakes Region Visiting Nurses Association.
- Please fund a rate increase for home care providers in the Medicaid CFI program. This program enables medically disabled adults to receive long-term care services in the home. It is where people want to be, and is 1/3 the cost of nursing home care.
- The CFI program is in trouble, and so are the people who depend upon it. The New Hampshire provider reimbursement rates have not kept up with the cost of care.
- Mr. Culhane's agency serves approximately 70 CFI clients. They roughly lose \$15,000 per month for the care they provide.
- They are committed to the CFI program, but they cannot afford to take on more clients at this time.
- Current CFI clients are not receiving all of the services they need. Newly eligible CFI clients are waiting months for services.
- It's a silent crisis; most CFI clients cannot attend these hearings to share their concerns. By definition they are unable to get in or out of their house.
- The 2.5 percent proposed rate increase is not enough to fund capacity.
- Add more General Fund dollars to the CFI portion of the budget.
- Fully fund SB 308.

- Without rate increases the CFI program will continue to unravel, and more will go without care.
- This program keeps people out of hospitals and nursing homes, but has been neglected for years and is currently at a crisis stage.
- It is time to fix the CFI problem.

Dottie Gove:

- Ms. Gove is the Director of Home Care Services for Waypoint.
- In home care, we can't go short-staffed. When no one shows up in home care, that individual is not getting out of bed, they're not getting a meal. It is serious.
- The turnover rate is about 40 percent.

Karen Hatcher:

- Ms. Hatcher is a Selectwoman in Peterborough.
- Please support education funding, the reversal of stabilization cuts, adjust the formula for adequacy aid, and fund the long-term independent commission to help us figure out how to fix this. Taxpayers are screaming and our kids are suffering.

Lisa Dillingham:

- Ms. Dillingham is the President of the Dover Teacher's Union.
- One week ago the Dover City Council fully funded a new teacher contract and school budget.
- Dover is a tax cap community. A tax cap-compliant school budget is now impossible without eliminating programs and positions.
- The Dover School District ranks second from the bottom in per pupil spending in the state, while their middle school is dead last.
- Dover teachers educated their community about what it means to be an educator.
- Education has changed and we need the funding to coincide with that change. Towns and cities cannot afford the rising costs of funding public education alone.

Matt Laroche:

- Lieutenant Laroche is with the Manchester Police Department overseeing the Juvenile Investigative Unit as well as the Sexual and Domestic Violence Unit.
- Please fully fund the 13 Sexual and Domestic Violence Crisis Centers across this state.
- He serves on a team to assist children who have been exposed to violence. It is comprised of a police officer, a community services officer and a crisis center advocate. Resources provided include support groups, mental health counseling, early childhood education or child/parent psychotherapy.
- Adverse experiences in childhood, including exposure to domestic violence and/or substance abuse in the home increases the chances of physical, mental or emotional difficulties in adulthood, unless supports are put in place to enhance the child and family resiliency.
- There is an entire spectrum of experiences that can be harmful to children. It is the cumulative effect of these adversities that causes toxic stress which impacts the child's wellbeing, both short- and long-term.

- By intervening early and providing assistance and support to children exposed to trauma, we can mitigate the trauma a child absorbs and decrease these risk factors.
- It is important to give these children the support they need to become well-adjusted adults.
- These crisis centers play an integral role in this preventative work in the community. They provide a safety net for the most vulnerable in our communities.

Gary Cahoon:

- Mr. Cahoon is the Vice-President of the New Hampshire Association of Residential Care Homes. He is also the owner/operator of Friendship Manor located in New Ipswich. Almost all of the residents at Friendship Manor are CFI clients.
- They submitted a letter to the committee concerning the Carpenter Home in Swanzey. They announced 3 weeks ago they would have to close. They've been unable to hire and retain staff. In addition, the Medicaid reimbursement rates are inadequate to sustain their operations.
- The Gaffney Home in Rochester closed on May 1st. They could not maintain their assisted living program.
- The Outreach House in Hanover, serving retired employees at Dartmouth, will close at the end of June.
- The demand for CFI beds far exceeds the number of beds available. Most providers cannot provide services at the CFI reimbursement rate. Those that do often put themselves at extreme financial peril.
- Fully fund SB 308.

Leslie Haltbakk:

- They are experiencing consequences of low staffing.
- Homes have to keep staff that will stay--even the bad ones. This includes staff who steal, slack off without supervision, and staff who don't care about their residents. Some help is better than no help.
- They want to keep good staff, but can't pay them enough.
- If these nursing homes close, where will the residents go? They have no other place to go.
- Some homes have a 2-year waiting list for Medicaid admissions. Others have stopped taking Medicaid residents altogether.
- Building good relationships take time and continuity.
- People go without hygienic changes in nursing homes, causing severe sores and infection.
- Their biggest fear is for those who have no family to advocate for them, the "silent" ones. The level of care they receive is frightening.
- Where will you be when you are 85 years of age?

Katie Parent:

- Katie is the Crisis Services Program Manager at the YWCA in Manchester, one of the 13 crisis centers across the state. Specifically, they serve survivors of domestic and sexual violence and stalking.

- Katie works directly with clients and their children, and implements programs to meet the needs of survivors as they work to heal and rebuild their lives. She has seen firsthand the difference these services make in the lives of victims and their families.
- Ms. Parent shared the experience of a woman who stayed in the YWCA's shelter for a year, after having left a most abusive relationship. With crisis center support, she gained the courage to confront her abuser in court on several occasions. She is now living successfully on her own, and thriving in a safe environment for her and her children.
- Please maintain the critical funding proposed for crisis centers in the budget.

Abigail Roden:

- Abby is a YWCA crisis counselor and advocate.
- Maintain funding for the crisis centers.
- Sexual assault is destroying our communities.
- Crisis centers perform critical work with children who are victims of domestic and/or sexual abuse.
- Abused children grow up and repeat the cycle of abuse.

Megan Savage:

- Megan is also a YWCA advocate.
- Domestic and sexual violence plague our communities.
- The state does not spend money on the prevention of abuse.
- Millions of dollars have been spent on the mental health and opioid crises yet the problems persist.
- When left untreated, trauma almost always leads to bigger problems down the road, such as substance misuse, depression and anxiety, thoughts of suicide, and homelessness.

Erika Hume:

- Erika is a Case Manager and Forensic Service Coordinator for Community Partners.
- She supports the developmental services budget and the people who carry out the work.
- Her clients have become accustomed to having caregivers leave over the course of their lives. Staff turnover is an unfortunate reality.
- Many clients can't get the transportation they need for counseling appointments.
- Many of these caregivers have second and third jobs and their own families to take care of.
- We must plan for the people who will be affected by the next budget cycle.

Representative Mary Heath:

- Please support the House version of the budget.
- Manchester city schools are suffering. They desperately need more funding. They need increased adequacy and the stabilization funds. Manchester needs more support.
- Children come to school every day with issues and problems.
- Mental health, the mobile units, revenue sharing; please support it all.

- Our state needs more revenue. Please support the capital gains proposal. We need a new revenue source.
- We can't continue to go the way we are going. We can't keep waiting.
- Be bold for our state. There are a number of serious needs that cannot continue to go unfunded.

Nicole Fordey:

- Ms. Fordey is a licensed clinical social worker, as well as a drug and alcohol counselor.
- It costs money to obtain and maintain her professional licenses.
- She is only asking for a liveable wage that is comparable to her time, effort and education.

Paul Lutz:

- Mr. Lutz is a member of the Derry Cooperative District School Board.
- Derry is the 4th largest community in the state. They are the 3rd largest school district in New Hampshire.
- They are plagued with funding issues. They can no longer cut their budget without experiencing significant cuts in their educational process. They have a plan in place to shut down one of their schools. They can no longer cut.
- Their equalized valuation per student is one of the lowest in the state. Their per student expenditures are one of the lowest in the state.
- The loss of stabilization grants is having a tremendous impact on their community. By cutting stabilization grants you are effectively increasing the property tax burden on the residents of the community.
- Restore the stabilization grants until a more permanent plan can be put in place.

Greg Stephens:

- Mr. Stephens is the Board Chair for Volunteer NH, the state commission on volunteer services.
- They have a great partnership with City Year.
- If the current appropriation is funded, Volunteer NH will launch new programs with additional services that are needed across the state.

Viki Gayhardt:

- Please fund long-term support for workforce shortages and adult dental benefits.

Forrest Ramsdell:

- Mr. Ramsdell is the Principal at Parkside Middle School in Manchester.
- Children begin to lose the ability to see the future, once an adverse incident occurs. They see the future through relationships.
- The City Year program is looking to expand into middle schools next year.
- In grades 3-5 the kids receive great support from City Year. But the support ends at the end of 5th grade.
- More impactful events happen to kids during their middle school education years than any other time, other than birth to 2 years of age.
- Adding City Year to the mix allows them additional human resources to give kids the ability to see the future, to have a role model, and to have somebody to support them. We need additional resources in our schools for kids to rely on and turn to.

- Consider strongly City Year funding.

Christine Duffley:

- She and her son, Christopher, are involved in the Moore Center, with their blind and autistic services.
- Families with a special needs member have so many needs. When they receive support in the home it truly helps.
- Please maintain the funding levels for those services to remove individuals from the waitlist.

Ken Norton:

- Mr. Norton is the Executive Director of NAMI New Hampshire.
- The day before the hearing there were 41 people waiting to be admitted to New Hampshire Hospital or another designated receiving facility, including 13 children, 23 adults in Emergency Departments, 3 people in jails and 2 in the Secure Psychiatric Unit.
- Treatment delayed is treatment denied.
- The ER boarding crisis is contributing to the increasing rates of suicide in New Hampshire.
- We need to provide funding for suicide prevention and Headrest, the certified crisis center for the National Suicide Prevention Lifeline.
- ER boarding is our number one priority.
- The 10-Year Mental Health Plan is long on concepts and short on details. Get those details from DHHS.
- We need statewide mobile crisis response for adults and children to divert people from hospitals and jails. When an individual is in a mental health crisis, that individual and his/her family needs other options besides calling 911 or going to the ER.
- We need all kinds of beds, including inpatient beds, both voluntary and involuntary. We need crisis beds and peer respite beds.
- We need a forensic hospital.
- Mr. Norton requested additional support for NAMI New Hampshire as well.
- We need something like the Office of the Child Advocate to oversee the 10-Year Mental Health Plan.

Peter Powell:

- Mr. Powell is worried about fair and adequate school funding.
- We're looking at inadequate adequacy grants, reductions in stabilization aid, moratoriums on building aid, the state is not passing along funds to fund the Retirement System, it is still withholding the towns and cities' share of the Rooms and Meals Tax and revenue sharing.
- The towns and cities are paying 93 percent of the state's share of long-term care.
- People are tired and unable to continue.
- The state is not doing the job they are supposed to be doing.
- Policy should drive budgets; budgets should not drive policy.
- Education at every level is the most important investment we can make in the future of our state. We need to do whatever it takes to meet that responsibility.

Lara Quiroga:

- The least expensive problem to fix is the one you prevent in the first place.

- We need to invest in the early years to prevent these costly problems later on.
- Support the education funding provisions included in the House budget. We need to restore stabilization grants, and adjust the adequacy formula used to provide education funding.
- The state needs to uphold its responsibility to provide our children with an education without increasing burdens on local communities.
- Provide funding for more access to home visiting services to support family stability and improve child outcomes.
- Support funding for DCYF to support comprehensive family support contracts. These contracts are the bedrock for primary prevention services throughout the state. These services are absolutely vital.
- Support a fully funded Alcohol Fund and Medicaid expansion.

Andie Houle:

- "Thank you for whatever funding you can allocate for our state."

Jacob Bennett:

- When it comes to higher education public appropriations, New Hampshire is last in the nation on almost every important metric.
- The amount of money we contribute as individuals is lower than any other state. The amount provided for students is lower than any other state.
- UNH has the highest public instate tuition rates. We have high student loan default rates.
- Higher education is not merely a private benefit for individuals. It is a common good. The funding levels in this state do not reflect that common good.
- Investing in the state's higher education system is a necessity for the continued success of the state and its workforce development.

Katerina Wilhelmi:

- Support the developmental services budget and the people that carry out the work.
- Ms. Wilhelmi works at the Moore Center as a direct support professional.
- At times, groups must stay indoors due to the lack of funds to travel out into the community. The ratio is one staffer to five clients.
- Individuals don't always receive the care they deserve.
- An increase in the budget will help clients gain stronger life skills through independent programs, and help them to engage in the community more effectively.
- Staffing is inadequate. Address the workforce challenges.
- An increase will also help employees of the Moore Center earn a liveable wage.

Leslie Want:

- Ms. Want is on the Board of School Committee in Manchester.
- The young men and women of City Year are the first ones to arrive at school in the morning, greeting students as they enter the school. And they are the last ones to leave in the evening, manning many after-school programs.
- They take on the role of older, loving brothers and sisters. They make the school feel like a home.
- Please support City Year with our state tax dollars.

Dan Bergeron:

- Mr. Bergeron is also on the School Board in Manchester.
- The vibrancy of a city is directly related to its schools.
- Support the House version of the budget.

Norman Turcotte:

- Mr. Turcotte was President and CEO of Associated Grocers.
- When Associated Grocers was looking to expand, they would seek an area with a good, educated workforce.
- If we want to continue to retain good employers, and attract other strong companies, having a well educated workforce is absolutely critical.

Norma McKinley Smith:

- Norma has a son with schizophrenia.
- Fully fund all recommendations in the 10-Year Mental Health Plan.

dm

Date Hearing Report completed: May 25, 2019

SENATE CALENDAR NOTICE
Finance

Sen Lou D'Allesandro, Chair
Sen Dan Feltes, Vice Chair
Sen Cindy Rosenwald, Member
Sen Jay Kahn, Member
Sen John Reagan, Member
Sen Bob Giuda, Member

Date: May 9, 2019

EXECUTIVE SESSION

Tuesday	05/14/2019	
(Day)	(Date)	
Finance	SH 103	1:00 p.m.
(Name of Committee)	(Place)	(Time)

1:00 p.m. Executive Session on House Bills in Committee

BUDGET WORK SESSION

1:15 p.m. Department of Natural and Cultural Resources

1:45 p.m. Department of Administrative Services

2:15 p.m. Executive Session on Budget Deliberations

Deb Martone 271-4980

Lou D'Allesandro
Chairman

Please Note: Times are Approximate.

Speakers

SPEAKING

SENATE FINANCE COMMITTEE

Date: ~~May 7, 2019~~ Time: 1:00 p.m. Public Hearing on HB 1-A and HB 2-FN-A-L

HB 1-A - making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021.

HB 2-FN-A-L -relative to state fees, funds, revenues, and expenditures.

Please check all boxes that apply:

FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>rel.</i> LAUREL STARK	GRASSON 13 ✓
<input type="checkbox"/>	<input type="checkbox"/>	PAULA SUPER	RAD Rights/Democracy
<input type="checkbox"/>	<input type="checkbox"/>	Wendy White	self
<input type="checkbox"/>	<input type="checkbox"/>	② Mary Reberski Wes Van	ADHD Karen Ulmer Dorsch ✓
<input type="checkbox"/>	<input type="checkbox"/>	Amelia Keene	self / natta ✓
<input type="checkbox"/>	<input type="checkbox"/>	Bob Clegg and Carolyn Violette	NHICMA ✓
<input type="checkbox"/>	<input type="checkbox"/>	Amy Moore	Ascentra ✓
<input type="checkbox"/>	<input type="checkbox"/>	Ellen Tavino	ALC - Alt. Life Ctr ✓
<input type="checkbox"/>	<input type="checkbox"/>	Richard Chabat	ALC Alt Life Ctr ✓
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Betty Perreault	ALC Alt Life Ctr ✓
<input checked="" type="checkbox"/>	<input type="checkbox"/>	ASHLEY GIBSON	The College Board ✓
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sara Denehy	Self ✓
<input type="checkbox"/>	<input type="checkbox"/>	Elissa Margolin	Housing Action NH ✓
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mary Wilke	self ✓
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Julie Coleman	self ✓
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Frank W. Sprague	Claremont School Board ✓
<input type="checkbox"/>	<input type="checkbox"/>	Forest Stone	Portsmouth NH ✓

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FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input type="checkbox"/>	<input type="checkbox"/>	X Kara Nickulas	Crested Mountain Community Care
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Barbara Reid	WA Municipal Assoc
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Paul Bremer	BERLIN
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Kris MB Raymond	Allenstown School District
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	X CAROL COFFERTY	Adams *
<input type="checkbox"/>	<input type="checkbox"/>	X Doug McNutt	AARP
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Jonathan Homer	Security Steps
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Robert Gillis	monadnock Worksource
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Daniel Henderson	Keene state
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Nicole Plouffe	SAU 3
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Corinne Cascadden	SAU # 3
<input type="checkbox"/>	<input type="checkbox"/>	X P Goff	SB 308
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Michele Merritt	New Farm
<input type="checkbox"/>	<input type="checkbox"/>	X Sandi Raevella	IMPACT / GSTL
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X JOHN FREEMAN	PITSFIELD SCHOOL DISTRICT
<input type="checkbox"/>	<input type="checkbox"/>	Henry Walker / Green Pathways	GSIT/STT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X EMMETT SOLDATI	SOMERSWORTH - SELF

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FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Greg Pitman	NH TRAVEL COUNCIL
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Brenda Guggisberg	The Upper Room (FRC)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X William Johnson	myself
<input type="checkbox"/>	<input type="checkbox"/>	X MARK M. THORNTON	SELF
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Jessica Wheeler Russell	Self
<input type="checkbox"/>	<input type="checkbox"/>	Patricia Ramsey	Self
<input type="checkbox"/>	<input type="checkbox"/>	Brenda Williams	NH
<input type="checkbox"/>	<input type="checkbox"/>	X Brendan Williams	NHACA
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Charles Redfern	NH Rail Trail Coalition
<input type="checkbox"/>	<input type="checkbox"/>	X Dottie Champagne	CBHC
<input type="checkbox"/>	<input type="checkbox"/>	X DANIEL SWANSON	MPS
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FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Owen Markett	GSIL
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ethan Perry	GSFL
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Edward DShanhalg	ACHS
<input type="checkbox"/>	<input type="checkbox"/>	LAURA MEKINORA	Alternative Life Center
<input type="checkbox"/>	<input type="checkbox"/>	Peter Starkey	Monadnock Peer Support
<input type="checkbox"/>	<input type="checkbox"/>	Annika Stanley-Smith	Capital Area Public Health/Neht
<input type="checkbox"/>	<input type="checkbox"/>	Steve Anich	NH Hospital Assn.
<input type="checkbox"/>	<input type="checkbox"/>	Guy Burdwood	Connections Peer Support Center
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Keim Carol	Sunny Day Fund
<input type="checkbox"/>	<input type="checkbox"/>	Jeff Dickinson	GSIL
<input type="checkbox"/>	<input type="checkbox"/>	Nicole Jacobson	GSIL
<input type="checkbox"/>	<input type="checkbox"/>	Gabriel Woksanq	GSIL
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Darlene Gilderstere	SELF
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Anna Mandh	SELF
<input type="checkbox"/>	<input type="checkbox"/>	Tallie Service	Tallie Service
<input type="checkbox"/>	<input type="checkbox"/>	Patricia Ramosky	Self
<input type="checkbox"/>	<input type="checkbox"/>	Kim McLaughlin	Self

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FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input type="checkbox"/>	<input type="checkbox"/>	X Theresa Noel Noel	MYSELF
<input type="checkbox"/>	<input type="checkbox"/>	X PETER DARLINE	GSIC
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Cora Huter	Berlin Public Schools *
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Madeline Mullin	myself/Brother
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Nina Jensen	PSA
<input type="checkbox"/>	<input type="checkbox"/>	X Tim Noyes	self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Lisa Jurg	Self and Per Supp
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Kathleen T. Waters	myself
<input type="checkbox"/>	<input type="checkbox"/>	Barbara Southard	myself
<input type="checkbox"/>	<input type="checkbox"/>	Barbie Marotte	MPS/myself
<input type="checkbox"/>	<input type="checkbox"/>	X Erika M. Franklin	myself
<input type="checkbox"/>	<input type="checkbox"/>	X Brian Bishoff	myself
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Lynn Schollett	NHCA/VS
<input type="checkbox"/>	<input type="checkbox"/>	X Lew Keldstein	myself
<input type="checkbox"/>	<input type="checkbox"/>	X Heather M. Davis	myself
<input type="checkbox"/>	<input checked="" type="checkbox"/>	X Aubrey Freeman	myself
<input type="checkbox"/>	<input type="checkbox"/>	X Marc Sedam	NH IRC

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Please check all boxes that apply. *X Lisa Beadoin*

FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Adam Carch</i>	<i>GSIC</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Alexis Meyer</i>	<i>GSIL</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Makenna Trow</i>	<i>GSIL</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Emily Hansen</i>	<i>GSIL</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Peter Eves</i>	<i>CRMA</i>
<input type="checkbox"/>	<input type="checkbox"/>	<i>Rush Morrissette</i>	<i>Gateways Community Services</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Marcella Termini</i>	<i>self</i>
<input type="checkbox"/>	<input type="checkbox"/>	<i>David Goldstein</i>	<i>NHASSU CHIEF OF POLICE</i>
<input type="checkbox"/>	<input type="checkbox"/>	<i>Gregory Rank</i>	<i>New Beginnings</i>
<input type="checkbox"/>	<input type="checkbox"/>	<i>Chris Mathews</i>	<i>New Beginnings</i>
<input type="checkbox"/>	<input type="checkbox"/>	<i>Samantha Captain</i>	<i>Riverbend</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Nancy Murphy</i>	<i>Rep. Hillsborough Dist 21/Merr.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>LIZARDA URENA (Advocate)</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<i>Kevin Rodwell</i>	<i>ALC</i>
<input type="checkbox"/>	<input type="checkbox"/>	<i>DON SCHANZ</i>	<i>ALC</i>
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Bonnie Dunham</i>	

*speaking
if before
2:30pm*

SPEAKING

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FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Larry Russell	Hudson Schools
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Dennis Bird	Nashua, NH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓ Matthew Courchesne	IMPACT GSTL
<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓ Holly Fenn	Reach 1 Teach 1 Love 1
<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓ Dais Emma	PRSS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓ Daniel Estee	SELF
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Eric Schepphorst	Granite State Independent
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X ROBIN CHRISTOPHERSON	NHCAOSV ^{Living}
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Joanne Bell	ALC regional
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Annex Sars	Campaign for a Family Friendly Economy
<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓ LIZ KARAGOSIAN	NHCDV
<input type="checkbox"/>	<input type="checkbox"/>	✓ Adam Couch	IMPACT GSTL
<input type="checkbox"/>	<input type="checkbox"/>	Stepie Ricci	Pittsfield Listens
<input type="checkbox"/>	<input type="checkbox"/>	Share Ricci	Pittsfield Listens
<input type="checkbox"/>	<input type="checkbox"/>	Darin Dube	Pittsfield Listens
<input type="checkbox"/>	<input type="checkbox"/>	Joanna Johnson	Pittsfield Listens
<input type="checkbox"/>	<input type="checkbox"/>	MIKE NEMS	Pittsfield Listens

SPEAKING

SENATE FINANCE COMMITTEE

Date: May 7, 2019 Time: 1:00 p.m. Public Hearing on HB 1-A and HB 2-FN-A-L

HB 1-A - making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021.

HB 2-FN-A-L -relative to state fees, funds, revenues, and expenditures.

Please check all boxes that apply:

FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rebecca Bryant	LACS - DS SYSTEM
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Shauna Foster	NH CADDV
<input type="checkbox"/>	<input type="checkbox"/>	Jay Gauthier	Severest mental health / NH CADDV
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Judith Reed	Public Education in NH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Scott Myers	CITY MANAGER LACONIA
<input type="checkbox"/>	<input type="checkbox"/>	Katie Smith	Self
<input type="checkbox"/>	<input type="checkbox"/>	Kristina Field-Sparks	NH AHEC
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Matthew Koehler	NH State Police
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Connor Sperry	CCEH / FRIENDS PROPER FRIENDLY KITCHEN
<input type="checkbox"/>	<input type="checkbox"/>	David Kovar	NHIRE
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Susan Stearns	Self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	George Bald	Redevelopment / HISTORIC PLANNING COMMISSION
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ken Dionne	Self
<input type="checkbox"/>	<input type="checkbox"/>	Charkne Lovett	Mayor, Claremont
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ingrid Ahlberg	Self / Newmarket, NH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wes Vanderburgh	Self
<input type="checkbox"/>	<input type="checkbox"/>	Ellen Groh	Concord Coalition to End Homelessness

SPEAKING

SENATE FINANCE COMMITTEE

Date: May 7, 2019 Time: 1:00 p.m. Public Hearing on HB 1-A and HB 2-FN-A-L

HB 1-A - making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021.

HB 2-FN-A-L -relative to state fees, funds, revenues, and expenditures.

Please check all boxes that apply:

FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓ Leslee Holtbakk	Nashua
<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓ Lynn Carpenter	Windsor ^{Franklin}
<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓ Luanne Rogers	Manchester
<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓ Scott Morre	Self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓ Brian Harlow	Self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓ Sara Key	Self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓ Christy Spaulding	Self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓ Cecilia Varney	Self
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Max Abramson	Rochester 20
<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓ John Tobin	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓ Regan Lamphier	self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓ Karen M. Trudel	self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓ Deborah Urbanik	self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓ Maura Pennisi	self
<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>		

SPEAKING

SENATE FINANCE COMMITTEE

Date: May 7, 2019 Time: 1:00 p.m. Public Hearing on HB 1-A and HB 2-FN-A-L

HB 1-A - making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021.

HB 2-FN-A-L -relative to state fees, funds, revenues, and expenditures.

Please check all boxes that apply:

FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Lisa Beaudoin	ABLE NH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X John Cautin	NH Coalition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Sharon M... ..	CITY OF LISBON
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Kathy Hubert	Newport NH
<input type="checkbox"/>	<input type="checkbox"/>	X JOHN WUNN	NEWPORT NH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Kathleen Slover	Portsmouth, NH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Ken Slover	Portsmouth, NH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Richard Wiggins	Sanbornton NH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Janet Carroll	NHCAOSV
<input type="checkbox"/>	<input type="checkbox"/>	X Robin Christopherson	Self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Brett Merriotti's	Family
<input checked="" type="checkbox"/>	<input type="checkbox"/>	X Kona Johnson	Parent
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Shea	
<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>		

4:20 PM

NOT SPEAKING

SENATE FINANCE COMMITTEE

Date: May 7, 2019 Time: 1:00 p.m. Public Hearing on HB 1-A and HB 2-FN-A-L

HB 1-A - making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021.

HB 2-FN-A-L -relative to state fees, funds, revenues, and expenditures.

Please check all boxes that apply:

FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input type="checkbox"/>	DELORES FERROTTA	Self
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Peter Vanburen	Self
<input type="checkbox"/>	<input checked="" type="checkbox"/>	William	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Suzanne Handlett	Self
<input type="checkbox"/>	<input type="checkbox"/>	Man Land	AARP
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Richard Moore	AARP VOL.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Robert Allen	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mabel Wheeler	AARP volunteer
<input checked="" type="checkbox"/>	<input type="checkbox"/>	First members	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	PATY COLE	AARP VOLUNTEER
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ben Cotton	AARP volunteer
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rubin O'Donoghue	GSZS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Delores Stoklosa	AARP volunteer
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Patty Alessandrini	AARP volunteer
<input checked="" type="checkbox"/>	<input type="checkbox"/>	William	AARP
<input type="checkbox"/>	<input type="checkbox"/>	Norma Mackinlay-Smith	Self
<input type="checkbox"/>	<input type="checkbox"/>	* only provided 10 year mental health plan is funded	

2

NOT SPEAKING

SENATE FINANCE COMMITTEE

Date: May 7, 2019 Time: 1:00 p.m. Public Hearing on HB 1-A and HB 2-FN-A-L

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HB 2-FN-A-L -relative to state fees, funds, revenues, and expenditures.

Please check all boxes that apply:

FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Joseph Walker II	NH TC
<input type="checkbox"/>	<input type="checkbox"/>	Griffin Melanson	Berlin High School
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Julianna Willey	Berlin High School
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Tian Tormel	Berlin
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Anna Salek	Berlin High School
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Kaeleigh Hamlin	Berlin High School
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Janesa L Boynton	Berlin High School
<input type="checkbox"/>	<input type="checkbox"/>	Brianne L Harriman	Berlin high school
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Anthony Valliere	Berlin High School
<input type="checkbox"/>	<input type="checkbox"/>	Liz GARDNER	Keene NH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lynne Pedersen	Meredith, NH
<input type="checkbox"/>	<input checked="" type="checkbox"/>	LANCE WITTENBERG	Hooksett NH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Timothy Horrigan	Stafford
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paula Lemmens	Concord NH
<input type="checkbox"/>	<input type="checkbox"/>	Nathie Calzavara	MAN NH.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Richard Abel	Grafton 13, Lebanon
<input type="checkbox"/>	<input type="checkbox"/>	Mark T. Race	Granite State, Inc. Liv.

NOT SPEAKING

SENATE FINANCE COMMITTEE

Date: May 7, 2019 Time: 1:00 p.m. Public Hearing on HB 1-A and HB 2-FN-A-L

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HB 2-FN-A-L -relative to state fees, funds, revenues, and expenditures.

Please check all boxes that apply:

FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sheena Kennedy	Berlin ALC.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Melody Bruch	Berlin ALC
<input type="checkbox"/>	<input type="checkbox"/>	Samantha Captain	Self
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Jerry A Rockwell	CPA/audits
<input type="checkbox"/>	<input type="checkbox"/>	Harry Chase	Connections Peer Support Center
<input type="checkbox"/>	<input type="checkbox"/>	Elisan Pierce	Berlin MS
<input type="checkbox"/>	<input type="checkbox"/>	Cather Paulin	Berlin High School
<input type="checkbox"/>	<input type="checkbox"/>	Emily Roy	Milan NH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mary Seabury	Berlin High School
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Kadence Gendron	Berlin High School
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lindsay Gosselin	Berlin high school
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Kelsie Foster	Berlin high school
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Erwin Conway	BHS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sharon Monroe	AARP
<input checked="" type="checkbox"/>	<input type="checkbox"/>	William Sparks	AARP
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Marylouise ALTHER	MDS-Teene
<input type="checkbox"/>	<input type="checkbox"/>	Arnee Tucker	Secondstart / Concord High School

NOT SPEAKING

SENATE FINANCE COMMITTEE

Date: May 7, 2019 Time: 1:00 p.m. Public Hearing on HB 1-A and HB 2-FN-A-L

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HB 2-FN-A-L -relative to state fees, funds, revenues, and expenditures.

Please check all boxes that apply:

FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Angel Smith	Alternative Life Center - Littleton Peer Support
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Matt Leahy	Ferret Society
<input type="checkbox"/>	<input checked="" type="checkbox"/>	CAVAN WESTLUND	NEVTA/KINETIK
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Dancy Vaughan	American Heart Assn
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Corynne Letendre	Monadnock Area Peer Support Agency
<input type="checkbox"/>	<input checked="" type="checkbox"/>	GUY CHARDELAIN	NH AARP - BEDFORD
<input type="checkbox"/>	<input checked="" type="checkbox"/>	CONI CHARDELAIN	NH AARP - BEDFORD
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brian Bealon	AIC.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Soleen Tilton	AIC.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Julie Mont	AIC
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Jafermed	AARP
<input checked="" type="checkbox"/>	<input type="checkbox"/>	NH Council on Developmental Disabilities	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Terri Voth	GSIL
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Amanda Bowen	GSIL
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Amand Paulik	Pittsfield Listens
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Katie Nikas	Pittsfield Listens
<input type="checkbox"/>	<input type="checkbox"/>	Lorraine McLaughlin	Lara's

NOT SPEAKING

SENATE FINANCE COMMITTEE

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Please check all boxes that apply:

FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input type="checkbox"/>	<input type="checkbox"/>	Barbara Walsh	AARP
<input type="checkbox"/>	<input type="checkbox"/>	Charles Young	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Cathy Orcault	AARP
<input type="checkbox"/>	<input type="checkbox"/>	Kelly Marshall	
<input type="checkbox"/>	<input type="checkbox"/>	Emmaline MacCott	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lois C Brooks	NH State Council on Disabilities
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mike Rolfe	ACSCAN
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Thomas Jimino	Citizen
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Michele Watson	self pending 100% funding 10yr MIT plan
<input checked="" type="checkbox"/>	<input type="checkbox"/>	LINDA Tamer	self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sarah Aiken	Community Bridges
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Erika Remerton Harbor Homes	SSVF Case management
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Jonathan Routhier	Community Support Network
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Jillian Clemans	FULLY fund DD services! The Moore Center
<input checked="" type="checkbox"/>	<input type="checkbox"/>	MT Mulligan, Rep Grafton #12	
<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>		

NOT SPEAKING

SENATE FINANCE COMMITTEE

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Please check all boxes that apply:

FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paul McFalls	School
<input type="checkbox"/>	<input type="checkbox"/>	Linda Powell	Colebrook
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mary McLaughlin	Arts 4NH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Kayla Montgomery	Planned Parenthood
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Andrea Gorman	Self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Kate Gage	Self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Kathleen Hoey	AARP
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mariou Taenzer	MST
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Laurie Koch	Self
<input type="checkbox"/>	<input type="checkbox"/>	Derek Edry	Self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Patrice Rasche	self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Stephen Rasche	self
<input type="checkbox"/>	<input type="checkbox"/>	Kevin Portz	RHD
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. MT Mulligan Grafon #12	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Susan O'Callaghan	self (developmental disabilities)
<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>		

w/ SB 308

NOT SPEAKING

SENATE FINANCE COMMITTEE

Date: May 7, 2019 Time: 1:00 p.m. Public Hearing on HB 1-A and HB 2-FN-A-L

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Please check all boxes that apply:

FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Bryan Whatt	Myself
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Karen McDowell	myself
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Joy Sabharwal	myself
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barbara Didone (support DD)	myself (DD)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Maree Mulroy	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chris Vitas	myself
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Michelle Donovan	Living Innovations
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lindsey Franck	myself
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Isaac Grimm	Rights & Democracy
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Melissa Sandoval	myself
<input type="checkbox"/>	<input type="checkbox"/>	DAVID BASTIEN	MOORE CENTER
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Scott McGuffin	NAMI NH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	ASHLEY SERAFIN	SELF
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Liane Keryson	Family Promise of Greater Concord
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Stephanie Carberry	SELF/PACE
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rachel Cannon	SELF/PACE
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chandler Belfell	SELF/PACE

NOT SPEAKING

SENATE FINANCE COMMITTEE

Date: May 7, 2019 Time: 1:00 p.m. Public Hearing on HB 1-A and HB 2-FN-A-L

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Please check all boxes that apply:

FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sue Mullen	Hillsborough 7
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Patricia Council	Hillsborough 1P
<input checked="" type="checkbox"/>	<input type="checkbox"/>	DANN DOWNEY	MERRIMACK 20
<input type="checkbox"/>	<input checked="" type="checkbox"/>	REP JOHN POTUCK	ROCKINGHAM 6
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FEELEY, KEVIN PETER	those in need
<input checked="" type="checkbox"/>	<input type="checkbox"/>	howise Spencer	Concord Self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Judith Munnery	Shatham AA
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Dolly Cannon	Crafton # 12
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ken Clark	PAID 11
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Karen Blake	Self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brianna Hayward	Manchester, NH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lindsay Mague	The Moore Center Manchester NH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Aida Schneider	Moore Center Manchester NH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Giovan Shepard	Young Democrats NH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ingrid Ahlberg	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Timothy McKernan	Grants & Projects
<input checked="" type="checkbox"/>	<input type="checkbox"/>	John Tutthill	Acworth, NH

SPEAKING

SENATE FINANCE COMMITTEE

Date: ~~May 8, 2019~~ Time: 7:00 p.m. Public Hearing on HB 1-A and HB 2-FN-A-L

HB 1-A - making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021.

HB 2-FN-A-L -relative to state fees, funds, revenues, and expenditures.

Please check all boxes that apply:

FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input type="checkbox"/>	<input type="checkbox"/>	X Mary Ruberge	AARP
<input type="checkbox"/>	<input type="checkbox"/>	X Bill Rider	NH Community Behavioral Health
<input type="checkbox"/>	<input type="checkbox"/>	X Kris McCracken	Manchester Community Health Center
<input type="checkbox"/>	<input type="checkbox"/>	X Bonnie Dunham	
<input type="checkbox"/>	<input type="checkbox"/>	X Sarah Hill	Hudson NH
<input type="checkbox"/>	<input type="checkbox"/>	X James Leahy	
<input type="checkbox"/>	<input type="checkbox"/>	X Liz Olson	CITY YEAR
<input type="checkbox"/>	<input type="checkbox"/>	X Nicole Jacobsen	GSIL
<input type="checkbox"/>	<input type="checkbox"/>	X Gabriel Wonsang	GSIL
<input type="checkbox"/>	<input type="checkbox"/>	X MAGGIE HARRINGTON	CITY YEAR
<input type="checkbox"/>	<input type="checkbox"/>	X Hannah Perdue	GSIL
<input type="checkbox"/>	<input type="checkbox"/>	X Brett McDonald	GSIL
<input type="checkbox"/>	<input type="checkbox"/>	X DICK SAMUELS	CITY YEAR
<input type="checkbox"/>	<input type="checkbox"/>	X Guy CHARDELAINÉ	AARP
<input type="checkbox"/>	<input type="checkbox"/>	X Jodi HARPER	CITY YEAR
<input type="checkbox"/>	<input type="checkbox"/>	X CHRIS PUTTER	CITY YEAR
<input type="checkbox"/>	<input type="checkbox"/>	X ARTHUR LYON	CITY YEAR
<input type="checkbox"/>	<input type="checkbox"/>	X Joyce Craig	Herself

SPEAKING

SENATE FINANCE COMMITTEE

Date: May 8, 2019 Time: 7:00 p.m. Public Hearing on HB 1-A and HB 2-FN-A-L

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Please check all boxes that apply:

FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input type="checkbox"/>	<input checked="" type="checkbox"/>	RYAN DONNELLY	GSIL
<input type="checkbox"/>	<input checked="" type="checkbox"/>	BOB GETCHELL	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	JAMES MORAN / MARTIN MORAN	Citizen
<input checked="" type="checkbox"/>	<input type="checkbox"/>	provided that the 10 year mental health plan is fully funded	Norma Mackinley Smith Self
<input type="checkbox"/>	<input checked="" type="checkbox"/>	George Bald	Lakeshore Redevelopment Commission
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Clay Brennan	Lynne Melk Brennan
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Diana LaMothe	Hudson CTE Center
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Darcy Orellana	Hudson CTE Project
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Shauna Smith	DHHS/DCYF
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Madison Livingston	Myself
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Michele Lipinski	Ward 1 City Council Power
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Theodore Lipinski	Home Middle School
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Kelli Pharis	myself - 0458 ward
<input type="checkbox"/>	<input type="checkbox"/>	Jim Colhane	Homecare, Hospice + Pall. Care Alliance of NH
<input type="checkbox"/>	<input type="checkbox"/>	Dottie Gore	WayPoint
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Karen Hatcher	Peterborough NH
<input type="checkbox"/>	<input type="checkbox"/>	XXXXXXXXXX	XXXXXXXXXX

SPEAKING

SENATE FINANCE COMMITTEE

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HB 2-FN-A-L -relative to state fees, funds, revenues, and expenditures.

Please check all boxes that apply:

FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Lisa Dillingham	Dover Teachers' Union
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Gary Calmon	NH Assoc. of Res ^{Home} Care
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> John Leslie HALTBANK	Family Council
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Katie Parent	YWCA-NH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Abigail Roden	Self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Megan Savage	Self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Clay Brennan	Self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Pat Patrick Houghton	Self MPD
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Mr Matt Lerochelle	MPD
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Dottie Gove	Waypoint
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Amanda Sears	campaign for a Family Friendly Economy
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Erika Ann HUME	Community Partners
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Mary Heath	Hills 14 Manchester
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Dick Samuels	state Res City Year
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Nicole Fordley	Litchfield Budget Committee
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Mr Family	Council on DD Council
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Carrie Duran	Self

SPEAKING

SENATE FINANCE COMMITTEE

Date: May 8, 2019 Time: 7:00 p.m. Public Hearing on HB 1-A and HB 2-FN-A-L

HB 1-A - making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021.

HB 2-FN-A-L -relative to state fees, funds, revenues, and expenditures.

Please check all boxes that apply:

FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input type="checkbox"/>	<input checked="" type="checkbox"/>	John Burns	SOS Recovery Community
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Gaul Hutz	Derry Police Dept
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Greg Stearns	VOLUNTEER NH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Michelle Fritchey	Children's Behavior Health
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Viki Gayherdt /self/ dev. disability	self
<input type="checkbox"/>	<input type="checkbox"/>	Antie	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Forrest Randall	City Year
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Dellie Champagne	self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Christine Dufflay	self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Liana Boretto	self + G.SOP.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Janice Leary	self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	KEN NORRIS	NAMI NH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Arthur Lyon	City Year
<input type="checkbox"/>	<input type="checkbox"/>	Bethany Earls	Support/Fund DD The Moore Center
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Kara Quiroga	self
<input type="checkbox"/>	<input type="checkbox"/>	Andie Houle	City Year
<input type="checkbox"/>	<input type="checkbox"/>	Jacob Bennett	myself

NOT SPEAKING

SENATE FINANCE COMMITTEE

Date: May 8, 2019 Time: 7:00 p.m. Public Hearing on HB 1-A and HB 2-FN-A-L

HB 1-A - making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021.

HB 2-FN-A-L -relative to state fees, funds, revenues, and expenditures.

Please check all boxes that apply:

FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input type="checkbox"/>	<input type="checkbox"/>	Kristine Stoddard	Bi-State Primary Care Association
<input type="checkbox"/>	<input type="checkbox"/>	Kristina Fields-Spark	NH Area Health Education Center
<input type="checkbox"/>	<input type="checkbox"/>	Dawn McKinney	NH Legal Assistance
<input type="checkbox"/>	<input type="checkbox"/>	Marybeth Hammond	GSIC/IMPACT
<input type="checkbox"/>	<input type="checkbox"/>	JANIS	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Charlie Post	Lynne Brennan Murder Victim
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lisa Post	Lynne Melk Brennan
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Gina Brennan	Lynne Melk Brennan
<input type="checkbox"/>	<input type="checkbox"/>	Kathleen Huey	AARP
<input type="checkbox"/>	<input type="checkbox"/>	Don McPart	AARP
<input type="checkbox"/>	<input type="checkbox"/>	MICHAEL CONNOR	HCAO
<input type="checkbox"/>	<input type="checkbox"/>	Tom Gaul	Gafeways Services
<input type="checkbox"/>	<input type="checkbox"/>	Kathie Kaluzynski	AARP
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Jackie Hooley	Community Parks
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Keithlenable	best buddies buddy ambassadors
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Susan Ocallahan	Greater Community Services
<input type="checkbox"/>	<input type="checkbox"/>	Pamela Nitchan	City Year

NOT SPEAKING

SENATE FINANCE COMMITTEE

Date: May 8, 2019 Time: 7:00 p.m. Public Hearing on HB 1-A and HB 2-FN-A-L

HB 1-A - making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021. -

HB 2-FN-A-L -relative to state fees, funds, revenues, and expenditures.

Please check all boxes that apply:

FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Jonathan Routhier	Community Support Network
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Bill Felsolle	
<input type="checkbox"/>	<input type="checkbox"/>	Kathryn Weishead	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Michael Garber	suft
<input type="checkbox"/>	<input type="checkbox"/>	Iselle Simonet	
<input type="checkbox"/>	<input type="checkbox"/>	Joshua Azevedo	
<input type="checkbox"/>	<input type="checkbox"/>	Trents Damon	
<input type="checkbox"/>	<input type="checkbox"/>	Lisa Paul Durand	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Kimberly Dreier	Nottingham ^{NEA} USA
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Michael J Gayhardt	Durfield
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Viola Katusime	Monchore
<input type="checkbox"/>	<input type="checkbox"/>	Nate Olson	
<input type="checkbox"/>	<input type="checkbox"/>	Mike Callity	Fund DD
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Jane + Ingram	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Matthew INGRAM	
<input type="checkbox"/>	<input type="checkbox"/>	Amador Gault	GSIL
<input type="checkbox"/>	<input type="checkbox"/>	Paul Brown	Rachael Plamie

Testimony

April 18, 2019

To Who This Concerns At The Senate Budget Hearings,

I'm a consumer at Community Partners in
Dover, Nh that provides mental health services.
And I was told that the Governor's Funding for
the Best Buddies Program was 'Removed' and
I'm not very happy! The Best Buddies Program
needs these funds to maintain and conduct an
adequate program!

Sincerely Susie A.

Susie A.

May 1, 2019

Dear Chairman D'Allesandro and Members of the Senate Finance Committee,

Good afternoon. My name is Denice Albert and I live in Barrington, NH. I am asking you to support the developmental services budget and the people that carry out the work. My daughter is supported by Community Partners in Strafford County through the In Home Supports Waiver and Family Support.

My daughter, Hayley, is 18 and was diagnosed in May of 2018 with a very rare genetic syndrome named KAT6A. KAT6A is a de novo mutation, meaning it occurred spontaneously and was not inherited. She is the 132nd person in the world to be diagnosed. Her symptoms range from intellectual disability, neurological and physical challenges, she is nonverbal, and has a vision impairment, among other health issues. She requires 24/7 assistance and supervision. Hayley lives at home with me, her father and brother. I am unable to work, as keeping ahead of doctor appointments, insurance issues, school meetings, and regular home life requires most of my time.

Supporting the developmental services budget, along with SB308 is essential to the families who care for loved ones facing daily living challenges, as well as, the people who carry out the work to support them.

Thank you for your service and your time to read my letter.

Sincerely,

Denice Albert
96 Chesley Drive
Barrington, NH 03825
603-664-2766



April 18, 2019

To Who This Concerns At The Senate Budget Hearings,

I'm a consumer at Community Partners in
Dover, Nh that provides mental health services.
And I was told that the Governor's Funding for
the Best Buddies Program was 'Removed' and it
makes me feel upset! I don't like it for people
who need the Best Buddies Program!

Sincerely Lesley B.

Lesley B.

TESTIMONY OF GEORGE BALD
LAKESHORE REDEVELOPMENT PLANNING COMMISSION
MAY 7, 2019

Mr. Chairman and Members of the Committee,

I am here representing the Lakeshore Redevelopment Planning Commission as its chairman. The Commission was created by the Legislature in 2017 to study and prepare a plan to redevelop the property known to many as the former "State School" located in Laconia. Incidentally, we are the 4th group established by the legislature to look at redeveloping this site.

The State previously considered giving this property away, but no one wanted to take on the uncertainty and the potential liabilities associated with the various known and unknown environmental problems at the site. In 2017, the Legislature took a different approach. Our Commission is charged with preparing a plan of redevelopment similar to the initial approach taken at the former Pease AFB in Portsmouth -- that is, studying site and market conditions to prepare a redevelopment plan that creates jobs, generates State and local taxes, and benefits Laconia and the Lakes Region.

Though there is much left to do, we are off to a good start. We have seven Commissioners, who are leaders in their fields and volunteering substantial time to this effort. They have made clear from the start that the more certainty and clarity about the site conditions and the property disposal process the Commission can bring to this task, the greater the chances of a successful public/private redevelopment of the site as envisioned by the 2017 legislation. With this in mind and working closely with the Lakes Region Planning Commission, its consultant Nobis Engineering, USEPA, and the NH Departments of Administrative and Environmental Services, the Commission has applied for and will be receiving in total over \$200,000 of Federal and Regional Planning funds to substantially reduce uncertainty regarding site conditions by conducting extensive environmental field investigations throughout the site. However, additional environmental and historic resource investigations need to be undertaken at the site. We and our partners are working hard now to fill in these data gaps.

More specifically, in addition to the outside environmental work, we also need to complete general and site specific historic surveys of the property, again to provide certainty and clarity regarding the responsibilities and liabilities associated with redeveloping the property. There are also environmental issues associated with almost every building on the property, as well as infrastructure issues relating to water, sewer, stormwater and roadways. We are working closely with the NH Division of Historic Resources, the Lakes Region Planning Commission, NHDOT, NHDES, Dept. of Business and Economic Affairs, the City of Laconia and the Belknap Economic Development Commission to minimize these uncertainties and prepare a redevelopment plan with broad support. Our studies, communications with interested parties, and experienced Commissioners all tell us the private sector will not participate unless these issues are addressed and site conditions and constraints are made more clear and certain.

We have made great strides in the past 18 months -- you can see the results of our work to date on our web page hosted on the NH Department of Administrative Services web site. We believe we have built on the work of the prior committees and commissions and made great progress towards an effective redevelopment plan. Miraculously, we have done all of this without any permanent staff, but instead with seven very dedicated volunteer experts as Commissioners and assistance from key personnel from the NH Dept. of Administrative Services and several excellent consultants. But, to continue this work and not lose valuable momentum, we need additional funding.

TESTIMONY OF GEORGE BALD
LAKESHORE REDEVELOPMENT PLANNING COMMISSION
MAY 7, 2019

Our budget request allows us to continue investigating site environmental and historical conditions and designing a proposed layout and backbone infrastructure necessary to attract private sector interest and investment. Our request does not include any permanent State positions, but instead remains focused solely on preparing a redevelopment plan acceptable to the Legislature and the City of Laconia and attractive to the private sector. Please note our budget request also includes a request for matching funds that will allow the Commission to apply for Federal Funds necessary for infrastructure improvements. I think it is important to point out that the State has spent over \$3.5 million in the last ten years to just maintain the property as it currently stands. That does not include any repairs to over 25 currently unused buildings at the site or repairs needed to the existing on-site sewer system to mitigate unwanted impacts to the Winnepesaukee River Basin Project sewer system. I submit, the best way to reduce this ongoing State responsibility is a successful redevelopment of the property as envisioned in the 2017 legislation creating the Lakeshore Redevelopment Planning Commission.

I have attached our budget request to this testimony. I believe it is important for the Committee to keep a few issues in mind as you deliberate on our request.

The property will never be successfully redeveloped unless the issues of environmental and historic resource conditions are appropriately investigated. Bear in mind that the State is already responsible for site environmental conditions and will have to address them whether or not this work is done as part of the redevelopment process. If the current redevelopment effort does not go forward, the State of NH is still liable for the contaminants in the ground as well as the buildings. As long as the site remains State property, the State will continue to be responsible for the annual maintenance costs (\$350,000 to \$400,000). In addition, the current water and sewer lines at the site are in poor condition and the ongoing groundwater infiltration into the existing sewer system is costing the State a great deal and will do so until the old piping is removed and new infrastructure is installed.

We have had private sector interest in the property, but again, they need greater clarity and certainty regarding site conditions. Serious investment is unlikely until we can provide that clarity and certainty the private sector is looking for. The State is wasting an asset that is consuming State resources and does not provide service to the citizens of New Hampshire. If the property is redeveloped, it will generate property taxes, rooms and meals taxes, business profit taxes, provide expanded housing opportunities in the Laconia area, and generate jobs.

The Commission has a great deal of talent and experience in property development, as well as creating wealth and opportunity. We are near completion of our Master Plan, but it will take several more months to complete that process and begin the process of implementing that plan. It will not happen without a further appropriation. If funding is not provided to keep this process moving, the State will be creating a 5th commission in a few years, but will have lost all of the momentum and experience that has been created over the last 18 months by this Commission.

Thank you for the opportunity to speak with you today.

George Bald, Chairman

Lakeshore Redevelopment Planning Commission

July 1, 2020-June 30, 2021

Line Item Description	FY2020	FY2021	Biennial Total	Notes/Comments
Current Expense				
01 Dropbox account	\$2,000	\$2,000	\$4,000	11 licenses @ \$165 per month
02 Other				
Miscellaneous Commission Expenses	\$2,500	\$2,500	\$5,000	Reimbursement for out-of-pocket costs other than Dropbox
In-State Travel Reimbursement	\$3,500	\$3,500	\$7,000	Reimbursement to Commissioners for travel costs
Telecommunications	\$0	\$0	\$0	Assumes agency has no permanent location + continues to rely on DAS for web site
Temporary Help				
Administrative support	\$16,000	\$20,000	\$36,000	Temporary help or reimbursement for use of Commissioners' administrative staff - \$40 /h x 8 h/wk x 50 wk/yr
Agency Coordinator	\$30,000	\$40,000	\$70,000	Retained on contract basis -- \$125 /h x 5 hrs/wk x 48 wks/yr
Contracts for Planning Services				
02 Master Planning Services (NBBJ)	\$50,000	\$50,000	\$100,000	Continuation of current contract for master planning services
Site survey updates	\$75,000	\$0	\$75,000	Includes boundary survey with ground control, aerial photo for 2-foot elevation contours + wetlands delineation
Subdivision planning + related surveys	\$20,000	\$80,000	\$100,000	Preparing detailed plan for subdivision of property and related surveys to define parcel boundaries
Ahern State Park Study	\$40,000		\$40,000	Focused plan to study integrating uses of state park and Lakes Region Facility/updates to state park facility
03 Other contract services				
Hazardous Materials Assessments of Bldgs	\$150,000	\$150,000	\$300,000	Surveys of buildings for hazardous materials prior to reconstruction or demolition
Additional Environmental Assessments/Sampling/Remediation	\$75,000	\$75,000	\$150,000	Additional investigation + sampling to fill data gaps/ removal of abandoned facilities + piping
Historical resource surveys	\$50,000	\$60,000	\$110,000	For detailed historical surveys of specific buildings + locations following Phase I-A survey scheduled for FY2019
Operating Budget Subtotal	\$514,000	\$483,000	\$997,000	
Funds for Matching Grants	\$350,000.00	\$350,000.00	\$700,000	Available for Northern Border Commission funds + any other relevant federal, state, local or non-governmental matching grant or loan programs
Totals	\$864,000.00	\$833,000.00	\$1,697,000	

My name is Jacob Bennett, and I'm a doctoral candidate studying higher education policy and administration through the University of New Hampshire's Education Department. I'm also an officer of the UNH Graduate Student Senate and a member of the University System Student Board. *I'm speaking on my own behalf, but my perspective is informed by the roles just mentioned.*

I'm here to highlight two reports for this committee's consideration:

- First, the most recent State Higher Education Executive Officers (SHEEO) report on State Higher Education Funding in 2018, which shows again just how stark and austere New Hampshire's financing of public higher education really is;
- Second, a study produced by Philip Trostel, an economist at the University of Maine, suggests that both private benefits and the common good of higher education more than justify expenditure by states on public higher education.
 - Trostel, P. (2015). *It's not just the money: The benefits of college education to individuals and to society*. Lumina Issue Papers, Lumina Foundation

The findings in the SHEEO report on 2018 present evidence of a stark austerity in our state financing of NH public higher education, as has been the case in recent years. Even though the percentage of growth in appropriations per FTE between 2013-2018 was greater in New Hampshire than in any other state except Oregon, the situation remains austere. Some low-lights include:

- Net tuition as a percent of total educational revenue was just below 80% in New Hampshire, next to last in the nation.
- Higher educational appropriations per FTE is more than \$5,000 lower in New Hampshire than the national average, and last in the nation.
- Higher education support from state and local funding amounted to only 1.9% of all tax revenues in New Hampshire, last in the nation; that amounted to \$93 of support per capita, last in the nation, more than \$200 per capita below the national average, and nearly \$50 per capita lower than the next lowest; no other state's per capita support falls below \$100.
- Higher education support per \$1000 of personal income in 2017 was \$1.60, the lowest in the nation, and about half the next highest rate, and \$4.20 lower than the national average.
- Lastly, New Hampshire does not have a public student aid program,

Trostel's study shows that the private benefits accruing to individuals attending college are significant and extend beyond economic concerns. (read from executive summary)

Trostel's study also shows that the contribution to the common good is just as extensive. (read from executive summary)

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- Lastly, New Hampshire does not have a public student aid program,

Trostel's study shows that the private benefits accruing to individuals attending college are significant and extend beyond economic concerns:

- Annual earnings are about \$32,000 (134 percent) higher. Moreover, there is no evidence that the college earnings premium is declining. Indeed, it has been increasing.
- Lifetime earnings are, conservatively, about \$625,000 (114 percent) greater in present discounted value (using a 3 percent real interest rate and taking forgone earnings while in college into account).
- The incidence of poverty is 3.5 times lower.
- The likelihood of having health insurance through employment is 47 percent higher.
- Annual additional compensation in the form of employer contributions for health

insurance is \$1,400 (74 percent greater).

- The likelihood of having a retirement plan through employment is 72 percent greater.
- Retirement income is 2.4 times higher.
- Job safety is greater. The incidence of receiving workers' compensation is 2.4 times lower.
- Measures of occupational prestige are significantly higher.
- The probability of being employed is 24 percent higher.
- The likelihood of being unemployed is 2.2 times lower.
- The likelihood of being out of the labor force (neither employed nor unemployed) is 74 percent less.
- Age at retirement is higher. The probability of being retired between the ages 62 through 69 is about 25 percent lower.
- The likelihood of reporting health to be very good or excellent is 44 percent greater.
- The likelihood of being a regular smoker is 3.9 times lower. The incidence of obesity and heavy drinking are significantly lower. The likelihood of exercising, having a healthy diet, wearing seat belts and seeking preventative medical care are significantly higher.
- The incidence of a disability making it difficult to live independently is 3.6 times lower.
- Life expectancy at age 25 is seven years longer (for those having at least some college compared to those never having gone to college).
- Asset income is 4.9 times greater (\$1,900 more per year).
- The likelihood of not having a bank account is 8.1 times lower. Reliance on expensive forms of banking and credit is significantly lower.
- The probability of being in prison or jail is 4.9 times lower.
- The probability of being married is 21 percent higher and the probability of being divorced or separated is 61 percent lower.
- The likelihood of being happy is significantly higher.

Trostel's study also shows that the contribution to the common good is just as extensive:

- Although the evidence is not completely conclusive, the positive effect on the aggregate earnings of others appears to be roughly similar to the effect on own earnings.
- Lifetime taxes are, conservatively, \$273,000 (215 percent) greater in present discounted value (using a 3 percent real interest rate and taking into account forgone taxes while in college). That is, college graduates contribute hundreds of thousands of dollars more toward government services and social insurance programs.
- Lifetime government expenditures are about \$81,000 (39 percent) lower in present value.
- College graduates rely much less on other taxpayers.
- The lifetime total fiscal effect is roughly \$355,000 in present value.
- Crime is significantly lower.
- Volunteering is 2.3 times more likely. The estimated value of volunteer labor is 4.1 times (\$1,300 annually) greater.
- Employment in the nonprofit sector is twice as likely. The estimated value of the implicit wage contribution to nonprofits is 8.7 times (\$1,500 annually) greater.
- Annual cash donations to charities are \$900 (3.4 times) higher.
- Total philanthropic contributions (i.e., the value of volunteer labor plus the value of the implicit contribution to nonprofits plus cash donations) are \$3,600 (4.7 times) higher.

- Voting and political involvement are significantly higher.
- Participation in school, community, service, civic and religious organizations is substantially (1.9 times) higher. Leadership in these organizations is particularly (3.2 times) greater.
- Community involvement is significantly greater. For example, attendance at community meetings is 2.6 times greater.
- Neighborhood interactions and trust are significantly higher.

For these reasons, I urge the committee and the wider legislature to consider significant increases to the state's appropriations for public higher education in the state of New Hampshire.

Thank you for your time and consideration.



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LUMINA ISSUE PAPERS

**IT'S NOT JUST
THE MONEY**
**THE BENEFITS OF
COLLEGE EDUCATION
TO INDIVIDUALS AND
TO SOCIETY**

by Philip Trostel
Margaret Chase Smith Policy
Center & School of Economics
University of Maine



Summary

In some contexts an issue basically boils down to the monetary bottom line. In other contexts, though, focusing just on the dollars is like throwing the baby out with the bathwater. Narrowly defined economics does not always capture all of the essential aspects of an issue. The value of a college education is one such example.

The value of a college education is often presented in purely monetary terms, probably because the average monetary payoff from a college degree is so high. The substantial financial rewards from obtaining college degrees are well known and documented. The link between college attainment and economic prosperity has been clearly demonstrated for individuals, as well as for cities, states and nations.

It is no secret that the financial payoff is only one of the benefits from a college education. But the other benefits, and particularly their magnitudes, are considerably less well known. These other benefits of college education are often difficult to quantify and harder to demonstrate. Consequently, these frequently unmeasured benefits are often ignored in policy discussions. It is sometimes joked that "if you can't measure it, it doesn't exist." Unfortunately, there is more than a grain of truth in this quip. But the lack of quantification does not make the benefits any less real or any less important, except for perhaps in policy discussions. Moreover, the "other" benefits of college education appear to be at least as important as the well-known effect on earnings. Thus, public policy debates about postsecondary education frequently omit more than half of the story.

This report provides a more complete picture by highlighting many of the frequently unmeasured and ignored benefits of college attendance. Education has numerous beneficial effects, and many of these have been estimated in large academic literatures. But research articles typically carefully examine just one effect. This report organizes and compiles the evidence from several different literatures into one easily accessible place.

On average in 2012, Americans with bachelor's degrees (and without graduate degrees) receive the following benefits in comparison to high school graduates never attending college:

- Annual earnings are about \$32,000 (134 percent) higher. Moreover, there is no evidence that the college earnings premium is declining. Indeed, it has been increasing.
- Lifetime earnings are, conservatively, about \$625,000 (114 percent) greater in present discounted value (using a 3 percent real interest rate and taking forgone earnings while in college into account).
- The incidence of poverty is 3.5 times lower.
- The likelihood of having health insurance through employment is 47 percent higher. Annual additional compensation in the form of employer contributions for health insurance is \$1,400 (74 percent greater).
- The likelihood of having a retirement plan through employment is 72 percent greater. Retirement income is 2.4 times higher.
- Job safety is greater. The incidence of receiving workers' compensation is 2.4 times lower.
- Measures of occupational prestige are significantly higher.
- The probability of being employed is 24 percent higher.

- The likelihood of being unemployed is 2.2 times lower.
- The likelihood of being out of the labor force (neither employed nor unemployed) is 74 percent less.
- Age at retirement is higher. The probability of being retired between the ages 62 through 69 is about 25 percent lower.
- The likelihood of reporting health to be very good or excellent is 44 percent greater.
- The likelihood of being a regular smoker is 3.9 times lower. The incidence of obesity and heavy drinking are significantly lower. The likelihood of exercising, having a healthy diet, wearing seat belts and seeking preventative medical care are significantly higher.
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- Life expectancy at age 25 is seven years longer (for those having at least some college compared to those never having gone to college).
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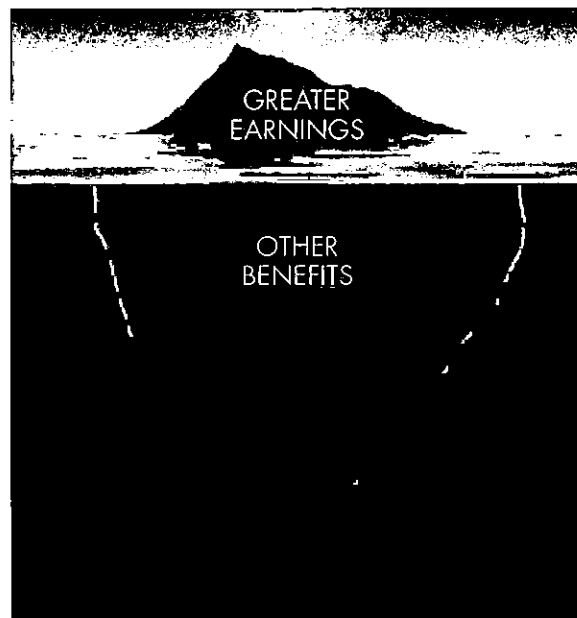
The total value of a college education is thus considerably greater than just the higher earnings. But the catalog of benefits above lists only those accruing to the degree holder. There are also substantial benefits accruing to the rest of society. On average in 2012, the rest of American society receives the following benefits from those with bachelor's degrees (and without graduate degrees) in comparison to high school graduates never attending college:

- Although the evidence is not completely conclusive, the positive effect on the aggregate earnings of others appears to be roughly similar to the effect on own earnings.
- Lifetime taxes are, conservatively, \$273,000 (215 percent) greater in present discounted value (using a 3 percent real interest rate and taking into account forgone taxes while in college). That is, college graduates contribute hundreds of thousands of dollars more toward government services and social insurance programs.
- Lifetime government expenditures are about \$81,000 (39 percent) lower in present value. College graduates rely much less on other taxpayers.
- The lifetime total fiscal effect is roughly \$355,000 in present value.
- Crime is significantly lower.
- Volunteering is 2.3 times more likely. The estimated value of volunteer labor is 4.1 times (\$1,300 annually) greater.
- Employment in the nonprofit sector is twice as likely. The estimated value of the implicit wage contribution to nonprofits is 8.7 times (\$1,500 annually) greater.
- Annual cash donations to charities are \$900 (3.4 times) higher.
- Total philanthropic contributions (i.e., the value of volunteer labor plus the value of the implicit contribution to nonprofits plus cash donations) are \$3,600 (4.7 times) higher.

- Voting and political involvement are significantly higher.
- Participation in school, community, service, civic and religious organizations is substantially (1.9 times) higher. Leadership in these organizations is particularly (3.2 times) greater.
- Community involvement is significantly greater. For example, attendance at community meetings is 2.6 times greater.
- Neighborhood interactions and trust are significantly higher.

The magnitude of the total benefits to the rest of society is comparable to the substantial total benefits to college graduates. Moreover, these long lists represent just the (imperfectly) measurable benefits of college attainment. There are numerous vitally important effects that are almost impossible to quantify such as the positive influences on innovation, arts, culture, diversity, tolerance and compassion.

The evidence is overwhelming that investment in college education pays in a big way both for individuals and for society. But the typically emphasized financial payoff is only small part of the story. It is not overstatement to call the effect on earnings just the tip of the college-payoff iceberg. There are more benefits to college education beneath the surface than above it.



Martone, Debra

From: Jacob A. Bennett <jacob.a.bennett@gmail.com>
Sent: Friday, May 10, 2019 7:09 AM
To: Lou D'Allesandro; Dan Feltes; Jay Kahn; Cindy Rosenwald; Reagan, John; Bob Giuda
Cc: Debra Martone
Subject: Following up on budget testimony
Attachments: State Higher Education Executive Officers Association. (2019). State higher education finance FY 2018. Boulder, CO.pdf; Trostel, P. (2015). It's not just the money- The benefits of college education to individuals and to society. Lumina Issue Papers, Lumina Foundation.pdf; Notes for NH Senate Budget Hearing, Manchester City Hall, May 8 2019, 7pm .pdf

Chair D'Allesandro and other Senate Finance Committee Members,
My name is Jacob A. Bennett, and I provided testimony during the recent budget hearing in Manchester. I'm a doctoral candidate studying higher education policy and administration through the University of New Hampshire's Education Department. I'm also an officer of the UNH Graduate Student Senate and a member of the University System Student Board. I represent myself here, but my perspective is informed by those other roles I mention.

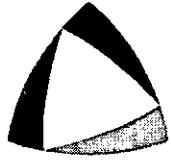
My testimony (revised version **attached**) was abbreviated due to the lateness of my testimony (~9:45pm), but I hope the overarching claims in that testimony were clear:

1. New Hampshire's appropriations to public higher education are last in the nation on many important financial metrics (SHEEO State Higher Education Finance report for FY 2018, **attached**);
2. Higher education attainment is not only a private benefit to the individual attending or earning a degree (e.g., increased financial well-being **and** overall health), but is also a common good (e.g., broader economic benefits to families and communities, as well as other public health benefits) (Philip Trostel's Lumina Issue Paper on benefits of higher education, **attached**).

For more depth, please see the attached reports. I am happy to respond to any questions you may have in regard to these reports, which I believe suggest a convincing argument for increased appropriations for public higher education in the state of New Hampshire.

Thank you once more for making time to hear your constituents' budget concerns and requests - it is so important to hold open hearings such as those held in Concord and Manchester over the past week, and I am proud to have participated for the first time in such an event Wednesday night in the Queen City.

Wishing you well and thanking you for your consideration,
Jacob A. Bennett

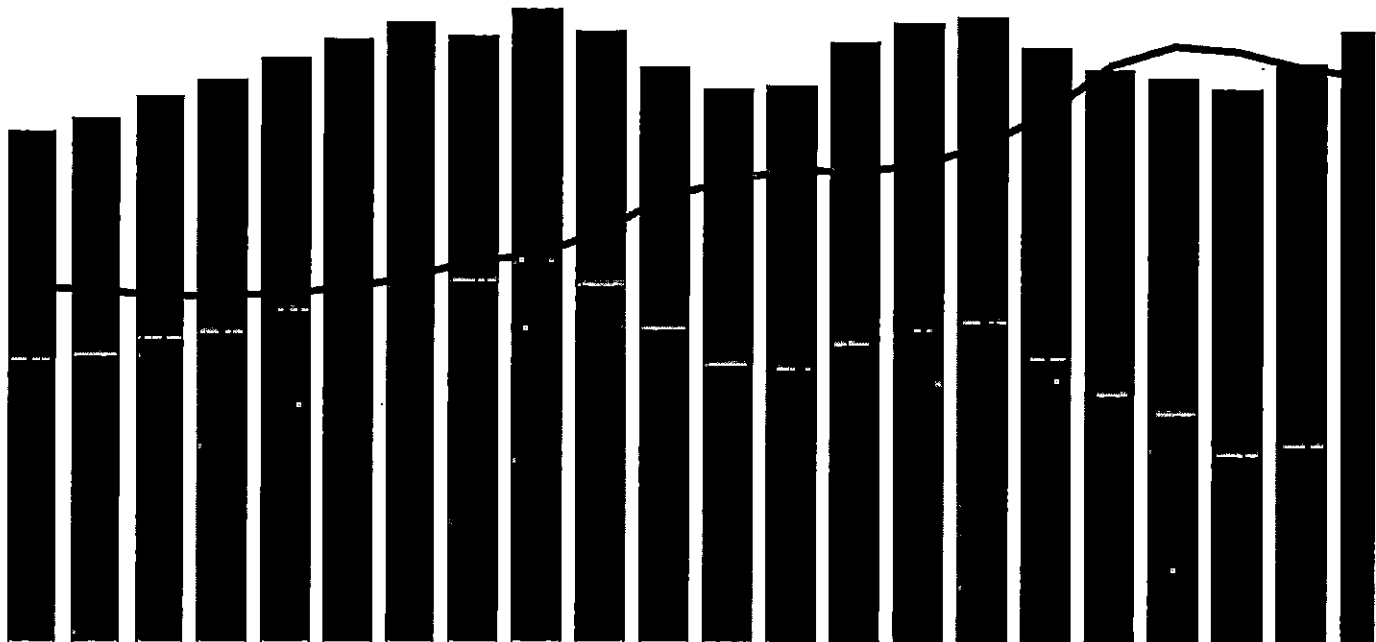


SHEEO

STATE HIGHER EDUCATION EXECUTIVE OFFICERS ASSOCIATION

SHEF: FY 2018

STATE HIGHER EDUCATION FINANCE



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The State Higher Education Executive Officers Association (SHEEO) is the national association of the chief executives of statewide governing, policy, and coordinating boards of postsecondary education. Founded in 1954, SHEEO serves its members as an advocate for state policy leadership, a liaison between states and the federal government, and a vehicle for learning from and collaborating with peers. SHEEO also serves as a manager of multistate teams to initiate new programs and as a source of information and analysis on educational and public policy issues. Together with its members, SHEEO advances public policies and academic practices that enable Americans to attain education beyond high school and achieve success in the 21st century economy.

An electronic version of this report, State Higher Education Finance (SHEF) FY 2018, and numerous supplementary tables containing extensive state-level data, are available at www.sheeo.org. These may be freely used with appropriate attribution and citation. In addition, core data and derived variables used in the SHEF study for fiscal years 1980 through 2018 are available on the SHEEO website, along with interactive data visualizations via Tableau.

Suggested citation: State Higher Education Executive Officers Association (2019). *State Higher Education Finance: FY 2018*. Boulder, CO.

ACKNOWLEDGEMENTS

We are pleased to present the sixteenth annual SHEEO State Higher Education Finance (SHEF) study of state support for higher education. For the fifth consecutive year, we continue to make improvements to the look, feel, and presentation of the SHEF report and through additional features on the SHEF webpage (www.sheeo.org/shef). We hope these changes provide additional utility as SHEF becomes a resource used year-round by staff at our member agencies, policymakers, researchers, and the media who report on higher education issues. Of course, SHEF's underlying data provide the real strength of this project, and no changes were made to the data or their basic presentation in the report. SHEEO developed the SHEF study building directly on a 25-year effort by Kent Halstead, an analyst and scholar of state policy for higher education, and the SHEF data set now extends from 1980 to 2018.

The 2018 SHEF report was authored by:

Sophia Laderman, *Senior Policy Analyst*

Dustin Weeden, *Senior Policy Analyst*

Andrew Carlson, *Vice President of Finance Policy and Member Services*

The report would not have been possible without additional support, particularly from:

- Gloria Auer, Caitlin Dennis, Annahita Jimmerson, and Jiah Kim at SHEEO
- Libbey Castle and Emily Sandberg at Vox Global
- Andy Sherman at Can of Creative
- Dr. James Palmer at Illinois State University

Last but certainly not least, SHEEO is deeply indebted to the staff of state higher education agencies who annually provide the state-level data essential for the preparation of this report. Without their diligence and commitment, this project would not be possible.

Robert E. Anderson

President

State Higher Education Executive Officers Association

Glen D. Johnson

Chancellor, Oklahoma State System of Higher Education

Chair, SHEEO Executive Committee

CHANGES ARE COMING!

SHEEO recently received a three-year grant from the Bill & Melinda Gates Foundation to refine and improve the SHEF report. We will be creating a new interactive website with easy to use data visualizations and more ways to view and understand the data. We are also working on a new data collection structure to collect some some highly requested new data elements.

Our top priority is to ensure that the improvements we make to SHEF are useful to the field while maintaining the integrity of the report and its underlying data. We have created an advisory group of content and technical experts to provide feedback during these changes. We are very grateful for their commitment:

Content Experts

- Sandy Baum, Urban Institute
- Alli Bell, Three Arrows Up Consulting
- Jennifer Delaney, University of Illinois
- Thomas Harnisch, American Association of State Colleges and Universities
- Daniel Hurley, Michigan Association of State Universities
- Robert Kelchen, Seton Hall University
- Amy Li, University of Northern Colorado
- Phillip Oliff, The Pew Charitable Trusts
- Jim Palmer, Illinois State University
- Andrew Rauch, HCM Strategists
- Ken Redd, National Association of College and University Business Officers
- Kate Shaw, Research for Action
- Kathryn White, National Association of State Budget Officers

Technical Experts

- Catherine Abata, The City University of New York
- Ed Buchanan, Texas Higher Education Coordinating Board
- Crystal Collins, Tennessee Higher Education Commission
- Gina Deom, Indiana Commission for Higher Education
- Eric Johnson, University of Alaska System
- Jim Pinkard, Oregon Higher Education Coordinating Commission
- Thomas Sanford, Minnesota Office of Higher Education
- Brian Shuppy, Utah System of Higher Education
- Marc Webster, Washington Student Achievement Council

As always, we welcome your suggestions as we work to improve the utility of the SHEF report. Please contact Sophia Laderman (sladerman@sheeo.org) to share any comments or ideas.

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EXECUTIVE SUMMARY

ABOUT THE REPORT

The State Higher Education Finance (SHEF) report is produced annually by the State Higher Education Executive Officers Association (SHEEO) to broaden understanding of the context and consequences of multiple public policy decisions in each state. These decisions contribute to public higher education funding levels and funding distributions across states and nationally.

Although the price of college has been rising for students and families, so has the potential economic benefit of earning a postsecondary credential or degree. Greater attention to both the costs and benefits of higher education influences the environment in which political leaders, policymakers, and educators make decisions.

No single report can provide definitive answers to the broad and fundamental questions of state higher education finance policy, but the SHEF report supplies important context and trend analysis to help inform policy decisions. SHEF provides the earliest possible review of state and local support, tuition revenue, and enrollment trends for the most recently completed fiscal year.¹ This year's report focuses on FY 2018, which for most states ran from July 1, 2017, through June 30, 2018.

THE REPORT INCLUDES:

- An explanation of the measures and methods used in the SHEF metrics for analysis;
- A description of the revenue sources and uses for higher education;
- An analysis of national trends in enrollment and revenue;
- Comparisons of the SHEF metrics across states and over time;
- Indicators of state tax capacity, tax effort, and relative allocations for higher education; and
- A series of case studies that add important context and interpretation of the data presented in the report.

Additional information is available on our website, including data downloads, interactive visualization tools, and technical documentation.

1. Years referenced in the body of this publication refer to state fiscal years (FY), which commonly start July 1 and run through June 30 of the following calendar year. For example, FY 2018 includes July 2017 through June 2018. All enrollments are full-time equivalent for the corresponding academic year (including summer term). National averages are calculated using the sum of all of the states. For example, the national average per FTE expenditure is calculated as the total of all states' expenditures divided by the total of all states' FTEs.

2018: TEN YEARS OUT FROM THE GREAT RECESSION

Last year's SHEF report—which focused on state funding data from FY 2017—affirmed that the majority of states increasingly rely on tuition dollars, rather than state and local appropriations, to fund their public systems of higher education. That narrative holds true in this year's report, which reflects a similar overall picture of the state higher education funding landscape of FY 2017. In fact, FY 2018 saw the smallest ever changes in net tuition revenue and total educational revenue per student.

FISCAL YEAR 2018 SAW THE SMALLEST CHANGES EVER IN PER STUDENT REVENUES FOR HIGHER EDUCATION

Minimal year-over-year change notwithstanding, this year's report marks an important milestone in the SHEF data set: the completion of a ten-year analysis of state higher education funding data since the Great Recession. When viewed holistically, the report offers a comprehensive look at how states navigated a complex funding environment and attempted to restore funding to higher education as they recovered from a significant economic downturn. The FY 2018 SHEF report finds that ten years after the start of the Great Recession, state funding for higher education has only halfway recovered, while the growing reliance on net tuition as a revenue source—the student share—remains at a near high.

A case study on the analysis of state-by-state recovery from the Great Recession can be found in this report on page 30. This case study assesses the extent to which states relied on tuition revenue to restore funding reductions. Other case studies in this year's report analyze funding challenges in Illinois and state cost and budget drivers.

REPORT HIGHLIGHTS

To develop the FY 2018 SHEF report, SHEEO calculated state and local support for higher education, educational appropriations, net tuition revenue, total educational revenue, and full-time equivalent enrollment (FTE). See page 10 for more information about the SHEF methodology. Key takeaways from each primary measure of the SHEF report follow below.

- 1. State and Local Support:** Following five straight years of growth in state support, there was nearly no national change in state and local per-student support for higher education after adjusting for inflation between FY 2017 and FY 2018. State and local support totaled \$96.1 billion this year.
- 2. Educational Appropriations:** At the national level, appropriations per FTE remained flat in 2018, increasing by just 0.2 percent after adjusting for inflation. This means that, nationally, higher education funding has kept pace with changes in enrollment and inflation over the last year. After more than \$2,000 in per-student funding reductions during the Great Recession, per-student educational appropriations in 2018 were \$7,853, roughly \$1,000 below their pre-recession level. **Ten years out from the start of the Great Recession, per-student higher education appropriations in the U.S. have only halfway recovered.**

Immediately following a five-year period of annual increases greater than 2 percent, FY 2018 marks the smallest increase ever in state and local higher education funding. This indicates that state appropriations may be stabilizing—albeit at a much lower level—after the Great Recession. However, the *Grapevine* survey, which often tracks closely to SHEF, indicates another potential increase in FY 2019.²

While appropriations remained flat nationally, there was considerable variation across the states. Twenty-two states saw declines in per-student appropriations in FY 2018. States have also differed greatly in their recovery since the height of the Great Recession. Only nine states have met pre-recession funding levels, and another 11 have seen no recovery at all (their current funding is below the low point of the Great Recession).

3. **State Financial Aid:** Alongside these declines, state financial aid for students at public institutions—which many states protected during the economic downturn—has increased for four straight years. FY 2018 saw an 8.7 percent increase in state aid, the largest since the Great Recession, as per-FTE state aid reached an all-time high of \$752 and now represents 9.6 percent of all appropriations.
4. **Net Tuition Revenue:** Tuition revenue, which has risen in all but two of the last 25 years, also remained flat in 2018. **For the first time since the Great Recession, net tuition revenue per-FTE increases did not significantly exceed the rate of inflation.** This may be due, in part, to factors such as lower international FTE enrollment, smaller tuition rate increases, and increases in state public financial aid.
5. **Total Educational Revenue:** In 2018, educational revenue per student (the sum of educational appropriations and net tuition revenue) was higher than ever before. However, like with educational appropriations and net tuition revenue, this year's report reflects the least change in total educational revenue than in any year since the SHEF data set began in 1980. This story is not true in all states—see the *Interstate Comparison* section on page 23 and recovery case study on page 30 for more details.
6. **Full-Time Equivalent Enrollment (FTE): FTE declined in 35 states and Washington, D.C.,** between 2017 and 2018. Due largely to the recovering economy, FY 2018 enrollment is 6 percent below the Great Recession enrollment high in 2011. However, the annual rate of enrollment decline in most states has slowed in each year since 2015. Nationally, 2018 saw just a 0.3 percent decrease in FTE enrollment from 2017. Enrollment remains 7.1 percent above what it was before the Great Recession in 2008.

Explore these trends, and more, on a state-by-state level using our interactive Tableau dashboards.

2. See <https://education.illinoisstate.edu/grapevine>

MEASURES, METHODS, AND ANALYTICAL TOOLS

PRIMARY SHEF MEASURES

To assemble the annual SHEF report, SHEEO calculates the following measures:

1. **State and Local Support**, consisting of state tax appropriations, local tax support, additional non-tax funds like lottery revenue that support higher education, and funds appropriated to other state entities for specific higher education expenditures or benefits (e.g., employee fringe benefits). State and local support for 2009-2012 also includes federal American Reinvestment and Recovery Act (ARRA) funds provided to stabilize revenue during the Great Recession.
2. **Educational Appropriations**, the part of state and local support available for public higher education operating expenses. They are defined to exclude spending for research, agriculture-related programs, and medical education, as well as support for independent institutions or students attending them. Since funding for medical education and other major non-instructional purposes varies substantially across states, excluding these funding components helps to improve the comparability of state-level data on a per student basis.
3. **Net Tuition Revenue**, the total amount of tuition and fees minus state financial aid, institutional tuition waivers or discounts, and medical student tuition and fees. This includes revenue from in-state and out-of-state students as well as undergraduate and graduate students. While net tuition revenue reflects the share of instructional support received from students and their families, it does not consider many factors that contribute to a student's net price and does not directly measure tuition rate increases.³
4. **Total Educational Revenue**, the sum of educational appropriations and net tuition revenue. In some states, a portion of tuition revenue is used to fund capital debt service and similar non-operational activities. These sums are excluded from the total educational revenue, which measures the amount of revenue available to public institutions to support instruction.
5. **Full-Time Equivalent Enrollment (FTE)**, a measure of enrollment equal to one student enrolled fulltime for one academic year, calculated from the aggregate number of enrolled credit hours (including summer session). SHEF excludes non-credit, non-degree, and medical school enrollments. The use of FTE reduces multiple types of enrollment to a single measure capable of comparing changes in total enrollment across states and sectors and providing a straightforward method for analyzing revenue on a per student basis.

3. SHEF's net tuition revenue does not measure "net price," but measures the revenue that institutions receive from tuition. It is a straightforward measure of the proportion of public institution instructional costs borne by students and families. SHEF does not deduct federal grant assistance (primarily from Pell Grants) from gross tuition revenue, since these are non-state funds that substitute, at least in part, for costs borne by students. Measures of net price for the student need to include non-tuition costs and all forms of aid.

ADJUSTMENTS FOR COMPARABILITY

SHEF's analytic methods are designed to make basic data about higher education finance as comparable as possible across states and over time. Toward that end, financial indicators are provided on a per student basis (using FTE enrollment as the denominator), and the raw data provided by states is modified using three adjustments:

1. **Cost of Living Index (COLI)** accounts for cost of living differences among the states;
2. **Enrollment Mix Index (EMI)** adjusts for differences in the mix of enrollments across institutions with different costs across the states (e.g., at community colleges or more expensive research institutions); and
3. **Higher Education Cost Adjustment (HECA)** adjusts for inflation over time.

Technical documentation on the SHEF website describes these adjustments in more detail.

DATA USES AND CAUTIONS

The SHEF report seeks to provide reliable data and methods to examine state funding for higher education. **While making finance data cleaner, consistent, and more comparable, SHEF's analytic methods also add complexity.** Readers should be cognizant of inherent limitations.

1. **Comparing institutions and states is a difficult task.** States vary in climate, energy costs, housing costs, population densities, growth rates, areas of poverty, resource bases, and the mix of industries driving their local economies. Some have a relatively homogeneous, well-educated population, while others have large numbers of traditionally-underserved populations. Additionally, the extent and rate at which these factors are changing vary across states.
2. **State higher education systems differ.** Differences in the number and size of institutions, the proportion of students attending independent institutions, and varying combinations of institutional types add complexity to the data. Across states, tuition rates and the availability of financial aid vary, which may affect revenues and enrollment patterns.
3. **In addition to these differences, technical factors can distort interstate comparisons.** For example, states differ in how they finance employee retirement. Some pay all retirement costs to employee accounts when the benefits are earned, while others defer part of the costs until the benefits are paid. Some pay benefit costs through a state agency, while others pay from institutional budgets. Many studies of state finance try to account for such factors, but no study, including this one, can assure flawless comparisons.

Many readers may look to interstate financial analysis and comparisons to determine "appropriate" or "sufficient" funding for higher education, but these decisions should be made in the context of a state's objectives and circumstances. State leaders, educators, and others must work together to determine the amount and allocation of funds required to reach state goals.

SOURCES AND USES OF REVENUE

In considering a state's investment in higher education, SHEF includes all state and local revenue sources, including those from taxes, lottery receipts, mineral and resource extraction revenue, and state-funded endowments. SHEF also identifies the primary purposes, or uses, for which these public revenues are provided, including general institutional operating expenses, student financial assistance, support for centrally funded research, medical education, and extension programs.

Support for higher education represents the third largest major budget area of state spending from state and local tax sources, behind K-12 and Medicaid appropriations. In fiscal year 2018, 9.7 percent of state general funds were allocated to higher education, down from 12.9 percent in 1995.^{4,5} It is generally understood that state funding for higher education acts as the "balance wheel" during economic downturns with funding reductions typically greater than reductions in other budget areas.⁶ In part, this is because higher education funding reductions can be offset (in whole or part) with money from tuition increases.

This section provides data and analysis of the sources of state and local government support for higher education, focusing on the most recent five-year trend (2013-2018), during which most state budgets largely recovered from the Great Recession. This section also provides an overview of the significant uses of state support for higher education.

The funding amounts shown here are not adjusted for inflation or enrollment. Later sections of the report will show the impact of these two factors on state and local funding for higher education.

SOURCES

Table 1 presents state and local support in current unadjusted dollars for fiscal years 2013 through 2018. It shows evidence of the continued recovery of state and local funding sources for higher education since the Great Recession. In unadjusted terms, state funding grew 2 percent in the last year, from \$86.5 to \$88.2 billion in 2018. Together, state and local government support grew 20.3 percent from 2013, reaching an all-time high of \$99 billion in 2018.

State tax appropriations remained the largest source of funds, totaling \$83.9 billion (84.7 percent of all state support). Additional sources of 2018 revenue included the following:

1. Twenty-nine states reported local tax appropriations, which accounted for 12.4 percent of their total support and 10.9 percent of total support in all states. Local support, which typically funds community and technical colleges, increased 2.7 percent from \$10.5 to \$10.8 billion in the last year.
2. Non-tax appropriations, mostly from state lotteries, continued to grow and exceeded \$3.5 billion (3.6 percent of all funds) in 2018.

4. Sigritz, B. (2018). *State expenditure report: Examining fiscal 2016-2018 state spending*. Washington, DC: National Association of State Budget Officers (NASBO). Retrieved from <https://www.nasbo.org/main/site/reports-data/state-expenditure-report>

5. Unlike the SHEF data, NASBO expenditures exclude employer contribution to pensions and health benefits.

6. Delaney, J., & Doyle, W. (2011). State spending on higher education: Testing the balance wheel over time. *Journal of Education Finance*, 36(4). Retrieved from <http://www.jstor.org/stable/23018116>

3. State-funded endowment earnings accounted for another 0.6 percent, and non-appropriated support, often from oil and mineral extraction fees or royalties, accounted for 0.1 percent of the total funding provided by state and local governments.
4. Overall, the different sources of higher education funding have changed slightly in their distribution over time. Tax appropriations accounted for 89.1 percent of all funds in 2000 and 84.7 percent in 2018. Non-tax support increased from 1.4 percent to 3.6 percent in that time frame, while local tax appropriations increased from 8.9 percent to 10.9 percent.

USES

General operating expenses at public institutions increased 23 percent from 2013, and in 2018, they accounted for \$77.7 billion, or 78.4 percent of the total state and local government funding for higher education. Additional uses included the following:

1. \$10.3 billion (10.4 percent) went to special purpose appropriations for research, agricultural extension programs, and medical education. These appropriations grew 5.2 percent from 2013, more slowly than general operating expenses.
2. \$10.6 billion (10.7 percent) was allocated to state-funded student financial aid programs. Over three-quarters of this aid went to students attending public institutions within a state. Since 2013, one of the worst years of the Great Recession, public student aid has increased by 24.8 percent, aid to students attending independent institutions has increased 4.3 percent, and aid to out-of-state students decreased 12.7 percent.
3. Funding for operations at independent institutions has increased 22.5 percent to \$215 million since 2013, while funding for non-credit and continuing education programs has decreased 12.2 percent to \$275 million. Together, these funds account for only 0.5 percent of state and local support for higher education.
4. With some exceptions, the distribution of higher education funds for the above uses has remained steady over time. There was an increase in the proportion of funding allocated to public student aid (3.6 percent to 8.3 percent). The largest decrease was in research, agricultural extension programs, and medical education, which decreased from 15.6 percent of all funds in 2000 to 10.4 percent in 2018.

TABLE 1
STATE AND LOCAL SUPPORT: DISTRIBUTION OF SOURCES AND USES, U.S., FY 2013-2018
(CURRENT DOLLARS, IN MILLIONS)

SOURCE	2013	2014	2015	2016	2017	2018	2018 % DISTRIBUTION
STATE SUPPORT							
ARRA FUNDS ¹							
TAX APPROPRIATIONS	\$69,376	\$73,534	\$77,416	\$79,189	\$82,438	\$83,878	84.7%
ALL NON-TAX SUPPORT	\$2,932	\$3,031	\$3,137	\$3,261	\$3,344	\$3,537	3.6%
NON-APPROPRIATED SUPPORT	\$92	\$93	\$121	\$117	\$123	\$128	0.1%
STATE FUNDED ENDOWMENT EARNINGS	\$498	\$530	\$483	\$582	\$541	\$547	0.6%
OTHER ¹	\$277	\$323	\$214	\$189	\$199	\$220	0.2%
FUNDS NOT AVAILABLE FOR USE ²	\$72	\$81	\$71	\$54	\$158	\$77	0.1%
STATE SUPPORT TOTAL	\$76,103	\$77,431	\$81,299	\$83,284	\$86,487	\$88,232	89.1%
LOCAL TAX APPROPRIATIONS	\$9,197	\$9,322	\$8,975	\$9,838	\$10,502	\$10,789	10.9%
TOTAL	\$85,300	\$86,753	\$90,274	\$93,122	\$96,989	\$99,021	100.0%
USES							
GENERAL PUBLIC OPERATIONS	\$63,124	\$67,261	\$70,461	\$73,041	\$76,470	\$77,614	78.4%
RESEARCH - AGRICULTURE - MEDICAL (RAM)	\$9,794	\$10,057	\$10,002	\$10,098	\$10,236	\$10,300	10.4%
PUBLIC STUDENT AID ³	\$6,585	\$6,599	\$6,922	\$7,184	\$7,399	\$8,219	8.3%
INDEPENDENT STUDENT AID ⁴	\$2,270	\$2,296	\$2,326	\$2,290	\$2,319	\$2,366	2.4%
OUT-OF-STATE STUDENT AID	\$38	\$37	\$37	\$34	\$34	\$33	0.0%
INDEPENDENT INSTITUTIONS	\$176	\$188	\$208	\$195	\$215	\$215	0.2%
NON-CREDIT AND CONTINUING EDUCATION	\$313	\$314	\$317	\$280	\$317	\$275	0.3%
TOTAL	\$85,300	\$86,753	\$90,274	\$93,122	\$96,989	\$99,021	100.0%

Percentages may not equal 100 due to rounding.

- NOTES:**
1. "Other" includes multiyear appropriations from previous years and funds not classified in one of the other source categories.
 2. "Funds Not Available for Use" includes appropriations that were returned to the state, and portions of multiyear appropriations to be spread over other years.
 3. "Public Student Aid" is state appropriated student financial aid for public institution tuition and fees. Includes aid appropriated outside the recognized state student aid program(s). Some respondents could not separate tuition aid from aid for living expenses.
 4. "Independent Student Aid" is state appropriated student financial aid for students attending independent institutions in the state.

SOURCE: State Higher Education Executive Officers Association

NATIONAL TRENDS IN ENROLLMENT AND REVENUE

From this section on, the SHEF report highlights public national trends in higher education enrollment and the relationship between these trends and available revenues (and other components of financing). These national trends are composites of 50 unique and varied state trends, which are shown in the following section.

It is important to note that the U.S. totals are not averages of state averages. For example, “U.S. total educational appropriations per FTE” is the sum of all educational appropriations divided by the sum of all net FTE across the 50 states. It is not the average of each of the 50 states’ individual per FTE calculations. For this reason, trends in the most populous states more strongly impact the national metrics than trends in the smallest states.

Table 2 presents a 25-year look at the SHEF Higher Education Finance Indicators and shows the impact of inflation and enrollment over time on higher education support for **public institutions**. This is a starting point for understanding the national story of public higher education funding from state and local sources, tuition revenue from students and families, and enrollment over time. The years 1993, 2008, 2013, 2017, and 2018 are shown, allowing for 25-year, 10-year, 5-year, and 1-year comparisons. While the first section of the table shows unadjusted current dollars, section two shows the impact of inflation by presenting the data in constant 2018 terms, and the third section presents the impact of both inflation and enrollment growth over time on these measures.

Over the last 25 years, total state and local support for public higher education grew 127.5 percent in unadjusted terms, from \$42.3 billion in 1993 to \$96.1 billion in 2018. After adjusting for inflation, state and local funding in 1993 was \$80.7 billion, meaning that in constant dollars, funding increased 19.1 percent over the last 25 years. Incorporating changes in FTE enrollment, state and local funding decreased 4.2 percent since 1993. When making these comparisons, it is important to note that 25 years ago, the U.S. was at the height of the early 1990s economic recession and support for public higher education had decreased an inflation-adjusted 7 percent over the previous three years.⁷

General operations at public institutions of higher education are funded from both state and local support and tuition revenue. The SHEF report tracks net tuition revenue over time and shows that in unadjusted terms, net tuition revenue has increased 372.8 percent over the last 25 years. In constant dollars, net tuition revenue has grown 147.6 percent since 1993. The growth in net tuition revenue over the last 25 years is partially due to a 33.4 percent increase in full-time equivalent enrollment (FTE) between 1993 and 2018. Put simply, there are significantly more students paying tuition charges. Tuition revenue has also increased due to rising tuition rates and changes in enrollment mix (e.g., more non-resident students or more graduate students paying higher rates).⁸ After accounting for FTE enrollment, net tuition revenue has still increased 85.6 percent since 1993.

7. See Case Study - Impact of Recessions on page 24 of the FY 15 SHEF report for more information.

8. College Board. (2018). *Trends in college pricing*. Retrieved from <https://trends.collegeboard.org/sites/default/files/2018-trends-in-college-pricing.pdf>

The last section of *Table 2* summarizes the combined impact of both inflation and enrollment on higher education funding. Since 1993, student FTE enrollment has increased from 8.2 million to 10.9 million FTE, while educational appropriations per FTE have declined 4.2 percent, meaning that although the U.S. was in a recession in 1993, state and local funding has not kept up with inflation and enrollment growth since that period. During that same time, net tuition revenue per FTE has increased 85.6 percent in constant dollars:

Taken together, the sum of educational appropriations and net tuition revenue per FTE has increased 22.8 percent since 1993 and 6.4 percent since 2008. In other words, net tuition revenue has more than made up for the declines in state and local funding per student since the Great Recession. However, this pattern of tuition revenue making up for lost state support is not reflected in many of the states.

The Interactive SHEF State Wave Charts highlight some states in which total educational revenue has dropped significantly since the Great Recession, like Florida, Louisiana, Missouri, Nevada, and Texas.

TABLE 2
IMPACT OF INFLATION AND ENROLLMENT ON HIGHER EDUCATION FINANCE,
U.S., FY 1993-2018

	1993	2008	2013	2017	2018	1-YEAR % CHANGE	5-YEAR % CHANGE	10-YEAR % CHANGE	25-YEAR % CHANGE
CURRENT UNADJUSTED DOLLARS (MILLIONS)									
ARRA FUNDS									
STATE ¹	\$38,822	\$77,649	\$70,307	\$83,603	\$85,343	2.1%	21.4%	9.9%	119.8%
LOCAL	\$3,443	\$8,084	\$9,197	\$10,502	\$10,789	2.7%	17.3%	33.5%	213.4%
(A) STATE AND LOCAL SUPPORT FOR PUBLIC HIGHER EDUCATION	\$42,264	\$85,733	\$79,504	\$94,105	\$96,132	2.2%	20.9%	12.1%	127.5%
(B) RESEARCH - AGRICULTURE - MEDICAL (RAM)	\$7,078	\$10,948	\$9,794	\$10,236	\$10,300	0.6%	5.2%	-5.9%	45.5%
(C) EDUCATIONAL APPROPRIATIONS (A-B)	\$55,186	\$74,785	\$69,709	\$83,869	\$85,832	2.3%	23.1%	14.8%	143.9%
(D) NET TUITION	\$15,692	\$41,401	\$62,955	\$72,583	\$74,186	2.2%	17.8%	79.2%	372.8%
(E) TUITION AND FEES USED FOR DEBT SERVICE ²		\$435	\$751	\$727	\$820	12.8%	9.2%	88.5%	
TOTAL EDUCATIONAL REVENUE (C+D+E)	\$50,878	\$115,750	\$131,913	\$155,725	\$159,197	2.2%	20.7%	37.5%	212.9%
CONSTANT ADJUSTED DOLLARS (MILLIONS)									
ARRA FUNDS									
STATE	\$74,123	\$93,754	\$77,743	\$85,573	\$85,343	-0.3%	9.8%	-9.0%	15.1%
LOCAL	\$6,573	\$9,761	\$10,170	\$10,750	\$10,789	0.4%	6.1%	10.5%	64.1%
(A) STATE AND LOCAL SUPPORT FOR PUBLIC HIGHER EDUCATION	\$80,696	\$103,515	\$87,913	\$96,322	\$96,132	-0.2%	9.3%	-7.1%	19.1%
(B) RESEARCH - AGRICULTURE - MEDICAL (RAM)	\$13,514	\$13,219	\$10,830	\$10,477	\$10,300	-1.7%	-4.9%	-22.1%	-23.8%
(C) EDUCATIONAL APPROPRIATIONS (A-B)	\$67,182	\$90,295	\$77,083	\$85,845	\$85,832	0.0%	11.4%	-4.9%	27.8%
(D) NET TUITION	\$29,961	\$49,988	\$69,613	\$74,293	\$74,186	-0.1%	6.6%	48.4%	147.6%
(E) TUITION AND FEES USED FOR DEBT SERVICE ²		\$525	\$830	\$744	\$820	10.2%	-1.2%	56.1%	
TOTAL EDUCATIONAL	\$97,143	\$139,758	\$145,865	\$159,394	\$159,197	-0.1%	9.1%	13.9%	63.9%
CONSTANT ADJUSTED DOLLARS (PER FTE)									
FULL-TIME EQUIVALENT ENROLLMENT (FTE) ³	8,192,597	10,205,097	11,302,579	10,948,541	10,929,357	-0.2%	-3.3%	7.1%	33.4%
EDUCATIONAL APPROPRIATIONS PER FTE	\$8,200	\$8,848	\$6,820	\$7,841	\$7,853	0.2%	15.2%	-11.2%	-4.2%
NET TUITION PER FTE	\$3,657	\$4,898	\$6,159	\$6,786	\$6,788	0.0%	10.2%	38.6%	85.6%
TOTAL EDUCATIONAL REVENUE PER FTE	\$11,857	\$13,695	\$12,906	\$14,558	\$14,566	0.1%	12.9%	6.4%	22.8%

NOTES: 1. State Support excludes independent and out-of-state aid, independent operating, and non-credit funds.

2. Tuition and fees used for debt service were not reported in 1993.

3. FTE enrollment excludes medical school enrollments.

SOURCE: State Higher Education Executive Officers Association

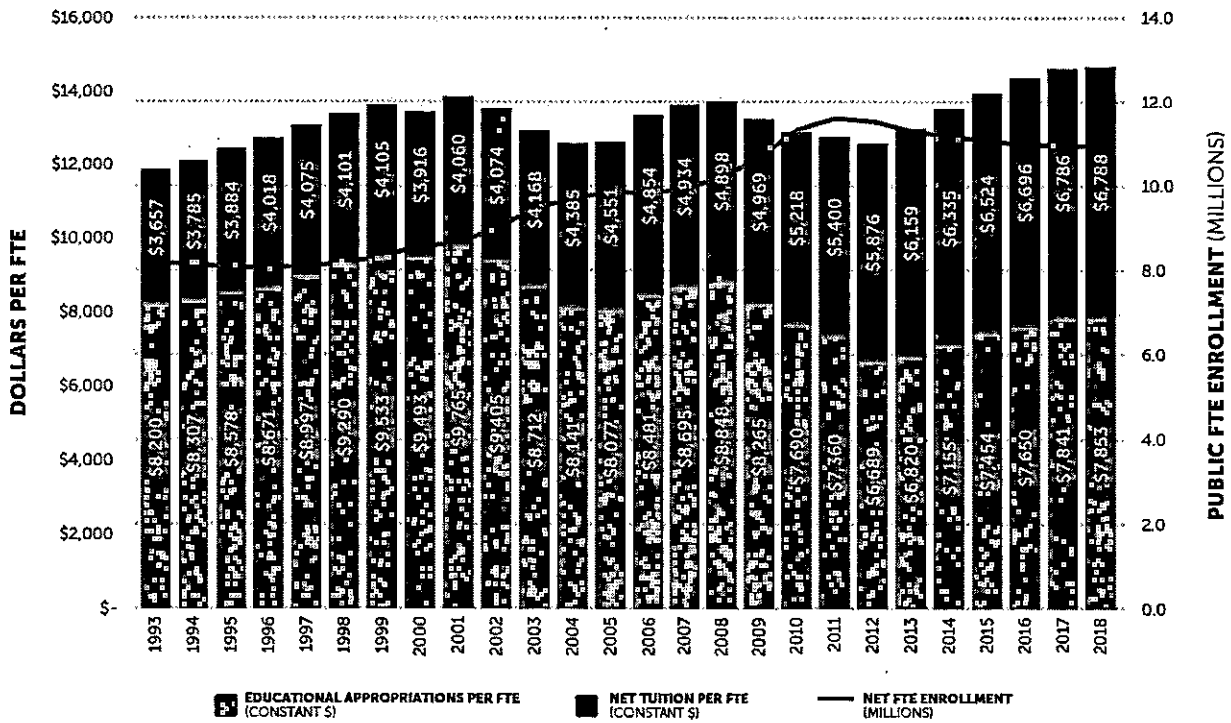
PRIMARY SHEF METRICS

Figures 1 through 3 further explore the relationship between net tuition per FTE and educational appropriations per FTE. They also illustrate year-to-year trends over time.

The historical data in Figure 1 (the Wave Chart) demonstrate the relationship between higher education enrollment and revenue, particularly the impact of the economic cycle on these measures over the last 25 years. Figure 1 provides a 25-year look at each of the four SHEF metrics.

1. Full-time equivalent enrollment (FTE)—the **red trend line** in the Wave Chart
2. Educational appropriations per FTE—the **blue bars** in the Wave Chart
3. Net tuition revenue per FTE—the **green bars** in the Wave Chart
4. Total educational revenue per FTE—the total of the **blue and green bars** in the Wave Chart

FIGURE 1
PUBLIC FTE ENROLLMENT AND EDUCATIONAL APPROPRIATIONS PER FTE,
U.S., FY 1993-2018



NOTES: 1. Net tuition revenue used for capital debt service is included in the above figures.
 2. Constant 2018 dollars adjusted by SHEEO Higher Education Cost Adjustment (HECA).

SOURCE: State Higher Education Executive Officers Association

1. FULL-TIME EQUIVALENT ENROLLMENT (FTE)

In 2018, there were 10.9 million full-time equivalent (FTE) enrolled students. The rate of enrollment change usually varies from year to year and state to state in response to the economy and job market as well as underlying demographic factors. During the Great Recession, enrollment growth was even more pronounced than during prior downturns, as FTE increased from 10.2 million in 2008 to an all-time high of 11.6 million in 2011.

Nationally, enrollment has decreased in each year since the Great Recession. This is due, at least in part, to the recovering economy. Following these declines, 2018 enrollment is 5.9 percent below 2011 levels. However, enrollment decline has slowed over the last two years, decreasing only 0.3 percent in 2017 and 0.2 percent in 2018. Overall, FTE enrollment remains 7.1 percent above what it was before the Great Recession and 33.4 percent (2.7 million) higher than 25 years ago.

2. EDUCATIONAL APPROPRIATIONS

In constant dollars per student, educational appropriations remain below historic levels. *Figure 1* shows the relationship between economic downturns and educational appropriations. Appropriations grew steadily in the 1990s and reached an inflation adjusted, per FTE high of \$9,765 in 2001. An economic recession in the early 2000s led to four years of declines (2002, 2003, 2004, and 2005).⁹ As the economy recovered, educational appropriations increased for two years in 2006 and 2007, reaching \$8,848 in 2008.

- During the Great Recession, educational appropriations dropped 24.4 percent from 2008 levels for four straight years to \$6,689 in 2012, despite an influx of federal funds from the American Recovery and Reinvestment Act. The unprecedented decline was primarily due to accelerating enrollment growth and a lack of proportional funding increases. Reversing this downward trend, appropriations then increased for five straight years: 2 percent in 2013, 4.9 percent in 2014, 4.2 percent in 2015, 2.6 percent in 2016, and 2.5 percent in 2017. In the last year, appropriations per FTE remained largely flat after inflation, with a 0.2 percent increase to \$7,853 per student in 2018.

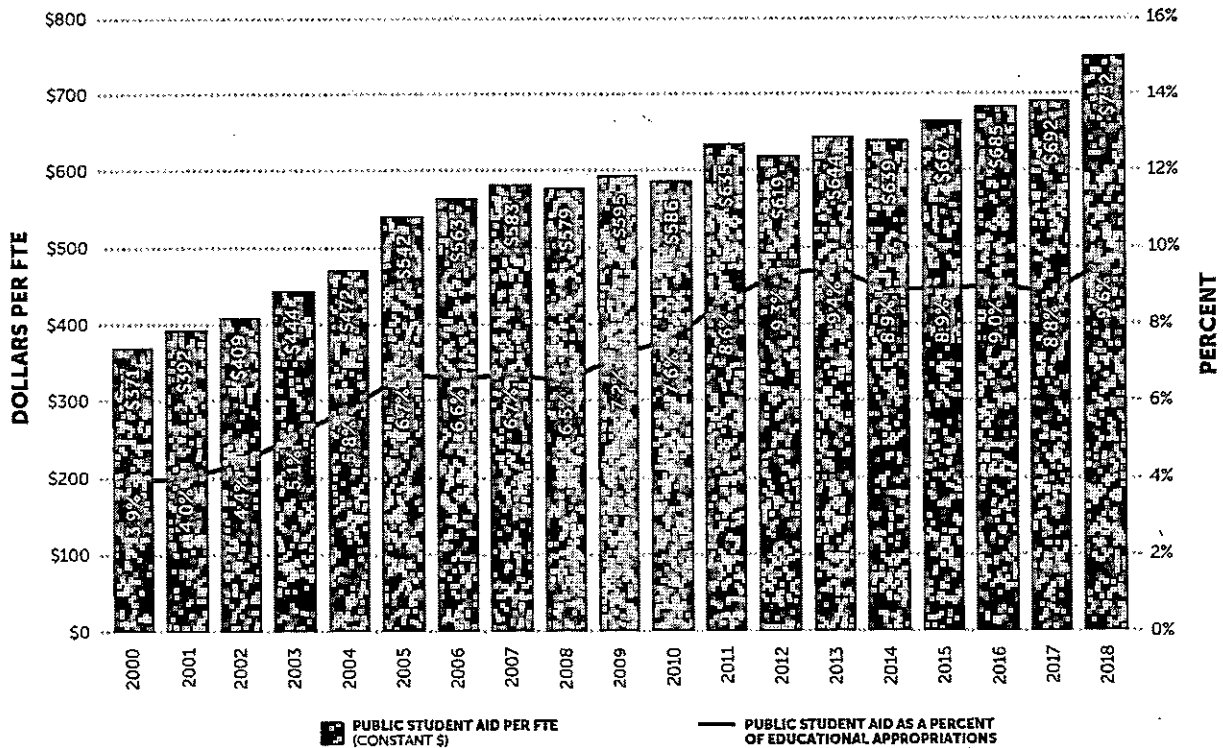
Despite the steady increases over the last few years, in 2018, states appropriated almost \$2,000 less per student than they did in 2001, and \$1,000 less than before the Great Recession. This means that **ten years after the start of the Great Recession, state funding for higher education has only halfway recovered.**

9. National Bureau of Economic Research. (2008). *The NBER's recession dating procedure*. Retrieved from http://www.nber.org/cycles/jan08bcdc_memo.html

STATE PUBLIC FINANCIAL AID

- *Figure 2* shows the change in appropriations for state funding for financial aid for students at public institutions over time. Unlike the rest of educational appropriations, state public aid has increased consistently over time. In the last year alone, state public aid increased 8.7 percent per FTE.
- On a constant dollar basis, aid has increased 102.9 percent since 2000 and 30 percent since the pre-recession high point in 2008, reaching a high of \$752 per FTE in 2018. State public aid as a percent of all educational appropriations has risen from 3.9 to 9.6 percent since SHEEO began to collect this data in 2000.
- *Figure 2* shows that states largely protect financial aid during economic downturns. During the worst years of the Great Recession, from 2008-2012, aid increased 7.1 percent while appropriations dropped 24.4 percent. As a result, aid as a percent of appropriations increased from 6.5 to 9.3 percent.

FIGURE 2
PUBLIC STUDENT AID PER FTE AND AS A PERCENT OF EDUCATIONAL APPROPRIATIONS
IN THE U.S., FY 2000-2018



NOTES:

1. Public student aid is state appropriated student financial aid for public institution tuition and fees.
2. Three states were excluded from this chart. Nevada is revising their public student aid data and will be included in the future. New Hampshire does not have a public student aid program. Nebraska could not separate aid for tuition and fees from aid for other expenses.
3. Constant 2018 dollars adjusted by SHEEO Higher Education Cost Adjustment (HECA).

SOURCE: State Higher Education Executive Officers Association

3. NET TUITION REVENUE

The substantial shift of responsibility for financing public higher education toward net tuition revenue (from around 25 percent to nearly 50 percent of total educational revenues) since 1990 is a significant change for U.S. higher education. On a per student, inflation-adjusted basis, net tuition revenue remained essentially flat between 2017 and 2018. However, since before the Great Recession in 2008, net tuition revenue per student has increased 38.6 percent—and it has increased 85.6 percent, in constant dollars, over the last 25 years.

This year's increase in net tuition revenue per student was the smallest increase ever, since the start of the SHEF data set in 1980.

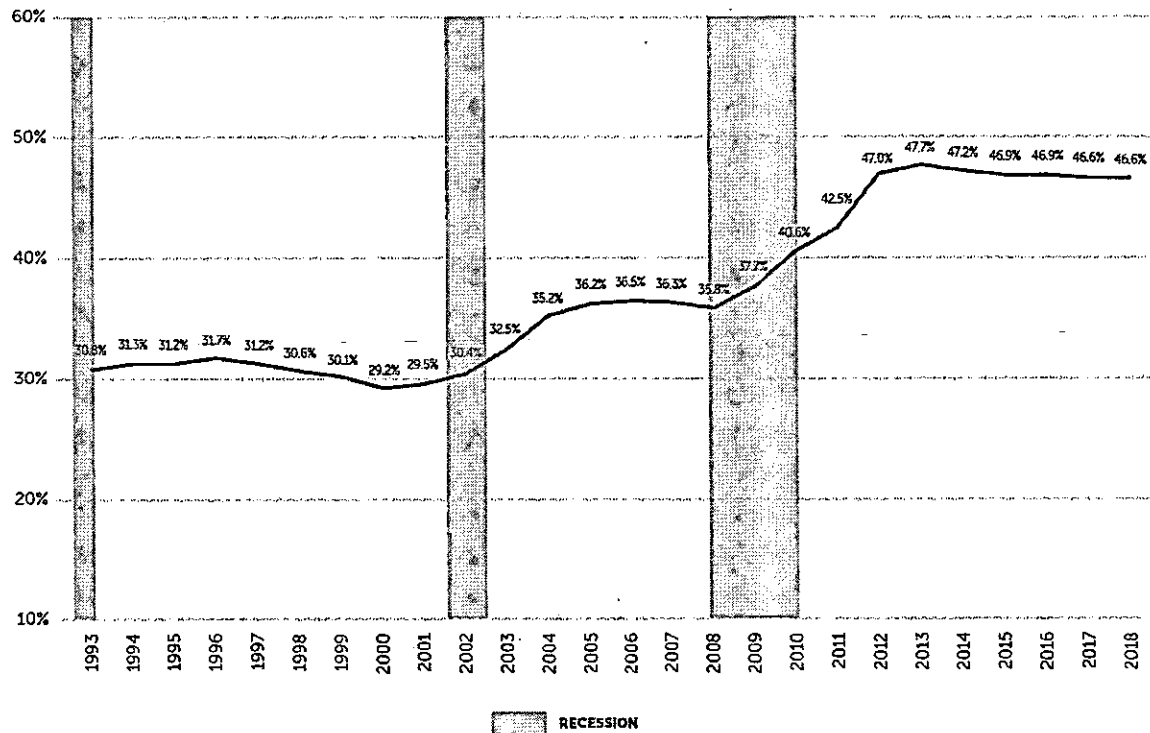
This may be due to a variety of factors including: stabilizing tuition rates,¹⁰ decreases in out-of-state or international enrollments, and changes in the proportion of students attending more expensive institutions.

STUDENT SHARE

- *Figure 3* provides a 25-year look at the growing reliance on net tuition as a revenue source—the student share. The measure of student share shows the proportion of total educational revenue that comes from tuition dollars. Net tuition revenue excludes state and institutional financial aid but does not exclude federal financial aid or loans.
- *Figure 3* shows that as appropriations decreased, student share grew rapidly during the Great Recession, increasing from 35.8 percent in 2008 to an all-time high of 47.7 percent in 2013. Since that high point, the share from net tuition declined slightly, returning to 46.6 percent in 2018.
- The student share increases most rapidly during periods of economic recession, shifting more of the cost of higher education to students and families (see *Figure 3*). When the economy stabilizes, a new level is established. Because of this trend, student share will likely pass 50 percent during the next recession.
- The U.S. student share is drawn down by states with the highest FTE enrollment, all of which have below average student shares. **In 2018, 32 states had an above average student share, and tuition comprised more than 50 percent of total revenue in 27 states.**

10. College Board. (2018). *Trends in college pricing*. Retrieved from <https://trends.collegeboard.org/sites/default/files/2018-trends-in-college-pricing.pdf>

FIGURE 3
NET TUITION AS A PERCENT OF PUBLIC HIGHER EDUCATION
TOTAL EDUCATIONAL REVENUE, U.S., FY 1993-2018



NOTE: Net tuition revenue used for capital debt service is included in net tuition revenue, but excluded from total educational revenue in calculating the above figures.

SOURCE: State Higher Education Executive Officers Association

4. TOTAL EDUCATIONAL REVENUE

Total educational revenue combines the two primary sources of funding for public higher education—educational appropriations and net tuition. The total resources available on a per student basis have historically changed during times of economic uncertainty. After dropping significantly during the Great Recession, total educational revenue recovered in 2015 thanks to significant increases in net tuition revenue and a slight recovery in educational appropriations.

In 2018, total educational revenue per student is higher than ever before, at \$14,566 per student. This means that, **nationally, increases in net tuition revenue have more than offset reductions in state and local funding per student.** However, there is wide variation across the country, and state funding reductions have not been offset with tuition revenue in all states. Even in states with record educational revenues, not all institutions have been able to increase tuition revenues to make up for decreases in educational appropriations.

Overall, 2018 saw the least change in total educational revenue than any year since the SHEF data set began in 1980. However, this does not necessarily signify stability in funding for higher education. Instead, it shows that decreases in some states nearly exactly offset increases in others. The next section of the report, *Interstate Comparisons*, further highlights these differences.

INTERSTATE COMPARISONS

The SHEF report is a collection of 50 very different states, and the national trends reported in the previous section mask substantial variation across the nation. This section examines interstate differences more closely by illustrating state trends across the SHEF metrics of higher education financing. Our case study on differences in state recoveries since the Great Recession (see page 30) further illuminates the vast differences in higher education funding across states.

Many factors affect the relative positions of states in their levels of funding for higher education.¹¹ Although no analysis can account for all of these factors, SHEF makes two adjustments to reflect differences in cost of living and enrollment levels at various institution types across the states.¹² These adjustments tend to draw states closer to the national average; for example, states with a high cost of living also often support higher education at above average levels, and the cost of living index reduces the extent of their above average revenue per student. The size and direction of these adjustments vary across states:

- In states with a high cost of living, dollars per FTE are adjusted downward (e.g., Massachusetts). In states where the cost of living is below the national average, they are adjusted upward (e.g., Arkansas).
- If the proportion of enrollment in higher-cost institutions is above average, dollars per FTE are adjusted downward. In states with a relatively inexpensive enrollment mix, dollars are adjusted upward (e.g., Nevada).
- Dollars per FTE are adjusted upward the most in states with an inexpensive enrollment mix and low cost of living (e.g., Wyoming). The reverse is true for states with a more expensive enrollment mix and a higher cost of living (e.g., Hawai'i). In some states, the two factors cancel out each other (e.g., Florida).

This section illustrates the variability across states and over time concerning higher education enrollment growth, total state and local appropriations, the amount and proportion of tuition-derived revenue, and total revenue available for public educational programs. The states are shown relative to one another to provide context for the national picture shown earlier in the report. These data are presented for the last five years and since before the Great Recession.

The SHEF data are adjusted by a higher education specific cost adjustment, HECA. To view the data adjusted by CPI, visit our website.

11. See Case Study – The Importance of State Context on page 41 of the FY 17 SHEF report for more information.

12. For more information on these adjustments, see the data adjustment section of our https://sheeo.org/SHEF_FY18_Technical_Paper

1. FULL-TIME EQUIVALENT ENROLLMENT (FTE)

Figure 4 and the accompanying data in Table 3 show changes in full-time equivalent (FTE) enrollment in public higher education by state.

- FTE enrollment steadily increased at public institutions in all but six years between 1980 and 2011. Enrollment peaked at 11.6 million in FY 2011 and has since decreased each year, dropping to 10.9 million in 2017 and 2018. While FTE is currently at its lowest point since 2009, the rate of decline has slowed in recent years, and FTE decreased by only 0.3 and 0.2 percent in 2017 and 2018.
- **In the last year, enrollment declined in 35 states between 2017 and 2018.** Declines ranged from 0.1 percent in Nebraska to 5.9 percent in New Mexico. FTE increases in the other 15 states ranged from 0.2 percent in Rhode Island to 2 percent in Utah.
- Since 2013, 43 states and Washington, D.C., have seen enrollment declines ranging from 0.1 percent in South Dakota to over 17 percent in Alaska and New Mexico. Seven states show enrollment increases since 2013. These increases range from 1.4 percent in Utah to 7.5 percent in Arizona (Figure 4).

The impact of the Great Recession can be seen in these patterns. In most states, FTE enrollment rapidly increased during the Great Recession (2008 to 2012) and has gone down in the past five years, a sign of a relatively strong economy. However, enrollment in 38 states remains above pre-recession levels (Table 3).¹³

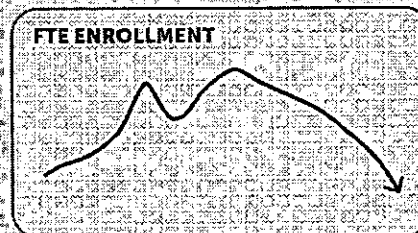
STATE SPOTLIGHT: NEW MEXICO



For the last few years, New Mexico has faced some of the largest declines in net FTE enrollment. Between 2016 and 2018, enrollment declined by almost 10,000 FTE students (10.3 percent). In the last year, enrollment decreased 4.2 percent at 2-year institutions and 7.4 percent at 4-year institutions.

The per-FTE metrics we share in this section are impacted by the enrollment declines in New Mexico and other states. The result is that educational appropriations and total educational revenue in New Mexico appear to have increased, while gross educational appropriations actually declined slightly between 2017 and 2018.

The enrollment decline in New Mexico is expected to continue through 2019 due, partially, to rising tuition and decreasing unemployment rates, which are correlated with lower postsecondary enrollment.^{14,15}

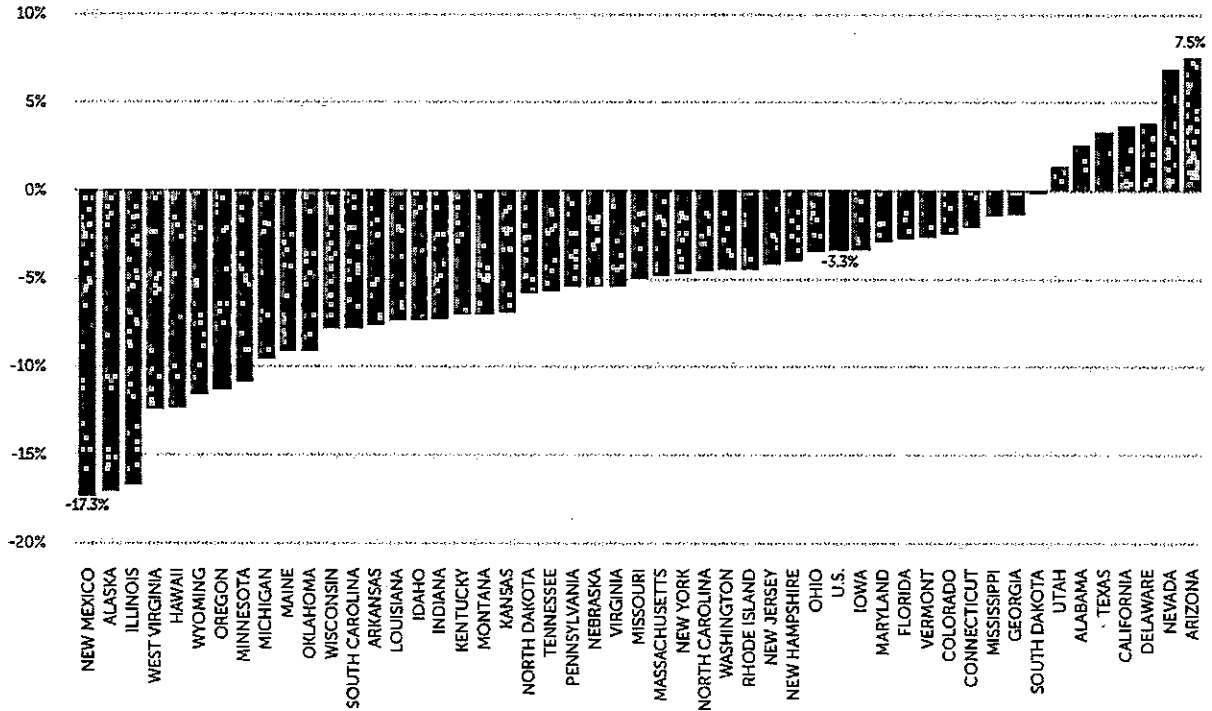


13. Figures showing the change in FTE and other metrics since before the Great Recession are available on the SHEEO website.

14. Dyer, J. (2018). UNM sees steep freshman falloff. *Albuquerque Journal*. Retrieved from <https://www.abqjournal.com/1235701/unm-sees-steep-freshman-falloff-176-drop-ndash-a-total-of-566-students-ndash-creates-97m-shortfall.html>

15. Bureau of Labor Statistics, 2016 and 2018.

FIGURE 4
PUBLIC HIGHER EDUCATION FULL-TIME EQUIVALENT (FTE) ENROLLMENT:
PERCENT CHANGE, FY 2013-2018



NOTE: Full-time equivalent enrollment equates student credit hours to full-time, academic year students, but excludes medical students

SOURCE: State Higher Education Executive Officers Association

TABLE 3
PUBLIC HIGHER EDUCATION FULL-TIME EQUIVALENT (FTE) ENROLLMENT

	FY 2009 (PRE-RECESSION)	FY 2013	FY 2017	FY 2018	1-YEAR % CHANGE	5-YEAR % CHANGE	CHANGE SINCE RECESSION
ALABAMA	187,086	197,110	198,619	202,189	1.8%	2.6%	8.1%
ALASKA	18,703	21,131	18,452	17,515	-5.1%	-17.1%	-6.4%
ARIZONA	233,255	270,644	286,335	290,816	1.6%	7.5%	24.7%
ARKANSAS	105,247	124,157	114,976	114,664	-0.3%	-7.6%	-8.9%
CALIFORNIA	1,507,467	1,501,945	1,536,241	1,556,971	1.3%	3.7%	3.3%
COLORADO	164,638	188,405	182,212	185,875	0.9%	-2.4%	11.7%
CONNECTICUT	77,088	87,810	90,404	86,008	-4.9%	-2.1%	11.6%
DELAWARE	31,619	34,715	35,554	36,023	1.5%	0.0%	14.1%
FLORIDA	540,784	619,179	597,293	602,675	0.9%	-2.7%	11.4%
GEORGIA	310,759	354,989	347,479	350,448	0.9%	-1.3%	12.8%
HAWAII	35,469	41,094	36,827	36,030	-2.2%	-12.3%	1.6%
IDAHO	43,868	57,837	53,116	53,570	0.9%	-7.4%	21.8%
ILLINOIS	358,679	373,403	326,452	311,101	-4.7%	-16.7%	-13.3%
INDIANA	222,837	238,011	222,151	220,665	-0.7%	-7.3%	-1.0%
IOWA	115,011	129,669	126,555	125,333	-1.0%	-3.3%	9.0%
KANSAS	121,743	134,175	126,156	124,958	0.9%	-6.9%	2.6%
KENTUCKY	142,382	155,586	147,167	144,747	-1.6%	-7.0%	1.7%
LOUISIANA	165,255	174,552	160,057	161,670	1.0%	-7.4%	-2.2%
MAINE	35,533	37,342	34,287	33,945	-1.0%	-9.1%	-4.5%
MARYLAND	207,255	238,814	232,963	231,777	-0.5%	-2.9%	11.8%
MASSACHUSETTS	148,288	171,974	165,736	163,673	-1.2%	-4.8%	10.4%
MICHIGAN	395,019	411,770	378,495	372,155	-1.7%	-9.6%	-5.8%
MINNESOTA	196,014	210,332	189,951	187,705	-1.2%	-10.8%	-4.2%
MISSISSIPPI	117,532	132,114	130,623	130,279	0.3%	-1.4%	10.8%
MISSOURI	164,160	196,659	195,255	186,862	-4.3%	-5.0%	13.8%
MONTANA	35,556	40,169	38,076	37,371	-1.9%	-7.0%	5.1%
NEBRASKA	75,451	81,175	76,899	76,790	-0.1%	-5.4%	1.8%
NEVADA	63,524	65,917	69,104	70,450	1.9%	6.9%	11.3%
NEW HAMPSHIRE	32,982	39,224	38,156	37,643	-1.3%	-4.0%	14.1%
NEW JERSEY	238,040	276,052	286,194	264,441	-0.7%	-4.2%	11.1%
NEW MEXICO	85,203	101,239	89,020	83,747	-5.9%	-17.3%	-1.7%
NEW YORK	526,538	571,693	549,948	545,107	-0.9%	-4.7%	5.5%
NORTH CAROLINA	357,601	410,622	389,604	392,138	0.7%	-4.5%	9.7%
NORTH DAKOTA	34,955	37,122	35,728	34,963	-2.1%	-5.8%	0.0%
OHIO	375,932	400,796	390,840	387,109	-1.0%	-3.4%	3.0%
OKLAHOMA	131,191	144,138	133,682	131,083	-1.9%	-9.1%	-0.1%
OREGON	129,626	160,939	144,148	142,723	-1.0%	-11.3%	10.1%
PENNSYLVANIA	343,043	364,468	348,838	344,704	-1.2%	-5.4%	0.5%
RHODE ISLAND	30,120	31,699	30,246	30,316	0.2%	-4.4%	0.7%
SOUTH CAROLINA	149,541	178,240	167,414	164,402	-1.8%	-7.8%	9.9%
SOUTH DAKOTA	29,595	32,945	32,295	32,899	1.9%	-0.1%	11.2%
TENNESSEE	173,706	196,097	185,513	184,976	-0.3%	-5.7%	6.5%
TEXAS	804,918	1,019,173	1,034,453	1,052,885	1.8%	3.3%	30.8%
UTAH	105,320	123,851	123,075	125,550	2.0%	1.4%	21.5%
VERMONT	19,875	21,259	20,782	20,713	-0.3%	-2.6%	4.2%
VIRGINIA	281,940	320,481	305,307	303,300	-0.7%	5.4%	7.6%
WASHINGTON	221,264	248,273	239,481	237,289	-0.9%	-4.4%	7.2%
WEST VIRGINIA	73,525	78,458	69,939	68,746	-1.7%	-12.4%	-6.5%
WISCONSIN	219,006	229,463	213,143	211,610	-0.7%	-7.8%	-3.4%
WYOMING	23,054	25,689	23,300	22,699	-2.6%	-11.6%	-1.5%
U.S.	10,205,097	11,302,579	10,948,541	10,929,357	-0.2%	-3.3%	7.1%
DISTRICT OF COLUMBIA	N/A	3,945	3,239	2,933	-9.4%	-25.7%	N/A

NOTES: 1. Full-time equivalent enrollment equates student credit hours to full-time, academic year students, but excludes medical students.
2. The U.S. calculation does not include the District of Columbia.

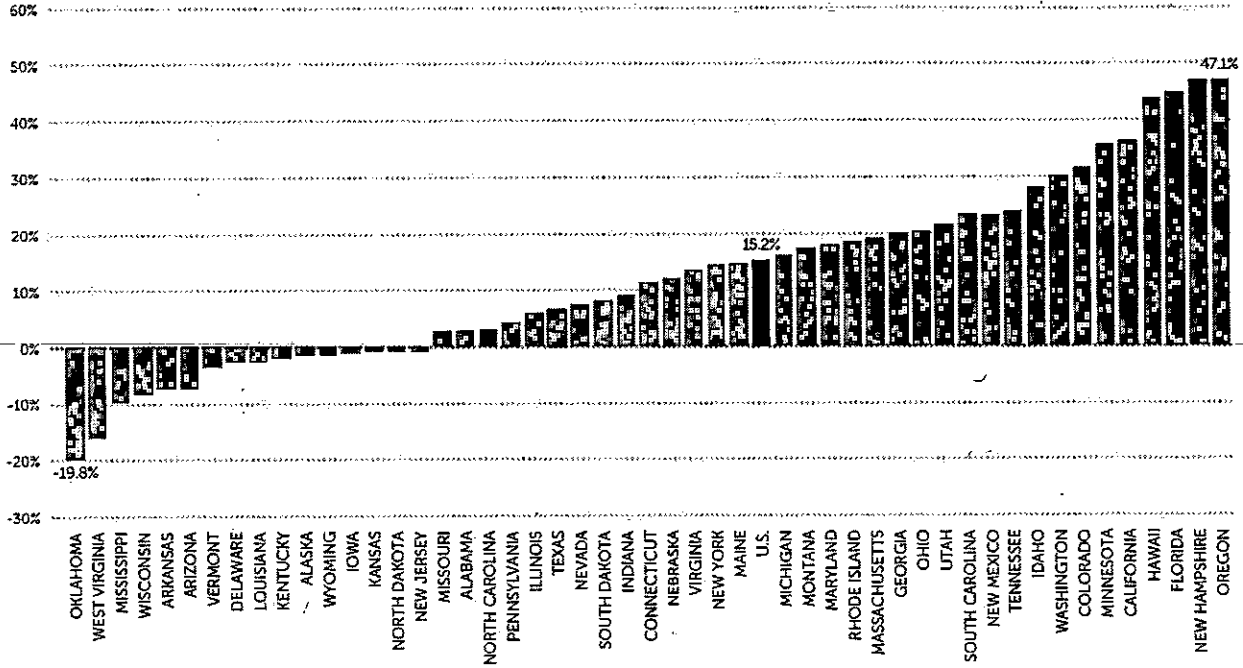
SOURCE: State Higher Education Executive Officers Association

2. EDUCATIONAL APPROPRIATIONS

Figure 5 and the accompanying data in *Table 4* show the percent change by state in higher educational appropriations per FTE student over the past five years. **When reviewing these tables, it is important to note that, for many states, five years ago (2013) was the historic low point of the Great Recession for educational appropriations.**

- At the national level and after adjusting for inflation, there was almost no change in educational appropriations per FTE between 2017 and 2018. However, this figure masks considerable variation across the states. **Twenty-two states saw declines in educational appropriations in the last year**, with per-FTE decreases ranging from .05 percent (\$3) in Montana to 14.2 percent (\$1,364) in North Dakota. Increases ranged from .01 percent (\$1) in Maine to 8.6 percent (\$562) in Florida. Florida's appropriation increase is concentrated in additional funding for state financial aid.
- Overall, per student appropriations in many states were stable over the last year. The year-over-year change in educational appropriations per FTE was less than 1 percent in 14 states, indicating that a number of states were able to keep up with changes in inflation and enrollment.
- The majority of states have seen increases in appropriations since 2013. Of the 34 states with per-FTE increases, the highest are in Oregon, New Hampshire, and Florida (*Figure 5*). The largest decreases are in Oklahoma, West Virginia, and Mississippi. Nationally, appropriations are 15.2 percent above their 2013 level.
- States vary widely in their recovery since the Great Recession. Nine states have reached or surpassed their pre-recession high point in 2008, and 17 states remain at least 20 percent below their pre-recession per student educational appropriations. *For more detail on how states have recovered since the Great Recession, see page 30.*

FIGURE 5
PUBLIC HIGHER EDUCATION EDUCATIONAL APPROPRIATIONS PER FTE:
PERCENT CHANGE, FY 2013-2018



- NOTES:**
1. Educational appropriations are a measure of state and local support available for public higher education operating expenses including ARRA funds, and exclude appropriations for independent institutions, financial aid for students attending independent institutions, research, hospitals, and medical education.
 2. Adjustment factors to arrive at constant dollar figures include Cost of Living Index (COLI), Enrollment Mix Index (EMI), and Higher Education Cost Adjustment (HECA). The COLI is not a measure of inflation over time.

SOURCE: State Higher Education Executive Officers Association



STATE SPOTLIGHT: ILLINOIS

Higher education finance data for Illinois continue to be outliers in the 2018 SHEF report, with educational appropriations nearly twice the U.S. average on a per student basis in 2018 and 30 percent above 2008 levels.

The significant increase in SHEF educational appropriations over the last decade is driven **entirely** by the state's efforts to address its historically underfunded state retirement pension system. The proportion of total funding spent on the state pension system has increased from 13.6 percent in 2008 to 46.4 percent in 2018.

Adding further complexity to Illinois's SHEF data in 2016 and 2017, the state did not pass a budget and therefore had no funding for higher education. The SHEF appropriations shown in these years are actually funds released in 2018 that partially restored 2016 and 2017 funds.

[Click here to read more and for additional data.](#)

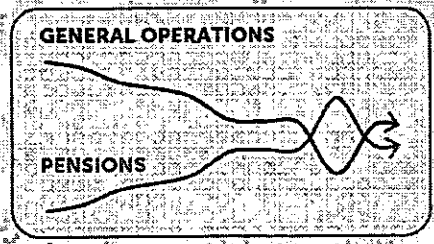


TABLE 4
EDUCATIONAL APPROPRIATIONS PER FTE (CONSTANT ADJUSTED 2018 DOLLARS)

	FY 2008 (PRE-RECESSION)	FY 2013	FY 2017	FY 2018*	INDEX TO U.S. AVERAGE	1-YEAR% CHANGE	5-YEAR% CHANGE	% CHANGE SINCE RECESSION
ALABAMA	\$10,772	\$6,606	\$6,894	\$6,788	0.86	-1.5%	2.8%	-37.0%
ALASKA	\$15,076	\$15,362	\$15,005	\$15,151	1.93	1.0%	-1.4%	-0.5%
ARIZONA	\$8,493	\$5,416	\$5,087	\$5,025	0.64	-1.2%	-7.2%	-40.8%
ARKANSAS	\$9,389	\$8,489	\$8,086	\$7,873	1.00	-2.6%	-7.3%	-16.1%
CALIFORNIA	\$7,876	\$6,281	\$8,355	\$8,553	1.09	2.4%	36.2%	8.6%
COLORADO	\$4,724	\$3,193	\$4,216	\$4,198	0.55	-0.4%	31.5%	-11.1%
CONNECTICUT	\$10,703	\$7,288	\$8,641	\$8,123	1.03	-6.0%	11.5%	-24.1%
DELAWARE	\$6,662	\$4,966	\$4,976	\$4,841	0.62	-2.7%	-2.5%	-27.3%
FLORIDA	\$8,556	\$4,910	\$6,547	\$7,109	0.90	8.6%	44.8%	-16.9%
GEORGIA	\$10,607	\$7,631	\$8,841	\$9,166	1.17	3.7%	20.1%	-13.6%
HAWAII	\$11,774	\$8,747	\$11,664	\$12,560	1.60	7.7%	43.6%	6.7%
IDAHO	\$12,142	\$7,699	\$9,794	\$9,857	1.25	0.6%	28.0%	-18.8%
ILLINOIS	\$11,261	\$13,785	\$15,869	\$14,605	1.86	-8.0%	6.0%	29.7%
INDIANA	\$7,070	\$6,230	\$6,922	\$6,785	0.86	-2.0%	8.9%	-4.0%
IOWA	\$7,993	\$6,059	\$6,187	\$5,992	0.76	-3.2%	-1.1%	-25.0%
KANSAS	\$8,354	\$6,943	\$6,788	\$6,885	0.88	1.4%	-0.8%	-17.6%
KENTUCKY	\$10,068	\$7,666	\$7,512	\$7,514	0.96	0.0%	-2.0%	-25.4%
LOUISIANA	\$9,748	\$6,024	\$5,512	\$5,876	0.75	6.6%	-2.5%	-39.7%
MAINE	\$7,946	\$6,752	\$7,749	\$7,750	0.99	0.0%	14.8%	-2.5%
MARYLAND	\$7,684	\$6,291	\$7,404	\$7,426	0.95	0.3%	18.0%	-3.4%
MASSACHUSETTS	\$8,675	\$6,349	\$7,540	\$7,556	0.96	0.2%	19.0%	-12.9%
MICHIGAN	\$7,903	\$5,833	\$6,714	\$6,773	0.86	0.9%	16.1%	-14.3%
MINNESOTA	\$8,437	\$5,714	\$7,306	\$7,758	0.99	6.2%	35.8%	-8.1%
MISSISSIPPI	\$9,889	\$7,365	\$7,572	\$6,655	0.85	12.1%	-9.6%	-32.7%
MISSOURI	\$9,367	\$6,778	\$6,857	\$6,958	0.89	1.5%	2.7%	-25.7%
MONTANA	\$6,413	\$5,391	\$6,324	\$6,321	0.80	0.1%	17.2%	-1.4%
NEBRASKA	\$9,212	\$8,660	\$9,951	\$9,699	1.23	-2.5%	12.0%	5.3%
NEVADA	\$11,179	\$7,519	\$7,681	\$8,094	1.03	5.4%	7.6%	-27.6%
NEW HAMPSHIRE	\$3,918	\$1,909	\$2,772	\$2,806	0.36	1.2%	47.0%	-28.4%
NEW JERSEY	\$8,680	\$6,375	\$6,529	\$6,339	0.81	-2.9%	-0.6%	-27.0%
NEW MEXICO	\$11,740	\$8,775	\$10,496	\$10,816	1.38	3.0%	23.3%	-7.9%
NEW YORK	\$8,295	\$7,601	\$8,430	\$8,697	1.11	3.2%	14.4%	-4.8%
NORTH CAROLINA	\$12,496	\$10,108	\$10,415	\$10,429	1.33	0.1%	3.2%	-16.5%
NORTH DAKOTA	\$7,180	\$8,323	\$9,637	\$8,273	1.05	-14.2%	-0.6%	15.2%
OHIO	\$7,020	\$5,286	\$6,389	\$6,361	0.81	-0.4%	20.3%	-9.4%
OKLAHOMA	\$10,001	\$7,988	\$6,689	\$6,407	0.82	-4.2%	-19.8%	-35.9%
OREGON	\$6,232	\$4,240	\$6,057	\$6,237	0.79	3.0%	47.1%	0.1%
PENNSYLVANIA	\$6,629	\$4,124	\$4,280	\$4,296	0.55	0.4%	4.2%	-35.2%
RHODE ISLAND	\$6,879	\$5,110	\$5,880	\$6,061	0.77	3.1%	18.6%	-11.9%
SOUTH CAROLINA	\$7,917	\$4,914	\$5,910	\$6,053	0.77	2.4%	23.2%	-23.5%
SOUTH DAKOTA	\$7,317	\$5,903	\$6,808	\$6,378	0.81	-6.3%	8.0%	-12.8%
TENNESSEE	\$10,212	\$7,082	\$8,402	\$8,774	1.12	4.4%	23.9%	-14.1%
TEXAS	\$9,419	\$7,235	\$8,024	\$7,707	0.98	-3.9%	6.5%	-18.2%
UTAH	\$8,651	\$5,960	\$7,233	\$7,250	0.92	0.2%	21.6%	-16.2%
VERMONT	\$3,423	\$2,946	\$2,787	\$2,846	0.36	2.1%	-3.4%	-16.9%
VIRGINIA	\$6,664	\$4,771	\$5,643	\$5,420	0.69	-4.0%	13.6%	-18.7%
WASHINGTON	\$8,034	\$5,355	\$7,009	\$6,966	0.89	-0.6%	30.1%	-13.3%
WEST VIRGINIA	\$7,108	\$5,610	\$4,865	\$4,723	0.60	-2.9%	-15.8%	-33.6%
WISCONSIN	\$8,271	\$7,002	\$6,335	\$6,435	0.82	-1.6%	-8.1%	-22.2%
WYOMING	\$17,855	\$18,245	\$18,451	\$18,001	2.29	-2.4%	-1.3%	0.8%
U.S.	\$8,848	\$6,820	\$7,841	\$7,853	1.00	0.2%	15.2%	-11.2%
DISTRICT OF COLUMBIA	N/A	\$12,922	\$9,986	\$11,092	1.41	11.1%	-14.2%	N/A

- NOTES:**
1. Educational appropriations are a measure of state and local support available for public higher education operating expenses including ARRA funds, and exclude appropriations for independent institutions, financial aid for students attending independent institutions, research, hospitals, and medical education.
 2. The U.S. calculation does not include the District of Columbia.
 3. Adjustment factors to arrive at constant dollar figures include Cost of Living Index (COLI), Enrollment Mix Index (EMI), and Higher Education Cost Adjustment (HECA). The COLI is not a measure of inflation over time. The District of Columbia is not adjusted for COLI or EMI.

SOURCE: State Higher Education Executive Officers Association

CASE STUDY PREVIEW: TEN YEARS OUT – STATE RECOVERY FROM THE GREAT RECESSION

Recent SHEEO reports have focused on the national impact of the Great Recession from 2008 to 2012 and the period of slow recovery that followed. Of course, these national trends data mask significant variation among the 50 states.

Some states demonstrated recession conditions until very recently, while nationally, recovery began in 2013. Some states are still well below pre-recession levels of state funding while a handful have recovered. Most states have increased tuition revenues to more than make up for cuts in state funding for higher education, but some still have less total revenue than before the Great Recession.

This case study provides an analysis of how well states have recovered from the Great Recession. We consider the depth of cuts in state funding, recovery of total educational revenues and the sources of that recovery, and changes in state financial aid. Highlights include:

- The states in which higher education was hit the hardest by the Great Recession, each with a 40 percent or greater cut to state appropriations per student, were Arizona, Florida, Idaho, New Hampshire, Oregon, Pennsylvania, and South Carolina.
- Only Illinois and North Dakota saw no decline in state educational appropriations per FTE during the Great Recession.
- Public institutions in 15 states have less total revenue available for general operations now than ten years ago.
- Almost half of states recovered total revenues by increasing net tuition revenue per FTE by at least 25 percent.
- In the majority of states, state funding has only partially recovered since the Great Recession.
- Only six states that faced a decline during the recession (Alaska, California, Hawaii, New York, Wisconsin, and Wyoming) recovered their total revenues at least in part by increasing state educational appropriations per FTE to prior levels.
- Most states protected student financial aid during the Great Recession, and 28 states have increased per-student state public aid since 2008.

[Click here to read the full case study.](#)

3. NET TUITION REVENUE

Figure 6 shows net tuition revenue as a percentage of total educational revenue for public higher education by state for 2018. The accompanying data in Table 5 show the constant dollar values of net tuition revenue per FTE by state.

- Net tuition revenue per FTE in the U.S. was essentially flat between 2017 and 2018 after accounting for inflation. In fact, 2018 saw the smallest increase on record in net tuition revenue per student (0.03 percent). Tuition revenue increased in just over half of all states and Washington, D.C. The largest increase was in Wyoming (19.3 percent), with a year-over-year tuition revenue increase of \$616 per FTE.
- Twenty-two states saw declines in tuition revenue per FTE in the last year, the largest of which were 15.5 percent in Florida (\$510 per FTE) and 8 percent in Louisiana (\$464 per FTE). Decreases in constant dollar net tuition revenue per FTE should not be construed as being driven entirely by changes in tuition rates. Changes may occur due to increases in state financial aid, more students attending institutions with lower tuition and fees, and fewer out-of-state or international enrollments.
- All but five states (Florida, Idaho, Missouri, New Hampshire, and Ohio) have increased tuition revenue per FTE in the last five years. Washington D.C., had the largest five-year increase (45.9 percent, or \$688 per FTE) between 2013 and 2018. Arkansas, Connecticut, South Carolina, Oklahoma, and Wyoming had tuition revenue increases above 30 percent in the last five years.
- Since 2008, net tuition revenue per FTE has increased beyond inflation in every state and has increased by more than 50 percent in 14 states. Some states have had substantial tuition increases but still have some of the lowest per FTE tuition revenue in the country. For example, Georgia has had the largest increase since the Great Recession (96 percent) yet still receives fewer tuition dollars per FTE than 41 other states (Table 5).
- Figure 6 shows that states vary widely in net tuition as a percent of total revenue (the student share), from 17.5 percent in Wyoming to 87 percent in Vermont. Since 2008, the student share has increased in all states, yet the relative positions in Figure 6 have largely stayed constant; states do not generally move from below average to above average.
- Thirty-two states are above the national average student share of 46.4 percent. Twenty-seven states are above a 50 percent student share. **This means that public higher education is more dependent on tuition revenue than educational appropriations in over half of all states.**



STATE SPOTLIGHT: FLORIDA

Florida's 15.5 percent decrease in net tuition revenue per FTE enrollment in the last year is mainly due to a substantial increase in public student aid through the Bright Futures merit scholarship.¹⁶ On a per student basis, public student aid almost doubled, from \$564 in 2017 to \$1,022 in 2018.

These increases, which are expected to continue in 2019, restore Florida's state financial aid programs to levels seen before the Great Recession.

The SHEF data include state funded financial aid in educational appropriations and subtract those dollars from net tuition revenue.

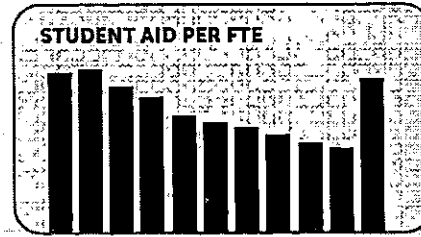
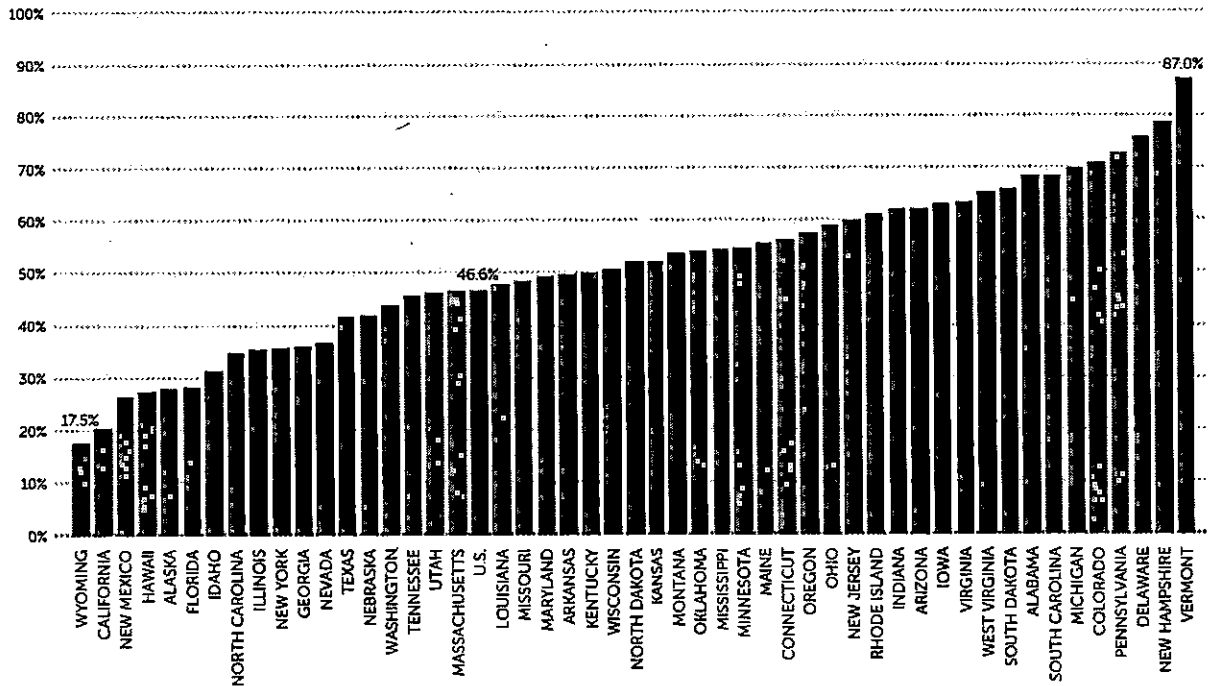


FIGURE 6
NET TUITION AS A PERCENT OF TOTAL EDUCATIONAL REVENUE, FY 2018



NOTES:

1. Net tuition revenue is calculated by taking the gross amount of tuition and fees, less state and institutional financial aid, tuition waivers or discounts, and medical student tuition and fees. Net tuition revenue used for capital debt service is included in the net tuition revenue figures above.
2. Adjustment factors to arrive at constant dollar figures include Cost of Living Index (COLI), Enrollment Mix Index (EMI), and Higher Education Cost Adjustment (HECA). The COLI is not a measure of inflation over time.

SOURCE: State Higher Education Executive Officers Association

16. Florida Office of Economic and Demographic Research (2018). *Education estimating conference on student financial aid*. Retrieved from <http://edr.state.fl.us/Content/conferences/financialaid/ConferenceResults.pdf>

**TABLE 5
PUBLIC HIGHER EDUCATION NET TUITION REVENUE PER FTE
(CONSTANT ADJUSTED 2018 DOLLARS)**

	FY 2008 (PRE-RECESSION)	FY 2013	FY 2017	FY 2018	INDEX TO U.S. AVERAGE	1-YEAR % CHANGE	5-YEAR % CHANGE	CHANGE SINCE RECESSION
ALABAMA	\$7,329	\$11,703	\$13,566	\$12,873	1.90	-5.1%	10.0%	75.7%
ALASKA	\$5,051	\$5,307	\$5,668	\$5,837	0.86	3.0%	10.0%	15.6%
ARIZONA	\$4,655	\$6,263	\$7,855	\$7,747	1.14	-1.4%	23.7%	66.4%
ARKANSAS	\$4,805	\$5,014	\$6,749	\$6,808	1.00	0.9%	35.8%	41.7%
CALIFORNIA	\$1,267	\$2,057	\$2,224	\$2,195	0.32	-1.3%	6.7%	73.2%
COLORADO	\$6,260	\$8,316	\$9,797	\$10,224	1.51	4.4%	22.9%	63.3%
CONNECTICUT	\$6,956	\$7,592	\$9,817	\$10,416	1.53	6.1%	37.2%	49.8%
DELAWARE	\$10,266	\$13,694	\$13,983	\$14,555	2.14	4.1%	6.3%	41.8%
FLORIDA	\$2,315	\$3,372	\$3,303	\$2,792	0.41	-15.5%	-17.2%	20.6%
GEORGIA	\$2,635	\$4,864	\$5,354	\$5,173	0.76	-3.4%	6.3%	96.3%
HAWAII	\$3,271	\$4,420	\$4,883	\$4,752	0.70	-2.7%	7.5%	45.3%
IDAHO	\$2,922	\$4,623	\$4,708	\$4,463	0.66	-6.8%	-3.5%	52.8%
ILLINOIS	\$4,938	\$6,533	\$7,552	\$7,777	1.15	3.0%	19.0%	57.5%
INDIANA	\$7,587	\$10,228	\$10,859	\$10,745	1.58	-1.0%	5.1%	41.6%
IOWA	\$7,453	\$9,067	\$9,969	\$10,162	1.50	1.9%	12.1%	36.4%
KANSAS	\$5,429	\$6,653	\$7,596	\$7,522	1.11	-1.0%	13.1%	38.6%
KENTUCKY	\$5,871	\$6,901	\$7,595	\$7,482	1.10	-1.5%	8.4%	27.4%
LOUISIANA	\$2,992	\$4,686	\$5,805	\$5,341	0.79	-8.0%	14.0%	84.7%
MAINE	\$7,916	\$9,290	\$9,290	\$9,718	1.43	4.6%	4.6%	22.8%
MARYLAND	\$6,267	\$6,905	\$7,125	\$7,246	1.07	1.7%	4.9%	15.6%
MASSACHUSETTS	\$5,858	\$5,445	\$5,791	\$6,558	0.97	13.2%	20.4%	11.9%
MICHIGAN	\$10,511	\$13,373	\$15,337	\$15,735	2.32	2.6%	17.7%	49.7%
MINNESOTA	\$6,579	\$9,204	\$9,300	\$9,348	1.38	0.5%	1.6%	42.1%
MISSISSIPPI	\$5,798	\$6,849	\$7,723	\$7,890	1.16	2.2%	15.2%	36.1%
MISSOURI	\$6,445	\$6,830	\$6,234	\$6,523	0.96	4.6%	-4.5%	1.2%
MONTANA	\$6,304	\$6,748	\$7,247	\$7,348	1.08	1.4%	8.9%	16.6%
NEBRASKA	\$4,905	\$6,233	\$6,894	\$6,953	1.02	0.9%	11.6%	41.8%
NEVADA	\$3,255	\$4,334	\$4,731	\$4,644	0.68	-1.8%	7.2%	42.7%
NEW HAMPSHIRE	\$9,386	\$10,741	\$10,324	\$10,268	1.51	-0.5%	-4.4%	9.4%
NEW JERSEY	\$7,334	\$8,398	\$9,852	\$9,470	1.39	-3.9%	12.8%	29.1%
NEW MEXICO	\$2,560	\$3,475	\$3,546	\$3,862	0.57	8.9%	11.1%	50.9%
NEW YORK	\$3,560	\$4,223	\$4,853	\$4,834	0.71	-0.4%	14.5%	35.8%
NORTH CAROLINA	\$3,745	\$4,602	\$5,536	\$5,515	0.81	-0.4%	19.8%	47.3%
NORTH DAKOTA	\$7,654	\$8,188	\$8,852	\$8,998	1.33	1.6%	9.9%	17.6%
OHIO	\$8,138	\$9,300	\$9,093	\$9,113	1.34	0.2%	-2.0%	12.0%
OKLAHOMA	\$4,606	\$5,715	\$7,187	\$7,551	1.11	4.8%	31.8%	63.5%
OREGON	\$5,514	\$6,992	\$8,186	\$8,375	1.23	2.3%	19.8%	51.9%
PENNSYLVANIA	\$8,815	\$10,306	\$11,438	\$11,432	1.68	-0.1%	10.9%	29.7%
RHODE ISLAND	\$7,578	\$8,909	\$8,926	\$9,559	1.41	7.1%	7.3%	26.1%
SOUTH CAROLINA	\$6,811	\$8,252	\$9,910	\$11,168	1.64	12.7%	35.3%	64.0%
SOUTH DAKOTA	\$6,960	\$9,657	\$10,378	\$10,114	1.49	-2.5%	4.7%	45.3%
TENNESSEE	\$4,854	\$6,389	\$7,148	\$7,133	1.05	-0.2%	11.6%	46.9%
TEXAS	\$4,890	\$4,968	\$5,501	\$5,480	0.81	-0.4%	10.3%	12.1%
UTAH	\$4,354	\$5,559	\$6,207	\$6,236	0.92	0.5%	12.2%	43.2%
VERMONT	\$13,219	\$14,235	\$15,041	\$14,907	2.19	-0.9%	4.7%	12.8%
VIRGINIA	\$6,054	\$7,906	\$9,030	\$9,241	1.36	2.3%	16.9%	52.7%
WASHINGTON	\$3,423	\$5,344	\$5,287	\$5,437	0.80	2.8%	1.7%	58.8%
WEST VIRGINIA	\$5,252	\$5,942	\$7,322	\$7,468	1.10	2.0%	25.7%	42.2%
WISCONSIN	\$4,887	\$6,093	\$6,581	\$6,558	0.97	-0.3%	7.6%	34.2%
WYOMING	\$3,132	\$2,885	\$3,186	\$3,801	0.56	19.3%	31.8%	21.4%
U.S.	\$4,898	\$6,159	\$6,786	\$6,788	1.00	0.0%	10.2%	38.6%
DISTRICT OF COLUMBIA	N/A	\$7,535	\$10,309	\$10,997	1.62	6.7%	45.9%	N/A

- NOTES:**
1. Net tuition revenue is calculated by taking the gross amount of tuition and fees, less state and institutional financial aid, tuition waivers or discounts, and medical student tuition and fees. Net tuition revenue used for capital debt service is included in the net tuition revenue figures above.
 2. The U.S. calculation does not include the District of Columbia.
 3. Adjustment factors to arrive at constant dollar figures include Cost of Living Index (COLI), Enrollment Mix Index (EMI), and Higher Education Cost Adjustment (HECA). The COLI is not a measure of inflation over time. The District of Columbia is not adjusted for COLI or EMI.

SOURCE: State Higher Education Executive Officers Association

4. TOTAL EDUCATIONAL REVENUE

Figure 7 (and the accompanying data in Table 6) shows the percent change by state in total educational revenue per FTE in public higher education over the last five years. Total educational revenue is the sum of resources from the two primary revenue sources for public higher education institutions, educational appropriations and tuition.¹⁷

- Table 6 shows that on a constant dollar basis, total educational revenue per FTE increased just 0.1 percent nationally from 2017 to 2018 and is now the highest we have seen going back to 1980.
- Twenty-nine states saw increases, ranging from 0.1 percent in Pennsylvania to 7.4 percent in South Carolina. The largest increase was 8.8 percent in Washington, D.C. Only two states had decreases in total revenue per FTE larger than 5 percent: North Dakota (6.6 percent) and Illinois (5 percent).
- After adjusting for inflation, changes to total educational revenue per FTE over the last year were less than 1 percent in 21 states.
- Figure 7 shows that, nationally, total revenue per FTE increased 12.9 percent between 2013 and 2018, and Missouri and Wisconsin were the only states with five-year decreases (0.9 and 0.8 percent, respectively). The largest increases since 2013 were in Hawai'i and South Carolina (31.5 percent and 30.7 percent).
- However, 16 states are still below their pre-recession levels in total educational revenue. Of those states, Louisiana, Missouri, and Nevada are still at least 10 percent below their pre-recession total educational revenue. The case study on page 30 explores the range of revenue recovery across states since the Great Recession.

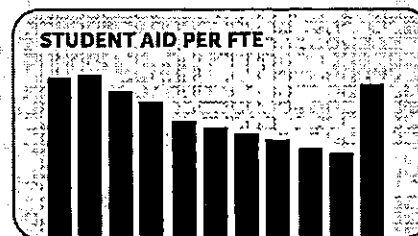


STATE SPOTLIGHT: MISSOURI

Like most states, Missouri saw sharp declines in total educational revenue per FTE during the Great Recession. However, Missouri is the only state in which total revenue has continued to decline since the height of the Great Recession in 2012.

The reasons for this are twofold. First, educational appropriations in Missouri are at a near low, about \$2,400 below what they were ten years ago. Second, for over a decade, Missouri has restricted tuition rate increases to the rate of inflation,¹⁸ and net tuition revenues per FTE have increased only 1.2 percent since the Great Recession.

In addition, the 2018 funding cut in Missouri is more severe than it appears. Roughly \$35 million (or 3.8 percent of appropriations) were not released until the last day of fiscal 2018, and institutions were never able to access those funds.¹⁹

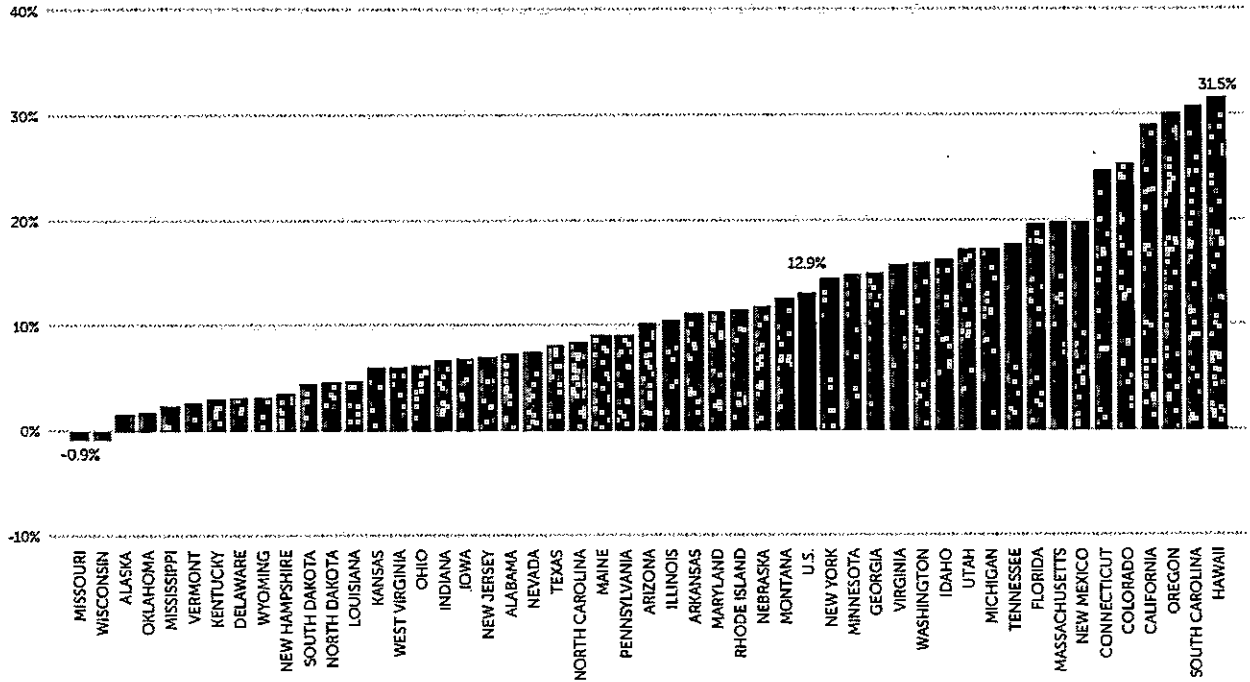


17. Tuition used for debt service is excluded from total educational revenue.

18. Mo. Rev. Stat. §173.1003

19. Missouri Department of Higher Education

FIGURE 7
TOTAL EDUCATIONAL REVENUE PER FTE: PERCENT CHANGE, FY 2013-2018



NOTES: 1. Total Educational Revenue is the sum of educational appropriations and net tuition, excluding net tuition revenue used for capital debt service.
 2. Adjustment factors to arrive at constant dollar figures include Cost of Living Index (COLI), Enrollment Mix Index (EMI), and Higher Education Cost Adjustment (HECA). The COLI is not a measure of inflation over time.

SOURCE: State Higher Education Executive Officers Association

TABLE 6
TOTAL EDUCATIONAL REVENUE PER FTE (CONSTANT ADJUSTED 2018 DOLLARS)

	FY 2008 (PRE-RECESSION)	FY 2013	FY 2017	FY 2018	INDEX TO U.S. AVERAGE	1-YEAR % CHANGE	5-YEAR % CHANGE	CHANGE SINCE RECESSION
ALABAMA	\$17,507	\$17,533	\$19,503	\$18,812	1.29	-3.5%	7.3%	7.5%
ALASKA	\$20,127	\$20,668	\$20,672	\$20,988	1.44	1.5%	1.5%	4.3%
ARIZONA	\$12,787	\$11,334	\$12,644	\$12,483	0.86	-1.3%	10.1%	-2.4%
ARKANSAS	\$13,445	\$12,339	\$13,956	\$13,712	0.94	-1.7%	11.1%	2.0%
CALIFORNIA	\$9,144	\$8,338	\$10,579	\$10,748	0.74	1.6%	28.9%	17.5%
COLORADO	\$10,984	\$11,509	\$14,013	\$14,422	0.99	2.9%	25.3%	31.3%
CONNECTICUT	\$17,659	\$14,880	\$18,458	\$18,539	1.27	0.4%	24.6%	5.0%
DELAWARE	\$16,881	\$18,624	\$18,769	\$19,193	1.32	2.3%	3.1%	13.7%
FLORIDA	\$10,872	\$8,282	\$9,849	\$9,901	0.68	0.5%	19.5%	-8.9%
GEORGIA	\$13,219	\$12,476	\$14,187	\$14,336	0.98	1.1%	14.9%	8.5%
HAWAII	\$15,045	\$13,168	\$16,548	\$17,313	1.19	4.6%	31.5%	15.1%
IDAHO	\$15,064	\$12,322	\$14,581	\$14,320	0.98	-1.8%	16.2%	-4.9%
ILLINOIS	\$16,029	\$19,899	\$23,140	\$21,979	1.51	-5.0%	10.4%	37.1%
INDIANA	\$14,620	\$16,263	\$17,590	\$17,328	1.19	-1.5%	6.6%	18.5%
IOWA	\$15,446	\$15,126	\$16,156	\$16,154	1.11	0.0%	6.8%	4.6%
KANSAS	\$13,783	\$13,597	\$14,383	\$14,407	0.99	0.2%	6.0%	4.5%
KENTUCKY	\$15,938	\$14,566	\$15,106	\$14,995	1.03	-0.7%	2.9%	-5.9%
LOUISIANA	\$12,640	\$10,710	\$11,317	\$11,216	0.77	-0.9%	4.7%	-11.3%
MAINE	\$15,862	\$16,042	\$17,038	\$17,468	1.20	2.5%	8.9%	10.1%
MARYLAND	\$13,951	\$13,196	\$14,529	\$14,672	1.01	1.0%	11.2%	5.2%
MASSACHUSETTS	\$14,533	\$11,793	\$13,331	\$14,114	0.97	5.9%	19.7%	-2.9%
MICHIGAN	\$18,414	\$19,206	\$22,051	\$22,508	1.54	2.1%	17.2%	22.2%
MINNESOTA	\$15,016	\$14,917	\$16,606	\$17,105	1.17	3.0%	14.7%	13.9%
MISSISSIPPI	\$15,687	\$14,214	\$15,295	\$14,546	1.00	-4.9%	2.3%	-7.3%
MISSOURI	\$15,813	\$13,608	\$13,091	\$13,481	0.93	3.0%	-0.9%	-14.7%
MONTANA	\$12,717	\$12,139	\$13,571	\$13,669	0.94	0.7%	12.6%	7.5%
NEBRASKA	\$14,117	\$14,893	\$16,845	\$16,652	1.14	-1.1%	11.8%	18.0%
NEVADA	\$14,433	\$11,853	\$12,411	\$12,738	0.87	2.6%	7.5%	-11.7%
NEW HAMPSHIRE	\$13,304	\$12,650	\$13,096	\$13,074	0.90	-0.2%	3.4%	-1.7%
NEW JERSEY	\$16,014	\$14,773	\$16,381	\$15,908	1.08	-3.5%	7.0%	-1.3%
NEW MEXICO	\$14,300	\$12,250	\$14,043	\$14,678	1.01	4.5%	19.8%	2.6%
NEW YORK	\$11,855	\$11,824	\$13,283	\$13,351	0.93	1.9%	14.4%	14.1%
NORTH CAROLINA	\$16,241	\$14,710	\$15,951	\$15,944	1.09	0.0%	8.4%	-1.8%
NORTH DAKOTA	\$14,834	\$16,511	\$18,489	\$17,271	1.19	-6.6%	4.6%	16.4%
OHIO	\$15,158	\$14,586	\$15,482	\$15,473	1.06	-0.1%	6.1%	2.1%
OKLAHOMA	\$14,607	\$13,703	\$13,876	\$13,938	0.96	0.5%	1.7%	-4.6%
OREGON	\$11,746	\$11,232	\$14,243	\$14,612	1.00	2.6%	30.1%	24.4%
PENNSYLVANIA	\$15,444	\$14,430	\$15,719	\$15,728	1.08	0.1%	9.0%	1.8%
RHODE ISLAND	\$14,457	\$14,019	\$14,806	\$15,619	1.07	5.5%	11.4%	8.0%
SOUTH CAROLINA	\$14,152	\$12,488	\$15,191	\$16,318	1.12	7.4%	30.7%	15.3%
SOUTH DAKOTA	\$13,615	\$14,711	\$15,983	\$15,359	1.05	-3.9%	4.4%	12.8%
TENNESSEE	\$14,893	\$13,294	\$15,336	\$15,635	1.07	2.0%	17.6%	5.0%
TEXAS	\$14,305	\$12,203	\$13,524	\$13,187	0.91	-2.5%	8.1%	-7.8%
UTAH	\$13,005	\$11,519	\$13,440	\$13,486	0.93	0.3%	17.1%	3.7%
VERMONT	\$16,308	\$16,696	\$17,185	\$17,142	1.18	-0.2%	2.7%	5.1%
VIRGINIA	\$12,701	\$12,596	\$14,593	\$14,577	1.00	-0.1%	15.7%	14.8%
WASHINGTON	\$11,457	\$10,699	\$12,296	\$12,403	0.85	0.9%	15.9%	8.3%
WEST VIRGINIA	\$11,621	\$10,797	\$11,458	\$11,449	0.79	-0.1%	6.0%	-1.5%
WISCONSIN	\$13,158	\$13,095	\$12,916	\$12,993	0.89	0.6%	-0.8%	-1.3%
WYOMING	\$20,987	\$21,106	\$21,596	\$21,762	1.49	0.8%	3.1%	3.7%
U.S.	\$13,695	\$12,906	\$14,558	\$14,566	1.00	0.1%	12.9%	6.4%
DISTRICT OF COLUMBIA	N/A	\$20,457	\$20,296	\$22,089	1.52	8.8%	8.0%	N/A

- NOTES:**
1. Total educational revenue is the sum of educational appropriations and net tuition excluding net tuition revenue used for capital debt service.
 2. The U.S. calculation does not include the District of Columbia.
 3. Adjustment factors to arrive at constant dollar figures include Cost of Living Index (COLI), Enrollment Mix Index (EMI), and Higher Education Cost Adjustment (HECA). The COLI is not a measure of inflation over time. The District of Columbia is not adjusted for COLI or EMI.

SOURCE: State Higher Education Executive Officers Association

Figures 8 and 9 compare states to the national average for 2018 on two metrics: educational appropriations per FTE and total educational revenue per FTE. These figures show the difference, in dollars, between the national average and each state. States on the bottom of the figures have the lowest funding, while those at the top have the highest funding on the given metric. For the total per student dollar amounts of educational appropriations and total educational revenue in each state, see Tables 4 and 6.

Figure 8 indicates the vast differences between states. In 2018, 16 states had higher educational appropriations than the U.S. average. Nine of those states are more than \$1,000 above the U.S. average. Wyoming is over \$10,000 above the U.S. average and has the highest educational appropriations per FTE. Although it is not included in this chart, Washington, D.C., is \$3,239 above the U.S. average in educational appropriations per FTE.

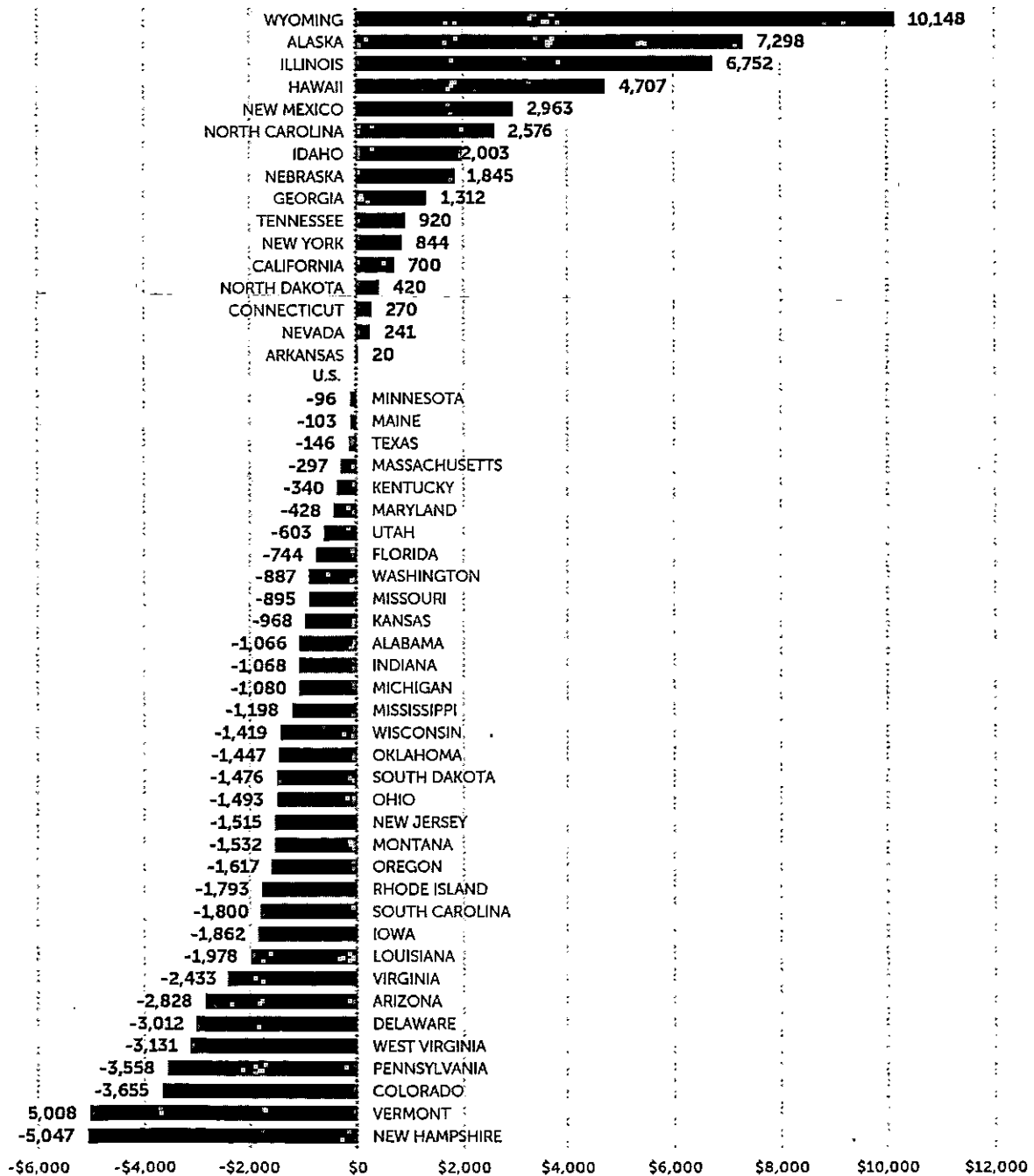
Thirty-four states are below the U.S. average, and 23 are more than \$1,000 lower. The two states with the lowest educational appropriations per FTE, New Hampshire and Vermont, are each more than \$5,000 below the national average. Note that the U.S. average is not an average of each state, but rather an average of total educational appropriations divided by total FTE.

Figure 9 compares states to the national average on 2018 total educational revenue per FTE. The 28 states above the U.S. average range from \$11 above the U.S. in Virginia to \$7,942 in Michigan. Illinois and Wyoming are also more than \$7,000 above the national average. See page 28 for more context about funding for higher education in Illinois. Washington, D.C., is \$7,523 above the U.S. average.

The 22 states below the national average range from \$21 in Mississippi to \$4,665 in Florida. Thirteen of these states are more than \$1,000 below the U.S. in total educational revenue.

In making comparisons across the states, it becomes apparent that some states are in a very similar position to the U.S. average on both metrics. Montana, which is 37th in each chart, is a great example of this. On the other hand, some states have far below average educational appropriations yet far above average total educational revenue, or vice versa. For example, Delaware is 45th in appropriations and 5th in total revenue due to higher than average net tuition revenue, and California has relatively high appropriations (12th) and one of the lowest total revenues (49th) due to very low tuition revenue per FTE.

FIGURE 8
EDUCATIONAL APPROPRIATIONS PER FTE (ADJUSTED) -
DIFFERENCE FROM U.S. AVERAGE, FY 2018

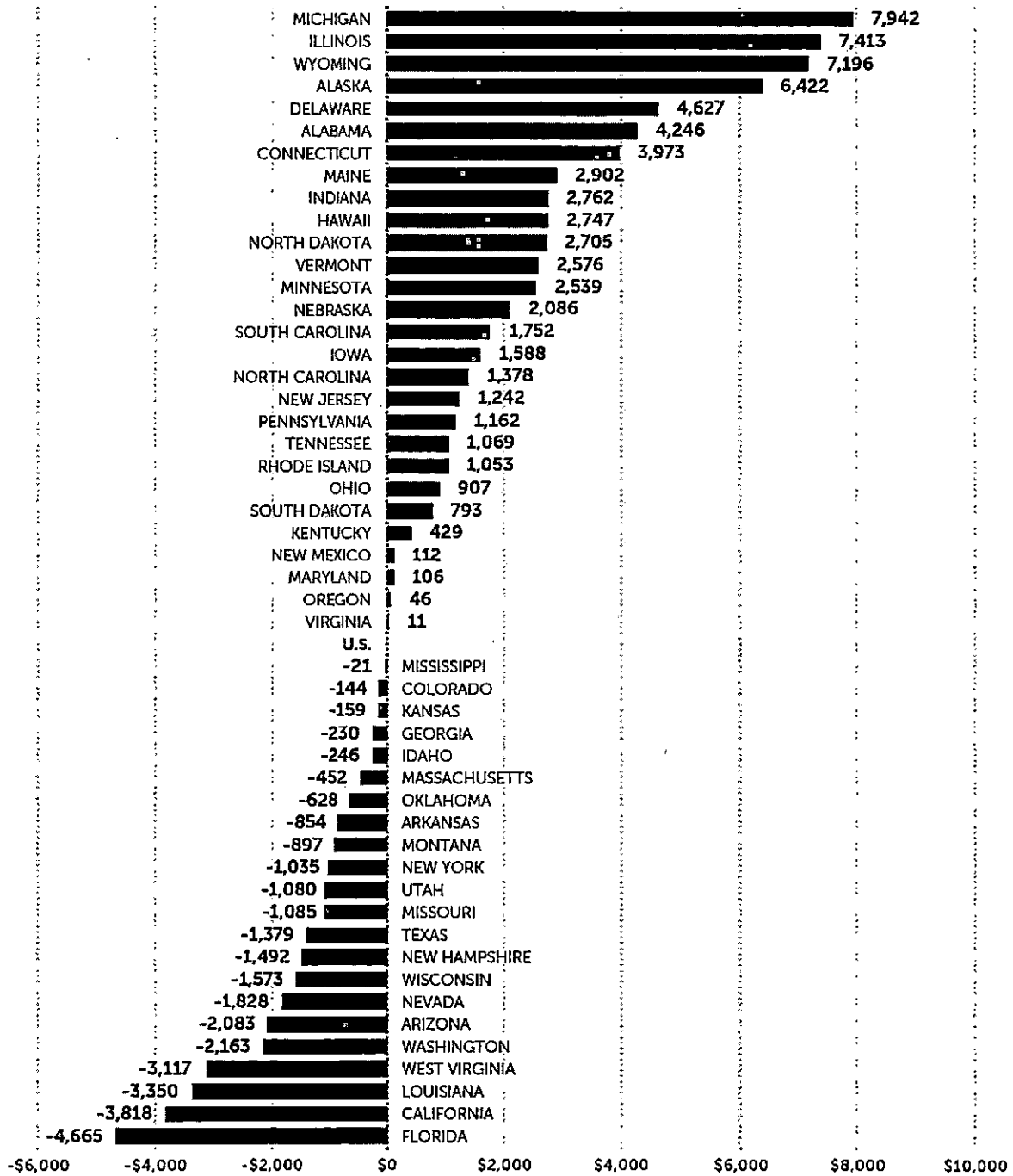


NOTES:

1. Educational appropriations are a measure of state and local support available for public higher education operating expenses including ARRA funds, and exclude appropriations for independent institutions, financial aid for students attending independent institutions, research, hospitals, and medical education.
2. Adjustment factors to arrive at constant dollar figures include Cost of Living Index (COLI), Enrollment Mix Index (EMI), and Higher Education Cost Adjustment (HECA). The COLI is not a measure of inflation over time.

SOURCE: State Higher Education Executive Officers Association

FIGURE 9
TOTAL EDUCATIONAL REVENUE PER FTE (ADJUSTED) -
DIFFERENCE FROM U.S. AVERAGE, FY 2018



NOTES: 1. Total Educational Revenue is the sum of educational appropriations and net tuition, excluding net tuition revenue used for capital debt service.
 2. Adjustment factors to arrive at constant dollar figures include Cost of Living Index (COLI), Enrollment Mix Index (EMI), and Higher Education Cost Adjustment (HECA). The COLI is not a measure of inflation over time.

SOURCE: State Higher Education Executive Officers Association

STATE REVENUE, TAXES, AND EFFORT TO FUND HIGHER EDUCATION

Within each state, policies and decisions about the financing of higher education are made in the context of multiple external factors, including current and projected economic conditions, state tax structures, competing budgetary priorities across the state, cultural and ideological shifts in the state population, and political and higher education characteristics of the state.

Within these contexts, state policymakers must make challenging decisions about necessary taxation levels and spending priorities for different public services and investments. Because each state has a unique tax structure and tax base, there is no universally agreed upon measure for assessing state effort to fund higher education. This section uses publicly available data to estimate state tax capacity and tax-effort and compares three indicators of state effort to fund higher education: state support per capita, state support per thousand dollars of personal income, and state support of higher education as a percentage of total state revenues. It is intended to provide contextual and comparative information for policymakers and researchers as they evaluate public policy decisions for higher education.

Unless specifically noted, the data presented in this section are in nominal terms and are not adjusted for inflation. In all cases, the most recent available data are presented. In some cases (such as tax revenue), this means a two-year lag from 2018.

1. STATE TAX CAPACITY AND REVENUE

State revenues are determined by two factors: the total resources available in a state that can potentially be taxed (i.e., tax capacity) and the rate at which state revenue policies tax these resources in support of public services. No perfect measure of tax capacity exists, but the total taxable resources measure developed by the United States Treasury Department is used to allocate federal funding to states and is generally considered a better measure than gross state product or state personal income.²⁰ According to the Treasury Department, total taxable resources (TTR) is “a comprehensive measure of all the income flows a state could potentially tax.”²¹ Using U.S. Census Bureau data for actual tax revenue collected, an effective tax rate can be calculated. Differences in effective tax rates reflect varying state contexts and tax policy decisions. States with high costs of living typically need more revenue per capita to support equivalent public services, while states with natural resource wealth may be able to support public services with lower effective tax rates. Many additional factors, such as population density and climate, can also affect the need for and cost of public services.

Table 7 shows TTR per capita, tax revenue, and state support for higher education for fiscal year 2016, the most recent year tax data are available. TTR per capita ranged from \$86,490 in Connecticut to \$41,401 in Mississippi. Three states (Delaware, Connecticut, and New York) have more than two times Mississippi’s TTR.

20. U.S. Department of the Treasury. (2002). *Treasury methodology for estimating total taxable resources (TTR)*. Retrieved from <https://www.treasury.gov/resource-center/economic-policy/Documents/nmpubsum.pdf>

21. Ibid.

Column three in *Table 7* shows U.S. Census Bureau data for the actual tax revenue (ATR) per capita each state collected in fiscal year 2016. ATR per capita ranged from \$3,206 in Alabama to \$8,957 in New York. Twenty-one states had an ATR below \$4,000 per capita.

The effective tax rate is calculated by dividing actual tax revenue from state and local sources by the total taxable resources in a state (ATR/TTR) and will not align with state tax rates. The effective tax rate varied from a high of 10.7 percent in New York to a low of 5.5 percent in Alaska. Thirty-seven states were within 1 percentage point of the U.S. average.

Tax revenues and lottery profits varied widely, primarily due to differences in population size, from \$240 billion in California to \$2.8 billion in Alaska. California alone accounted for 15 percent of the U.S. total revenue, and the top seven states on this metric (California, Florida, Illinois, New Jersey, New York, Pennsylvania, and Texas) accounted for half of all tax revenues and lottery profits in the United States.

SHEF higher education support (which includes both state and local funding) in fiscal 2016 ranged from \$16 billion in California to \$92 million in Vermont, while the percent allocated to higher education ranged from 14 percent of all tax revenues and lottery profits in Wyoming to 1.9 percent in New Hampshire (*Table 7*).

TABLE 7
STATE AND LOCAL GOVERNMENT REVENUES AND FUNDING EFFORT
FOR HIGHER EDUCATION, FY 2016 AND FY 2017

STATE	FISCAL 2016				FISCAL 2017			
	ACTUAL TAX REVENUES (AT/R) PER CAPITA	TOTAL TAXABLE RESOURCES (T/R) PER CAPITA	EFFECTIVE TAX RATE (AT/R/T/R)	TAX REVENUES AND LOTTERY PROFITS (THOUSANDS)	HIGHER EDUCATION SUPPORT (THOUSANDS)	ALLOCATION TO HIGHER EDUCATION	HIGHER EDUCATION SUPPORT PER CAPITA	HIGHER EDUCATION SUPPORT PER \$1,000 OF PERSONAL INCOME
ALABAMA	\$3,206	\$46,579	6.9%	\$15,584,922	\$1,487,340	9.5%	\$320	\$7.84
ALASKA	\$3,812	\$69,856	5.5%	\$2,827,027	\$378,017	13.4%	\$478	\$8.35
ARIZONA	\$3,582	\$48,432	7.4%	\$24,949,400	\$1,668,762	6.7%	\$246	\$5.81
ARKANSAS	\$3,958	\$46,884	8.4%	\$11,911,742	\$1,022,811	8.6%	\$336	\$8.18
CALIFORNIA	\$6,077	\$72,172	8.4%	\$240,394,636	\$15,980,066	6.6%	\$422	\$7.06
COLORADO	\$4,621	\$64,447	7.2%	\$25,700,030	\$933,405	3.6%	\$168	\$3.07
CONNECTICUT	\$7,220	\$86,490	8.3%	\$26,244,445	\$1,218,286	4.6%	\$321	\$4.47
DELAWARE	\$4,757	\$83,237	5.7%	\$4,745,205	\$230,006	4.8%	\$244	\$4.91
FLORIDA	\$3,478	\$54,002	6.4%	\$73,547,399	\$4,367,745	5.9%	\$216	\$4.53
GEORGIA	\$3,660	\$55,199	6.6%	\$38,841,268	\$3,044,262	7.8%	\$308	\$6.97
HAWAII	\$6,467	\$62,575	10.3%	\$9,239,417	\$603,948	6.5%	\$468	\$8.86
IDAHO	\$3,514	\$47,083	7.5%	\$5,952,444	\$446,249	7.5%	\$284	\$6.79
ILLINOIS	\$5,654	\$68,543	8.2%	\$73,269,350	\$4,147,446	5.7%	\$429	\$7.91
INDIANA	\$3,872	\$57,344	6.8%	\$25,971,545	\$1,759,630	6.7%	\$262	\$5.80
IOWA	\$4,884	\$64,806	7.5%	\$15,379,371	\$923,675	6.0%	\$292	\$6.20
KANSAS	\$4,498	\$60,872	7.4%	\$13,155,912	\$985,823	7.5%	\$343	\$7.07
KENTUCKY	\$3,823	\$48,443	7.9%	\$7,211,107	\$1,200,720	7.0%	\$268	\$6.61
LOUISIANA	\$3,888	\$54,224	7.2%	\$18,396,664	\$1,179,535	6.4%	\$231	\$5.30
MAINE	\$5,206	\$50,292	10.4%	\$6,982,137	\$285,491	4.1%	\$224	\$4.83
MARYLAND	\$6,027	\$74,094	8.1%	\$37,336,945	\$2,242,040	6.0%	\$390	\$6.40
MASSACHUSETTS	\$6,469	\$82,433	7.8%	\$45,131,597	\$1,493,700	3.3%	\$225	\$3.33
MICHIGAN	\$4,082	\$54,130	7.5%	\$41,439,112	\$2,358,214	5.7%	\$242	\$5.24
MINNESOTA	\$6,090	\$66,389	9.2%	\$33,794,814	\$1,532,825	4.5%	\$277	\$5.09
MISSISSIPPI	\$3,613	\$41,401	8.7%	\$10,785,351	\$1,093,582	10.1%	\$359	\$9.79
MISSOURI	\$3,682	\$54,456	6.8%	\$22,732,094	\$1,181,903	5.2%	\$190	\$4.22
MONTANA	\$3,827	\$50,739	7.5%	\$3,987,343	\$256,892	6.4%	\$248	\$5.46
NEBRASKA	\$5,087	\$67,677	7.5%	\$9,747,368	\$904,583	9.3%	\$478	\$9.41
NEVADA	\$4,277	\$58,110	7.4%	\$12,571,202	\$558,609	4.3%	\$190	\$4.13
NEW HAMPSHIRE	\$4,818	\$71,385	6.7%	\$6,510,722	\$124,079	1.9%	\$93	\$1.56
NEW JERSEY	\$6,709	\$77,631	8.6%	\$61,224,973	\$2,272,314	3.7%	\$254	\$3.93
NEW MEXICO	\$3,891	\$48,048	8.1%	\$8,160,737	\$1,036,751	12.7%	\$472	\$11.85
NEW YORK	\$8,957	\$83,463	10.7%	\$180,969,069	\$6,409,481	3.5%	\$332	\$5.14
NORTH CAROLINA	\$3,919	\$54,644	7.2%	\$40,440,717	\$4,071,612	10.1%	\$412	\$9.32
NORTH DAKOTA	\$6,630	\$75,707	8.8%	\$5,019,586	\$405,724	8.1%	\$566	\$10.63
OHIO	\$4,473	\$57,913	7.7%	\$53,109,516	\$2,417,284	4.6%	\$213	\$4.56
OKLAHOMA	\$3,458	\$51,005	6.8%	\$13,625,866	\$970,529	7.1%	\$231	\$5.20
OREGON	\$4,508	\$60,475	7.5%	\$18,992,927	\$1,009,649	5.3%	\$252	\$5.23
PENNSYLVANIA	\$5,058	\$63,478	8.0%	\$65,802,034	\$1,764,030	2.7%	\$142	\$2.66
RHODE ISLAND	\$5,562	\$64,393	8.6%	\$6,252,028	\$179,843	2.9%	\$178	\$3.57
SOUTH CAROLINA	\$3,435	\$47,744	7.2%	\$17,436,554	\$1,094,044	6.3%	\$232	\$5.88
SOUTH DAKOTA	\$3,938	\$63,259	6.2%	\$3,510,432	\$218,329	6.2%	\$274	\$5.62
TENNESSEE	\$3,322	\$53,644	6.2%	\$22,483,806	\$1,639,925	7.3%	\$258	\$5.67
TEXAS	\$4,020	\$61,093	6.6%	\$113,568,895	\$8,969,798	7.9%	\$327	\$6.90
UTAH	\$3,743	\$55,250	6.8%	\$11,395,728	\$933,252	8.2%	\$316	\$7.26
VERMONT	\$5,904	\$57,913	10.2%	\$3,706,601	\$91,722	2.5%	\$149	\$2.86
VIRGINIA	\$4,560	\$66,458	6.9%	\$38,960,766	\$1,884,306	4.8%	\$245	\$4.44
WASHINGTON	\$5,050	\$73,315	6.9%	\$36,946,261	\$1,770,882	4.8%	\$254	\$4.38
WEST VIRGINIA	\$3,917	\$45,553	8.6%	\$7,658,557	\$486,265	6.3%	\$267	\$6.93
WISCONSIN	\$4,782	\$60,316	7.9%	\$27,765,590	\$1,471,163	5.3%	\$254	\$5.20
WYOMING	\$5,545	\$74,541	7.4%	\$3,245,102	\$455,705	14.0%	\$714	\$12.44
U.S.	\$4,933	\$63,123	7.8%	\$1,614,616,112	\$93,122,241	5.8%	\$298	\$5.79

NOTES: 1. Actual tax revenues are state and local tax revenue per capita.
2. Higher education support is state and local tax and non-tax support for general operating expenses of public and independent higher education, including special purpose appropriations for research-agricultural-medical.

SOURCES: State Higher Education Executive Officers Association

Actual tax revenues from U.S. Census Bureau 2016 Annual Surveys of State and Local Government Finances. Total taxable resources per capita from the U.S. Treasury Department. Population and personal income data from the U.S. Department of Commerce, Bureau of Economic Analysis, Regional Income Division. State and local tax revenues data from U.S. Census Bureau; lottery profits data are from North American Association of State and Provincial Lotteries.

2. STATE EFFORT TO FUND HIGHER EDUCATION

Table 7 and Figures 10-12 show state-level data for each indicator of state effort to fund higher education: higher education support per capita, higher education support per \$1,000 of personal income, and percent of higher education revenues allocated to higher education.

Higher education support per capita: The measure of higher education support per capita normalizes state funding for a state's population. It assesses effort because states with larger populations generally should have greater fiscal capacity and, therefore, may be able to direct more resources toward higher education.

Higher education support per \$1,000 of personal income: Higher education support per \$1,000 of personal income is considered a measure of a state's ability to pay for higher education.²² It helps us understand the scale of support for higher education in relation to a state's available tax base since most states rely on income and sales or consumption taxes for much of their revenue.²³

Percent of state revenues allocated to higher education: The most direct assessment of state funding effort relative to state revenue compares available state funds from taxable revenues and lottery profits relative to the amount of these funds appropriated to or spent on higher education.

These comparative statistics reflect interstate differences in state economies, population characteristics and density, postsecondary enrollment rates, the relative size of the public and independent higher education sectors, student mobility, and numerous other factors. Poorer states may lag the national average in per capita support but exceed the national average in support per \$1,000 of personal income.

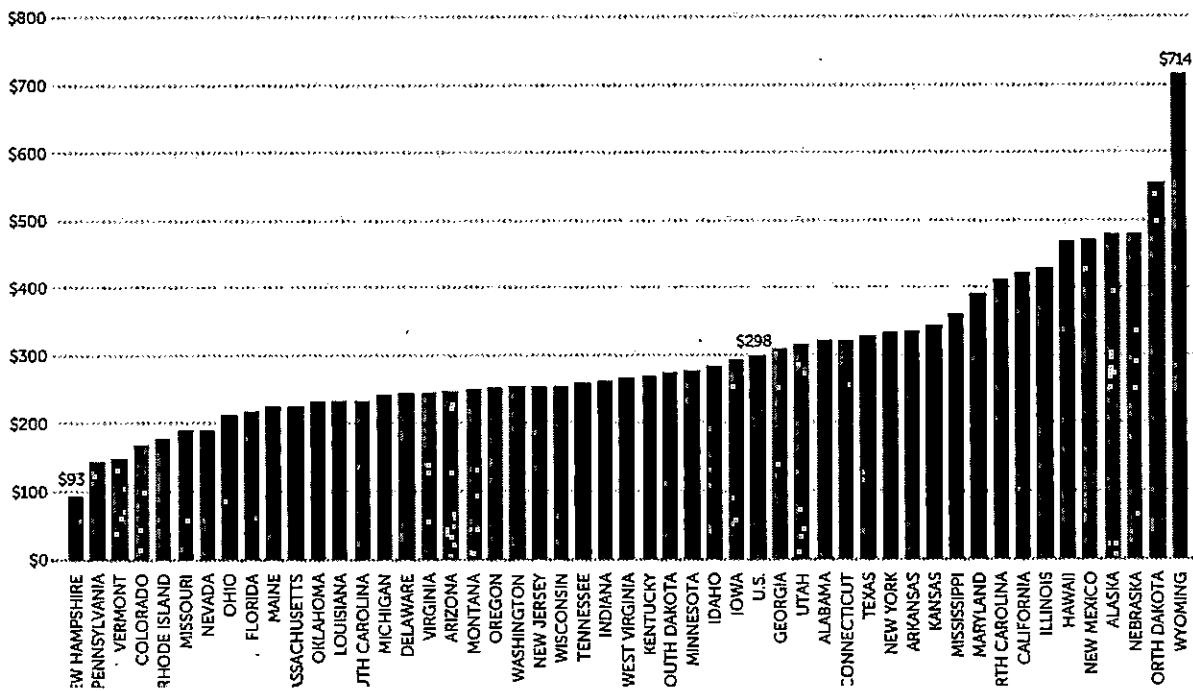
22. Tandberg, D. A., & Laderman, S. A. (2018). *Evaluating state funding effort for higher education* (Policy Brief). Midwestern Higher Education Compact. Retrieved from <https://sheeo.org/mhec-policy-brief-evaluating-state-funding-effort-for-higher-education>

23. Trostel, P.A., & Ronca, J.M. (2009). A simple unifying measure of state support for postsecondary education. *Research in Higher Education*, 50 (3), 215-247. Retrieved from https://www.researchgate.net/publication/225423677_A_Simple_Unifying_Measure_of_State_Support_for_Postsecondary_Education

Using data from the U.S. Census Bureau, *Figure 10* shows the distribution of states in higher education support per capita. The U.S. average, marked in green, was \$298.

- Nineteen states were above the U.S. average in per capita support.
- The highest per capita support was \$714 in Wyoming. Wyoming has over \$150 more than North Dakota, the state with the second highest per capita support (\$556). In part, this is due to Wyoming's low population.
- Only one state had per capita support under \$100—New Hampshire, at \$93. The second lowest was \$142 in Pennsylvania.

FIGURE 10
HIGHER EDUCATION SUPPORT PER CAPITA BY STATE, FY 2017



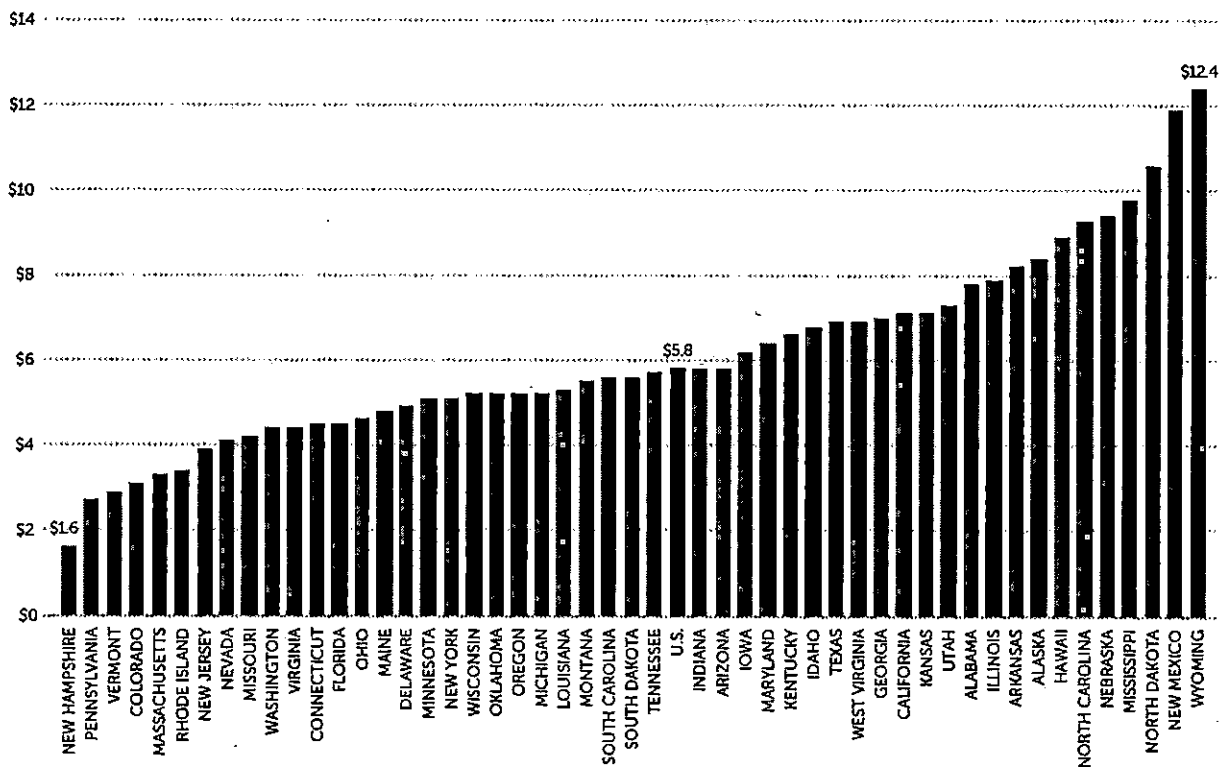
NOTE: Higher education support is state and local tax and non-tax support for public and independent higher education, including special purpose appropriations for research-agricultural-medical.

SOURCES: State Higher Education Executive Officers Association, with data from the U.S. Census Bureau.

Figure 11 uses data from the Bureau of Economic Analysis to show the state distribution in higher education support per \$1,000 of personal income. The U.S. average was \$5.8.

- The state with the highest support per income was Wyoming, with \$12.4 of every \$1,000 in personal income going toward higher education.
- Following Wyoming, two other states had support above \$10: New Mexico at \$11.9 and North Dakota at \$10.6.
- Including the three states above, 23 states were higher than the U.S. average.
- The states with the lowest support were all under \$3 of higher education support per \$1,000 in personal income. Those states were New Hampshire (\$1.6), Pennsylvania (\$2.7), and Vermont (\$2.9).

FIGURE 11
HIGHER EDUCATION SUPPORT PER \$1,000 OF PERSONAL INCOME BY STATE, FY 2017



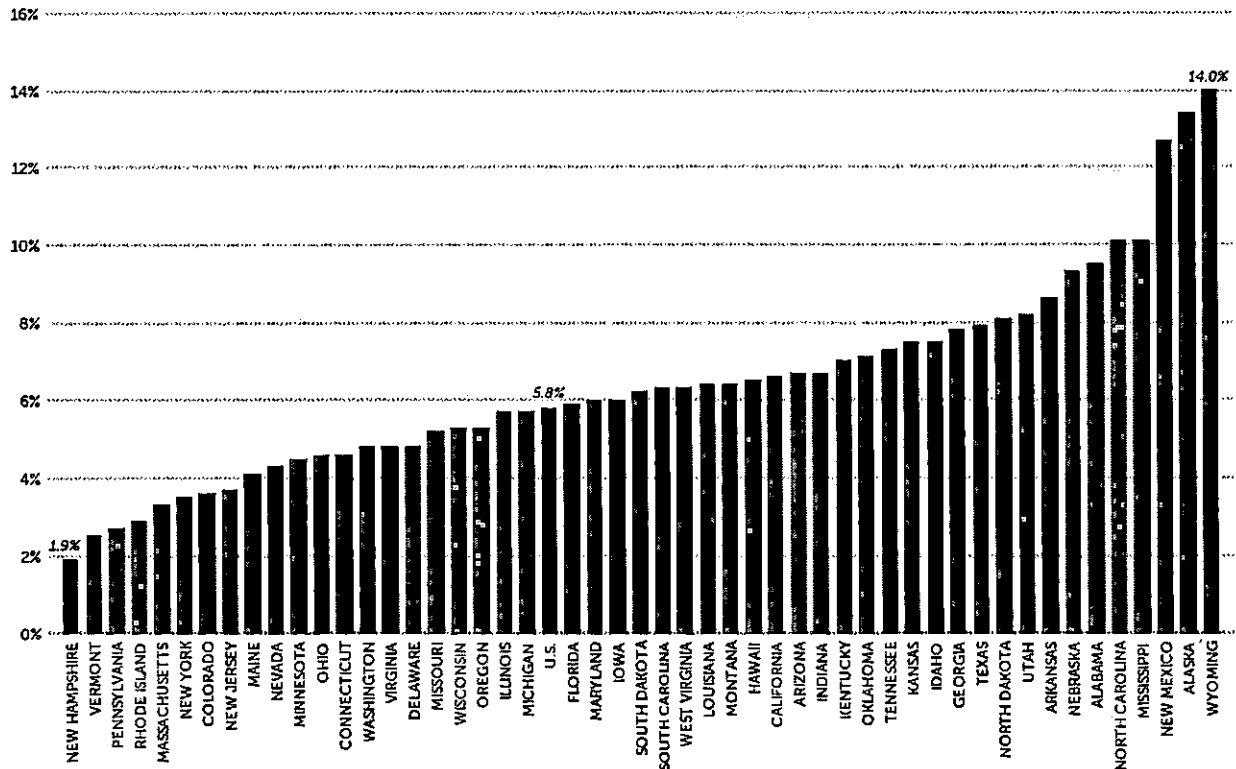
NOTE: Higher education support is state and local tax and non-tax support for public and independent higher education, including special purpose appropriations for research-agricultural-medical.

SOURCES: State Higher Education Executive Officers Association, with data from the Bureau of Economic Analysis.

Figure 12 combines tax revenue data with total lottery profits and shows the percent of those revenues in each state that are allocated to higher education. The U.S. average was 5.8 percent.

- Twenty-nine states were above the U.S. average in revenue allocation to higher education.
- Twenty states were within 1 percent of the U.S. average.
- Only five states allocated more than 10 percent of tax revenue and lottery profits to higher education: Wyoming (14 percent), Alaska (13.4 percent), New Mexico (12.7 percent), Mississippi (10.1 percent), and North Carolina (10.1 percent).
- The bottom four states allocated less than 3 percent of their total tax revenues to higher education. Those states were New Hampshire at 1.9 percent, Vermont at 2.5 percent, Pennsylvania at 2.7 percent, and Rhode Island at 2.9 percent.

FIGURE 12
PERCENT OF TAX REVENUES ALLOCATED TO HIGHER EDUCATION BY STATE, FY 2016



NOTE: Higher education support is state and local tax and non-tax support for public and independent higher education, including special purpose appropriations for research-agricultural-medical.

SOURCES: State Higher Education Executive Officers Association, with data from the U.S. Census Bureau and North American Association of State and Provincial Lotteries.

Table 8 shows the percent change in total taxable resources per capita and actual tax revenue per capita between 2008 and 2016. To make comparisons over time, the 2008 amounts represented in *Table 8* have been converted into constant 2016 dollars using the Consumer Price Index (CPI). Nationally, total taxable resources have increased 6.2 percent in inflation adjusted dollars. **This indicates that, at the aggregate level, state tax capacity has rebounded from the Great Recession;** however, there is wide variation among states, and 10 states had total taxable resources in 2016 below 2008 levels.

Turning to available tax revenue per capita, half of all states have lower revenue per capita in 2016 than they did in 2008 even though, nationally, tax revenue increased by 1.5 percent. The slower recovery in actual tax revenue (1.5 percent nationally) compared to total taxable resources (6.2 percent nationally) suggests states are operating in a complex budgetary environment. See the Budget Drivers case study on page 49 for additional context.

Table 8 also shows the change for each indicator of state effort to fund higher education between 2008 and 2016 in inflation adjusted dollars. The national average for each indicator was negative, which means that, **regardless of the measure, state effort to fund higher education has not recovered to pre-recession levels.**

- Looking at the portion of actual tax revenue allocated to higher education, seven states (Alaska, Connecticut, Florida, Indiana, Montana, North Dakota, and Wyoming) allocated a greater portion in 2016 than in 2008. Conversely, the portion of actual tax revenues allocated to higher education declined by at least 3 percent in two states (Alabama and South Carolina).
- Higher education support per capita was higher in eight states (Alaska, Connecticut, Maryland, Montana, Nebraska, New York, North Dakota, and Wyoming) in 2016 than in 2008. State support per capita was at least 30 percent lower in 2016 when compared to 2008 in four states (Alabama, Louisiana, Nevada, and Pennsylvania).
- Finally, state support per \$1,000 of personal income increased in only two states (North Dakota and Wyoming) between 2008 and 2016. Conversely, three times that many states (Alabama, Arizona, Louisiana, Pennsylvania, South Carolina, and Wisconsin) had declines in higher education support per \$1,000 of more than 30 percent between 2008 and 2016.

TABLE 8
PERCENT CHANGE IN STATE AND LOCAL GOVERNMENT REVENUES AND FUNDING EFFORT
FOR HIGHER EDUCATION, FY 2008-2016 (CONSTANT 2016 DOLLARS)

	ACTUAL TAX REVENUES (ATR) PER CAPITA	TOTAL TAXABLE RESOURCES (TTR) PER CAPITA	ALLOCATION TO HIGHER ED ¹	HIGHER EDUCATION SUPPORT PER CAPITA	HIGHER EDUCATION SUPPORT PER \$1,000 OF PERSONAL INCOME
ALABAMA	-4.2%	1.3%	-4.4%	-34.6%	-36.5%
ALASKA	-75.8%	-23.8%	10.3%	4.3%	-6.9%
ARIZONA	-9.2%	0.0%	-1.9%	-28.7%	-31.9%
ARKANSAS	8.2%	6.5%	-1.0%	-2.1%	-9.6%
CALIFORNIA	7.2%	10.8%	-0.7%	-2.4%	-16.7%
COLORADO	4.2%	2.2%	-0.4%	-6.0%	-12.4%
CONNECTICUT	-1.8%	-5.2%	0.2%	3.2%	-4.8%
DELAWARE	0.7%	4.5%	-1.2%	-21.5%	-25.7%
FLORIDA	-21.6%	-1.4%	0.0%	-21.4%	-23.8%
GEORGIA	-5.5%	8.5%	-0.7%	-13.2%	-20.2%
HAWAII	10.9%	1.6%	-1.7%	-11.9%	-17.1%
IDAHO	-2.5%	1.4%	-1.0%	-14.0%	-21.3%
ILLINOIS	12.6%	9.7%	-1.0%	-3.8%	-11.7%
INDIANA	-5.3%	8.7%	0.1%	-1.5%	-11.6%
IOWA	13.7%	13.6%	-1.9%	-14.0%	-20.1%
KANSAS	-5.0%	-2.5%	-1.0%	-15.8%	-19.8%
KENTUCKY	3.9%	5.8%	-2.3%	-22.0%	-28.3%
LOUISIANA	-13.5%	-5.7%	-2.6%	-38.5%	-39.2%
MAINE	3.9%	6.3%	-0.4%	-6.3%	-14.3%
MARYLAND	10.6%	5.8%	0.6%	1.2%	-5.8%
MASSACHUSETTS	11.7%	12.9%	-0.5%	-4.6%	-16.3%
MICHIGAN	-2.7%	15.7%	-1.1%	-18.0%	-28.4%
MINNESOTA	15.6%	8.5%	-1.7%	-16.6%	-23.1%
MISSISSIPPI	5.4%	-0.7%	-1.8%	-11.8%	-14.8%
MISSOURI	-1.0%	3.6%	-0.5%	-10.2%	-13.8%
MONTANA	-3.6%	3.9%	0.6%	7.0%	-3.6%
NEBRASKA	8.3%	14.8%	-0.2%	5.6%	-3.5%
NEVADA	-5.2%	5.4%	-1.6%	-30.6%	-29.8%
NEW HAMPSHIRE	15.1%	12.0%	-0.7%	-17.2%	-28.9%
NEW JERSEY	-3.1%	0.8%	-0.4%	-12.8%	-17.7%
NEW MEXICO	-10.5%	-7.8%	-1.6%	-20.3%	-22.6%
NEW YORK	13.1%	17.1%	-0.3%	3.0%	-8.1%
NORTH CAROLINA	-2.1%	1.7%	-1.9%	-17.3%	-22.4%
NORTH DAKOTA	20.2%	20.7%	0.1%	21.7%	8.1%
OHIO	-0.9%	12.0%	-0.6%	-11.3%	-20.4%
OKLAHOMA	-8.2%	-4.0%	2.0%	-28.7%	-28.4%
OREGON	22.1%	3.8%	-1.1%	-1.3%	-11.7%
PENNSYLVANIA	5.4%	9.1%	-1.5%	-32.5%	-40.2%
RHODE ISLAND	7.9%	8.3%	-0.8%	-16.0%	-22.8%
SOUTH CAROLINA	5.4%	6.1%	3.2%	-29.7%	-35.5%
SOUTH DAKOTA	13.7%	6.2%	-1.4%	-8.1%	-15.4%
TENNESSEE	-2.1%	11.6%	1.2%	-15.8%	-24.9%
TEXAS	1.5%	-1.0%	-0.6%	-5.4%	-9.3%
UTAH	-2.3%	8.1%	-0.5%	-7.7%	-18.9%
VERMONT	12.0%	9.0%	-0.6%	-9.7%	-21.3%
VIRGINIA	-2.5%	1.5%	-0.9%	-17.7%	-22.7%
WASHINGTON	4.0%	9.1%	-1.4%	-19.0%	-28.3%
WEST VIRGINIA	-0.8%	2.4%	1.7%	-23.6%	-26.8%
WISCONSIN	-0.9%	11.6%	-1.5%	-22.6%	-30.4%
WYOMING	-28.2%	-25.8%	5.2%	13.8%	15.3%
U.S.	1.5%	6.2%	-0.8%	-11.5%	-19.0%

- NOTES:**
1. Allocation to Higher Education is the percentage point change in state revenue allocated to higher education from FY 2008 to 2016.
 2. Data in this chart are adjusted to constant 2016 dollars using the Consumer Price Index.

SOURCES: State Higher Education Executive Officers Association

Actual tax revenue from U.S. Census Bureau 2016 Annual Surveys of State/Local Government Finances. Total taxable resources per capita from U.S. Treasury Dept. Population and personal income from U.S. Dept of Commerce, Bureau of Economic Analysis, Regional Income Division. State and local tax revenues from U.S. Census Bureau. Lottery profits from North American Association of State and Provincial Lotteries.

CASE STUDY: STATE BUDGET DRIVERS

The Great Recession took a tremendous toll on state economies, and the ensuing recovery over the last decade has been slow and uneven across states. Employment and major sources of tax revenue have been slow to recover and taken much longer to reach pre-recession levels when compared to previous economic recoveries.

This slow revenue growth combined with increased demand for public services, such as Medicaid expansion, have placed added stress on state budgets that in many instances were facing structural deficits before 2007. State tax structures have been slow to evolve with the modern economy, and the tax bases in many states have narrowed in recent decades.

Moreover, an aging population accelerates this tax base erosion and may have an adverse effect on the solvency of state pension plans. When considered together, the trends of slow revenue growth and increased competition for limited tax revenue have great consequences for state spending on higher education.

Higher education is commonly known as the balance wheel of state budgets. During periods of economic contraction, states reduce higher education spending at greater rates than other budget categories in order to meet balanced budget requirements.

Since institutions of higher education have an alternative revenue source in the form of tuition, they are able to offset reductions in state funding. Then, as tax revenue recovers, states tend to return funding to higher education at greater rates.

However, as the SHEF report highlights, higher education spending has struggled to recover to pre-recession levels. This case study explores some of the revenue and expenditure drivers that have led to this slow recovery.

[Click here to read the full case study.](#)

CONCLUSION

The 2018 SHEF report provides a ten-year look at higher education funding and enrollment from 2008, the high point of state and local per student funding before the Great Recession. The impact of the Great Recession on higher education funding was unprecedented. Compared to past recessions, enrollment increased more dramatically, and, even with federal stimulus funds, per student funding declined precipitously to a low of \$6,689 in 2012. Since then, educational appropriations per student increased steadily through 2017 to \$7,841 and were essentially flat in 2018, increasing just 0.2 percent to \$7,853. With these increases, per student funding from government sources is about halfway recovered from the reductions seen during the Great Recession.

FTE enrollment also showed a similar leveling off in 2018, declining 0.2 percent from 2017 to 10.9 million, but still 7.1 percent above pre-recession levels. As expected during periods of economic growth, this was the seventh straight year of enrollment declines.

In 2018, net tuition revenue per student was flat nationally at \$6,788 (no increase over 2017). States' reliance on tuition was flat as well, and the student share was 46.6 percent in both 2017 and 2018. Before the Great Recession in 2008, net tuition revenue was \$4,898 and the student share was 35.8 percent. Due to the increased reliance on tuition, total educational revenue per student (derived from appropriations and tuition) is now 6.4 percent above 2008 pre-recession levels.

These national data are a composite of 50 very different states. Some states have restored funding reductions per student that were seen during the Great Recession, while others have recovered strictly through increased reliance on tuition revenue. Yet another group remains well below total revenue levels in 2008. It is, therefore, challenging to make broad conclusions from these data about the status of higher education funding in the United States. The lack of change in per student educational appropriations and net tuition revenue represents some stabilization in revenue sources for higher education and may foreshadow another economic downturn. However, initial appropriations data for 2019 (which do not account for inflation or changes in FTE enrollment) show a 3.8 percent increase in state support for higher education,²⁴ indicating a likely increase in educational appropriations in the next year.

The leveling off of both net tuition revenue per FTE and the reliance on tuition may point to concerted efforts in the states to address college affordability. State financial aid is now \$752 per student, up from \$579 before the Great Recession. As a percentage of appropriations, state financial aid increased from 6.5 percent in 2008 to 9.6 percent in 2018. As state funding has recovered, the need to increase tuition to provide operational funding for public institutions has also lessened in many states. With growing pressure to minimize tuition rate increases, it remains unclear whether states will be able to address and protect student affordability during the next economic downturn.

24. Illinois State University (2019) *Grapevine*, accessed from <https://education.illinoisstate.edu/grapevine>

Amidst these changes, over 40 states have adopted ambitious attainment goals tied to expected workforce needs.²⁵ These goals can only be met by better serving those who have typically been underserved—first generation, low income, adult, and minority students. Serving these students well will require additional supports and services to help them succeed.²⁶ When resources are again constrained during the next economic downturn, states will need to have tough conversations and make decisions to prioritize funding programs and institutions that most directly serve these underserved students. It is critical for states to continue to push for increased attainment through the ups and downs of the economic cycle.

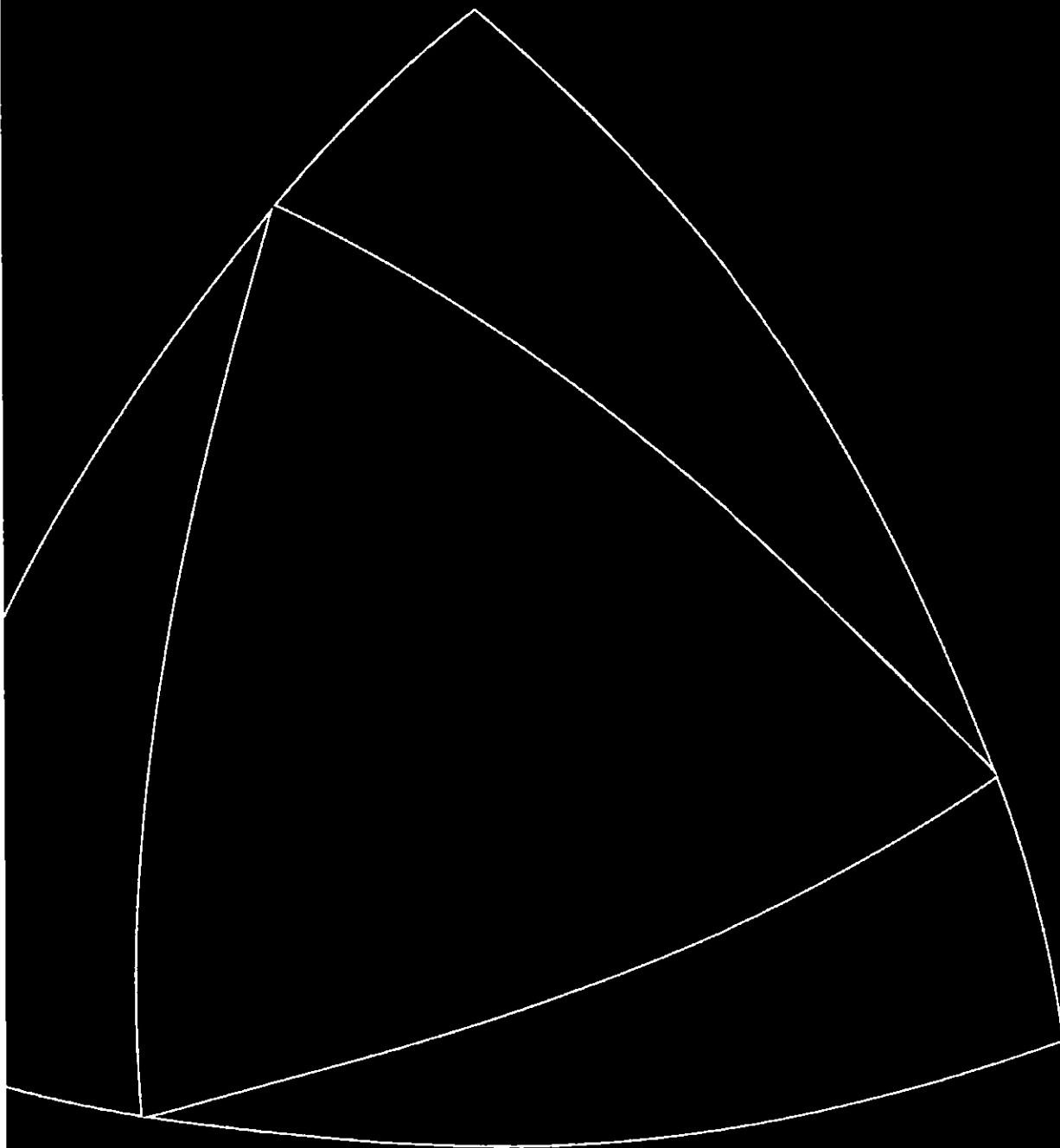
The SHEF report is produced annually by the State Higher Education Executive Officers Association to broaden understanding of the context and consequences of multiple public policy decisions in each state. These decisions contribute to public higher education funding levels and funding distributions across states and nationally.

25. Lumina Foundation. (2019). *A stronger nation*. Retrieved from <http://strongernation.luminafoundation.org/report/2019/#nation>

26. Carlson, A., Laderman, S., Pearson, D., and Whitfield, C., (2016). *Adult promise program: A pilot design template for states*. Retrieved from <http://www.sheeo.org/sites/default/files/Adult%20Promise%20Deslgn%20Template.pdf>

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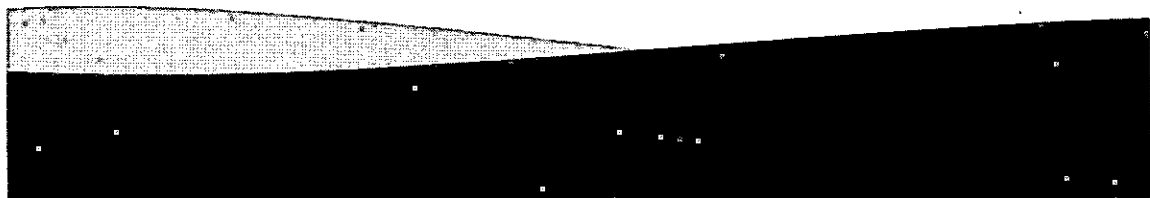


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**IT'S NOT JUST
THE MONEY**
**THE BENEFITS OF
COLLEGE EDUCATION
TO INDIVIDUALS AND
TO SOCIETY**

by Philip Trostel
Margaret Chase Smith Policy
Center & School of Economics
University of Maine



Summary

In some contexts an issue basically boils down to the monetary bottom line. In other contexts, though, focusing just on the dollars is like throwing the baby out with the bathwater. Narrowly defined economics does not always capture all of the essential aspects of an issue. The value of a college education is one such example.

The value of a college education is often presented in purely monetary terms, probably because the average monetary payoff from a college degree is so high. The substantial financial rewards from obtaining college degrees are well known and documented. The link between college attainment and economic prosperity has been clearly demonstrated for individuals, as well as for cities, states and nations.

It is no secret that the financial payoff is only one of the benefits from a college education. But the other benefits, and particularly their magnitudes, are considerably less well known. These other benefits of college education are often difficult to quantify and harder to demonstrate. Consequently, these frequently unmeasured benefits are often ignored in policy discussions. It is sometimes joked that "if you can't measure it, it doesn't exist." Unfortunately, there is more than a grain of truth in this quip. But the lack of quantification does not make the benefits any less real or any less important, except for perhaps in policy discussions. Moreover, the "other" benefits of college education appear to be at least as important as the well-known effect on earnings. Thus, public policy debates about postsecondary education frequently omit more than half of the story.

This report provides a more complete picture by highlighting many of the frequently unmeasured and ignored benefits of college attendance. Education has numerous beneficial effects, and many of these have been estimated in large academic literatures. But research articles typically carefully examine just one effect. This report organizes and compiles the evidence from several different literatures into one easily accessible place.

On average in 2012, Americans with bachelor's degrees (and without graduate degrees) receive the following benefits in comparison to high school graduates never attending college:

- Annual earnings are about \$32,000 (134 percent) higher. Moreover, there is no evidence that the college earnings premium is declining. Indeed, it has been increasing.
- Lifetime earnings are, conservatively, about \$625,000 (114 percent) greater in present discounted value (using a 3 percent real interest rate and taking forgone earnings while in college into account).
- The incidence of poverty is 3.5 times lower.
- The likelihood of having health insurance through employment is 47 percent higher. Annual additional compensation in the form of employer contributions for health insurance is \$1,400 (74 percent greater).
- The likelihood of having a retirement plan through employment is 72 percent greater. Retirement income is 2.4 times higher.
- Job safety is greater. The incidence of receiving workers' compensation is 2.4 times lower.
- Measures of occupational prestige are significantly higher.
- The probability of being employed is 24 percent higher.

- The likelihood of being unemployed is 2.2 times lower.
- The likelihood of being out of the labor force (neither employed nor unemployed) is 74 percent less.
- Age at retirement is higher. The probability of being retired between the ages 62 through 69 is about 25 percent lower.
- The likelihood of reporting health to be very good or excellent is 44 percent greater.
- The likelihood of being a regular smoker is 3.9 times lower. The incidence of obesity and heavy drinking are significantly lower. The likelihood of exercising, having a healthy diet, wearing seat belts and seeking preventative medical care are significantly higher.
- The incidence of a disability making it difficult to live independently is 3.6 times lower.
- Life expectancy at age 25 is seven years longer (for those having at least some college compared to those never having gone to college).
- Asset income is 4.9 times greater (\$1,900 more per year).
- The likelihood of not having a bank account is 8.1 times lower. Reliance on expensive forms of banking and credit is significantly lower.
- The probability of being in prison or jail is 4.9 times lower.
- The probability of being married is 21 percent higher and the probability of being divorced or separated is 61 percent lower.
- The likelihood of being happy is significantly higher.

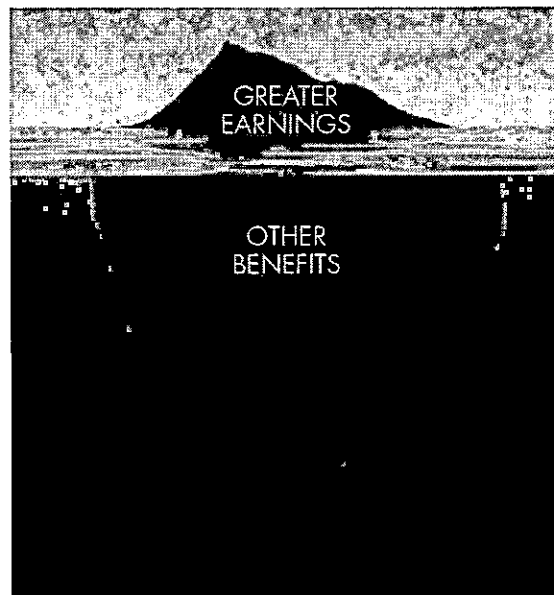
The total value of a college education is thus considerably greater than just the higher earnings. But the catalog of benefits above lists only those accruing to the degree holder. There are also substantial benefits accruing to the rest of society. On average in 2012, the rest of American society receives the following benefits from those with bachelor's degrees (and without graduate degrees) in comparison to high school graduates never attending college:

- Although the evidence is not completely conclusive, the positive effect on the aggregate earnings of others appears to be roughly similar to the effect on own earnings.
- Lifetime taxes are, conservatively, \$273,000 (215 percent) greater in present discounted value (using a 3 percent real interest rate and taking into account forgone taxes while in college). That is, college graduates contribute hundreds of thousands of dollars more toward government services and social insurance programs.
- Lifetime government expenditures are about \$81,000 (39 percent) lower in present value. College graduates rely much less on other taxpayers.
- The lifetime total fiscal effect is roughly \$355,000 in present value.
- Crime is significantly lower.
- Volunteering is 2.3 times more likely. The estimated value of volunteer labor is 4.1 times (\$1,300 annually) greater.
- Employment in the nonprofit sector is twice as likely. The estimated value of the implicit wage contribution to nonprofits is 8.7 times (\$1,500 annually) greater.
- Annual cash donations to charities are \$900 (3.4 times) higher.
- Total philanthropic contributions (i.e., the value of volunteer labor plus the value of the implicit contribution to nonprofits plus cash donations) are \$3,600 (4.7 times) higher.

- Voting and political involvement are significantly higher.
- Participation in school, community, service, civic and religious organizations is substantially (1.9 times) higher. Leadership in these organizations is particularly (3.2 times) greater.
- Community involvement is significantly greater. For example, attendance at community meetings is 2.6 times greater.
- Neighborhood interactions and trust are significantly higher.

The magnitude of the total benefits to the rest of society is comparable to the substantial total benefits to college graduates. Moreover, these long lists represent just the (imperfectly) measurable benefits of college attainment. There are numerous vitally important effects that are almost impossible to quantify such as the positive influences on innovation, arts, culture, diversity, tolerance and compassion.

The evidence is overwhelming that investment in college education pays in a big way both for individuals and for society. But the typically emphasized financial payoff is only small part of the story. It is not overstatement to call the effect on earnings just the tip of the college-payoff iceberg. There are more benefits to college education beneath the surface than above it.



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Introduction

In fiscal year 1981, 50 percent of all current-fund revenues of U.S. public degree-granting institutions were from federal, state and local government appropriations. The share of revenues from government appropriations in 2001 had fallen to 36 percent (both percentages are from Synder, Dillow and Hoffman, 2009, Table 349). In fiscal year 2012, the government-appropriations share of revenues of public degree-granting postsecondary institutions had fallen further to 22 percent (calculated from Synder and Dillow, 2014, Table 333.10). Our actions speak volumes. Americans increasingly perceive college education as a private good, that is, a product that primarily benefits the individuals earning degrees.

College graduates certainly do benefit from their degrees, at least on average. The substantial monetary payoff to investment in college education has been demonstrated in countless reports. Even if the only benefit was the creation of human capital and higher future earnings, college education is a great investment opportunity for most high school graduates. The repeated demonstrations of the effect of college education on earnings have an unfortunate side effect, though: Many other important effects tend to be overlooked. The public-good aspects of college attainment appear to be increasingly forgotten in public policy discourse.

This report provides a fuller and more balanced demonstration of the measurable benefits of college education. This is certainly not the first study to summarize the evidence on the numerous beneficial effects of education. Some of the predecessors are Haveman and Wolfe (1984), the Institute for Higher Education Policy (1998, 2005), Wolfe and Haveman (2003), Baum and Payea (2004), McMahon (2004), Grossman (2006), Lochner (2011), and Oreopoulos and Salvanes (2011). This report updates and extends these earlier works. Specifically, numerous effects of college education found in previous studies are reproduced in this report using a consistent framework and using recent data (mostly from 2012). Where this is not practical, the results in the previous literature are summarized. A few new findings on the benefits of college education are also presented in this report.

Scope

The scope of this report differs from most of the previous studies in that it focuses narrowly on college education, while most of the aforementioned studies examined the effects of education generally. This report also differs in examining the different levels of college education, not just on the attainment of bachelor's degrees as is common in much of the literature. Specifically, this study quantifies the distinct effects of: some college attendance but without earning a degree, associate degrees, bachelor's degrees and graduate degrees. Distinctions are not made between master's, professional and doctoral degrees to try to avoid being tedious and, more importantly, to avoid the problem of imprecise estimates due to too few observations.

To highlight the effects from each specific level of college attainment, this report also differs from many of its predecessors by being less of a review of the various literatures on the effects of education (although this report does review the relevant literatures), and more of a presentation of estimates. Much of the research on the effects of education, indeed, most of it, does not distinguish between, say, the effects of completing some college and the effects of completing an associate degree.

An advantage of approach in this report is that facilitates comparisons of the different effects. The numerous studies on the effects of education use somewhat different measures (e.g., sometimes the only the attainment of bachelor's degrees is emphasized, while other studies emphasize having any college experience, etc.) from different subsamples (e.g., sometimes men and women age 25 and older are studied, while other reports examine men age 18 to 64, etc.) from different datasets and from different years. The various datasets are examined here using a consistent framework, making it easier to compare, say, the effects on philanthropy to the effects on fringe benefits.

The data examined in this study are recent, typically 2012. All dollars reported here are 2012 values. All subsamples (except for when estimating lifetime totals) are men and women ages 27 through 66. This report does not follow the typical approach of examining ages 25 through 64 because the full-benefit retirement age for Social Security is now 66 years old and is scheduled to rise to 67 before the end of this decade. Also, more young people are going to graduate school and are not entering the labor force full time until after age 25. With just a couple of exceptions, all results are presented for the separate levels of college attainment. To further ease the comparison of effects, all results are presented as average effects per college degree.

To confine the scope to a reasonable dimension, this report examines evidence for the United States. There is a great deal of evidence on the effects of education in other countries. The results are generally similar across countries, though. Significant international differences in the effects of education are much more of an exception than the rule.

This report summarizes the various benefits of individuals attaining college degrees, but not the benefits from colleges generally. In addition to educating students, colleges create important benefits from research and public service activities. But these effects are beyond the scope of this study.

Similarly, this report does not address the difference between college attendance and college attainment. These terms are used interchangeably here, and issues about college persistence are not examined. This report presents the results for the attainment of college degrees, but only because it is dictated by the data.

Classification of Benefits

The organization of this report follows the standard approach used in the economics of education. In particular, the "private benefits" of college education are presented first. Private benefits are those that accrue to the individuals obtaining the degree (and their families). Important benefits also accrue to the rest of society and are typically called "external" or "spillover" benefits.

Although the primary intention of this report is to highlight and emphasize the lesser-known benefits of college attainment, the well-known and thoroughly quantified effect on earnings, or "college earnings premium," is summarized first. This provides a well-known reference point for comparison to the "other benefits" shown subsequently.

The other important private benefits of college attainment summarized in this report are: more fringe benefits from employment, such as employer contributions for employees' health insurance and retirement plans; reduced risk of unemployment and higher rates of participation in the labor market; better health and reduced risks of disability and mortality; increased savvy in making

spending and financial decisions; reduced risk of imprisonment; better marriages; increased life satisfaction; and these benefits, on average, are partially passed on to children.

There are also numerous external benefits from college attainment. Possibly the most important of these is the knowledge creation and technological change fostered by college education. A similar but distinct external benefit is from complementarity in worker productivity. That is, there is evidence that college-educated workers increase the productivity of their co-workers (as well as being more productive themselves, which is reflected in their higher earnings).

Another important type of external benefit is "fiscal externalities." These are the additional tax revenues that college graduates pay because their incomes are higher, and the reduced spending in numerous types of government public assistance and social insurance for college graduates. Trostel (2010) demonstrated that the increased tax revenues after graduation are several times larger than public spending on postsecondary education. Moreover, the reduced government spending after graduation is larger than public spending on college education before graduation. Thus net government spending for higher education is negative. This report updates the earlier estimates.

Other important external benefits from college education quantified in this report are: reduction in crime; increased philanthropy and volunteerism; increased civic participation such as higher rates voting; increased community involvement; and increased "social capital."

Caveats

Numerous beneficial effects of college attainment are separately identified and summarized in this report. It is important to note, however, that many of the effects are unlikely to be independent. Thus, a simple summation of all the separate effects risks double counting. For example, part of the college premium in earnings is due to differences in labor force participation. The higher incomes associated with college attainment enable college graduates to purchase more preventive health care, which presumably improves their health, on average. Conversely, the better health associated with college attainment enables college graduates to work and earn more, on average. It is possible that college graduates being healthier, being less likely to be unemployed and more likely to be married could mostly explain the observed correlation between education and life satisfaction.

There are numerous ways that the observed beneficial effects of college attainment are interdependent. A careful calculation of the total private and external benefits of college attainment would need to disentangle these interdependencies to prevent over counting. This report does not attempt a calculation of the total benefits, though.

Nor does this study dig into the underlying ways that college education creates the observed beneficial outcomes. There are many interesting questions about specifically how college education leads to better health, increased likelihood of successful marriages, increased life satisfaction, greater generosity, increased community involvement, etc. Questions such as these, though fascinating and important, are well beyond the scope of this report.

Similarly, this report generally does not dig into issues of causation. A long-standing worry in attempting to quantify the various effects of education is that the observed correlations are not necessarily causal effects. For example, the strong positive correlation between education and earnings

does not necessarily prove that education causes earnings to be greater. Higher-ability and/or higher-motivation individuals generally obtain more education and have greater earnings potential independent of their levels of education. The same can be argued for the numerous other outcomes examined in this report. The observed correlations may be largely the result of omitted-variables bias (also often referred to as ability bias in this context).

Countless studies have used different econometric methods to identify causal effects of education. Card (1999) and Harmon, Oosterbeek and Walker (2003) review the large literature on estimating the causal effect of education on earnings. Lochner (2011) reviews the literatures on estimating the causal effects of education on health, crime and civic behaviors. Oreopoulos and Salvanes (2011) estimated causal effects of education on unemployment, receiving public assistance, receiving disability income, divorce, occupational prestige, incarceration, voting and life satisfaction.

Despite the plausibility of the ability-bias hypothesis, these literatures have generally found that the observed correlations are evidently causal effects of education. Although there are a few exceptions, it generally appears that the correlations are not misleading about the causal effects. Instances of causal estimates being noticeably lower than the observed correlations (after controlling for other potentially confounding factors) are not common.

For this reason, and because the estimation of causal effects typically reduces the precision of the estimates substantially, as well as being substantially more complicated than examining correlations, this report reports ordinary correlations between college attainment and various outcomes. Previous research on many different outcomes suggests that it is not likely that these results are statistically biased.

Earnings

The higher average earnings of college graduates is clearly an important benefit of going to college. Indeed, this effect is often presented as *the* benefit of going to college. This is the effect generally emphasized in the human capital view of education. This effect is also fairly easy to quantify, and the evidence is readily understood (i.e., it is easy to comprehend the idea of an extra \$32,112 per year).

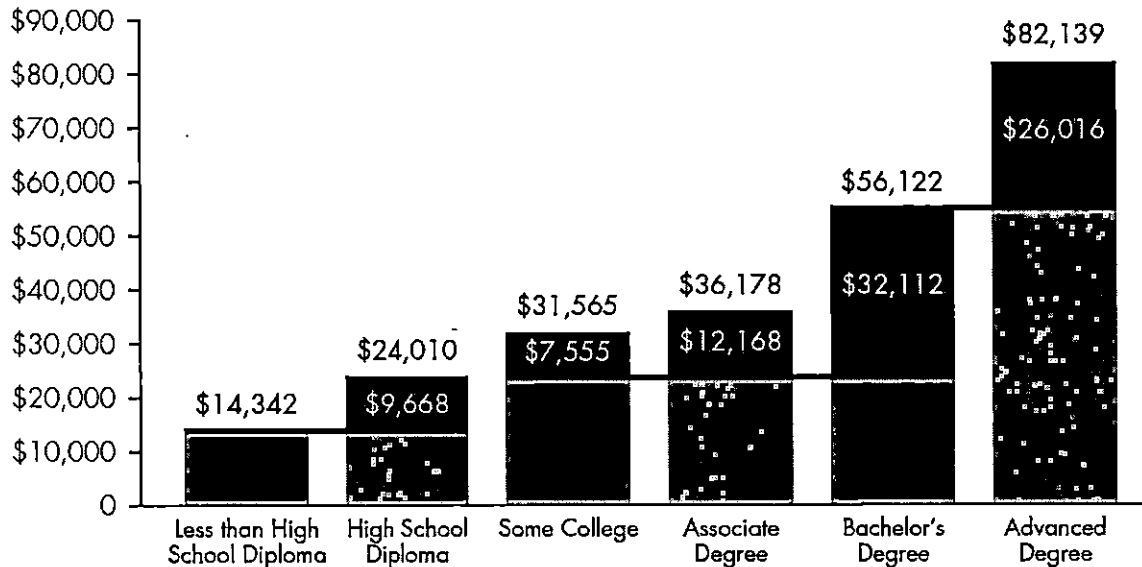
The primary purpose of this report, however, is to emphasize the other benefits that may be equally, if not more, important. Nonetheless, the average effect of college education on earnings is the quantified first to provide a consistent and well-known comparison point for the effects presented later.

Figure 1 shows the average annual labor earnings of Americans age 27 to 66 and not enrolled in college in 2012, using data from the American Community Survey. This chart illustrates the well-known fact that average earnings increase substantially with education attainment.

Average earnings of high school graduates with no college experience is about \$24,000 per year. As low as this may seem, it is still far greater than the average annual earnings of a little more than \$14,000 for those without a high school diploma or its equivalent. Average earnings of high school graduates with some college but no degree is more than 31 percent greater (close to \$8,000 annually) than high school graduates who never attended college. Holders of associate degrees as their highest education qualification earn 51 percent more (\$12,000) than high school graduates with no college.

The difference in average earnings from college attendance is commonly referred to the college earnings premium. The earnings premium for bachelor's degrees is particularly large: 134 percent (\$32,000 in additional earnings annually). The earnings premium for graduate degrees (master's, professional and doctorates) is 46 percent (\$26,000), although this premium is relative to average earnings of those with bachelor's degrees as their highest education credential. (Because a bachelor's degree is generally a prerequisite for advanced degrees in the same way that a high school diploma is generally a prerequisite for undergraduate degrees.)

Figure 1
Average Annual Earnings



Source: Author's calculations using the 2012 American Community Survey Public Use Microdata Sample, ages 27-66 and not enrolled in college, N = 1,546,287.

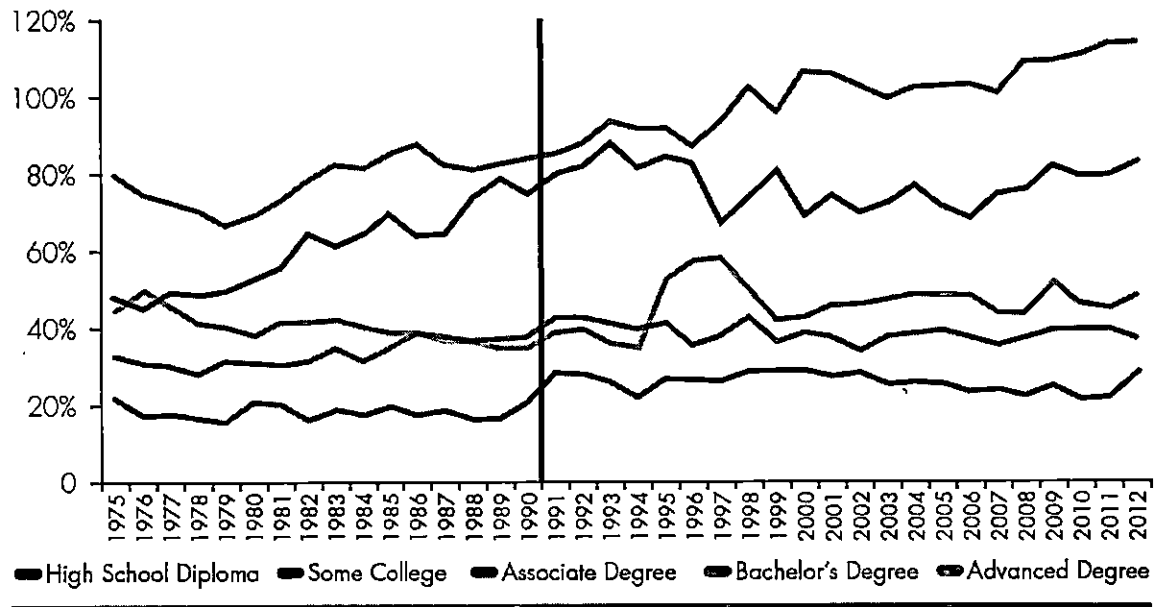
Trend in the Earnings Premium

As noted earlier, the relationship between education and earnings revealed in Figure 1 has been shown in countless previous studies over the past several decades. This is one of the most investigated empirical regularities in all of social science. A subset of this literature has examined the changes in the magnitude of the college earnings premium. Significant, and perhaps surprising, changes have been observed over time.

Interest in the trend in the college earnings premium goes back to the "overeducation" work of Freeman (1975, 1976). The proportion of Americans with college degrees increased substantially in the 1950s and 1960s, and the college earnings premium began to shrink in the early 1970s. The conjecture at the time was that the monetary return to college education would continue to shrink as the relative supply of college-educated labor continued to grow and as colleges reached deeper and deeper into the pool of raw talent.

The declining college earnings premium turned out to be short-lived. The economic return to higher education rose significantly in the 1980s. Generally there was an upward trend in the college earnings premium throughout the latter half of the 20th century. See Deere and Vesovic (2006), Autor, Katz and Kearney (2008), and Carneiro and Lee (2011) for recent reviews of the literature

Figure 2
Trend in Degree Premia in Earnings



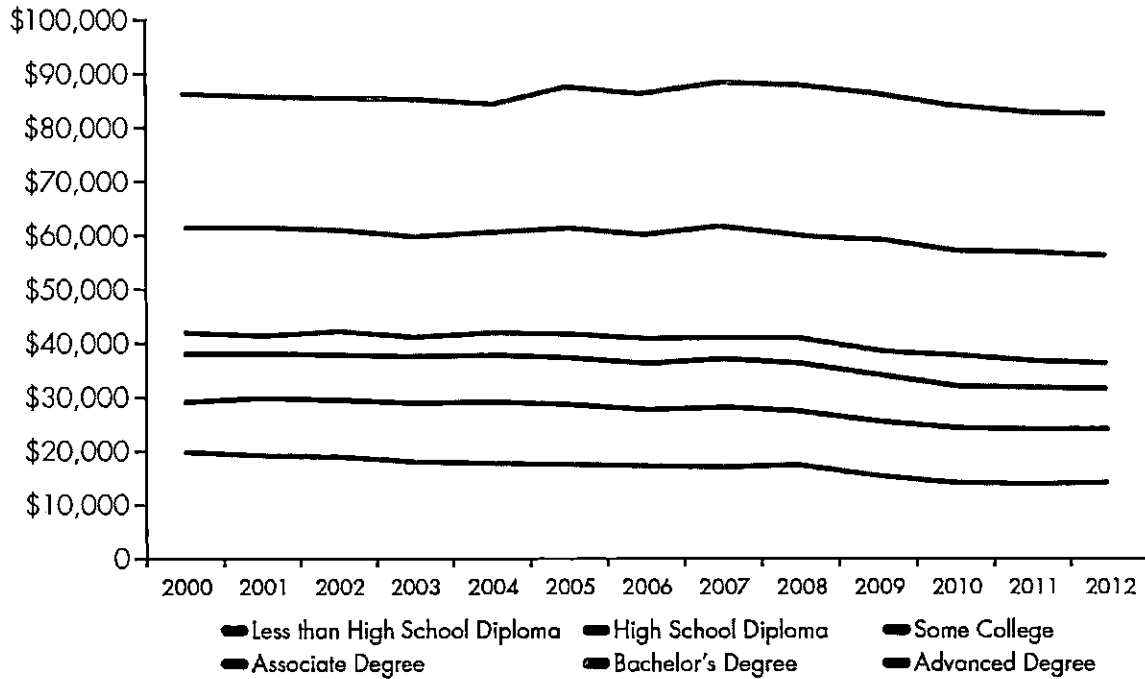
Source: Author's calculations using the 1976-2013 March Social and Economic Supplements of the Current Population Survey, ages 27-66 and not enrolled in college, N = 3,318,430.

on this topic. Nonetheless, fears of a glut of college-educated workers and falling returns to college education persist, particularly in the recent macroeconomic recession.

As shown in Figures 2, fears of overeducation are not supported by the data. This chart was derived using data from the 1976-2013 March Social and Economic Supplement of the Current Population Survey because it goes back further back in time than the American Community Survey. As in Figure 1, the data in Figure 2 are real annual labor earnings of Americans aged 27 to 66 and not enrolled in college. The measure of education attainment was changed (from years of completed education to highest education credential) in 1991. Thus, the measured earnings premium is not completely comparable before and after 1991, but this appears to be significant only for some college and no degree (13 years of completed schooling) and perhaps associate degrees (14 or 15 years of completed schooling).

The college earnings premium increased significantly during the recent economic downturn. This, however, should not be interpreted as college graduates being immune from the economic harm of the recession. Average real earnings for all education categories declined significantly in recent years. But the decline in average earnings was generally the most severe for those with the lowest levels of education. The earnings premium rose because there was a larger percentage decline in the real average earnings of high school graduates.

Figure 3
Trend in Average Earnings (in 2012\$)



Source: Author's calculations using the 2000-2012 American Community Survey Public Use Microdata Samples, ages 27-66 and not enrolled in college, N = 14,591,925.

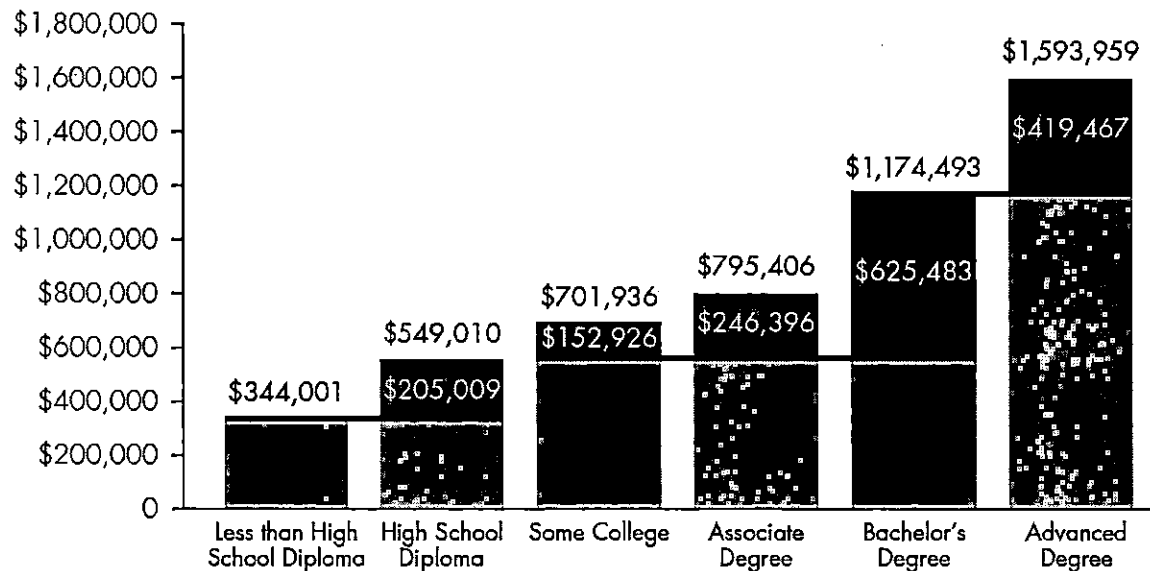
This is illustrated in Figure 3, which shows the recent changes in real average annual earnings using data from the American Community Survey. Dollar values before 2012 are converted into real 2012 dollars using the Consumer Price Index. Average real earnings of high school graduates with no college fell by 14.8 percent from 2007 to 2012. The decline was even more severe for those with less than a high school diploma, 16.6 percent. Average real earnings for those with some college but no degree fell by 14.6 percent over the five years. The declines were 11.9 percent, 8.8 percent and 6.8 percent for associate degrees, bachelor's degrees and graduate degrees, respectively.

College education clearly does not ensure immunity from economic downturns, but it did substantially reduce the risk of earnings losses in the last recession.

Lifetime Earnings Premium

Perhaps a more useful way of displaying the college earnings premium is in terms of the present discounted value of the average difference in lifetime earnings. This allows one to perform a rough benefit/cost calculation on if a college education is financially worthwhile, on average.

Figure 4
 Percent Value of Lifetime Earnings
 (At age 19 using a 3% discount rate)



Source: Author's estimates using data from the 2012 American Community Survey Public Use Microdata Sample.

The present value of the lifetime college earnings premium is illustrated in Figure 4. To be more specific, it shows conservative rough estimates of the present value of lifetime labor earnings at age 19 in 2012 using a 3 percent real discount rate. The numbers are calculated by first estimating an age profile of earnings (i.e., average earnings at every age from 19 through age 79) using data from the 2012 American Community Survey, and then applying a 3 percent annual discount rate to earnings at every age greater than age 19. The numbers err on the conservative side because no growth in earnings is assumed.

To estimate the average lifetime earnings across different levels of college attainment in Figure 4 simple "traditional" career paths are assumed. That is, the work career is assumed to begin at age: 17 for those with less than a high school diploma, 19 for high school graduates, 20 for those with some college but no degree, 21 for associate graduates, 23 for bachelor's graduates, 26 for advanced graduates. Students are assumed to progress straight from high school to college and from matriculation to graduation in the standard number of years (advanced degrees are assumed to take an average of three years) without working part time. Thus, these estimates take into account a student's forgone earnings while in college.

Obviously many college students take more than the standard numbers of years to graduate. Thus, for many college graduates the benefits of college attainment occur later than assumed in Figure 4, and the assumption that students are traditional on average overstates the present value of the lifetime

earnings differentials. On the other hand, many students work part-time while in college and/or work full-time while taking time out from college. Indeed, presumably these are the main reasons that many students take longer than usual to graduate. Thus, the assumption that students are traditional on average also understates the total present value. The assumption implicit in deriving Figure 4 is that these effects roughly offset each other.

Given the above assumptions, the present value (at age 19) of average lifetime earnings of a high school graduate with no college is \$549,000 (the undiscounted sum is about \$1,096,000). The present value of the additional lifetime earnings of those with some college but no degree is about \$153,000 (the undiscounted difference is \$339,000). For associate degrees the present value of the net additional lifetime earnings is about \$246,000 (\$522,000 if not discounted). The average additional lifetime earnings is more than \$625,000 for bachelor's degrees (\$1,383,000 when not discounted). For advanced degrees the present value of average lifetime earnings above a bachelor's degree is more than \$419,000 (\$1,085,000 when not discounted). These estimates take into account both the forgone earnings while in school and the time value of money.

Moreover, the above estimates are conservative because they do not account for future growth in real earnings. If future earnings were to grow at 0.633 percent annually, which is the average compound growth rate of real earnings from 1975 to 2012 in the Current Population Survey data for those ages 27 to 66 (despite real earnings being lower in 2012 than in 1998), the present value of the lifetime earnings premium for bachelor's degrees would rise from \$625,000 to \$735,000.

Although there are legitimate concerns about rising tuition and student debt discouraging potential students from a college education, it is still the case that college is a very worthwhile investment even in just purely financial terms.

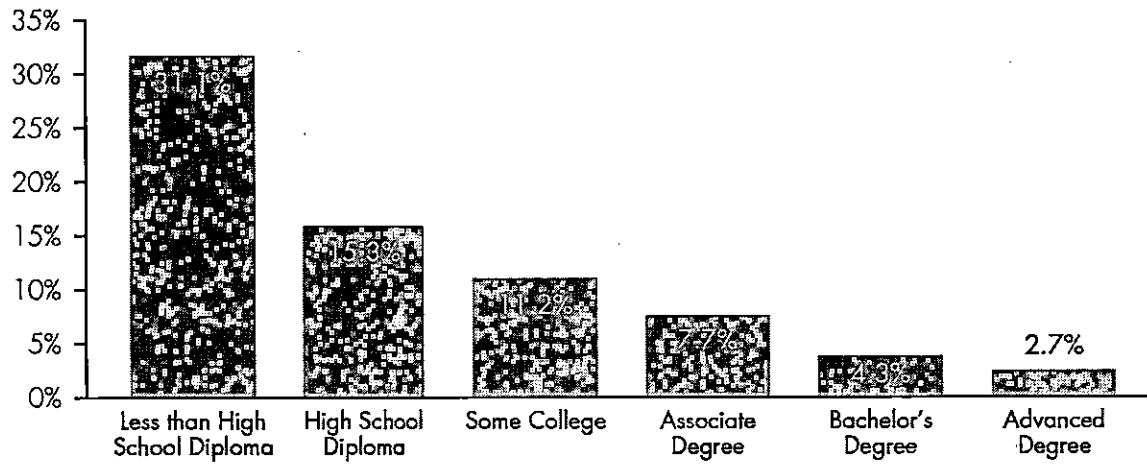
Poverty

College education not only leads to higher earnings, on average, it also significantly reduces the possibility of being at the low end of the income spectrum. This is illustrated in Figure 5 which shows poverty rates in 2012. To give this more context, U.S. average poverty thresholds in 2012 were \$11,720 for a single person and \$23,492 for a family of four.

An astonishing one out of every 3.2 adults (age 27 to 66) without a high school diploma was in poverty in 2012. One out of every 6.5 high school graduates without college lived in poverty. The incidence of poverty was 27 percent less for those with some college but no degree compared to high school graduates without college. The poverty rate for associate degree holders was barely half of the rate for high school graduates. Holders of bachelor's degrees but without advanced degrees were about 3.5 times less likely to be in living in poverty. Clearly, college attainment substantially reduces the risk of low income.



Figure 5
Family Income Under the Poverty Line



Source: Author's calculations using the 2012 American Community Survey Public Use Microdata Sample, ages 27-66 and not enrolled in college, N = 1,511,493.

Fringe Benefits

Earnings are not the only form of compensation derived from work. Other forms of work compensation are not as readily measured, though. To the extent that fringe benefits from employment are measured, they are positively correlated with college attainment in a manner similar to the effect on earnings. Thus, the college earnings premium shown in Figures 1 and 4 significantly understates the college premium in total work compensation.

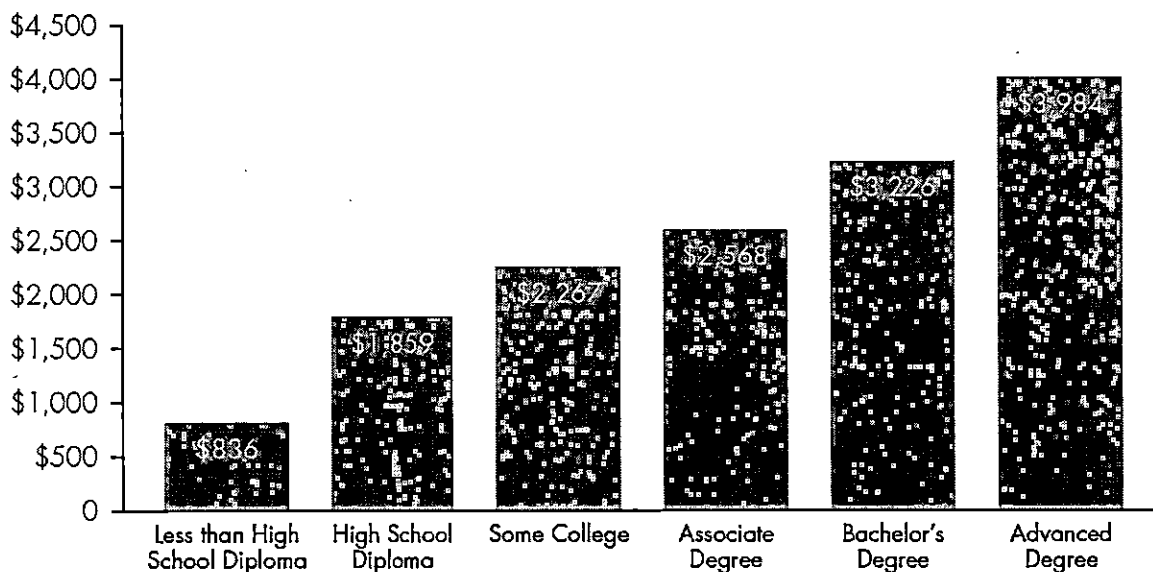
Health Insurance

The value of employer-provided health insurance can be a significant part of total work compensation. The value of employer contributions for individuals' health insurance is measured in the March Social and Economic Supplement of Current Population Survey. These data in 2012 for working-age adults indicate that the average annual value of employer health insurance contributions, when there is an employer contribution, is \$6,064. This is 9.4 percent as large as the annual earnings of the workers in this sample with employer contributions for health insurance.

Figure 6 shows the average value of employer health insurance contributions, including instances when there is no contribution, for working-age adults in 2012. As in the case of earnings, the value rises significantly with college attainment: from less than \$1,900 for high school graduates with no college, to more than \$3,200 for bachelor's graduates, to nearly \$4,000 for those with advanced degrees.

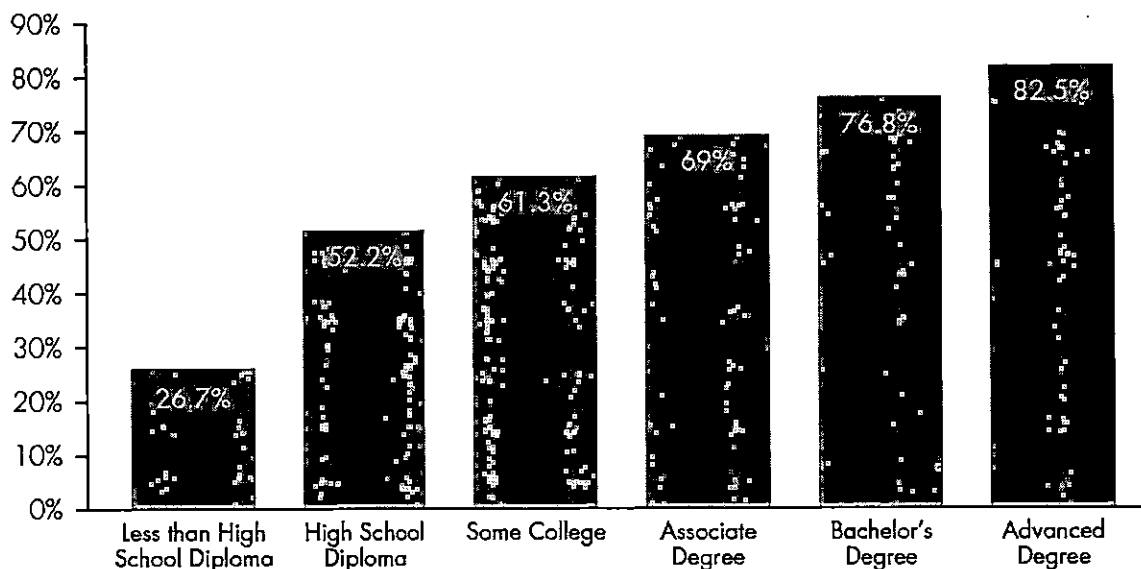


Figure 6
Average Annual Employer Contribution for Health Insurance



Source: Author's calculations using the March 2013 Social and Economic Supplement of the Current Population Survey, ages 27-66 and not enrolled in college, N = 99,742.

Figure 7
Health Insurance through Employment



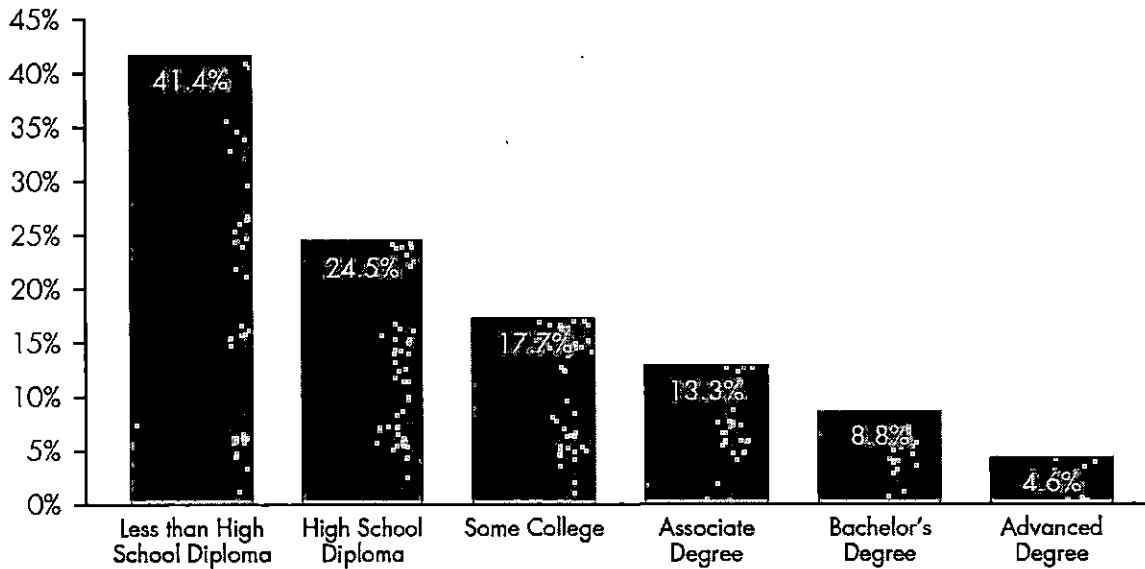
Source: Author's calculations using the 2012 American Community Survey Public Use Microdata Sample, ages 27-66 and not enrolled in college, N = 1,546,287.

The college premium in the health insurance fringe benefit occurs along three dimensions. Employment rises with college attainment (see Figure 12). For those employed, health insurance is more likely to be included as an employment fringe benefit for those with more education. And the average value of the employer contribution to health insurance increases with education attainment. For those having health insurance as an employment fringe benefit, the average value rises from \$5,665 for high school graduates, to \$6,234 for those with bachelor's degrees, to \$6,828 for those with advanced degrees.

Figure 7 shows the proportions of working-age individuals with health insurance through employment. These proportions are derived from the 2012 American Community Survey. About 52 percent of high school graduates with no college had health insurance through work, compared to 69 percent for those with associate degrees and more than 82 percent for those with advanced degrees.

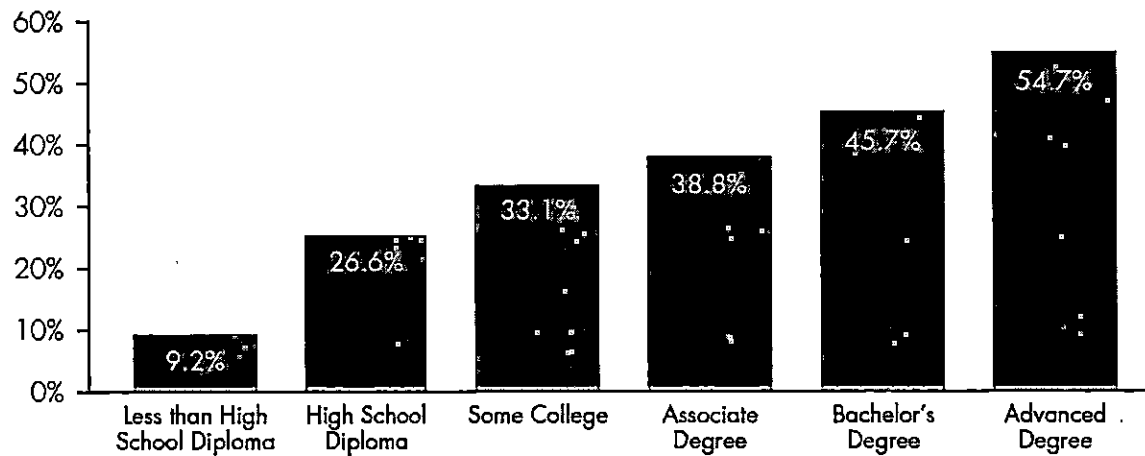
The proportion of working-age individuals without health insurance from any source (including Medicaid and Medicare) is illustrated in Figure 8. Even when including Medicaid, 24.5 percent of high school graduates with no college had no health insurance in 2012, while about 9 percent of bachelor's graduates without advanced degrees were uninsured, and less than 5 percent of those holding graduate degrees were uninsured. The Affordable Care Act should eliminate most of this substantial difference in lack of health insurance in the future, though.

Figure 8
No Health Insurance



Source: Author's calculations using the 2012 American Community Survey Public Use Microdata Sample, ages 27-66 and not enrolled in college, N = 1,546,287.

Figure 9
Retirement Plan through Employment



Source: Author's calculations using the March 2013 Social and Economic Supplement of the Current Population Survey, ages 27-66 and not enrolled in college, N = 99,742.

Retirement Plans

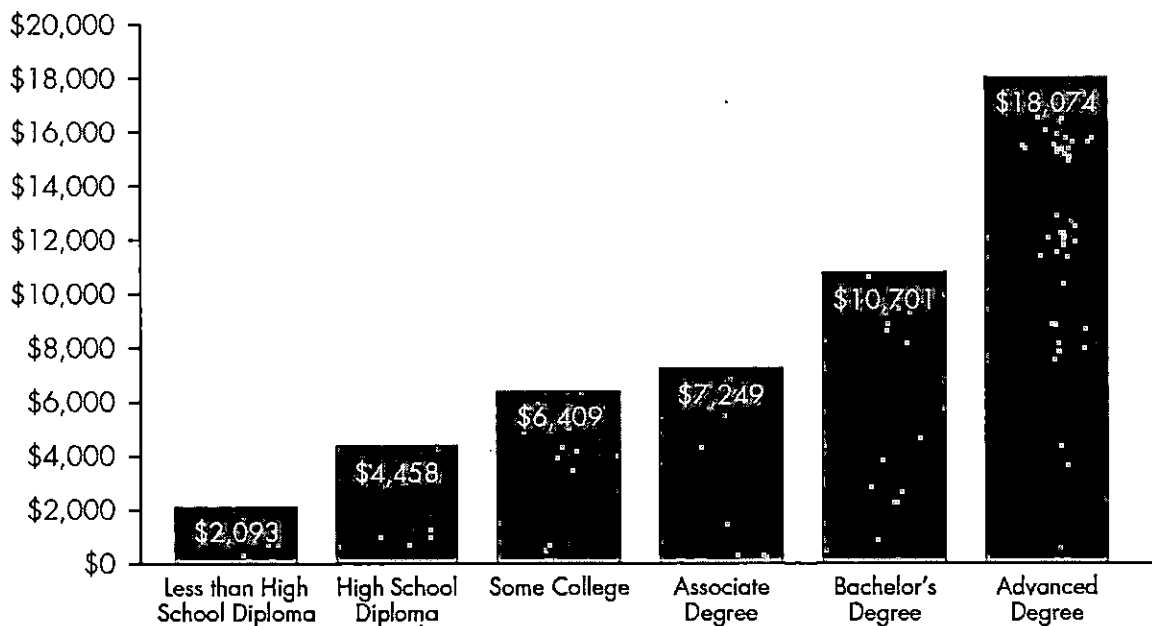
Employer contributions to retirement plans are another significant part of total work compensation. Although data on the value of employer contributions to retirement plans are not available, there are data that indicate this fringe benefit increases significantly with college attainment.

The March Social and Economic Supplement of Current Population Survey has information on individuals with retirement plans through employment. These data are summarized in Figure 9. In 2012, only about 9 percent of high school dropouts and 27 percent of high school graduates with no college had retirement plans through work, compared to 39 percent for holders of associate degrees, 46 percent for holders of bachelor's degrees, and 55 percent for holders of advanced degrees.

The American Community Survey has information on individuals' retirement income (not including Social Security benefits), and presumably at least part of this income was from employer contributions, on average. Figure 10 shows average annual retirement income for individuals age 62 to 79. For high school graduates with no college, average retirement income was a little less than \$4,500 per year. For those with bachelor's degrees as their highest education qualification, average retirement income was about \$10,700 per year. For holders of advanced degrees it was \$18,100 annually. Thus, the lifetime college earnings premium shown in Figure 4 understates the lifetime college income premium.

Moreover, Figure 10 understates the differences in retirement income across college attainment because the data include all persons age 62 to 79, including those not yet retired. As will be discussed shortly, average retirement age increases with college attainment.

Figure 10
Annual Retirement Income



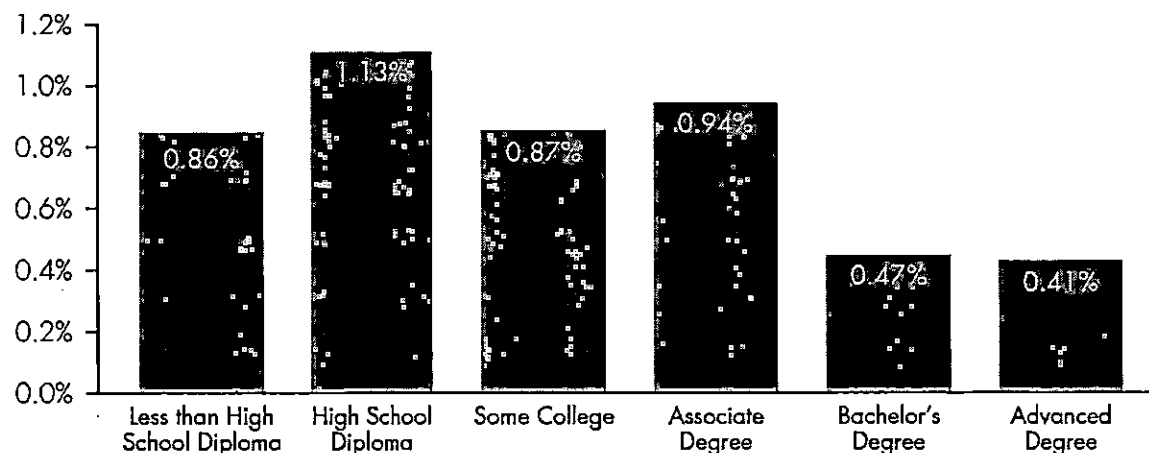
Source: Author's calculations using the 2012 American Community Survey Public Use Microdata Sample, ages 62-79, N = 511,243.

Job Safety

Data that include both job safety and education attainment are also not available, but the May 2012 Disability Supplement of the Current Population Survey has data on individuals receiving workers' compensation within the past year. Figure 11 shows the relationship between college attainment and on-the-job injuries as measured by receiving workers' compensation within the previous year.

The proportion of individuals receiving workers' compensation is not statistically different among high school dropouts, high school graduates, some college, and associate graduates: 0.9 percent, 1.1 percent, 0.9 percent and 0.9 percent, respectively. The proportion is significantly lower, though, for bachelor's degrees and advanced degrees: 0.5 percent and 0.4 percent, respectively. Moreover, these differences slightly understate the relationship between college attainment and job safety because employment increases with college attainment. The differences across education attainment would be slightly more pronounced if the measure of on-the-job injuries was receiving workers' compensation relative to employment.

Figure 11
Received Workers' Compensation within the Past Year



Source: Author's calculations using the May 2012 Disability Supplement of the Current Population Survey, ages 27-66 and not enrolled in college, N = 60,056.

Job Prestige

Although it is difficult to quantify its importance, prestige matters. Both education and job choices are often influenced by prestige factors. Job prestige is a type of fringe benefit. Moreover, jobs with greater prestige generally require higher education credentials.

Oreopoulos and Salvanes (2011) investigated the correlation between education attainment and occupational prestige using two datasets. First they examined "work-value descriptors" in the

Occupational Information Network sponsored by the U.S. Department of Labor. They illustrated the correlation between the average "achievement" measure (i.e., the sense of accomplishment from work) and education attainment. On a seven-point scale with seven being the highest, high school graduates with no college had an average score of about 3.7. Those with some college (including associate degrees) but less than a bachelor's degree had an average score of about 4.1. Those with a bachelor's degree or more had an average score of about 4.8. They report the same pattern for the other work-value variables in the data: "independence" (work autonomy and opportunity for creativity), "relationships" (social interaction on the job), "recognition" (both within and outside the firm), "support" (from managers and co-workers), and "working conditions" (including job security).

Oreopoulos and Salvanes (2011) also investigated the relationship between education attainment and an "occupational prestige score" in the U.S. General Social Surveys. The occupational prestige score is based on respondents' subjective rankings of occupations. It ranged from 17 (miscellaneous food preparation occupations) to 86 (physicians). The average score for high school graduates with no college was about 38. For those with some college (including associate degrees) but less than a bachelor's degree the average was 43. For bachelor's degree or more the average was about 53.

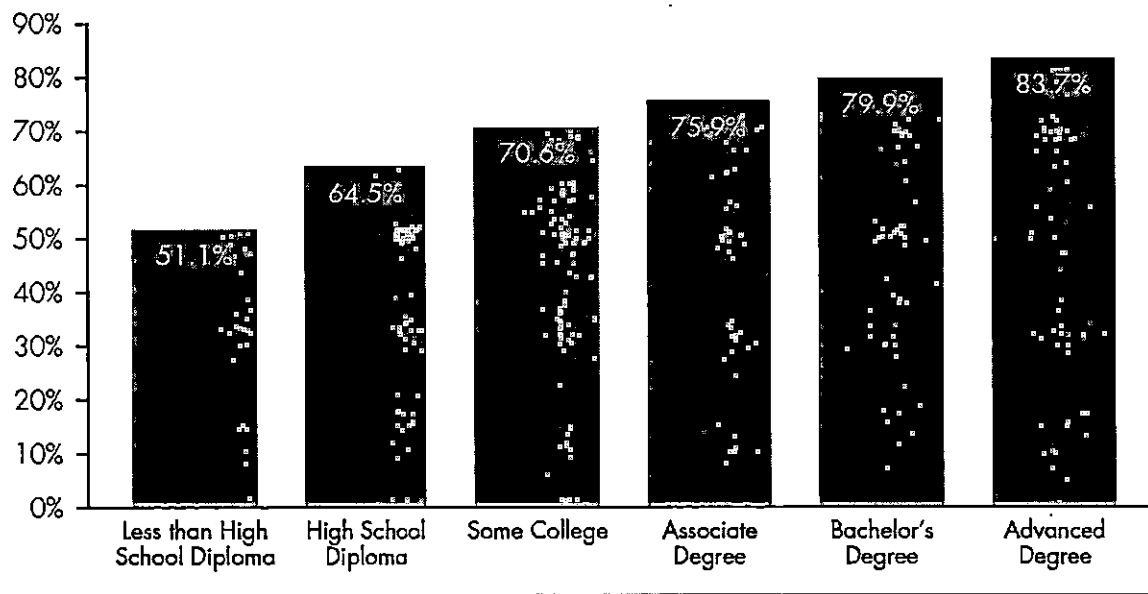
Employment

Employment (including self-employment) increases significantly with college attainment. This is illustrated in Figure 12. This chart uses data for working-age individuals in the 2012 American Community Survey. The proportion of this population that is employed rises steadily with education attainment, from 64.5 percent for high school graduates with no college to 84 percent for those with advanced degrees.

The strong positive correlation between college attainment and employment is due to college attainment having both a strong negative correlation with unemployment and a strong positive correlation with labor force participation.



Figure 12
Employed

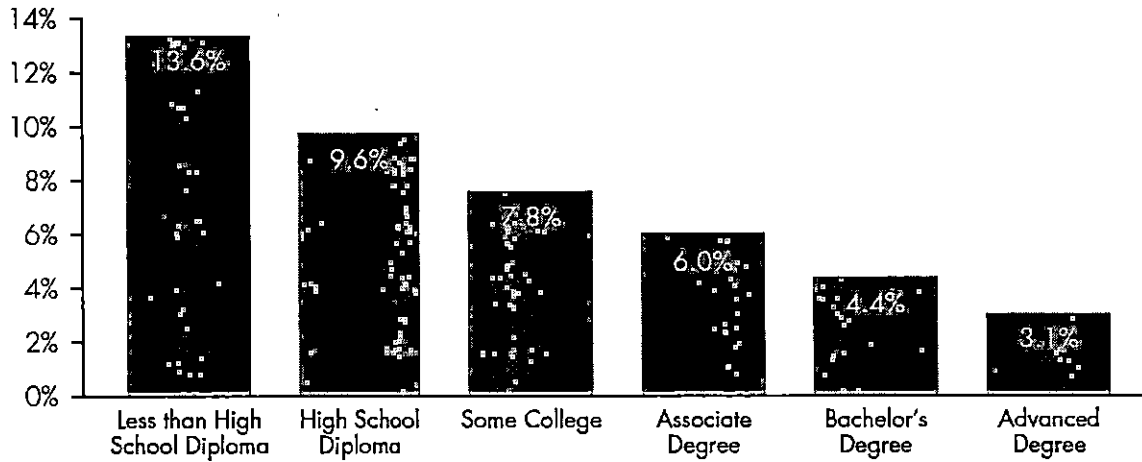


Source: Author's calculations using the 2012 American Community Survey Public Use Microdata Sample, ages 27-66 and not enrolled in college, N = 1,546,287.

Unemployment

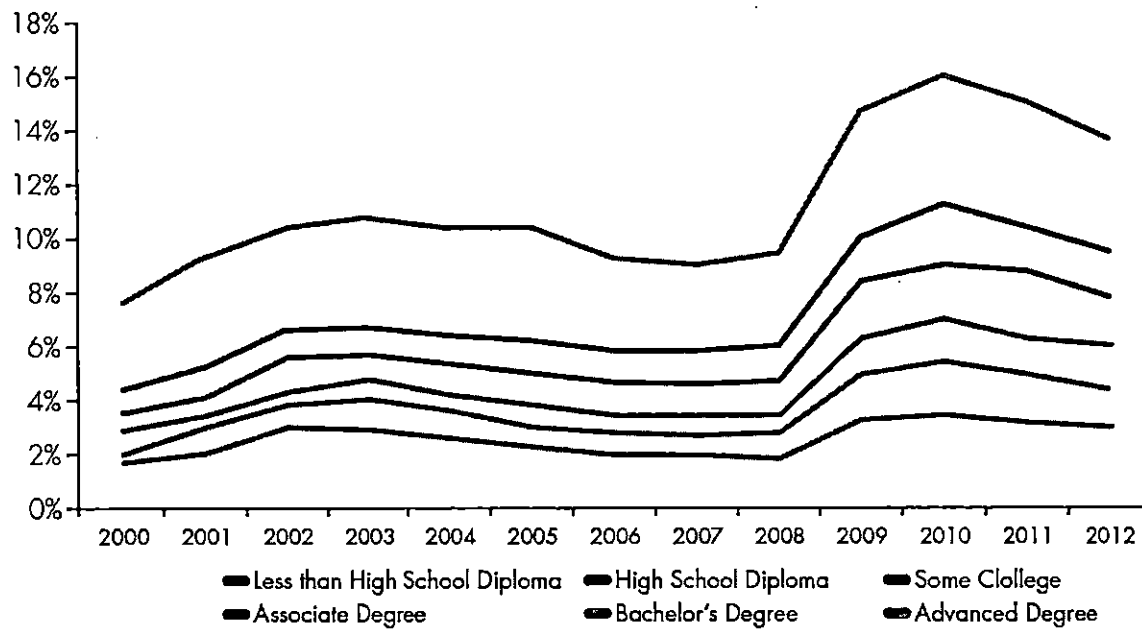
Figure 13 shows the relationship between college attainment and the unemployment rate calculated from 2012 American Community Survey data for individuals age 27 to 66. The unemployment rate for those with bachelor's degrees as their highest education qualification was less than half of that for those with high school diplomas and no college. The unemployment rate for holders of graduate degrees was less than a third of that for high school graduates with no college.

Figure 13
Unemployment Rate



Source: Author's calculations using the 2012 American Community Survey Public Use Microdata Sample, ages 27-66 and not enrolled in college, N = 1,546,287.

Figure 14
Trend in the Unemployment Rate



Source: Author's calculations using the 2000-2012 American Community Survey Public Use Microdata Samples, ages 27-66 and not enrolled in college, N = 10,957,743.

The relationship between college education and employment in 2012 is not unique to the recent period of severe economic distress. The trend in unemployment rates derived from American Community Survey data (for those with the ages of 27 to 66 and not in college) since 2000 is shown in Figure 14. Relative differences in unemployment rates across education credentials have been roughly stable. The negative relationship between education and employment is also not unique to the U.S. (see Trostel and Walker, 2006).

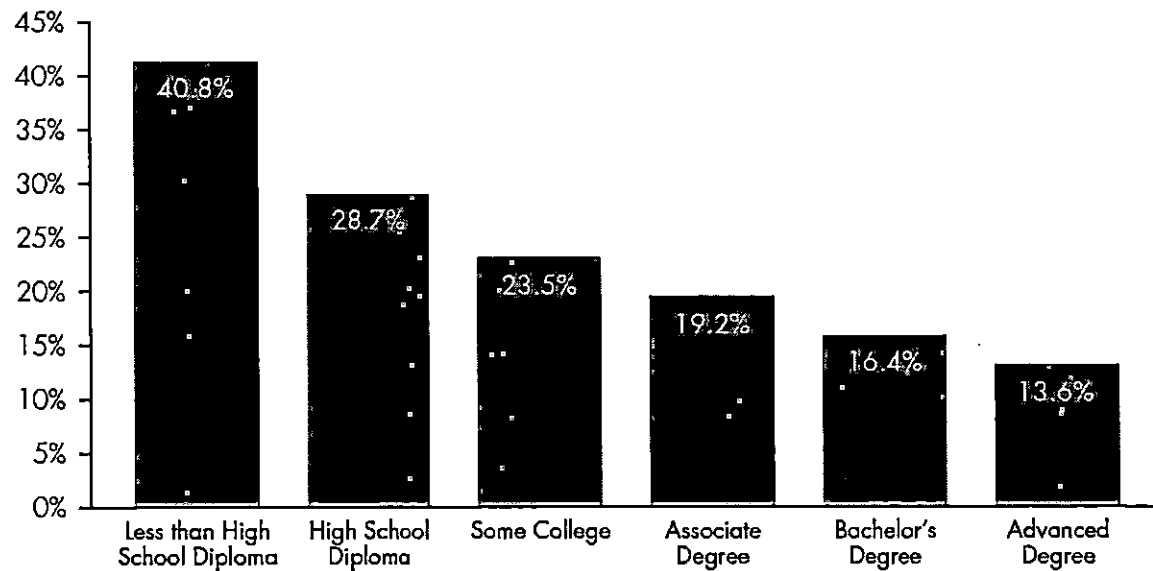
Labor Force Participation

The relationship between college attainment and non-participation in the labor market is illustrated in Figure 15. The proportion of working-age adults not in the labor force falls from more than 29 percent for high school and no college, to 19 percent for associate degrees, to less than 14 percent for advanced degrees. Moreover, as in the case of unemployment, this pattern is not unique to recent U.S. history. The relative differences in non-participation rates across education credentials have also been roughly stable.

The relationship between college attainment and non-participation in the labor market shown in Figure 15 holds for both men and women, although the negative correlation is slightly stronger for men. The rate of non-participation for men falls from 22.4 percent for high school graduates to 10.1 percent for bachelor's graduates. For women, the non-participation rate falls from 35.5 percent for holders of high school diplomas to 22.3 percent for those with bachelor's degrees as their highest education qualification.



Figure 15
Not in the Labor Force



Source: Author's calculations using the 2012 American Community Survey Public Use Microdata Sample, ages 27-66 and not enrolled in college, N = 1,546,287.

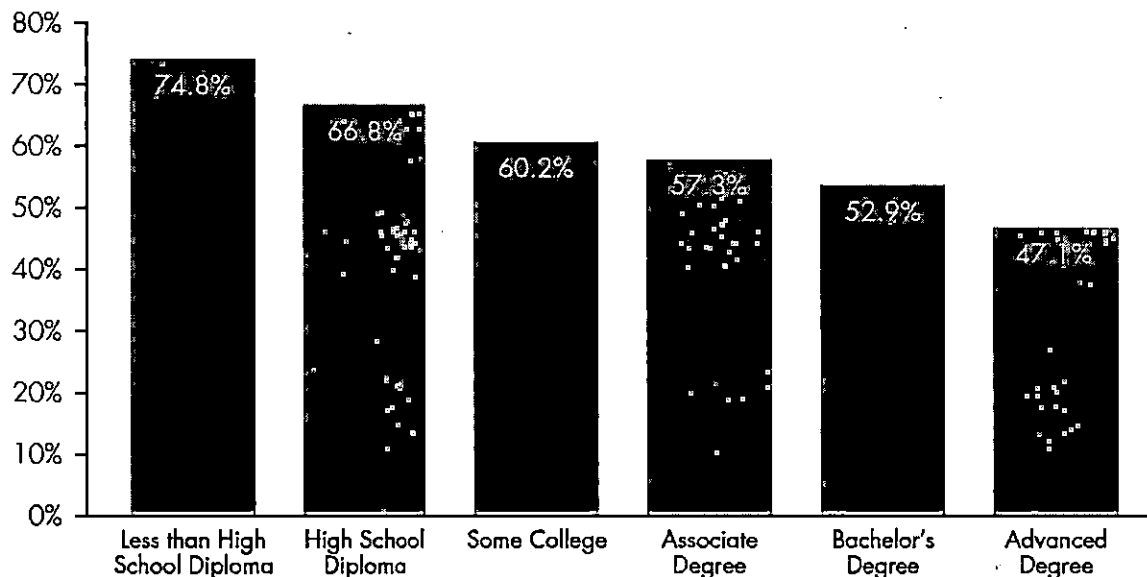
Retirement

Part of the effect of college attainment on labor force participation is through its effect on retirement. Although college attendance delays the start of full-time work, it also delays retirement. The net effect of going to college on the average length of work careers is unclear.

Demonstrating the relationship between college attainment and retirement is complicated by the difficulty in measuring retirement. Among those age 62 to 69 in the American Community Survey in 2012 who report some retirement income (including Social Security benefits), 30.1 percent also report having some earnings from work. Among those ages 62 to 69 who report having some earnings, 50.3 percent also have some retirement (including Social Security) income. For many individuals "retirement" is not a clear distinction.

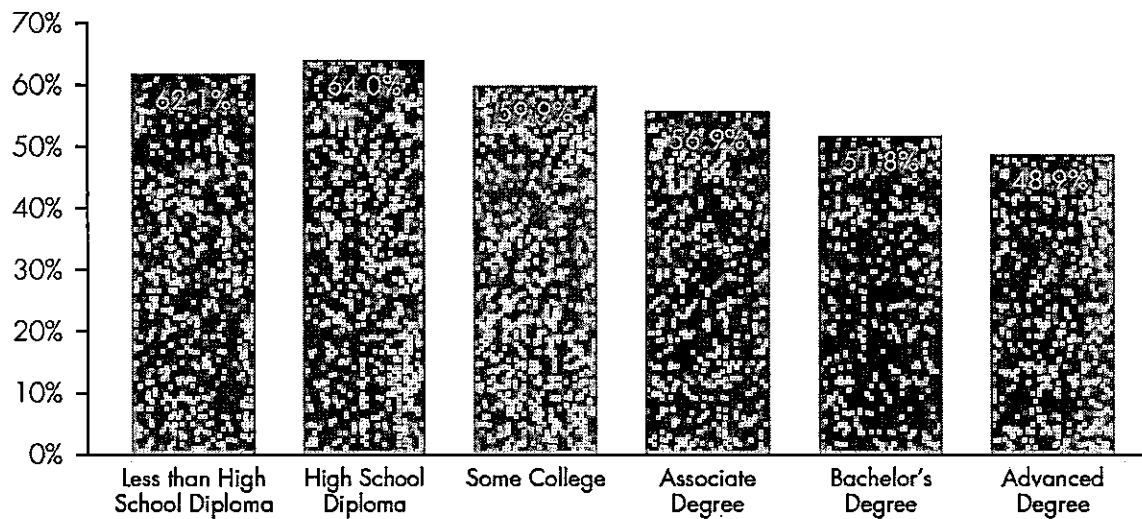
One approximate measure of retirement, non-participation in the labor market among those 62 to 69, is illustrated in Figure 16. Although not being in the labor force at these ages is not necessarily being retired, retirement is the primary reason for it. Non-participation in the labor market illustrated for this age group is substantially higher than for ages 27 to 66 shown in Figure 15 (the overall rate of non-participation in the labor market for age 62 to 69 is 61.0 percent, compared to 24.3 percent for age 27 to 66). As shown in Figure 16, this approximate measure of retirement falls from 67 percent for high school graduates with no college to 53 percent for bachelor's graduates without advanced degrees. The negative correlation between retirement and college attainment is somewhat more pronounced for men than women, although the negative correlation is strong for women too.

Figure 16
Not in the Labor Force for Ages 62–69



Source: Author's calculations using the 2012 American Community Survey Public Use Microdata Sample, N = 288,984.

Figure 17
"Retired" for Ages 62-69



Source: Author's calculations using the 2012 American Community Survey Public Use Microdata Sample, N = 291,248.

Figure 17 shows another approximate measure of retirement. In this measure a person is counted as "retired" if her/his retirement income (including Social Security benefits) exceeds their earnings from work. Both its level and correlation with college attainment are similar to the not-in-the-labor-force measure shown in Figure 16 (the overall retired rate for age 62 to 69 using this measure is 58.4 percent, compared to 61.0 percent for the not-in-the-labor-force measure). As illustrated in Figure 17, this approximate measure of retirement falls from 64 percent for high school graduates with no college to 52 percent for bachelor's graduates without advanced degrees.

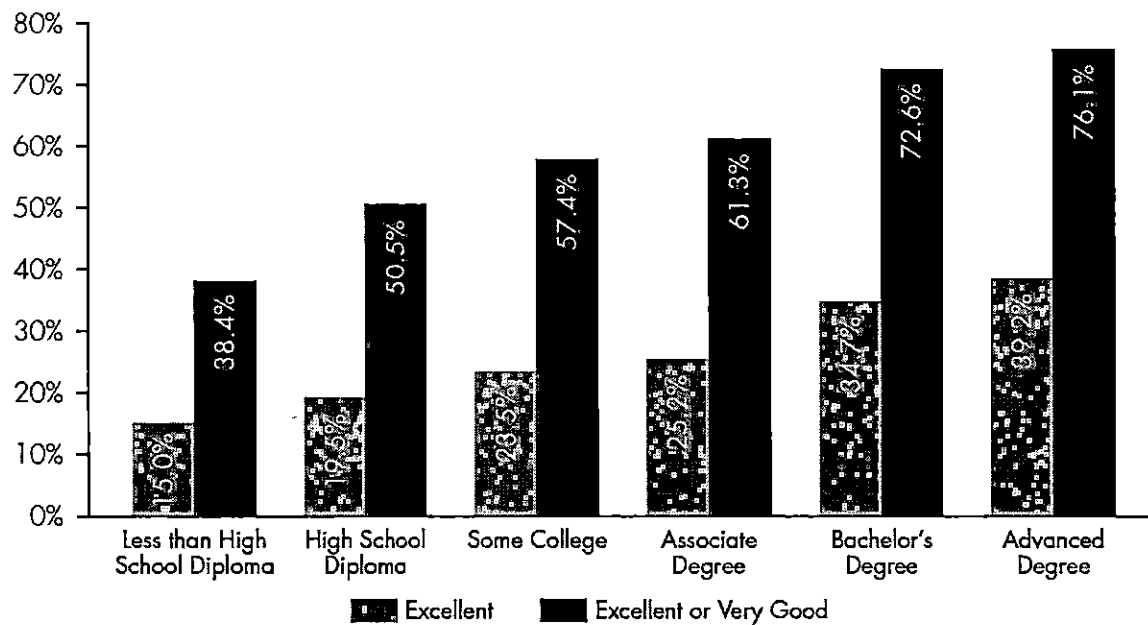
Health

A substantial literature has established a strong, and increasing, positive link between education attainment and health, often referred to as the education-health gradient. Some recent contributions summarizing this large literature are Grossman (2006), Groot and Massen van den Brink (2007), Cutler and Lleras-Muney (2008, 2010), Furnée, Groot and Massen van den Brink (2008), Conti, Heckman and Urzua (2010), Eide and Showalter (2011), Lochner (2011), and Clark and Royer (2013). Moreover, Cutler and Lleras-Muney (2008) contend that the value of the health benefits from education is about half as large as the earnings benefit of education. Groot and Maassen van den Brink (2007) reach a similar conclusion.

Figure 18 illustrates the magnitude of the relationship between college attainment and self-reported health. This chart is derived using data on individuals age 27 to 66 in the 2013 March Social and Economic Supplement of Current Population Survey. For those with bachelor's degrees but not advanced degrees, 73 percent report their health to be very good or excellent, compared to 50.5 percent for high school graduates without college. The relative difference is even stronger for those reporting their health to be excellent: 35 percent for those with bachelor's degrees but not advanced degrees compared to 19.5 percent for high school graduates with no college.

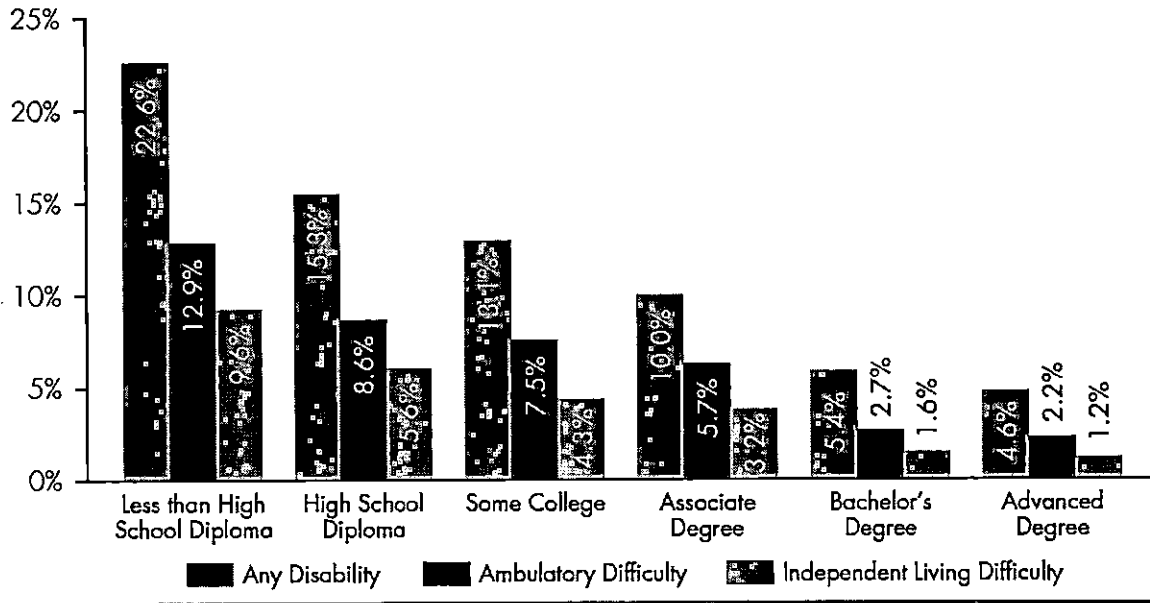


Figure 18
Self-Reported Health



Source: Author's calculations using the March 2013 Social and Economic Supplement of the Current Population Survey, ages 27-66 and not enrolled in college, N = 99,742.

Figure 19
Disability



Source: Author's calculations using the 2012 American Community Survey Public Use Microdata Sample, ages 27-66 and not enrolled in college, N = 1,546,287.

Disability

Disabilities are at the opposite end of the health spectrum and, consistent with the evidence on good health, they are strongly inversely correlated with college education. The American Community Survey has several questions about disabilities. Figure 19 summarizes three of these measures for individuals ages 27 to 66.

The first column in Figure 19 shows the percentage of the working-age population reporting some type of disability. The proportion with a disability falls from 15 percent for those with high school diplomas and no college to 10 percent for holders of associate degrees to about 5 percent for holders of bachelor's degrees.

The severity of disabilities evidently also declines with college attainment. The relative difference across college attainment categories is slightly larger in the second column in Figure 19. The proportion of the working-age population reporting ambulatory difficulties falls from 8.6 percent for high school graduates with no college to 2.7 percent for those with bachelor's degrees as their highest education qualification. The relative difference across college credentials is stronger still in the third column. The proportion reporting difficulty living independently falls 5.6 percent for high school graduates without college to 1.6 percent for bachelor's graduates without advanced degrees.

Considering that the proportions in Figure 19 are derived from a sample of adults under age 67,

the magnitudes of these differences are astounding. More than one out of every 12 non-elderly high school graduates without college reported difficulty walking, compared to one out of every 38 non-elderly bachelor's graduates without advanced degrees. One out of every 18 non-elderly high school graduates reported difficulty living independently, compared to one out of every 63 of those with bachelor's degrees as their highest education qualification.

Although occupational differences in job safety probably contribute to the correlation between disabilities and college attainment, it is implausible that they could explain most of it. Recall from Figure 11 that the likelihood of receiving workers' compensation is significantly lower only for those with bachelor's or advanced degrees. If receiving workers' compensation reasonably measures differences in risks of job injuries, then the correlation shown in Figure 11 is not strong enough to explain the disability correlations shown in Figure 19. Differences in health behaviors, which are discussed below, may be a more important factor explaining the large differences in disabilities. The underlying effects driving the link between education attainment and the incidence of severe disability is an area crying out for in-depth exploration. The incidence of morbid obesity might be one the key factors.

Life Expectancy

The strong negative relationship between education attainment and health problems is also revealed in early mortality. Indeed, there is a large literature on the relationship between education and mortality / life expectancy. Some recent contributions to this literature are Lleras-Muney (2005), Meara, Richards and Cutler (2008), Hummer and Lariscy (2011), Eide and Showalter (2011), Everett, Rehkopf and Rogers (2013), and Clark and Royer (2013).

Hummer and Lariscy (2011) examined U.S. data on 831,820 adults between ages 25 and 84 from 1986 through 2002. They found that mortality rate for those with some college or an associate degree was 7 percent lower than the rate for high school graduates with no college. The mortality rate for those with bachelor's degrees as their highest education qualification was 25 percent lower than for high school graduates without college. The mortality rate was lower still for those with advanced degrees (measured as 17 or more years of completed education): 33 percent less than for high school graduates without college.

Hummer and Lariscy (2011) further show that college attainment is inversely related to all broad categories of mortality, but particularly for the most preventable causes. To be specific, the strongest negative effects of college education on mortality are for diabetes and lung cancer, followed by respiratory disease and external causes (homicide, suicide and accidents).

Meara, Richards and Cutler (2008) show similar results but in terms of life expectancy. They estimated life expectancies at age 25 using data from the Public Use Microdata Sample of the 2000 U.S. Census (7.8 million observations). Life expectancy (at age 25 in 2000) for those with at least some college (including those earning degrees) was seven years longer than for those who never attended college (including high school dropouts): 81.6 compared to 74.6. Seven years!

Health Behaviors

Part of the effects of college education on health and life expectancy are due to differences in health behaviors. In other words, some health problems and early mortality are influenced by

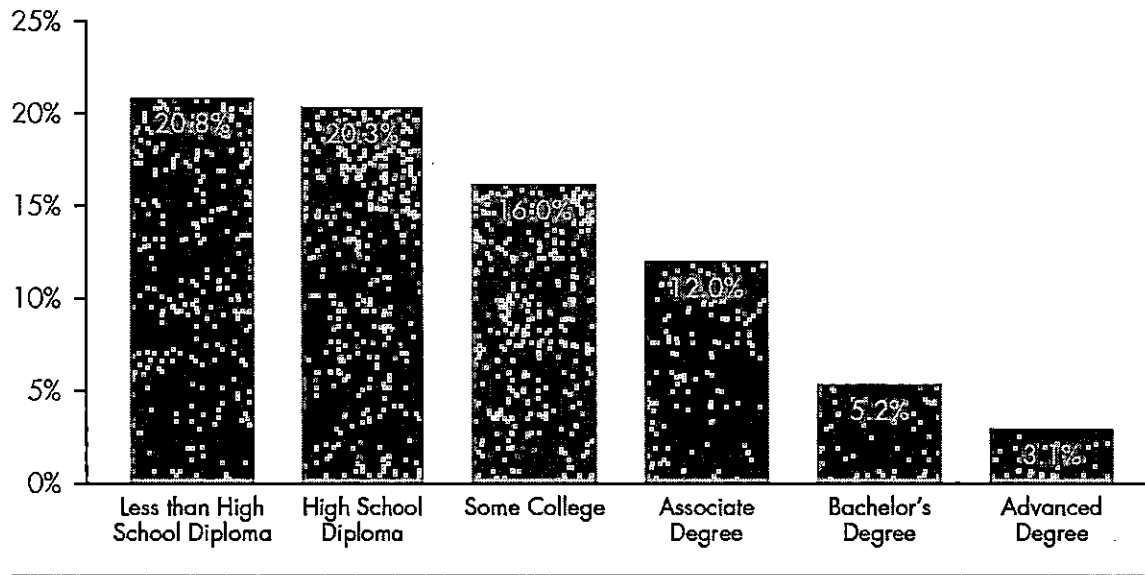
behaviors that are influenced by education. The results in Mokdad, Marks, Stroup and Gerberding (2004) indicate that "modifiable behavioral risk factors are leading causes of mortality" in the U.S. They further demonstrate that smoking is the leading cause of death, followed closely by poor diet and physical inactivity, with alcohol a distant third. Smoking, diet, exercise, alcohol abuse and other health behaviors are strongly influenced by college attainment.

Figure 20 shows the relationship between smoking regularly and college education. It is derived for individuals ages 27 to 66 in the January 2011 Tobacco Use Supplement of the Current Population Survey. The proportion of working-age adults smoking daily falls from 20 percent of high school graduates without college, to 12 percent of holders of associate degrees, to 5 percent of those with bachelor's degrees as their highest education credential, to 3 percent of holders of graduate degrees.

Cutler and Lleras-Muney (2010) analyzed data from the National Health Interview Survey from 1990 to 2000 (about 23,000 observations). They found a strong positive relationship between education, especially college education, and exercise. They found a significant positive relationship between education and eating fruits and vegetables. They found strong negative correlations between education, particularly college education, and both obesity and heavy drinking. They showed a strong positive correlation between with education, especially college education, and seat belt use. They also found significant positive correlations with education and various types of preventive medical care.



Figure 20.
Smoke Daily



Source: Author's calculations using the January 2011 Tobacco Use Supplement of the Current Population Survey, ages 27-66 and not enrolled in college, N = 57,135.

Other Private Benefits

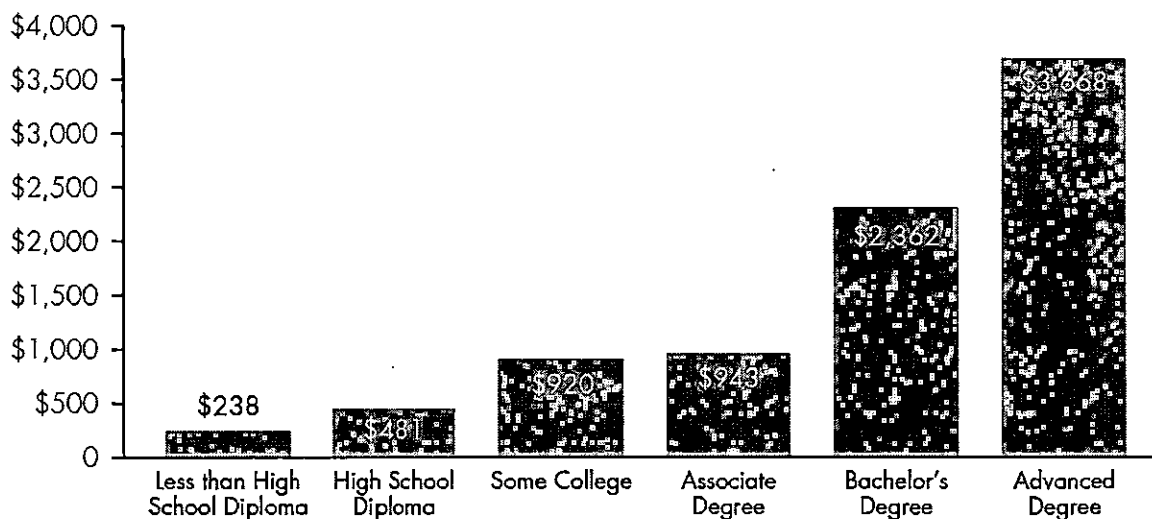
Financial Savvy

It stands to reason that if education creates human capital and increases the productivity of work activities, then it is also likely to increase the productivity of at least some home activities. One important way that education may affect home productivity is in improved decision-making about expenditures and investments. Michael (1972) referred to this effect as efficiency in consumption. Although it is generally difficult to measure these types of effects, there is evidence indicating merit to this notion.

One important and partially measurable "home benefit" to education is financial savvy, that is, financial literacy and skill in earning income from assets and in minimizing finance charges. Reducing finance charges and costs of transactions essentially raises real income. For yet more reasons the college premium in earnings understates the college premium in real income (besides the various non-income benefits).

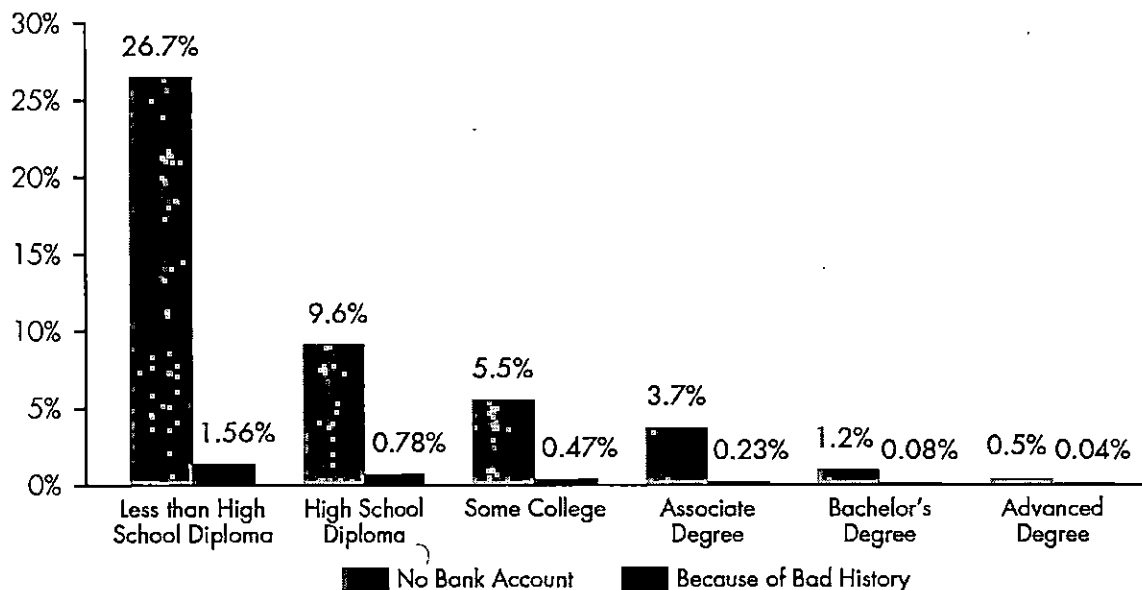
Average annual income from assets is reported in Figure 21. Not surprisingly, net asset income increases substantially with college attainment. Indeed, in percentage terms the college premium in net asset income is considerably larger than the college premium in earnings. Average interest, dividends and net rent of those with bachelor's degrees as their highest education qualification was 4.9 times greater than for high school graduates with no college. Net asset income of those with graduate degrees was 7.6 times greater than for high school graduates without college. Thus, the

Figure 21
Annual Income from Interest, Dividends, and Net Rent



Source: Author's calculations using the 2012 American Community Survey Public Use Microdata Sample, ages 27-66 and not enrolled in college, N = 1,546,287.

Figure 22
Does Not Have a Bank Account



Source: Author's calculations using the June 2011 Unbanked/Underbanked Supplement of the Current Population Survey, ages 27-66 and not enrolled in college, N = 58,500.

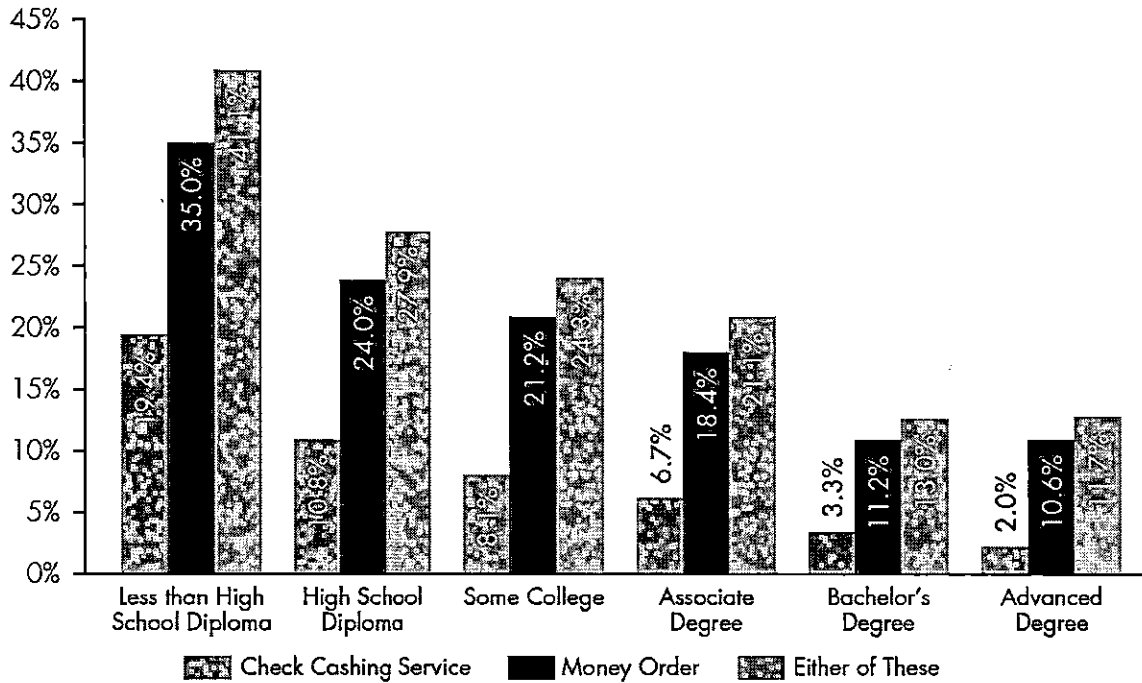
college premium in total income is larger than the college premium in earnings illustrated in Figures 1 and 4. Moreover, there also appears to be a college premium in saving transactions costs.

The June 2011 Unbanked/Underbanked Supplement of the Current Population Survey has several measures which suggest that college attendance improves financial savvy and reduces transactions costs. Figure 22 shows the relationship between college education and not having a bank account. Nearly 10 percent of high school graduates without college did not have a bank account, compared to 3.7 percent of those with associate degrees and 1.2 percent of those with bachelor's degrees as their highest education qualifications.

Figure 22 also shows the percentages of working-age adults without a bank account because of a bad banking history. High school graduates without college are 9.4 times more likely to not have a bank account due to past banking problems than those with bachelor's degrees as their highest education credential.

Households without bank accounts sometimes still need banking services but are forced to purchase these services one at a time from non-bank firms. These non-bank banking services are relatively expensive per unit. Figure 23 shows the proportions of working-age adults buying two types of non-bank banking services within the past year: non-bank check-cashing services and non-bank money orders. The use of check-cashing services falls from nearly 11 percent for high school

Figure 23
Used "Expensive Banking" in the Last Year



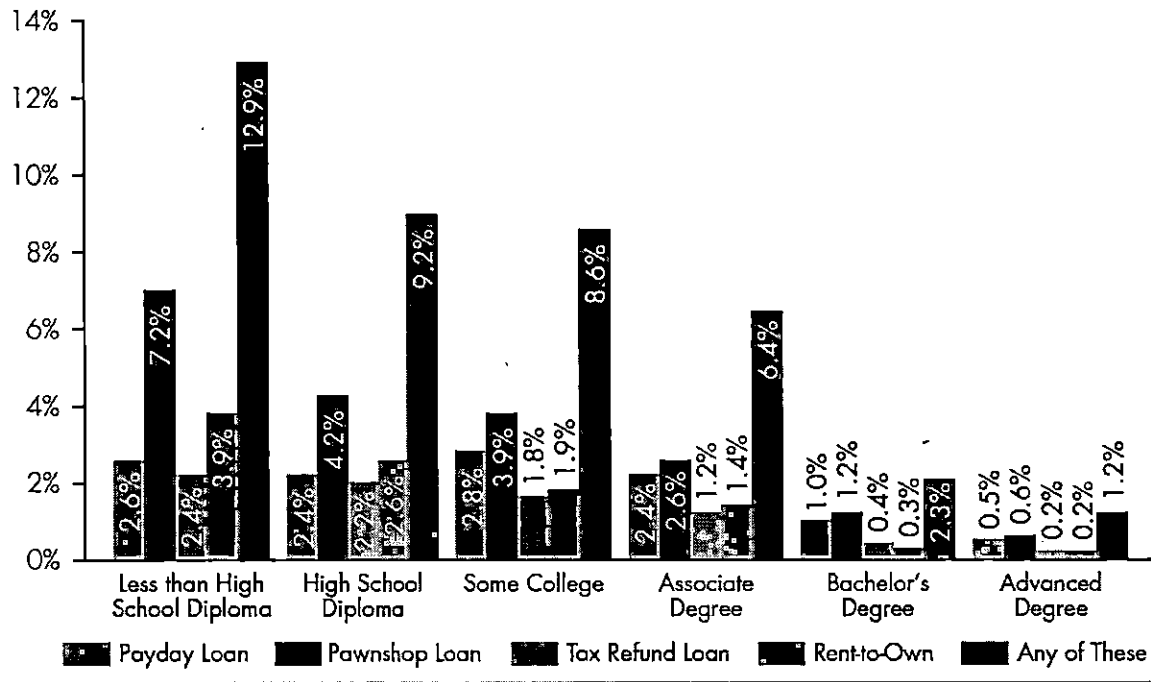
Source: Author's calculations using the June 2011 Unbanked/Underbanked Supplement of the Current Population Survey, ages 27-66 and not enrolled in college, N = 54,490.

diplomas to 6.7 percent for associate degrees, 3.3 percent for bachelor's degrees, and 2.0 percent for advanced degrees. The use of non-bank money orders falls from 24 percent of high school graduates without college to 11 percent of bachelor's graduates without advanced degrees. The third column in Figure 23 shows the use of either type of "expensive banking" service during the previous year. The proportion falls from 28 percent for high school graduates without college to 13 percent for bachelor's graduates without advanced degrees.

Households without financial know-how are also sometimes forced to use relatively expensive forms of credit. Unfortunately, data on credit-card debt and interest charges are not readily available. But the June 2011 Unbanked/Underbanked Supplement of the Current Population Survey has data on some other forms of expensive credit. These are illustrated in Figure 24. It shows the percentages of the working-age population using payday loans, pawnshop loans, tax refund anticipation loans, and rent-to-own arrangements within the past year.

The use of all four of the forms of "expensive credit" shown in Figure 24 declines significantly and monotonically with education attainment. The only exception is the use of payday loans for high school graduates without college compared to those with some college but no degree and those with associate degrees as their highest education credential. The differences in these proportions using

Figure 24
Used "Expensive Credit" in the Last Year



Source: Author's calculations using the June 2011 Unbanked/Underbanked Supplement of the Current Population Survey, ages 27-66 and not enrolled in college, N = 57,233.

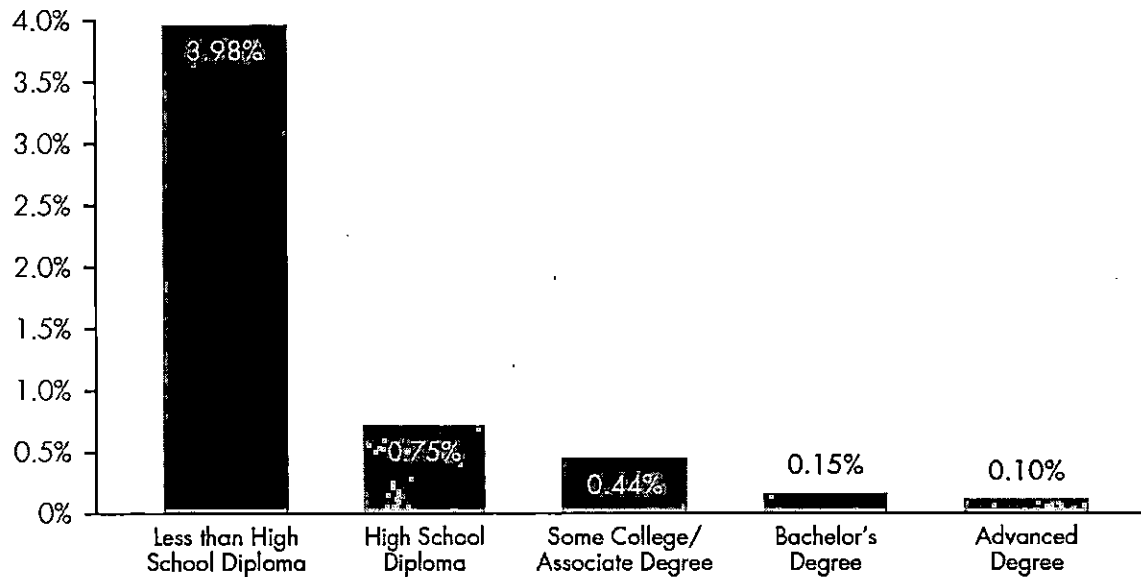
payday loans are not statistically significant. Moreover, this exception to the otherwise monotonically and significantly decreasing relationship between the use of expensive credit and education attainment is probably due to the increasing relationship between the probability of having a payday and education attainment. As shown in Figure 12, compared to high school graduates with no college, those with some college but no degree are 6.1 percentage points more likely to be employed, and those with associate degrees as their highest schooling credential are 11.4 percent more likely to be employed.

The last column in Figure 24 shows the use of any of the four forms of expensive credit during the previous year. The proportion using one or more of these types of credit falls from 9.2 percent for high school graduates without college to 6.4 percent for associate degrees, 2.3 percent for bachelor's graduates, and 1.2 percent for advanced degrees.

Reduction in Incarceration

Incarceration rates are estimated by merging data from the 2004 Survey of Inmates in State Correctional Facilities, the 2004 Survey of Inmates in Federal Correctional Facilities, the 2002 Survey of Inmates in Local Jails, and the 2004 American Community Survey. The three datasets on incarceration are from the U.S. Bureau of Justice Statistics and, unfortunately, are the most recent available. Still, this is an update and slight refinement of the widely cited report by Harlow (2003).

Figure 25
Incarceration Rate



Source: Author's estimates using data from the 2004 Survey of Inmates in State Correctional Facilities, the 2004 Survey of Inmates in Federal Correctional Facilities, the 2002 Survey of Inmates in local jails, and the 2004 American Community Survey, ages 27-66.

The proportion of those ages 27 to 66 in prison or jail in 2004 is shown in Figure 25. The incarceration rate of high school dropouts is an incredible 4.0 percent. The proportion of working-age adults incarcerated is 0.75 percent for high school graduates with no college. The education attainment measure in the prisoner data does not distinguish between associate degrees and some college. Their combined incarceration rate is 0.44 percent. The incarceration rate of bachelor's graduates without advanced degrees, 0.15 percent, is five times less than for high school graduates without college.

The dramatic correlation between education attainment and the probability of incarceration appears to have an important role in explaining the large racial disparities in imprisonment rates. African Americans and Native Americans are disproportionately incarcerated. An initial exploration into the data suggests that about half of these racial differences in imprisonment rates can be explained by differences in education attainment. Hispanics are also disproportionately represented in the U.S. prison population to a lesser extent than African Americans and Native Americans. But this appears to be entirely due to their relatively low average level of education attainment. After controlling for education attainment, Hispanics are no more likely than the rest of the U.S. population to be incarcerated.

Marriage

Perhaps surprisingly, successful marriages are positively correlated with college attainment. This is illustrated in Figure 26 which is derived from the 2012 American Community Survey for individuals age 27 to 66. The married percentage increases significantly with college attainment, rising from 55

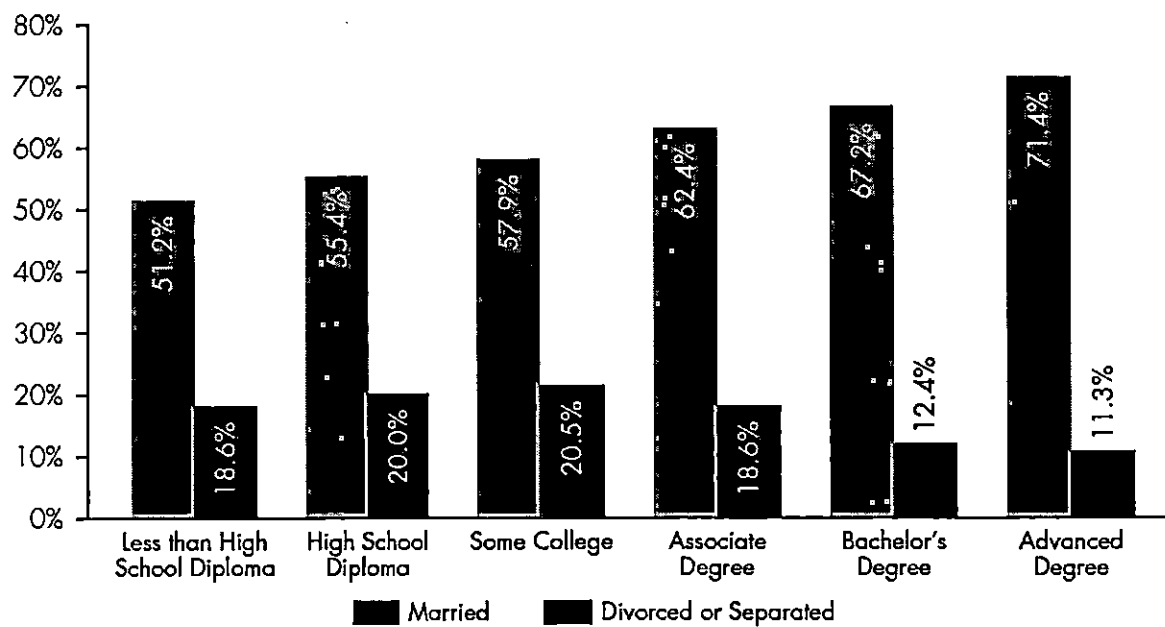
percent for high school graduates without college to 62 percent for associate graduates, 67 percent for bachelor's graduates, and 71 percent for advanced graduates.

The relationship between divorced/separated and education attainment is generally, but not completely, opposite of the relationship between being married and education attainment. The married percentage rises monotonically with education attainment, while the divorced/separated percentage falls with education attainment only for college degrees. The proportion divorced or separated is the highest for those with some college but no degree, followed by closely by high school graduates never attending college. Although the difference between these divorced/separated percentages is small, it is statistically significant because the sample is so large. The divorced/separated proportion is the same for high school dropouts and holders of associate degrees and is slightly lower than the proportion for high school graduates without college. The substantial difference, though, is between those with associate degrees and bachelor's degrees as their highest education qualifications. This finding is consistent with the results reported in Aughinbaugh, Robles and Sun (2013) using a different dataset. For further discussion on the interesting notable difference between the marriage and divorced/separated patterns across education levels see, for example, Stevenson and Wolfers (2007).

The divorced/separated pattern across levels of education attainment is also observed in the number of marriages. Figure 27 shows the number of marriages (upper truncated at three) for those ever married. Those with some college but without degrees have the highest number of marriages if ever married, again followed closely by high school graduates without college. Although the difference

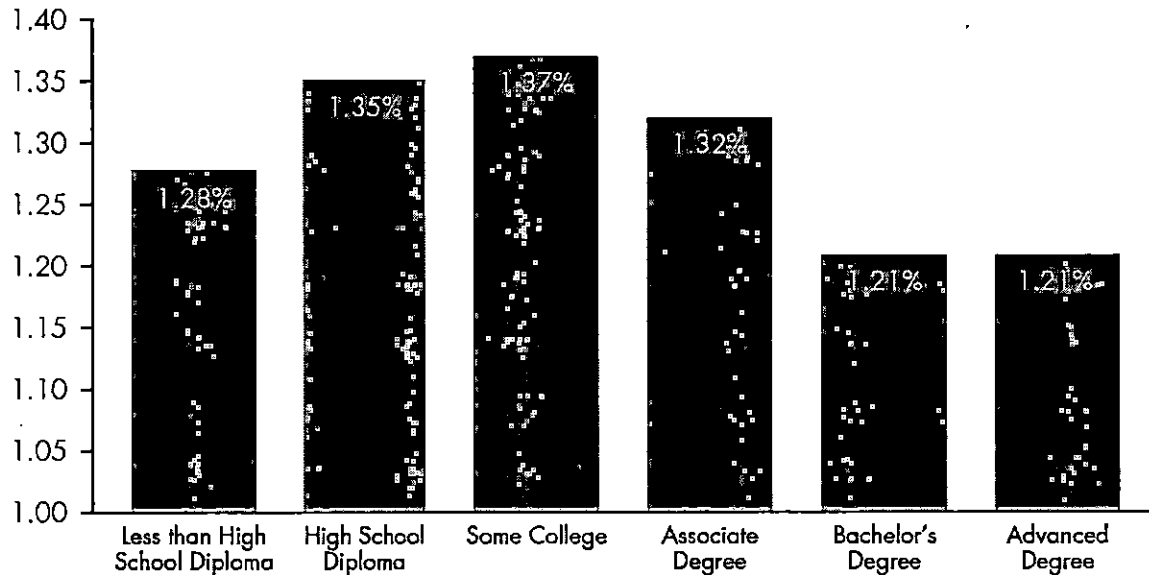


Figure 26
Marital Status



Source: Author's calculations using the 2012 American Community Survey Public Use Microdata Sample, ages 27-66 and not enrolled in college, N = 1,546,287.

Figure 27
Times Married



Source: Author's calculations using the 2012 American Community Survey Public Use Microdata Sample, ages 27-66 and not enrolled in college, N = 1,271,167.

is small, it is statistically significant. But the substantial difference across levels of education is again between those with associate degrees and those with bachelor's degrees.

The finding that those with some college experience but no degree have the highest rate of unsuccessful marriages is suggestive that the observed correlation between education attainment and successful marriages may not be completely causal. There could be individual characteristics, such as perseverance and dedication, that influence both of these outcomes.

Happiness

Numerous studies have reported a significant positive correlation between education attainment and measures of happiness, life satisfaction and/or mental well-being. Some examples are Blanchflower and Oswald (2004, 2011) and Oswald and Wu (2011).

The results in Oreopoulos and Salvanes (2011) using data from the U.S. General Social Surveys are indicative of the findings in the literature. On the question about overall happiness with life, 89 percent of high school graduates without college report being happy or very happy. For those with some college (including associate degrees) but less than a bachelor's degree the proportion was more than 90 percent. For those with a bachelor's degree or more the proportion was about 94 percent. The education-happiness correlation remains, although not as quite strong, after controlling for the differences in income that are correlated with education attainment.

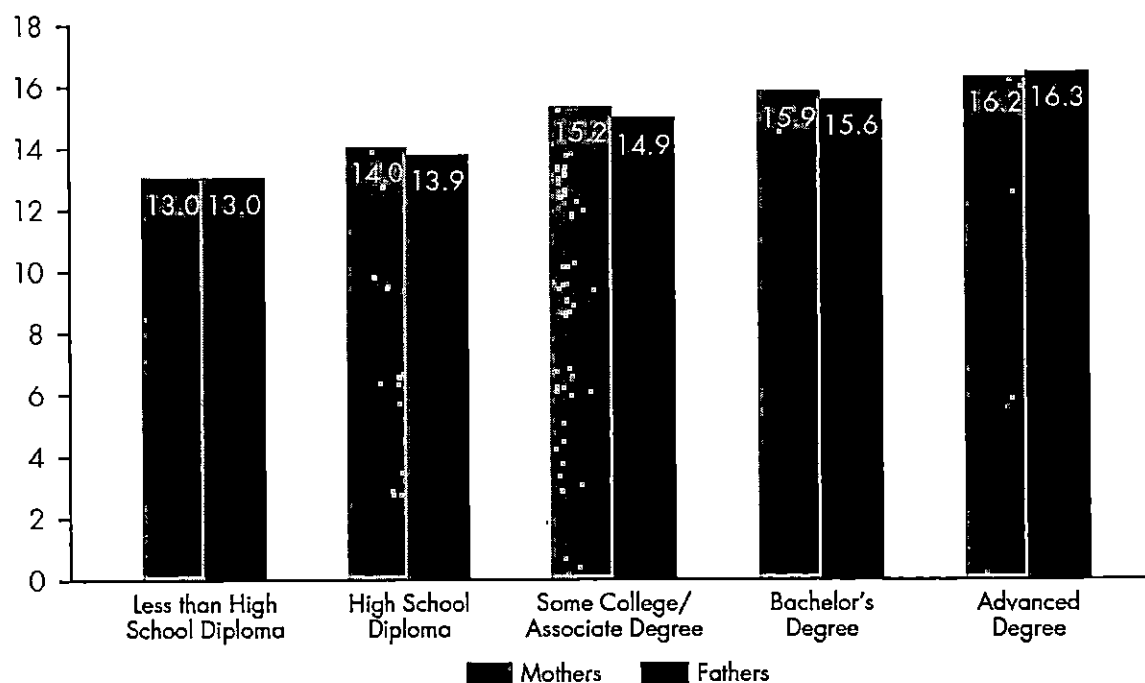
Intergenerational Benefits

The benefits of college attainment are partially passed on to children through parenting in numerous ways (e.g., there is a large literature showing a strong link between maternal education and children's health), but to confine the focus to a reasonable dimension just one effect is summarized here: the effect of parents' education on children's education attainment. See Holmlund, Lindahl and Plug (2011), de Haan (2011), and Pronzato (2012) for recent summaries of the literature on the intergenerational link in education attainment.

The results in de Haan (2011) using 2004/5 data from the Wisconsin Longitudinal Study (21,545 observations) are indicative of the findings. The average years of schooling of the children of parents with different levels of education are shown in Figure 28. Children of mothers with bachelor's degrees as their highest education qualification averaged 1.95 more years of education than the children of mothers with high school diplomas as their highest education qualification. Children of fathers with bachelor's degrees but without advanced degrees averaged an additional 1.74 years of education compared to the children of fathers with high school diplomas but without college.

The numbers reported in Figure 28 are raw correlations, however, and de Haan (2011) demonstrates that these raw correlations overstate the causal effect of parental education on children's education attainment. The emerging consensus in the literature is that the causal effect of parents' education on children's education is positive and significant, but not as large as suggested by the raw correlations.

Figure 28
Years of Children's Education



Source: de Haan (2011), Table 2.

Productivity Spillovers

It has long been theorized that education not only raises the productivity and income of those being educated but also raises the productivity and income of their colleagues. Or, education may raise the productivity and income of others through knowledge creation. Either way, human capital may have an important productivity externality or spillover. See, for example, Lucas (1988) and Romer (1990) and the many papers that they inspired on endogenous growth dependent on human capital accumulation.

Inspection of data on income and education attainment at the city or state level suggests merit to the idea that productivity spillovers from an educated population are important. The greater regional income associated with greater education attainment is substantially more than can be explained by the greater incomes for the individuals with more education. In other words, more education appears to create more aggregate income than the sum of higher incomes paid to those with more education. Significant productivity spillovers from an educated workforce are a ready explanation for this. But, as is typically the case in analyzing macroeconomic data, there are other possible explanations.

Estimating the magnitude of the productivity spillovers from a more educated workforce has proven to be difficult. Rauch (1993) and Moretti (2004) estimated a substantial positive externality from education attainment. Rauch estimated the external return to be about 70 percent as large as the private return (i.e., the direct effect on earnings shown in Figure 1). Moretti found an even larger external return—several times larger than the private return. Acemoglu and Angrist (2001) first estimated that the external return to be comparable in size to the private return, but then showed results indicating that most of the external return evident in the data was not a causal effect. They concluded that the causal external return was perhaps one-seventh as large as the private return. Ciccone and Peri (2006) concluded that the causal external return was not significantly different from zero.

Lange and Topel (2006) reviewed the literature and conducted some additional analysis and concluded that the evidence is decidedly inconclusive, saying: the evidence “does not demonstrate that externalities are unimportant,” but “the data do not provide a strong reason to believe in the importance of productive externalities from schooling.”

My reading of the evidence is not so pessimistic, though. The evidence seems to indicate that it is college education, as opposed to high school education, that creates productivity spillovers. Rauch (1993) examined all levels of education, as did Acemoglu and Angrist (2001) in their first set of estimates. The largest estimates were found in Moretti (2004), who examined college education only. Moreover, the small causal effects in Acemoglu and Angrist (2001) and Ciccone and Peri (2006) were estimated for high school education only.

The results in Iranzo and Peri (2009) support this conjecture. Their estimates for the causal external return from high school education are comparable to those in Acemoglu and Angrist (2001); that is, a small fraction of the private return. But Iranzo's and Peri's estimates for the causal external return to college education are substantially larger, roughly comparable in size to the private return.

In summary, although the evidence is not conclusive, it appears that productivity spillovers from college attainment may be substantial. This externality could be as important as direct financial return to college education. If so, the typical emphasis on just individuals' earnings misses half of the story even with just this one other effect.

Fiscal Externalities

Externalities from college education attainment also occur through the fiscal system. The higher earnings associated with higher education create additional tax revenues, and these additional tax revenues benefit others by financing public services. The lower incidences of poverty, unemployment, disability, etc. associated with college attainment also reduce government expenditures on public assistance and social insurance, which benefit others by freeing government resources for other public services and/or reducing taxes.

Unlike productivity externalities, fiscal externalities from education attainment have received scant attention from economists. This is somewhat puzzling for two reasons. As will be shown, fiscal externalities from college attainment are substantial. Moreover, direct fiscal externalities are much easier to measure than productivity externalities (although measuring fiscal externalities is not without conceptual and practical difficulties).

Perhaps the reason that fiscal externalities have been largely ignored in the academic literature is that they occur through the fiscal system. If there were no need for government services and taxes to finance them, then there would be no fiscal externalities. If the need for government services and taxes is taken as a given, however, then there are fiscal externalities that are conceptually analogous to productivity externalities.

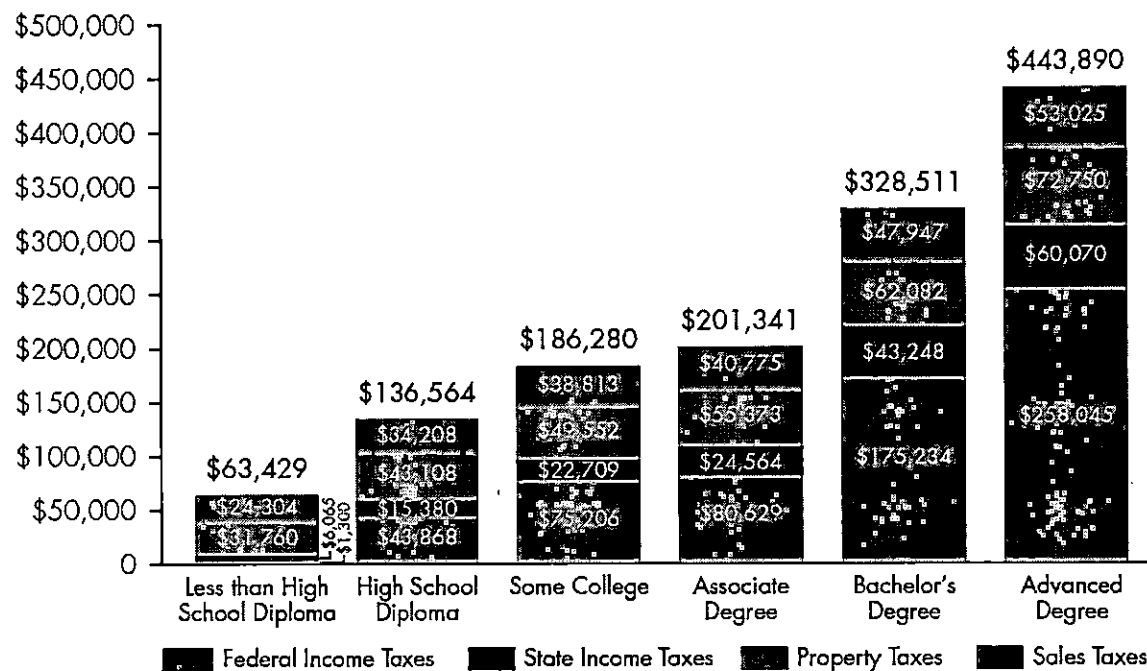
Estimates of the fiscal externalities shown below are essentially an update of the estimates in Trostel (2010), which used data for 2005. The estimates below are derived from the March 2013 Social and Economic Supplement of Current Population Survey. Income and taxes in these data refer to calendar year 2012.

As in Trostel (2010), average lifetime fiscal effects are shown below. To be more specific, the present discounted values at age 19 (i.e., typical age of college entry) are estimated using a 3 percent real discount rate. As was done in calculating Figure 4, the following charts are calculated by first estimating age profiles of each fiscal effect (i.e., the average fiscal effect at every age up to 79 years old), and then applying a 3 percent annual discount rate at every age greater than 19. Fiscal policies are assumed to remain unchanged after 2012 (not because they are unlikely to change, but because it is impossible to forecast how they will change).

Also as in Figure 4, "traditional" career paths are assumed. Students are assumed to progress straight from high school to college and from matriculation to graduation in the standard number of years without working part time (the work career is assumed to begin at age 19 for high school graduates, 20 for those with some college but no degree, 21 for associate graduates, 23 for bachelor's graduates, and 26 for advanced graduates). It is assumed that students create no fiscal impact while in college other than the direct public cost of higher education. That is, college students are assumed to pay no taxes, and to receive the average level of social-insurance payments during college as before and after college.

As in Figure 4, it is implicitly assumed that the effects of working while in college roughly offset each other (i.e., working causes some students to take longer to graduate, but it also leads to them paying taxes while in college). Also as in the case of average lifetime earnings, the following estimates of the fiscal effects err on the conservatively low side. The calculations implicitly assume that there is no real growth in earnings and hence tax revenues. In addition, the different rates of mortality across college attainment are not taken into account.

Figure 29
 Percent Value of Lifetime Taxes
 (At age 19 using a 3% discount rate)



Source: Author's estimates using data from the March 2013 Social and Economic Supplement of the Current Population Survey (and from Davis et al. (2013) for sales taxes).

The perspective in the next set of charts is reversed from the earlier charts that showed the private benefits to those earning college degrees. The perspective switches to the public (other taxpayers') view. Thus, additional taxes paid and lower receipts of government transfer payments are counted as public benefits in the following discussion.

Taxes

The present values of average lifetime taxes paid are shown in Figure 29 (other than Social Security taxes which are shown in Figure 30). The average high school graduate with no college pays about \$44,000 in lifetime federal income taxes in present value. Those with some college but no degree pay about \$31,000 more. The present value of the lifetime additional federal income taxes is \$37,000 for associate degrees and \$131,000 for bachelor's degrees. The average advanced-degree graduate pays about \$83,000 more in lifetime federal income taxes in present value than the average bachelor's graduate without an advanced degree.

The pattern of the present value of average lifetime federal income tax payments illustrated in Figure 29 is similar to the pattern of the present value of average lifetime earnings illustrated in Figure 4, but considerably more pronounced. That is, the college premium in federal income tax

payments is proportionately larger than in earnings because the federal income tax structure is progressive. The present value of average lifetime federal income tax payments for high school graduates without college (\$44,000) is 8.0 percent of the present value of their average lifetime earnings (\$549,000). The average federal income tax rate is 14.9 percent for bachelor's degrees and 16.2 percent for graduate degrees.

The college premium in state income taxes is similar to that for federal income taxes, but smaller and not as pronounced. The structure of state income taxes, on average, is not as progressive as federal income taxes. The average high school graduate with no college pays about \$15,000 in lifetime state income taxes in present value. Those with associate degrees pay an additional \$9,000 in present value, and bachelor's graduates pay an additional \$28,000 in present value. Lifetime state income taxes as proportions of lifetime earnings are 2.8 percent for high school graduates without college, 3.1 percent for associate graduates, 3.7 percent for bachelor's graduates, and 3.8 percent for advanced graduates.

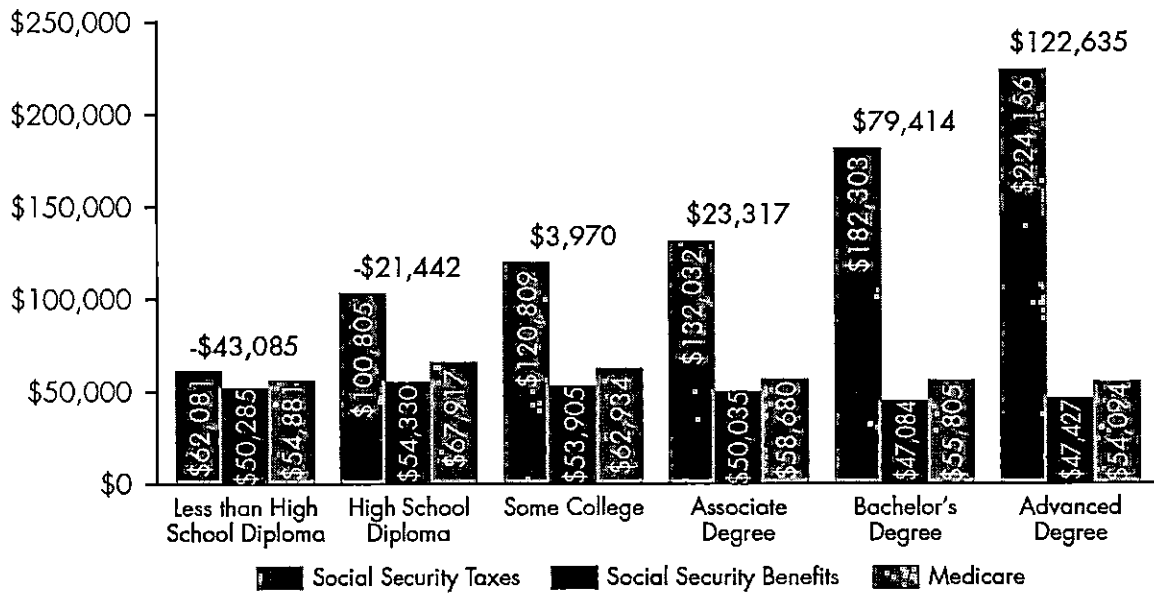
There is a college premium in property taxes, but it is considerably less pronounced than for state income taxes. The structure of state and local property taxes is, on average, regressive in these data (keeping in mind that property tax payments are being compared to earnings, rather than property values). The average high school graduate with no college pays about \$43,000 in lifetime property taxes in present value. The present value of the additional lifetime property taxes is \$12,000 for associate degrees and \$19,000 for bachelor's degrees. Lifetime state and local property taxes as proportions of lifetime earnings are 7.9 percent for high school, 7.0 percent for associate degrees, 5.3 percent for bachelor's degrees, and 4.6 percent for advanced degrees.

Estimates for state and local sales and excise taxes are formulated by matching data on individuals' income (in 2012) with estimates of average sales and excise tax burdens for each income quintile in each state (using tax laws in 2013 and incomes in 2010) from the Institute on Taxation and Economic Policy's Microsimulation Tax Model (Davis et al., 2013).

The size and pattern of the college premium in sales taxes is comparable to the college premium in property taxes. High school graduates without college pay, on average, about \$34,000 in lifetime state and local sales and excise taxes in present value. The present value of the additional lifetime sales taxes in present value is about \$7,000 for associate degrees and \$14,000 for bachelor's degrees. The structure of state and local sales and excise taxes is regressive. Lifetime state and local sales taxes as proportions of lifetime earnings are 6.2 percent for high school, 5.5 percent for some college but no degree, 5.1 percent for associate degrees, 4.1 percent for bachelor's degrees, and 3.3 percent for advanced degrees.

The present values of total lifetime taxes (not including Social Security taxes) are also shown in Figure 29. Over an average lifetime, high school graduates without college pay nearly \$137,000 in total taxes in present value. In present value, lifetime total taxes are \$50,000 greater for some college, \$65,000 greater for associate degrees, and \$192,000 greater for bachelor's degrees. Holders of advanced degrees on average pay \$115,000 more in lifetime total taxes in present value than those with bachelor's degrees as their highest education qualification. Lifetime total taxes (sans Social Security) as proportions of lifetime earnings are roughly the same across college credentials: 24.9 percent for high school graduates without college, 26.5 percent for some college and no degree, 25.3 percent for associate degrees, 28.0 percent for bachelor's degrees, and 27.8 percent for advanced degrees. Progressivity in income taxes is roughly offset by regressivity in property and sales taxes.

Figure 30
 Percent Value of Lifetime Social Security and Medicare
 (At age 19 using a 3% discount rate)



Source: Author's estimates using data from the March 2013 Social and Economic Supplement of the Current Population Survey.

Social Security and Medicare

Figure 30 reports the present value of average lifetime Social Security retirement benefits and payroll taxes and the insurance value of Medicare. These are considered together because Social Security retirement benefits are based, nonlinearly, on prior Social Security taxes paid. To examine Social Security retirement income and taxes separately gives a misleading picture of the net lifetime effects.

As with the other taxes, the present value of lifetime Social Security payroll taxes increase with college attainment. High school graduates with no college pay an average of about \$101,000 in Social Security taxes over their lifetimes in present value. The present value of the additional lifetime Social Security taxes is \$20,000 for some college, \$31,000 for associate degrees, and \$81,500 for bachelor's degrees. Those with advanced degrees pay about \$42,000 more in Social Security taxes in present value than those with bachelor's degrees as their highest education qualification.

The estimates for Social Security retirement benefits and the value of Medicare are more tenuous than the estimates for taxes. There are two complicating issues for retirement benefits and Medicare, as well as a third complicating issue for Medicare.

To be consistent with the other fiscal estimates and to avoid the complication from the top-coding of age at 80 in the Current Population Survey data, the estimates for retirement benefits and Medicare

are only through age 79. Thus, these estimates understate the lifetime amounts. But the estimates are in present value at age 19, so the values at age 80 and older are not great (using a 3 percent annual discount rate and age 19 as the starting point, the discount factor at age 80 is 0.165; i.e., a dollar received at age 80 is equivalent to 16.5 cents at age 19).

On the other hand, everyone does not survive to age 80. The estimates do not take this into account, and thus overstate the average lifetime amounts of Social Security retirement benefits and Medicare. Moreover, as discussed previously, mortality rates decline significantly with college attainment. Consequently, the overstatement of retirement benefits and Medicare is smaller for those with more education.

The net effect of these two opposing effects on the overall magnitude of the estimates of lifetime Social Security retirement benefits and the insurance value of Medicare is ambiguous. The second effect, however, will cause the estimated college premium in Social Security retirement benefits and Medicare to be somewhat overstated.

There is also a reason that the college premium in the value of Medicare is somewhat understated, and thus the net bias in the case of Medicare is unclear. The value of Medicare in the Current Population Survey data is its insurance value, not the amount of health care paid by Medicare. The data do not take into account variation in the use of health care paid by Medicare. Given that health problems decrease significantly with college attainment (among recipients of Medicare, 33 percent of high school graduates with no college report their health to be very good or excellent, compared to 53 percent of those with a bachelor's degree as their highest education qualification), the cost of providing Medicare is significantly decreasing with college attainment but this is not accounted for in the data.

Keeping in mind the caveat that the college premium in Social Security retirement benefits is probably somewhat overstated, the estimates of the present value of lifetime Social Security retirement benefits generally decrease slightly with college attainment. There is a small fiscal saving in Social Security retirement benefits from greater college attainment. High school graduates without college receive an average of about \$54,000 in lifetime Social Security benefits in present value. The present value of the reduction in lifetime Social Security retirement benefits is negligible for some college, \$4,000 for associate degrees, and \$7,000 for bachelor's degrees.

The reason for the slight fiscal saving in Social Security retirement benefits is that average retirement age increases significantly with college attainment. Those with more education have greater Social Security benefits once they start taking these benefits because of the link between benefits and prior Social Security taxes paid, but this link is weak because the Social Security benefit formula is highly progressive (average annual Social Security retirement benefits, for those receiving them, increase from \$13,204 for high school and no college to \$16,582 for advanced degrees).

Similar to the estimates for Social Security retirement benefits, the estimates for Medicare decrease slightly with college attainment. The present value of the lifetime insurance value of Medicare is about \$68,000 for high school graduates without college. The present value of the fiscal savings in lifetime Medicare is about \$5,000 for some college, \$9,000 for associate degrees, and \$10,000 for bachelor's degrees. As in the case of Social Security retirement benefits, the reason for the small fiscal saving in Medicare is that retirement age increases with college attainment.

The present value of the net lifetime effect of Social Security and Medicare is reported in Figure 30 as the numbers above each set of columns. That is, the present value of retirement benefits and Medicare health insurance are compared to the present value of taxes paid toward these programs. The college premium in the net lifetime effect is substantial, which is not immediately transparent when examining the components separately. The net present value of the cost to other taxpayers is about \$21,000 for high school graduates without college. For those with some college but no degree there is a net saving to other taxpayers of \$4,000 in present value. Thus, some college experience without a degree creates a fiscal saving in total Social Security and Medicare of more than \$25,000. Associate degrees create an average taxpayer saving of about \$45,000. The present value of the net benefit to taxpayers in Social Security and Medicare is \$101,000 for bachelor's degrees. Advanced degrees create an additional \$43,000 net benefit to taxpayers in present value. The college premium in net Social Security and Medicare is not as large as for federal income taxes, but it is larger than for all of the state and local taxes combined.

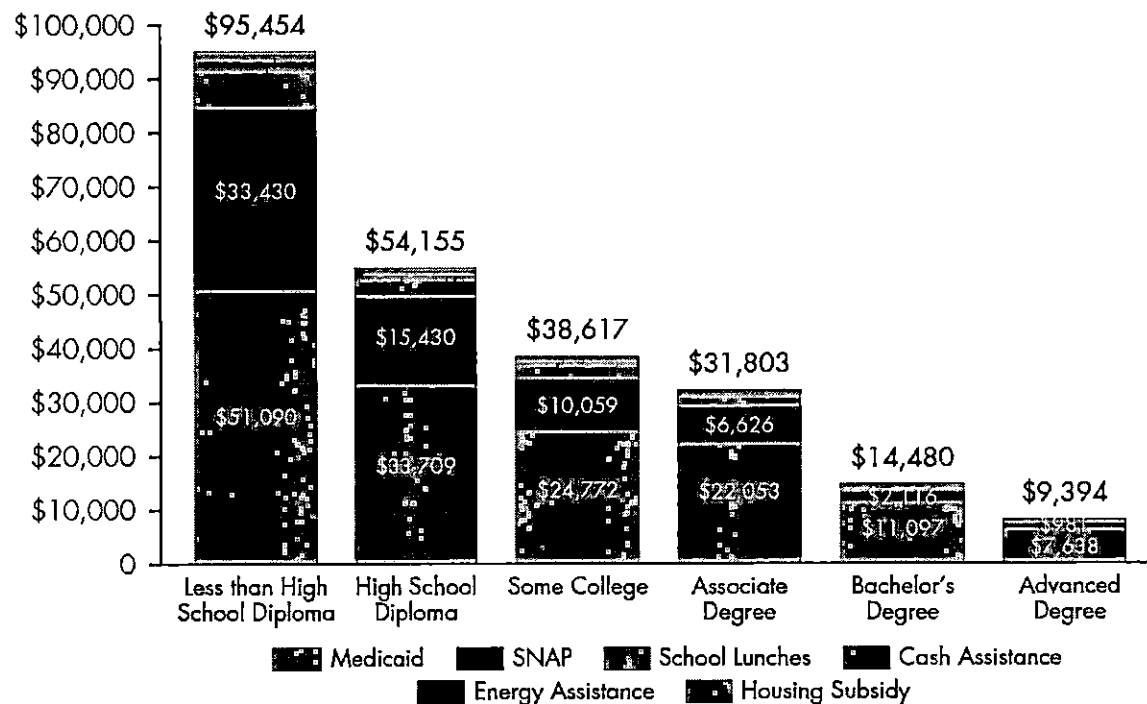
Public Assistance

The March Social and Economic Supplement of Current Population Survey contains data on receiving six types of means-tested social assistance: the insurance value of Medicaid, Supplemental Nutritional Assistance Program (SNAP, formerly known as food stamps), school lunches for children, various cash assistance, energy assistance and housing subsidies. The largest of these by far is Medicaid (64.1 percent of the total of the six types of public assistance), followed by SNAP (25.8 percent), school lunches (7.0 percent), and cash assistance (1.7 percent).

The college premium in these public assistance programs is illustrated in Figure 31. On average, high school graduates with no college receive about \$54,000 in lifetime total public assistance in present discounted value. The present value of the savings to taxpayers from reduced total public assistance is about \$22,000 for associate degrees and \$40,000 for bachelor's degrees. Moreover, these estimates are somewhat conservative in that they do not include any public costs in administering public assistance programs, which are not trivial. The estimates are for the value to the recipients rather than the total fiscal cost. In addition, the estimates for Medicaid do not take into account any variation in the use of health care paid by Medicaid. As in the case of Medicare, the measure of Medicaid is its insurance value. Given that health problems vary inversely with college attainment (among recipients of Medicaid, 43 percent of high school graduates with no college report their health to be very good or excellent, compared to 59 percent of those with a bachelor's degree as their highest qualification), the public cost of Medicaid across college attainment varies more than its insurance value.

The fiscal savings in total public assistance from college attainment are substantial, especially in percentage terms. Associate graduates receive 41 percent less public assistance than high school graduates without college, on average. Bachelor's graduates without advanced degrees receive 73 percent as much public assistance as high school graduates without college. Given the strong negative correlation between college attainment and the incidence of poverty shown in Figure 5, perhaps this is to be expected. Indeed, the shape of the college premium in public assistance illustrated in Figure 31 is remarkably similar to the shape of the college premium in poverty shown in Figure 5 (e.g., compared to high school diplomas, some college is 71 percent as likely to be in poverty and receive 73 percent as much public assistance, bachelor's degrees are 28 percent as likely to be in poverty and

Figure 31
 Percent Value of Lifetime Public Assistance
 (At age 19 using a 3% discount rate)



Source: Author's estimates using data from the March 2013 Social and Economic Supplement of the Current Population Survey.

receive 27 percent as much public assistance, and advanced degrees are 18 percent as likely to be in poverty and receive 17 percent as much public assistance).

Most of the fiscal savings in total public assistance from college attainment is in Medicaid, but in percentage terms the college premium is considerably larger in SNAP, cash assistance, energy assistance and housing subsidies.

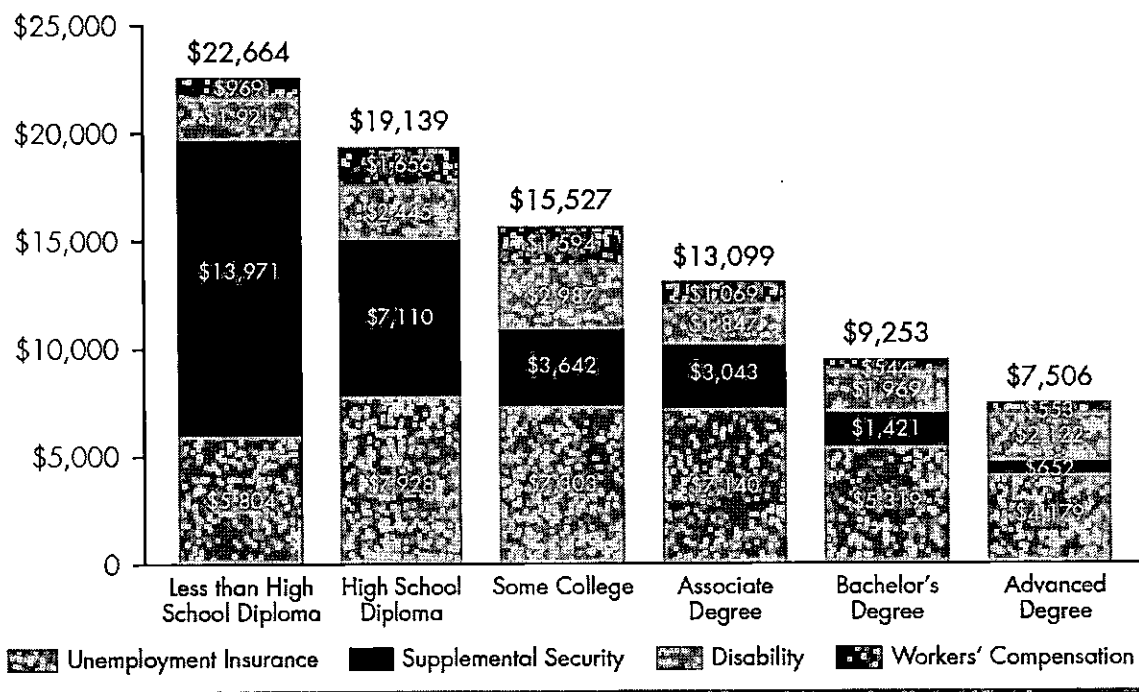
Social Insurance

Figure 32 illustrates the effect of college education on spending on four social insurance programs: unemployment insurance compensation, Supplemental Security Income, disability income and workers' compensation.

The college premium in unemployment benefits is relatively small, which may be surprising given the magnitude of the inverse correlation between the unemployment rate and college attainment reported in Figure 13. High school graduates with no college receive an average of about \$8,000 in lifetime unemployment benefits in present value. Those with some college and associate degrees



Figure 32
 Percent Value of Lifetime Social Insurance
 (At age 19 using a 3% discount rate)



Source: Author's estimates using data from the March 2013 Social and Economic Supplement of the Current Population Survey.

receive slightly less unemployment benefits than high school graduates without college, but the present value of the lifetime difference is less than \$1,000. Those with bachelor's degrees average about \$3,000 less in lifetime unemployment benefits in present value than high school graduates. Those with advanced degrees receive about \$1,000 less in unemployment benefits in lifetime present value than those with just bachelor's degrees.

Part of the reason that the fiscal saving in unemployment benefits varies less with college attainment than with unemployment rates is that unemployment compensation is partially tied to pre-unemployment earnings, which are increasing in college attainment. But this does not appear to be the full explanation. Average annual unemployment benefits for those receiving them only increases slightly with college attainment (\$6,093 for high school graduates without college compared to \$7,543 for bachelor's graduates without advanced degrees). It appears that differences in eligibility for unemployment benefits among those unemployed are also part of the story.

The college premium in disability income is also small. Indeed, it is essentially nil, which is surprising given the strong inverse correlation between reported disabilities and college attainment shown in Figure 19. It may be the case, however, that many persons with disabilities, particularly those with

less education, have not worked long enough to qualify for disability income. Instead, they may qualify for Supplemental Security Income.

Unlike unemployment insurance benefits and disability income, the college premium for Supplemental Security Income (SSI) is significant. The present value of average lifetime SSI is about \$7,000 for high school graduates with no college. Those with some college with no degree receive about half this amount, and those with bachelor's degrees with no advanced degree receive one-fifth of this amount on average. Those with advanced degrees receive less than half of the amount that holders of bachelor's degrees receive.

Workers' compensation is an "off-budget" program in some states; that is, some states operate workers' compensation through private insurance companies dealing directly with employers. The effects, however, are the same whether on- or off-budget. Thus, workers' compensation is treated here as an implicit fiscal item in all states. The pattern of the college premium in the present value of lifetime workers' compensation shown in Figure 32 is similar to the college premium in receiving workers' compensation within the past year shown in Figure 11. The average present value of lifetime workers' compensation is roughly the same for high school, some college and associate degrees, but considerably lower for bachelor's and advanced degrees.

Public Health Care and Corrections

Two significant fiscal effects, public health-care costs created from families lacking health insurance and the costs from incarceration, cannot be estimated directly from individual-level data as in the case of the other fiscal effects.

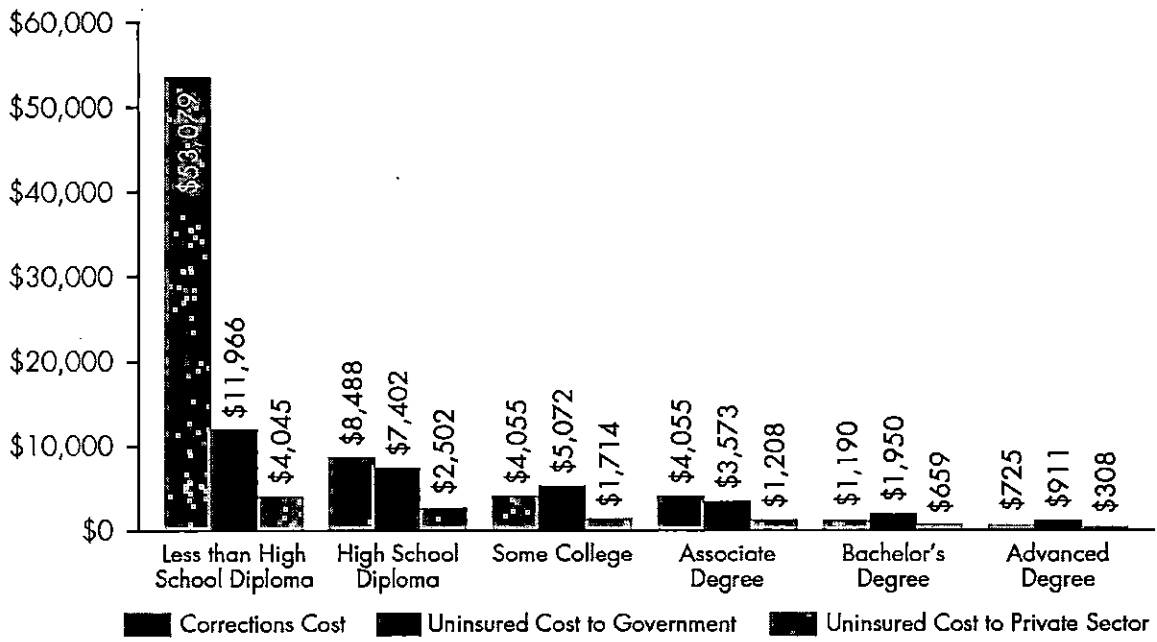
The uninsured often cannot pay all their health-care costs, which imposes significant government and private-sector costs, although these costs are difficult to consistently pinpoint. Estimates in Hadley, Holahan, Coughlin and Miller (2008) indicate that the annual cost per uninsured in 2008 (in 2012 dollars) was about \$913 to federal, state and local governments and about \$309 to the private sector (hospitals, doctors, etc.). As shown in Figure 8, the incidence of uninsurance decreases substantially with college attainment, thus creating a significant college premium in these public costs.

Lifetime public costs from the lack of health insurance are calculated by estimating the incidence of uninsurance at each age (as done in estimating the other fiscal effects, except that the data are from the American Community Survey in this case) and multiplying them by the above estimates of the annual public costs of the uninsured. Given the negative relationship between college attainment and health problems, the resulting estimates of the college premium in the public costs of uninsurance are conservative. That is, the cost per uninsured is probably significantly decreasing in college attainment, but this is not taken into account in the estimates.

The Affordable Care Act should substantially reduce, if not essentially eliminate, the college premium in the public costs from uninsured health care. The Act, however, is also likely to increase the college premiums in federal income taxes and in Medicaid spending. The net effect of these changes on the total college fiscal premium is unclear at this point.

Per capita estimates of the present values of average lifetime public costs from the lack of health insurance are presented in Figure 33. Public costs from uninsurance are 31 percent lower for those

Figure 33
 Percent Value of Lifetime Public Costs of Incarceration and Uninsurance
 (At age 19 using a 3% discount rate)



Source: Public costs from the uninsured are the author's estimates using data from the 2012 American Community Survey Public Use Microdata Sample and estimates from Hadley et al. (2008). Incarceration costs are the author's estimates using several datasets.

with some college but no degree compared to high school graduates but no college. Compared to high school diplomas, public uninsurance costs are more than halved for associate degrees and nearly three-fourths lower for bachelor's degrees.

Combining data on government spending on corrections from the Census Bureau's *State and Local Government Finances: 2010-11* and the Office of Management and Budget's *Budget of the United States Government for 2011* (Table 3.2) with data on inmates from the Bureau of Justice Statistics (Glaze and Parks, 2012) yields an annual corrections cost per prisoner of \$37,080. Since the incidence of incarceration falls substantially with college attainment, as illustrated in Figure 25, college attendance creates significant saving in corrections costs. The incidence of incarceration at each age is estimated from the data used to generate Figure 25 and multiplied by \$37,080 to formulate estimates of lifetime corrections costs.

The present value of lifetime corrections cost is about \$8,500, on average, for each high school graduate without college. It is less than half of this amount for each of those with some college and associate degrees (the data on inmates does not allow these to be distinguished from each other). The average corrections cost for each bachelor's graduate without an advanced degree is less than one seventh of the amount for high school graduates without college.

Ideally the college premium could also be estimated for police costs and for court costs, but there is insufficient information on how crime affects these costs and on how crime varies with college attainment to do so with a reasonable degree of precision.

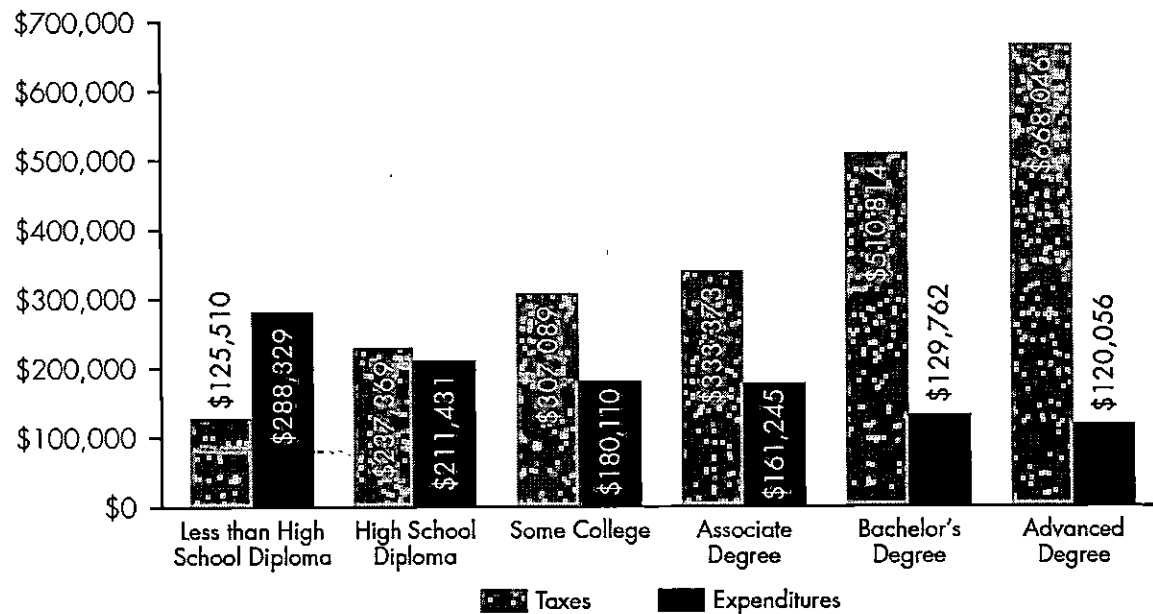
Total Fiscal Effects

The present values of total lifetime fiscal effects are presented in Figure 34. The present value of total taxes includes Social Security taxes in this chart. The present value of total expenditures is the sum of Social Security retirement benefits, Medicare, all public assistance, all social insurance, the government cost of uninsured health care, and corrections. As noted earlier, the estimated college premiums in both taxes and expenditures are likely to err on the conservative side (i.e., understate the fiscal benefits from college attainment).

High school graduates without college pay about \$237,000 in taxes over their lifetimes, on average and in present discounted value at age 19, and receive about \$211,000 in direct fiscal benefits (which does not include the indirect benefits from police and fire protection, national defense, the court system, enforcement of regulations, etc.). The present value of their net contribution to the rest of society in the form of government services is roughly \$26,000. This is illustrated in Figure 35.

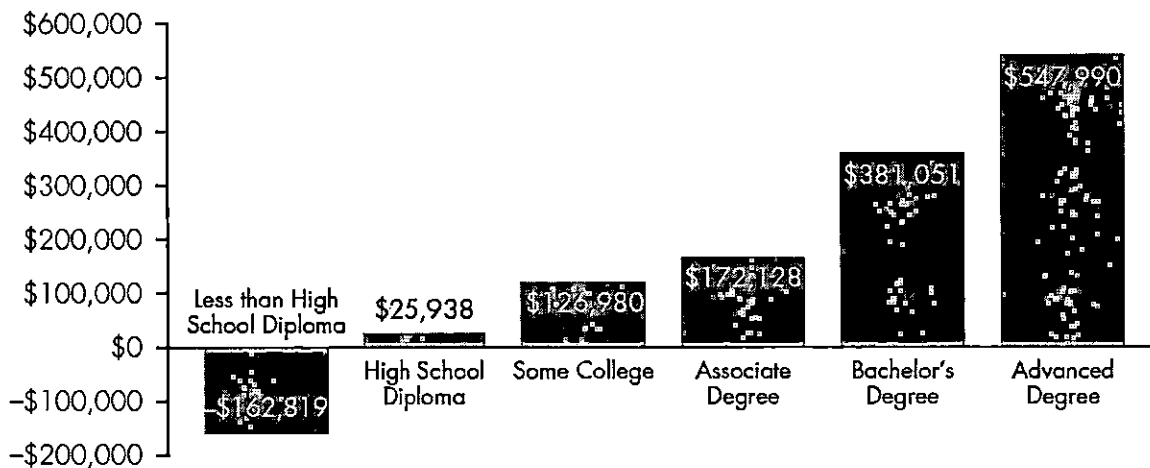


Figure 34
Percent Value of Total Lifetime Fiscal Effects
(At age 19 using a 3% discount rate)



Source: Author's estimates using several datasets.

Figure 35
 Percent Value of Net Lifetime Fiscal Impact
 (At age 19 using a 3% discount rate)



Source: Author's estimates using several datasets.

Those with some college but without degrees pay about \$70,000 (29 percent) more in lifetime taxes in present value than high school graduates without college, and they receive \$31,000 (15 percent) less in direct fiscal benefits. The present value of their net contribution to the rest of society in the form of government services is about \$101,000 more than high school graduates with no college.

Those with associate degrees as their highest education credential pay about \$96,000 (40 percent) more in lifetime taxes in present value than high school graduates with no college, and they receive roughly \$50,000 (24 percent) less in direct fiscal benefits. The present value of their net contribution to government services (i.e., their net fiscal contribution to other citizens) is \$146,000 more than high school graduates with no college.

Bachelor's degree graduates without advanced degrees pay \$273,000 (1.15 times) more in lifetime taxes in present value than high school graduates without college, and they receive \$82,000 (39 percent) less in direct fiscal benefits. The present value of their net contribution to government services is \$355,000 more than high school graduates with no college, on average.

Holders of advanced degrees pay \$157,000 (31 percent) more in lifetime taxes in present value than bachelor's graduates without advanced degrees, and they receive about \$10,000 (7.5 percent) less in direct fiscal benefits. The present value of their average net contribution to government services is \$167,000 more than bachelor's graduates without advanced degrees.

Crime

The strong negative correlation between college attainment and incarceration suggests a strong underlying inverse relationship between college attainment and criminal behavior. Less crime is obviously important to society, thus crime reduction is likely to be another important social benefit from college attainment. Quantifying this benefit is challenging, though.

Lochner and Moretti (2004) is the most thorough investigation quantifying of the benefit of education in reducing crime. They estimated that reduction in the annual social costs of crime (i.e., the dollar value of the harm to victims plus the costs of incarceration) to be \$3,337 (in 2012 dollars) per male high school graduate, and this is probably a conservative estimate. This amount is 26 percent as large as the additional earnings from high school graduation. Unfortunately, the authors did not provide estimates for other levels of education attainment or for women.

Lochner and Moretti focused on male high school graduation because this appears to be where most of the “action” is in terms of crime. Recall from the earlier discussion of Figure 25 that the incarceration rate drops from 3.98 percent for high school dropouts to 0.75 percent for high school graduates with no college. The same dataset indicates that 91.6 percent of the prison population is male.

Rough estimates of the crime-reduction benefits of college education can be formed by extrapolating some of Lochner and Moretti’s findings. In particular, their Table 13 reports estimates of the effects on crimes from a one percentage point increase in the rate of high school completion for males. Some of their other results suggest that variation in incarceration rates appears to be roughly proportionate to variation in crime rates. Thus, the incarceration rates reported in Figure 25 are used extrapolate Lochner and Moretti’s estimates to college completion and for women. Specifically, differences in incarceration rates suggest that the crime effects for men are 10.9 times larger than for women, and that the reduction in crimes from high school completion is 5.4 times larger than the reduction in crimes from completing bachelor’s degrees.

This extrapolation of Lochner and Moretti’s estimates suggests that for every 100,000 bachelor’s degrees, every year there are four fewer murders, 406 fewer assaults and 648 fewer property crimes. Table 231 of the *Statistical Abstract of the United States: 2012* suggests that there are about 51.2 million working-age Americans with bachelor’s degrees or higher. Thus, because of the attainment of bachelor’s degrees, each year there are roughly:

- 2,050 fewer murders. Table 1 of *Crime in the United States, 2012* indicates that there were 14,827 murders in the U.S. in 2012. This number would have been 14 percent larger if not for college attainment.
- 208,000 fewer assaults. There were 760,739 assaults in 2012. This number would have been 27 percent larger if not for college education.
- 332,000 fewer property crimes. There were 8,975,438 property crimes in 2012. This number would be 4 percent higher if not for college education.

Moreover, these estimates are for the completion of bachelor’s degrees only.

The above estimates are crude and cannot be interpreted as facts. They are based on extrapolation rather than direct estimation. Moreover, the base numbers from Lochner and Moretti are not estimated with great precision, particularly for property crimes. Thus, the estimates above are intended only to be suggestive and to highlight the importance of college education in creating a safer society.

Philanthropy

College attendance appears to make people significantly more generous. That is, there appears to be a significant philanthropy externality from college attainment. This is seen in at least three dimensions: volunteering, employment in not-for-profit organizations, and in cash donations to charity.

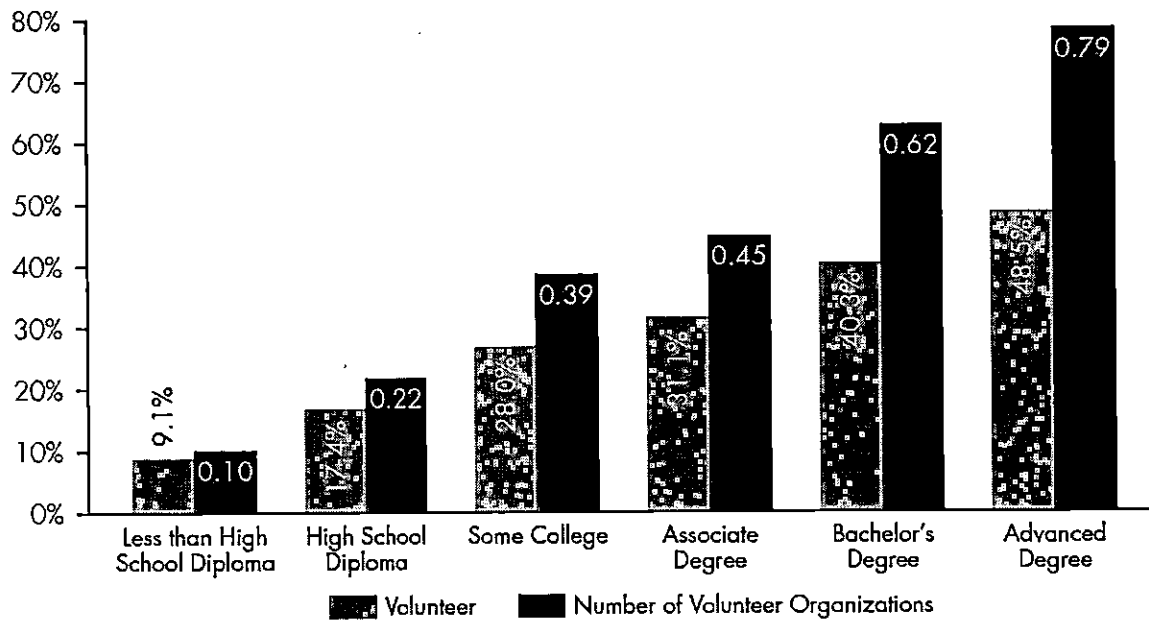
Volunteerism

The first column in Figure 36 reports the percentage of 27- to 66-year-olds volunteering within the past year. It is derived using data from the September 2012 Volunteer Supplement of the Current Population Survey. The volunteer proportion increases from just over 17 percent for high school graduates with no college, to 28 percent for those with some college but without degrees, to 40 percent for those with bachelor's degrees but without advanced degrees, to nearly 49 percent for those with graduate degrees.

The increase in the volunteering proportion associated with college attainment is substantial, but this measure may understate the increase in volunteering activities associated with college attainment. This is shown by comparing the first column in Figure 36 to the second column, which shows the average number of volunteer organizations in the past year. Many individuals volunteer for more than one organization per year, and evidently this phenomenon increases with college attainment.



Figure 36
Volunteering



Source: Author's calculations using the September 2012 Volunteer Supplement of the Current Population Survey, ages 27-66 and not enrolled in college, N = 60,848.

Volunteers with a high school diploma but no college help an average of 1.28 organizations per year. Volunteers with some college but no degree help 1.40 organizations on average. This number rises to 1.44 for associate degrees, to 1.55 for bachelor's degrees, and to 1.64 for graduate degrees.

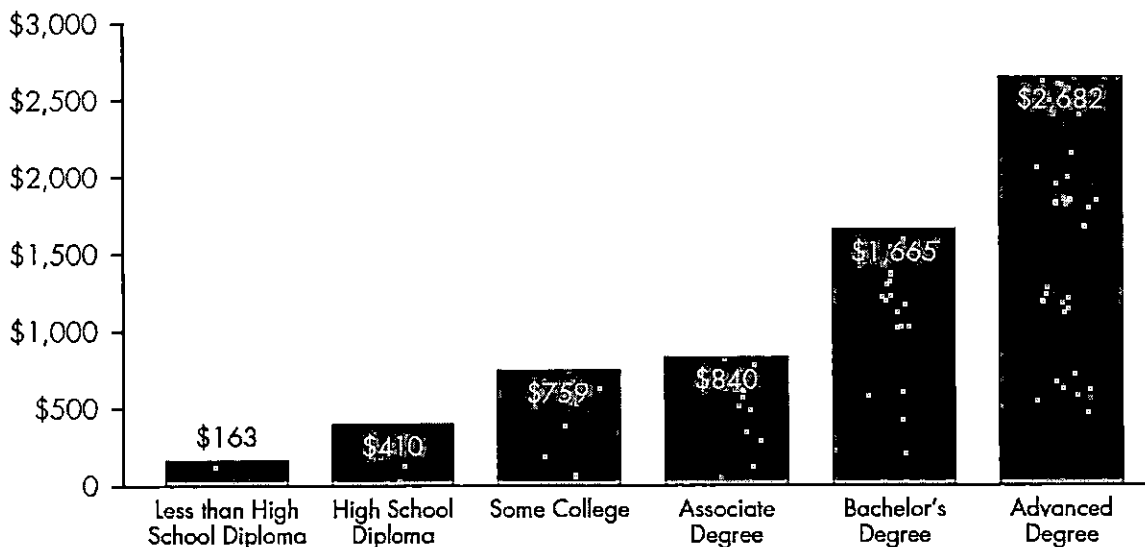
The second measure of volunteerism, the average number of volunteer organizations helped in the past year, indicates that there is a 75 percent increase from high school and no college to some college and no degree. There is a doubling of this measure going from high school and no college to associate degrees. The increase in volunteer activities associated with college attainment appears to be quite large.

Annual hours of volunteered time can also be constructed from data in the September 2012 Volunteer Supplement of the Current Population Survey. The average number of annual volunteer hours for those volunteering is 122.5, and is roughly the same for all levels of college attainment. The value of this volunteer labor can then be constructed by applying average hourly wage rates for each level of college attainment (derived from the March 2012 Social and Economic Supplement of Current Population Survey for those ages 27 to 66 and not in college). This is shown in Figure 37.

The value of volunteer hours is imperfectly measured by the average wage rate for each level of education attainment, but there is probably no better alternative. The estimates reported in Figure 37 are based on an imperfect measure of the opportunity cost of the donated time to the volunteer,



Figure 37
Value of Volunteer Labor



Source: Author's estimates using data from the September 2012 Volunteer Supplement and the March 2013 Social and Economic Supplement of the Current Population Survey.

which is not necessarily the value of the work to the organization (and, by extension, to society). Thus, these set of estimates should only be interpreted as suggestive.

High school graduates with no college contribute an average of \$410 per year in volunteer labor (20.9 hours times \$19.66 per hour). Holders of associate degrees contribute more than twice as much, \$840 (37.0 times \$22.70), as high school graduates without college. Bachelor's graduates give an average of \$1,665 (46.5 times \$35.77) in volunteer labor per year, and holders of graduate degrees give \$2,682 (59.5 hours times \$45.06 per hour) annually.

The ratio of the value of volunteered labor relative to earnings from work also increases with college attainment. For high school graduates without college, the value of volunteer time is 1.7 percent as much as their annual earnings, on average. This ratio rises to 2.3 percent for associate degrees and to 3.0 percent for bachelor's degrees. The average value of volunteered time is 3.3 percent of average earnings for those with advanced degrees.

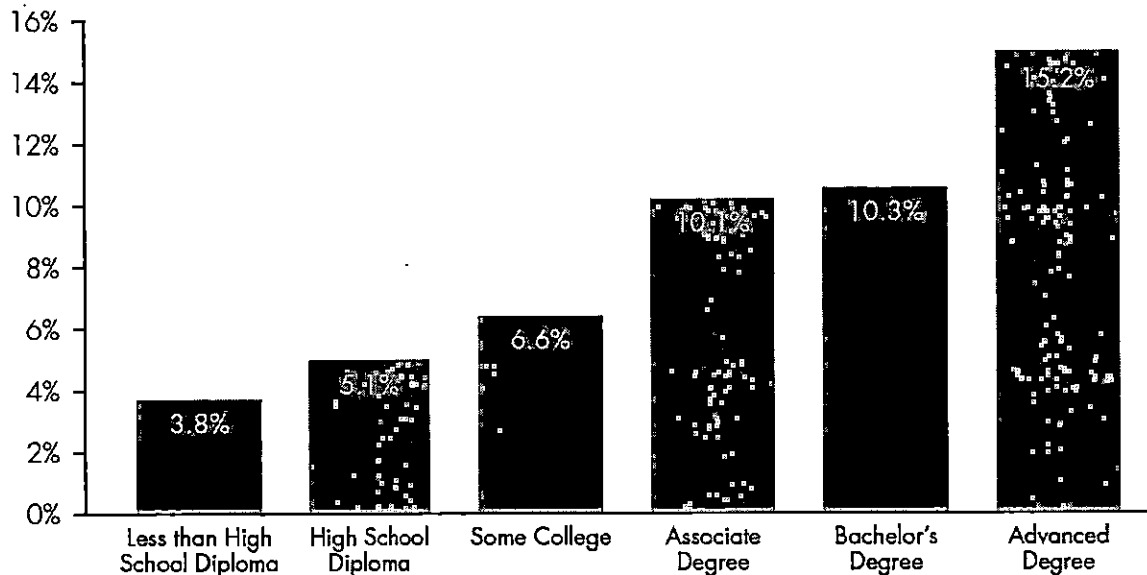
Not-for-Profit Employment

Philanthropically inclined individuals can also partially donate their time and effort by working for good causes, and accepting lower pay as a result. Or, another interpretation is that an important fringe benefit from work can be the "warm glow" from working for a good cause. That is, part of the full compensation from working for a good-cause employer is the nonmonetary warm glow, and that the lower pay in good-cause employment is a compensating wage differential (i.e., those working for good causes are fully compensated in what matters to them, which is not just money). Under either interpretation, though, there is an external benefit to society from good-cause employment. Philanthropically inclined workers implicitly subsidize socially worthwhile causes in the form of lower wages.

This idea is explored using employment (including self-employment) and earnings data in the 2012 American Community Survey for those ages 27 to 66, not enrolled in college, and not in government employment. Government employment is excluded for this analysis because it is unclear if workers consider government employment a good cause. Government employment may also differ in important other ways, such as job security. Thus, a cleaner delineation is in private-sector employment only, and not-for-profit employment (specifically, employment in private not-for-profit, tax-exempt, or charitable organizations) is compared to for-profit employment. The presumption here is that, on average, not-for-profit employment represents work for socially worthwhile causes. Not all not-for-profit work is necessarily for worthy causes, and not all for-profit work is necessarily for socially unworthy causes. On average, though, the distinction between nonprofit organizations and for-profit companies should capture the idea of working for worthy causes.

An initial examination of the data does not lend much merit to the idea that philanthropically inclined workers implicitly subsidize worthy causes. In 2012, the average earnings of nonprofit workers were only 2.1 percent less than the average earnings of for-profit workers. But this does not take into account that nonprofit employees generally have significantly more college education than for-profit workers. This is shown in Figure 38. About 5 percent of employed (including self-employed) high school graduates without college work for nonprofits. Nearly 7 percent of workers with some college but without degrees are in the nonprofit sector. About 10 percent of workers with associate degrees and bachelor's degrees but without advanced degrees are in the nonprofit sector. About 15 percent of workers with graduate degrees are in the nonprofit sector. Given the substantially greater college attainment in nonprofit employment and the substantially greater average earnings of those with greater

Figure 38
Not-for-Profit Employment



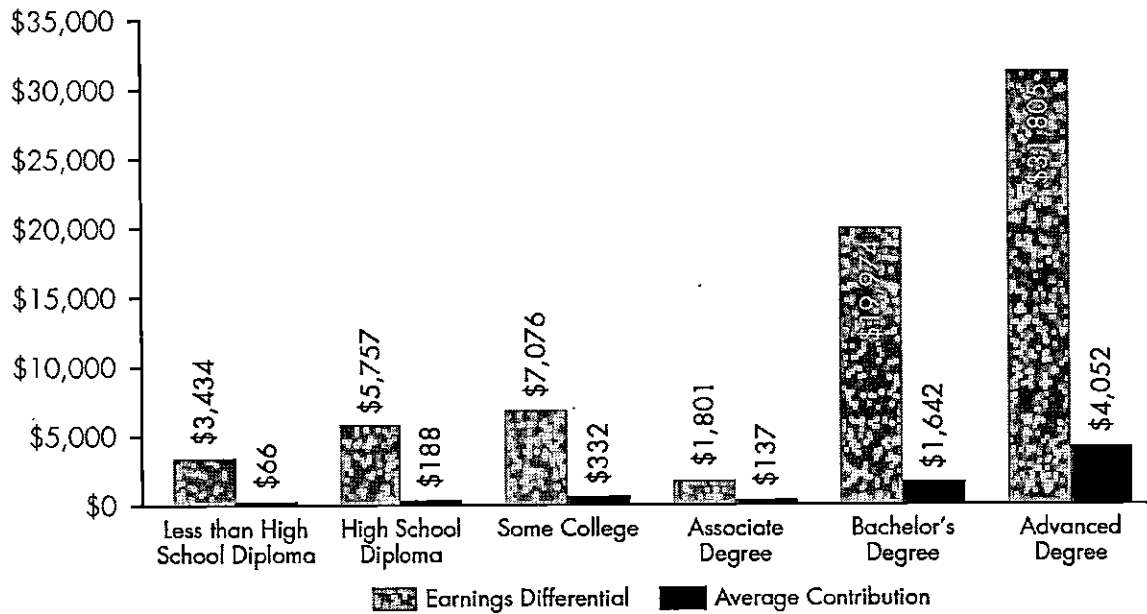
Source: Author's calculations using the 2012 American Community Survey Public Use Microdata Sample, ages 27-66 and not enrolled in college, N = 1,105,323.

college attainment, average earnings should be substantially higher in the nonprofit sector if all else were equal. Evidently not all else is the same, though. Workers in the nonprofit sector for a given level of education attainment have significantly lower average earnings. It appears that, on average, employees for nonprofit organizations implicitly subsidize worthy causes by accepting lower wages.

To quantify the implicit donations to worthy causes in the form of reduced earnings from nonprofit employment, the differences in average earnings between for-profit and not-for-profit work are calculated for each level of college attainment. These differences (i.e., the compensating wage differentials) are reported in the first column of Figure 39. Average annual earnings of high school graduates working in the nonprofit sector are about \$5,800 (16 percent) less than in the for-profit sector. Average earnings of those with some college working for nonprofits are about \$7,100 (16 percent) less than those with some college working in the for-profit sector.

The not-for-profit earnings differential is considerably smaller for associate degrees, though. Average earnings of those with associate degrees are about \$1,800 (4 percent) lower in the nonprofit sector compared to the for-profit sector. Average earnings of holders of bachelor's degrees are \$20,000 (27 percent) lower in nonprofit employment than in for-profit employment. For those with advanced degrees, annual earnings are \$31,800 (28 percent) lower in nonprofit work than in for-profit work. Once differences in college attainment are taken into account, the implicit subsidy that not-for-profit workers give to worthy causes is evidently substantial (except for the puzzling case of associate degrees).

Figure 39
Earnings Sacrificed for Not-for-Profit Employment



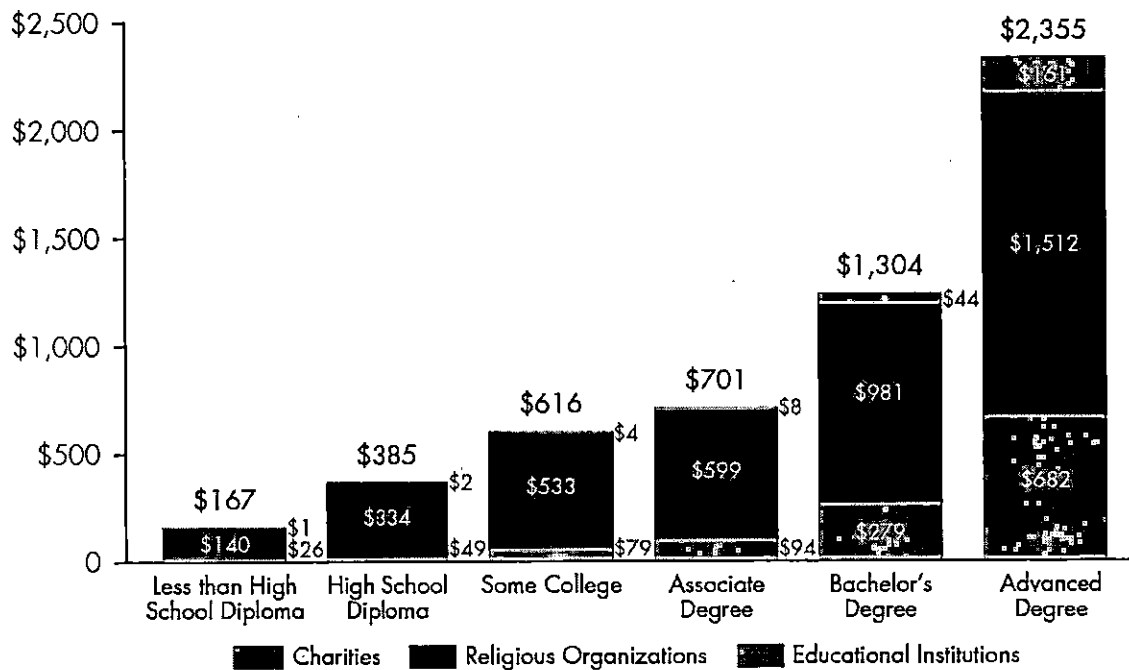
Source: Author's calculations using the 2012 American Community Survey Public Use Microdata Sample, ages 27-66 and not enrolled in college, N = 877,787.

The second column in Figure 39 shows the average contribution made to worthy causes in the form of reduced earnings from working for nonprofit organizations. The average high school graduate with no college contributes nearly \$200 per year (\$5,757 earnings differential times 64.5 percent working times 5.1 percent working for nonprofits). This is 0.8 percent of the average earnings of high school graduates with no college. The average bachelor's graduate with no advanced degree contributes nearly nine times more than high school graduates with no college: \$1,642 annually ($\$19,947 \times 79.9\% \times 10.3\%$). This is 2.9 percent of the average earnings of bachelor's graduates without advanced degrees. The average contribution for those with advanced degrees is nearly \$4,100, which is 4.9 percent of their average earnings.

Charitable Contributions

The best source of data on contributions to charity that can be matched with college attainment is the Consumer Expenditure Survey. Data from 2012 are summarized in Figure 40. This chart shows estimates of average annual cash contributions to charities, religious organizations, and educational institutions. This chart understates all charitable contributions because it does not include cash gifts to individuals, donations of noncash financial assets (i.e., stocks, bonds, etc.), donations of goods or posthumous gifts. Gifts to individuals and gifts of financial assets are not included because not all of

Figure 40
Annual Charitable Contributions



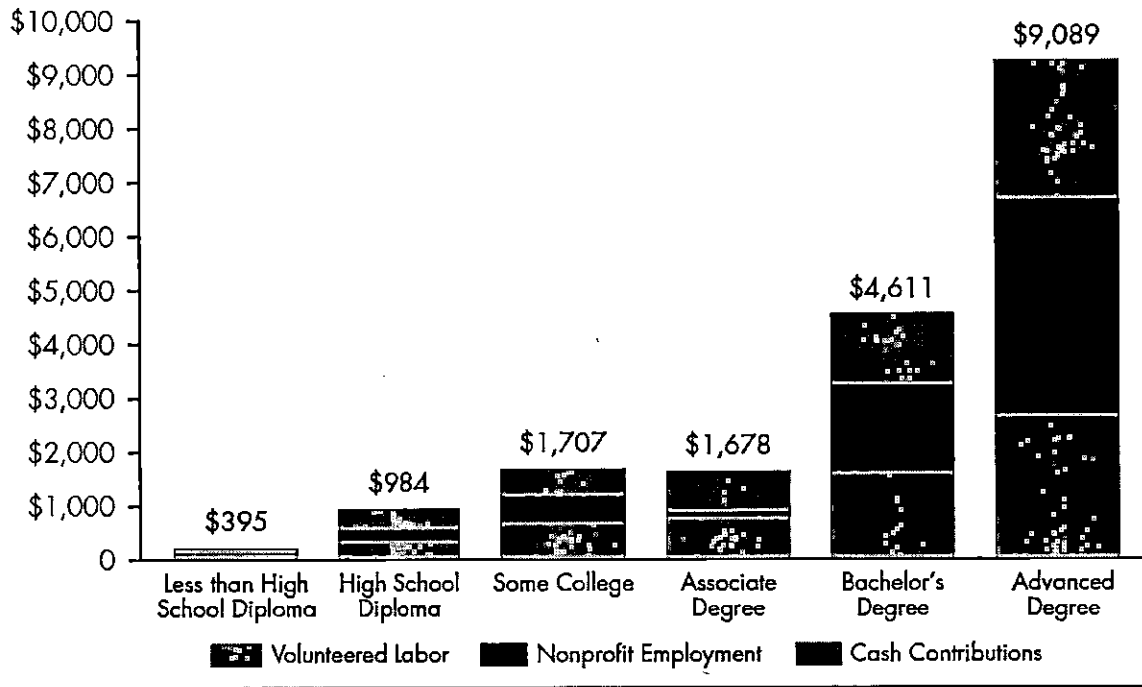
Source: Author's calculations using the 2012 Consumer Expenditure Survey, ages 27-66, N = 24,161.

these gifts are necessarily "charitable" in that they include transfers to family members not living in the same household. Donations of goods and bequests are not included because they are not measured in the Consumer Expenditure Survey.

Cash contributions to all three types of organizations shown in Figure 40 increase monotonically with college attainment. The least pronounced increase with college attainment is for contributions to religious organizations. But even religious contributions nearly triple when comparing those with bachelor's degrees as their highest education qualification to those with high school diplomas as their highest education qualification.

Average total annual cash contributions rise from less than \$400 (1.6 percent of their average earnings) for high school diploma and no college, to about \$600 (2.0 percent of their earnings) for those some college but no degree, to \$700 (1.9 percent) for associate degrees, to \$1,300 (2.3 percent) for bachelor's degrees but no advanced degree, to nearly \$2,400 (2.9 percent) for those with advanced degrees. The increase in average giving with college attainment is due both to an increase in the proportion of people giving and to an increase in the average contribution of those giving.

Figure 41
Total Philanthropic Contributions



Source: Author's estimates using several datasets.

Total Philanthropic Contributions

To facilitate comparison, the estimated annual dollar values of volunteered labor, earnings sacrificed for nonprofit employment, and cash charitable contributions are shown together in Figure 41. For all three of these forms of philanthropy, the magnitudes and the relationships with college attainment are similar. Each reveals significantly increasing generosity (in absolute terms as well as in percentages of earnings) from increasing college attainment.

The sum of the three forms of philanthropy is also shown at the top of the columns in Figure 41. On average, high school graduates without college give a total of about \$1,000 (4.1 percent of their earnings) annually, those with some college but without degrees give about \$1,700 (5.4 percent of their earnings) per year, those with associate degrees as their highest education credential also give about \$1,700 (4.6 percent) per year, those with bachelor's degrees but without advanced degrees give \$4,600 (8.2 percent) annually, and those with advanced degrees give about \$9,100 (11.0 percent of their average earnings) per year.

Civic Engagement

Numerous studies have documented a significant relationship between education and various forms of civic participation. For reviews of this literature see Nie, Junn and Stehlik-Barry (1996); Milligan, Moretti and Oreopoulos (2004); Dee (2004), and Lochner (2011).

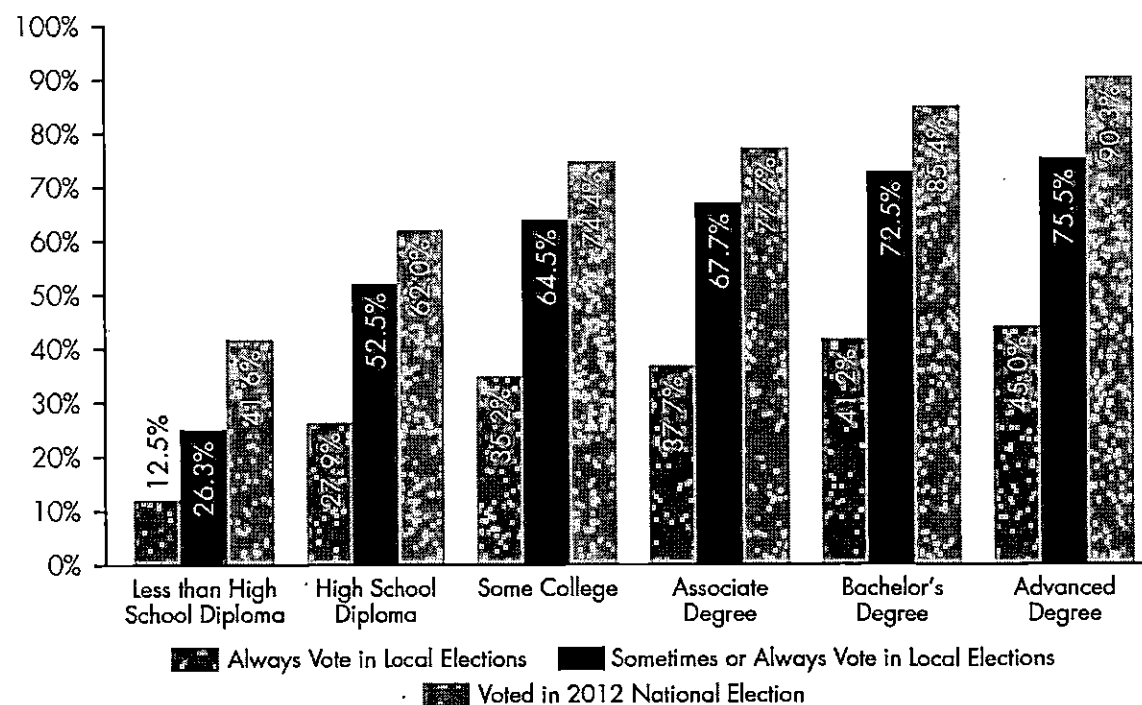
The November 2011 Civic Engagement Supplement of the Current Population Survey contains several measures suggesting individuals' civic involvement.

Political Participation

Figure 42 shows self-reported voting rates in 2011 and 2012. The first two columns show responses to a question about voting in local elections. About 28 percent of high school graduates without college claim to always vote, compared to 35 percent of those with some college without degrees, 41 percent of those with bachelor's degrees as their highest education qualification, and 45 percent of holders of advanced degrees. The pattern across college attainment is similar for voting in local elections at least sometimes: nearly 53 percent for high school graduates without college, more than 64 percent for those with some college but no degree, more than 72 percent for those with bachelor's degrees without advanced degrees, and almost 76 percent for holders of advanced degrees.



Figure 42
Voting



Source: Author's calculations using the November 2011 Civic Engagement Supplement and the November 2012 Voting & Registration Supplement of the Current Population Survey, ages 27-66 and not enrolled in college, N = 55,165 and 56,861, respectively.

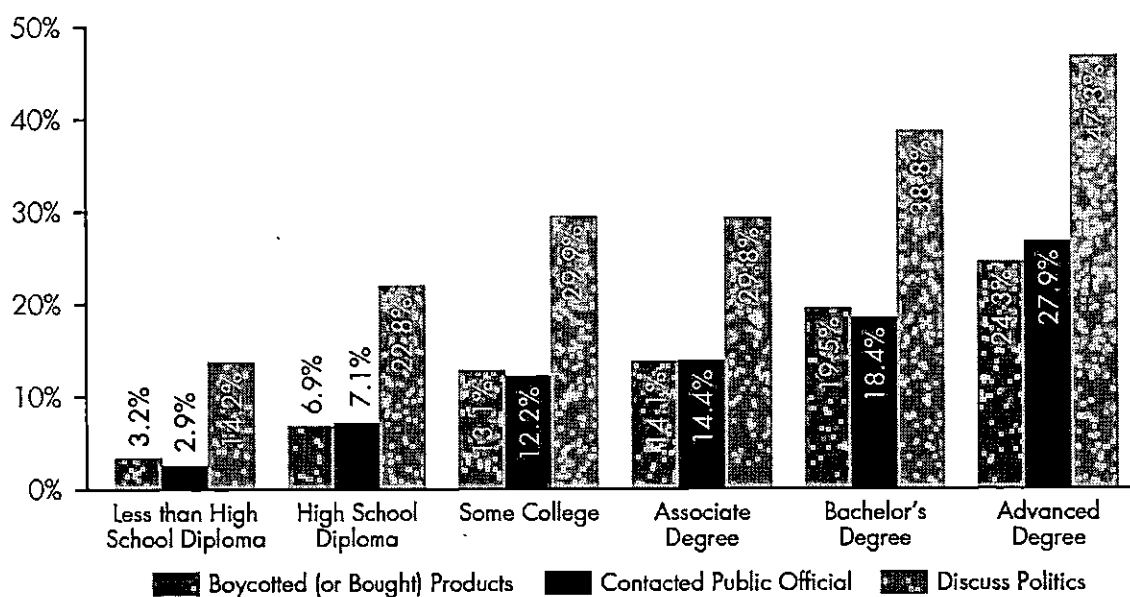
A similar pattern across college attainment is also seen in the third column in Figure 42, which shows the self-reported voting rates in the 2012 national election (using data from the November 2012 Voting & Registration Supplement of the Current Population Survey). About 62 percent of high school graduates without college claim to have voted, compared to 74 percent for those with some college but without degrees, 85 percent for bachelor's graduates, and 90 percent for advanced graduates.

The self-reported voting numbers shown in Figure 42 are considerably higher than typical voting rates. For example, the overall voting rate in the 2012 presidential election appears to have been less than 60 percent. Thus, one has to wonder about the extent of truthful reporting in these data. One might also wonder if the extent of truthful reporting is correlated with college attainment.

Figure 43 shows three measures indicating political awareness and involvement. The first column shows the proportion reporting that in the past year they had "bought or boycotted a certain product or service because of the social or political values of the company that provides it." This measure of political engagement rises substantially with college attainment: from 7 percent for high school, to 13 percent for some college, to more than 19 percent for bachelor's degrees, to more than 24 percent for advanced degrees.



Figure 43
Behaviors Suggesting Political Awareness and Involvement



Source: Author's calculations using the November 2011 Civic Engagement Supplement of the Current Population Survey, ages 27-66 and not enrolled in college, N = 53,949 or more.

A similar pattern is observed for the proportion reporting that they had contacted or visited a public official to express an opinion in the past year. This measure of political engagement rises from about 7 percent for high school without college, to 14 percent for associate degrees, to 18 percent for bachelor's degrees, to 28 percent for advanced degrees.

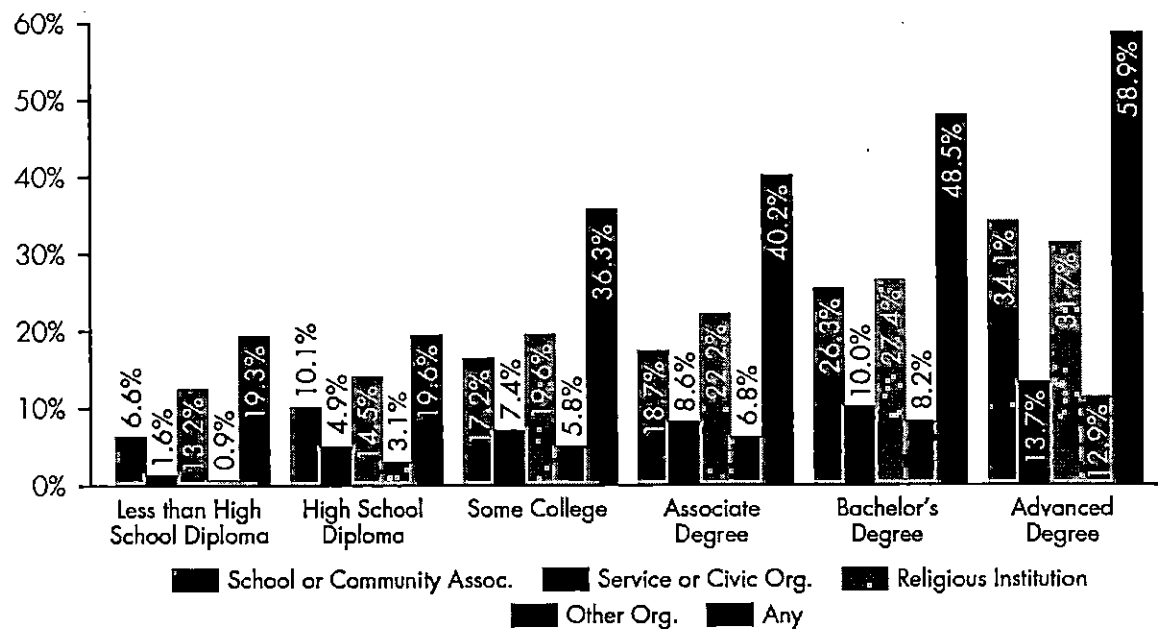
The third column in Figure 43 shows the proportion reporting that they discuss politics with family or friends at least a few times a week. This measure of political engagement increases from 23 percent for high school graduates without college, to 30 percent for those with some college and associate degrees, to 39 percent for those with bachelor's degrees but without advanced degrees, to 47 percent for holders of advanced degrees.

Community Involvement

Figure 44 reports the proportions of individuals involved with various types of community organizations in 2011. The first column shows the proportion of working-age individuals participating in "a school group, neighborhood, or community association such as PTA or neighborhood watch group" during the past year. This measure of civic engagement increases substantially with college attainment, rising from 10 percent for high school and no college, to 17 percent for some college and no degree, to 26 percent for bachelor's degrees without advanced degrees.



Figure 44
Participation in Organizations



Source: Author's calculations using the November 2011 Civic Engagement Supplement of the Current Population Survey, ages 27-66 and not enrolled in college, N = 54,691 or more.

The pattern across college attainment is consistent for the three other measures of community involvement reported in Figure 44. The proportion participating in "a service or civic organization such as American Legion or Lions Club" in the past year increases from 5 percent for high school and no college to 10 percent for bachelor's degrees. The proportion participating in "a church, synagogue, mosque or other religious institution organization, NOT COUNTING (your/his/her) attendance" in the past year increases from 14.5 percent for high school to 27 percent for bachelor's degrees. The proportion participating in other types of organizations (not including recreation clubs) rises from 3 percent for high school to 8 percent for bachelor's degrees.

The last column in Figure 44 reports participation in any of the four types of community organizations shown. Participation in some type of community organization during the past year increases from about 26 percent of high school graduates without college, to about 36 percent of those with some college but no degree, to more than 48 percent of those with bachelor's degrees but no advanced degree, to 59 percent of those with advanced degrees.

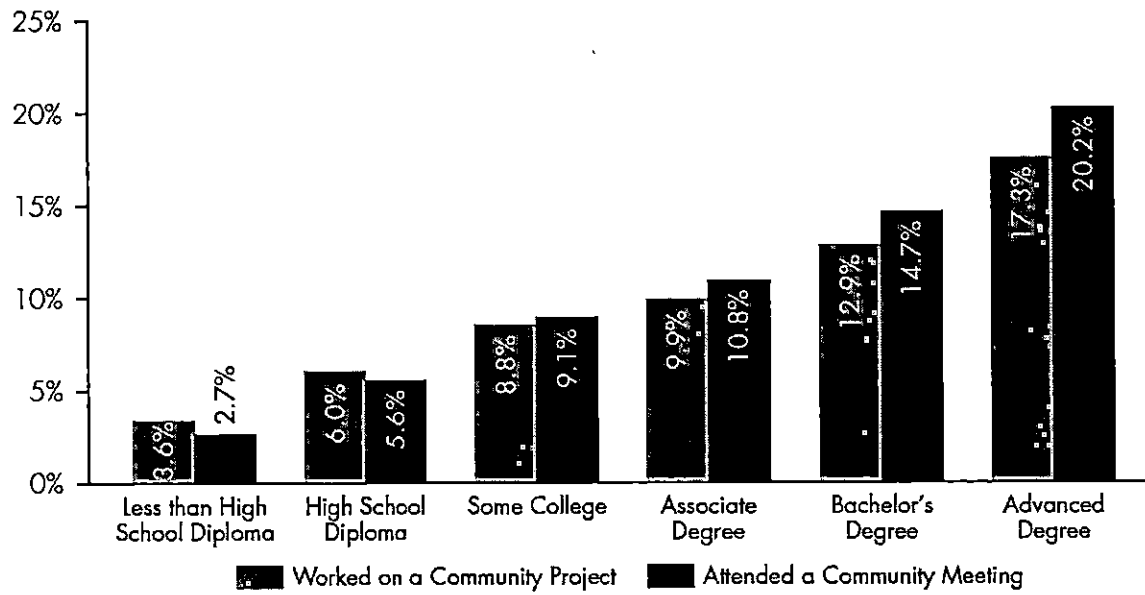
A similar pattern is also observed in participation in recreation clubs (not shown). The proportion participating in "a sports or recreation organization such as a soccer club or tennis club" in the past year is 7.0 percent for high school, 11.4 percent for some college, 13.0 percent for associate degrees, 19.5 percent for bachelor's degrees, and 22.7 percent for graduate degrees.

A similar increasing pattern with college attainment is observed for leadership in community organizations (not shown). The proportion of those ages 27 to 67 in 2011 reporting having "served on a committee or as an officer of any group" in the past year increases from 5.4 percent for high school, to 9.9 percent for some college, to 12.3 percent for associate degrees, to 17.5 percent for bachelor's degrees, to 26.3 percent for graduate degrees.

Figure 45 reports two measures of community involvement from the September 2012 Volunteer Supplement of the Current Population Survey. The first column is the proportion answering that they have "worked with people in (their) neighborhood to fix or improve something" in the past year. As with the other measures of community involvement, it increases substantially with college attainment. The proportion working on a community project rises from 6 percent of high school graduates without college, to 9 percent of those with some college but no degree, to 13 percent of those with bachelor's degrees but not advanced degrees.

The second column in Figure 45 is the percentage who have "attended any public meetings in which there was discussion of community affairs" in the past year. Its pattern across college attainment is slightly stronger than the first measure of community involvement. The proportion of high school graduates without college attending a community meeting within the past year is almost 6 percent. This proportion rises to nearly 15 percent for bachelor's graduates without advanced degrees, and to 20 percent for those with advanced degrees.

Figure 45
Community Involvement



Source: Author's calculations using the September 2012 Volunteer Supplement of the Current Population Survey, ages 27-66 and not enrolled in college, N = 60,336 or more.

Social Capital

Bourdieu (1986) and Coleman (1988) popularized the term “social capital” (although both the basic concept and the term have a much longer history), but it was the work of Putnam (1993, 2000) quantifying the important beneficial effects of social capital that sparked considerable recent interest in the concept.

Although “social capital” increasingly enters into academic and popular discussions, it defies a standard definition or a standard measurement. The back cover of Halpern’s (2005) book defines social capital as “the social networks, informal structures and norms that facilitate individual and collective action,” while a definition is avoided within the book. Social capital is difficult to define precisely because it is generally understood to be a broad and multifaceted concept, which also makes it particularly difficult to measure.

Several measures have been used as approximate metrics of social capital, or at least reflective of social capital. Indeed, the measures of civic engagement just examined, such as participation in community organizations, have often been used as metrics representing social capital. Thus, the results in the last section showing that college attainment significantly increases civic engagement can be interpreted as showing that college attainment creates social capital.

Figure 46 illustrates some other measures reflecting social capital. In particular, it shows three measures of interactions with neighbors from the November 2011 Civic Engagement Supplement of the Current Population Survey.

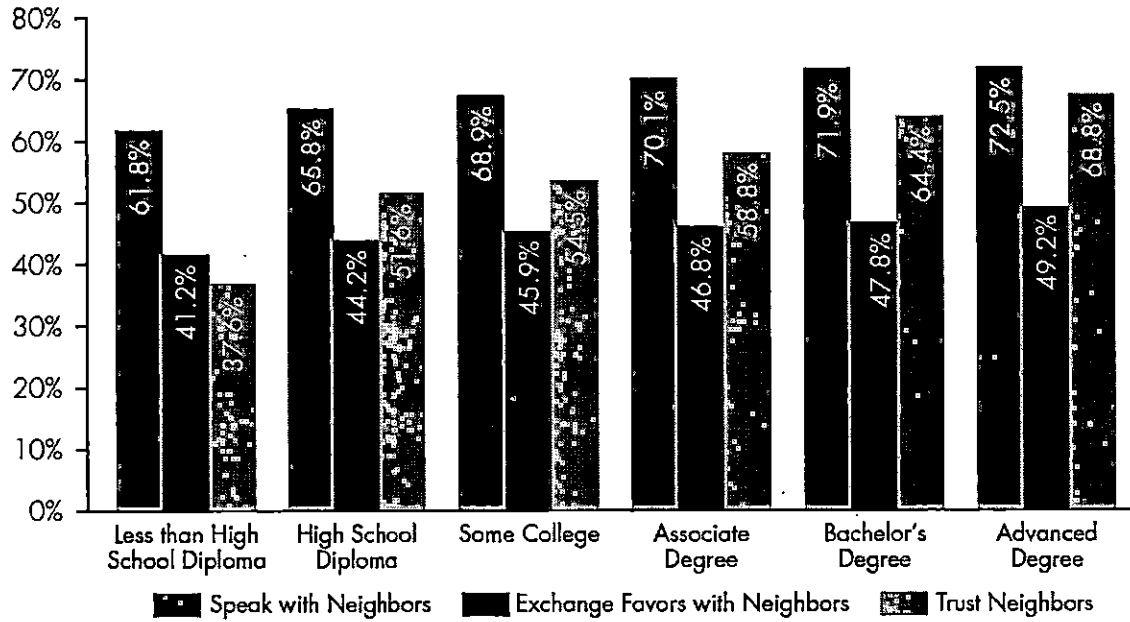
The left column in Figure 46 shows the proportion who reported talking with neighbors at least a few times a month. This proportion rises from 66 percent for high school, to 69 percent for some college and no degree, to 72 percent for bachelor’s degrees.

The middle column in Figure 46 shows the proportion reporting exchanging favors (such as watching children, helping with shopping, house sitting, lending tools and other small helping gestures) at least once a month. This proportion rises from about 44 percent for high school, to 46 percent for some college, to 48 percent for bachelor’s degrees.

The right column in Figure 46 shows a measure, trusting others, that is used particularly frequently as a proxy for social capital. This measure is the proportion of those who reported trusting at least most of the people in their neighborhood. Of the three neighborhood measures, this one reveals the most pronounced increase with college attainment. The proportion of high school graduates without college who trust at least most of their neighbors is less than 52 percent, compared to nearly 59 percent of those with associate degrees and nearly 69 percent of those with advanced degrees.

It would be interesting to uncover how much of the college effect in neighborhood trust is due to intrinsic trust versus living in better neighborhoods. Results in Oreopoulos and Salvanes (2011), however, are suggestive that it is intrinsic trust that drives the observed correlation with education. They find that controlling for differences in income, which is likely to strongly affect the choice of neighborhood, has very little effect on the correlation between education and trust. Moreover, the trust question that they examined from the U.S. General Social Surveys is more general and does not ask about neighbors, and it reveals an even stronger correlation with education attainment than shown in Figure 46.

Figure 46
Interactions with Neighbors



Source: Author's calculations using the November 2011 Civic Engagement Supplement of the Current Population Survey, ages 27-66 and not enrolled in college, N equals about 54,000 for the first two questions and 28,948 for the trust question.

All three neighborhood measures illustrated in Figure 46 increase monotonically with college attainment. This, along with the results for the civic-engagement measures, suggests that an important social benefit of college education is that it creates social capital. For more on this idea see Knack and Keefer (1997).

Concluding Remarks

This report has highlighted numerous benefits of college education. But it is important to keep in mind that these are just the (imperfectly) measurable effects of college attainment. It is easy to get lost in all of the numbers presented in this report and lose sight of the larger picture. Many of the benefits of college education cannot be measured adequately. The lack of quantification does not make these benefits any less real or any less important. Unfortunately, though, measurability does seem to affect perceptions of these benefits.

The most important virtues of college education are probably those that were stressed initially and long before there was measurement of social phenomena. In its purest form, traditional college education teaches critical thinking, self-examination and open-mindedness. It encourages exploration into new ways of understanding and cultivates creativity, innovation, tolerance, inclusivity and diversity. Nussbaum (2007) summarized the ancient Stoic notion of education as "liberating the mind from the bondage of habit and custom to produce people who can function with sensitivity and alertness as citizens of the whole world." This is the real virtue of college education, and the full manifestation of the benefits from it could never be measured completely. Nonetheless, a list of the measurable benefits of college education is long.

Numerous measures indicate that social engagement increases significantly with college attainment. Simply put, college education improves the society in which we live. College attainment not only leads to higher incomes of those going to college, it raises others' incomes. College attainment benefits the rest of society through increased tax contributions for public services and reduced needs for public services. It reduces crime, thus making our communities safer. It increases generosity. It improves democratic and civic participation. It raises awareness and involvement in our communities.

Moreover, I do not think it is an exaggeration to say that engagement in life increases significantly with college attainment. Not only are college graduates usually more involved in their communities and more giving and trusting; they are more likely to be successfully married. College graduates are more likely to be gainfully employed, and work in more prestigious and safer occupations. They are less likely to live in poverty, experience credit and banking problems, wind up in prison, suffer through divorce, or face the angst of unemployment. They are generally healthier and more active, and they're less likely to live with severe disabilities. College graduates generally have longer and more fulfilling lives.

College attainment is about much more than just the money. Indeed, the additional earnings associated with college attainment pale in comparison with the other benefits to individuals and to the rest of society. The college earnings premium is the tip of the iceberg.

Yet, the financial payoff to college degrees gets the lion's share of the attention. In a sense, the high financial return to investment in college education is a curse. It deflects attention from the harder-to-quantify benefits that may be more important. Moreover, emphasis on the high private return to college education promotes the perception that college education is primarily a private good.

The fact that college education is a great investment, on average, just in terms of the private benefits also allows "taxpayer free riding." In our role as taxpayers, we receive substantial benefits from others' college attainment (i.e., fiscal externalities, productivity externalities, philanthropic

externalities, crime externalities, and social capital externalities). Thus, we receive a net benefit from paying taxes to provide public support for higher education. But if most families already have sufficient incentive and ability to invest in college education without public support, then we can still benefit from college attainment without contributing our tax dollars.

Emphasizing only the private return on investments in a college education fuels the problem of taxpayer free riding, and encourages the continuing decline in public support for higher education.

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5/6/2019

Dear Chairman, D'Alessandro and Members of the Senate Finance Committee,

Good afternoon, my name is Timothy Branden, I live in Farmington New Hampshire. I am writing to ask you to support the developmental services budget and the people that carry out work. I have two gentlemen living with me, receiving In Home Supports; I have been in a homecare position the last 12 years. In addition, I have worked in the healthcare field for the last 20 years.



The photo is my brother who passed a few years back. John did not pass because of his disability at least not directly. He passed because he was nonverbal and unable to tell people that he was in pain for a period of time with gallstones. Typically, these are treatable however, his doctor said he must've had them for some time because poison had spread. John lived in a group home situation that was underfunded and ultimately closed not too long after his death! I told you this story because many of us say simply; that as direct support providers and other service provided entities we need more money. One of the hardest things I've ever had to do this field, was to explain to a person I serve that they cannot do the things that they truly would like to do because there is no funding. If you can visualize a moment, a person sitting in the wheelchair nonverbal, very little ability to move other than the hand to control the wheelchair. They sit on a corner of the street not because they want to cross; it's because they forgot to charge the battery the night before; a task normally done by their staff. Unfortunately, this person lost two days of staffing due to lack of funding and one staff leaving for a more lucrative employment. If you can imagine for a moment, this person as people walk by trying to yell for help and nobody stops, nobody realizes! If you can think for a moment about this person then you can equally think that this person, "but for the grace of God" could easily be you or I! At this moment hundreds if not thousands of people are waking up with an inability to move or speak for a variety of reasons. It has always been clear to me, the folks that we serve should receive whatever it is they need! What has not been clear, is why they do not!

Please, when you vote for any part of this bill that could take away from people with disabilities and the people that serve them; please turn it around and vote with your heart with the understanding that anyone of us could end up needing the very services you're voting on!

Respectfully,

Timothy a Branden

D commiserate no directly obviously running like direct support professional/home provider
Community partners NH

April 18, 2019

To Who This Concerns At The Senate Budget Hearings,

I'm a consumer at Community Partners in
Dover, Nh that provides mental health services.
And I was told that the Governor's Funding for
the Best Buddies Program was 'Removed' and it
makes me Mad! The Best Buddies Program
helps people with disabilities and they should
have the funding to keep their good programs
because it helps them with their needs!

Sincerely Deb C.

Deb C.

May 8, 2019

Dear Senator D'Allesandro and Honorable Members of the Committee;

I speak to you tonight in support of strengthening a System of Care for all NH children, not in my role as the community engagement coordinator for the NH Children's Behavioral Health Collaborative but more importantly, as a mother.

My son is sick. He has a chronic illness that will never go away. He will always live with his debilitating disease. Our family's lives have been forever changed due to the severity of his suffering. My son has schizoaffective disorder. It is a horrifying illness that I would never wish on my worst enemy! My son is now 25 and managing the illness well, but when he was a teenager, it wreaked havoc on him and us. He had made numerous suicide attempts as a youth. We did whatever we could to keep our son alive.

Watching a child experience periodic cruel and unwanted voices in his head is heart-wrenching for a mother. When a crisis would occur, I would quickly immerse myself into helping him recover. Regrettably, I only had two options – bring him to the emergency department at the local hospital or call the police – two very undesirable choices for any mother because both options do not have the properly trained personnel to treat this type of crisis or illness. Moreover, calling the police usually resulted in my son being taken to the hospital in the back of a police car while handcuffed – a traumatizing event for our entire family. I ask you, is this how we should be treating our sickest and most vulnerable children?

Hospitalization is oftentimes the only solution when a child is in crisis but isn't always necessary. Unfortunately, psychiatric treatment beds in local hospitals are practically non-existent in NH for children. This infuriates me and must change! We need to call on our local hospitals to accept psychiatric patients of all ages so that folks can stay in their own communities to receive the care they so desperately need. This lack of compassionate care in our communities forced us to seek help at the state psychiatric hospital. In order to get a bed, we were required to go through the involuntary emergency admittance (IEA) procedure. Many families opt for this route. This procedure is used when someone who may be a danger to himself or others, refuses to get help. Even though our son always wanted help, we sadly had to resort to this method of accessing care.

It wasn't until a few years ago when the Disability Rights Center filed a lawsuit against the state of NH that I heard about "mobile crisis". I learned that one of the agreements of the lawsuit ensured that the state would implement mobile crisis in NH. Honestly, that was one of the best days of my life. I was simply elated to hear this news. The thought of my son receiving professional services in our home or his school to help him deescalate and avoid hospitalization was the answer to my prayers. Sadly, five years later, mobile crisis exists sporadically throughout the state and is not designed to serve children. Some agencies will serve some children, but it is not a guarantee and not to fidelity. This gaping hole in our system of care for children means that parents like me will have to wait for our children to get the care they need - when and where they need it. I am convinced that if we had had mobile crisis as an option when my son was younger, we could have avoided unnecessary and costly hospitalizations.

As you begin the arduous task of building your version of the budget, I ask for your support of the provisions of senate bill 14, which passed both the Senate and House with broad, bipartisan support. SB 14 takes a systemic approach to improving the child welfare system and ensuring children get the RIGHT support at the RIGHT place and at the RIGHT time. Please support this important initiative for NH children.

Sincerely,

Dellie Champagne



45 S. Main Street, Suite 202 | Concord, NH 3301
1-866-542-8168 | Fax: 603-224-6212 | TTY: 1-877-434-7598
aarp.org/nh | nh@aarp.org | twitter: @aarpnh
facebook.com/AARPNH

Testimony
Senate Budget Hearing
May 8, 2019
Manchester City Hall

Chairman D'Allessandro and members of the Senate Finance Committee, My name is Guy Chapdelaine and I am a volunteer with AARP. I am here today to speak to the need to increase funding for home and community based services in the Choices for Independence Program in the Department of Health and Human Services.

In 2018 in NH, there was a \$20 million gap in Home and Community-Based services approved for Older and Disabled Adults versus services provided. As a result people are not receiving the assistance they need to remain in their homes and live healthy lives. This leads to the delivery of services in more expensive settings and greater burden on families. This runs counter to the traditional NH way of delivering services.

Rates for home and community-based providers have been inadequate for many years. Until the last biennium, most of these providers had not received a rate increase for ten years. Despite the rate increase given in the last biennium, NH still ranks next to last in the country in the amount of Medicaid dollars spent on home and community-based services for older and disabled adults.

The NH Department of Health and Human Services recognized the need and included a substantial increase in its 2020-2021 budget request and the Governor included it in his proposed budget. The increase was substantially reduced in the version of the budget passed by the NH House of Representatives. The NH Senate should restore the original level of funding to provide the services that people need.

Guy Chapdelaine
Bedford, NH



Lake Sunapee Region VNA & Hospice

Testimony on HB 1 and HB 2

Choices for Independence Funding

May 8, 2019

Good evening. I'm **Jim Culhane, CEO at Lake Sunapee Region Visiting Nurse Association**. My agency serves frail adults in Sullivan, Merrimack and Grafton Counties. I'm here to urge you to fund a rate increase for home care providers in the Choices for Independence Program.

The CFI program enables medically vulnerable adults to receive long term care services at home. It's where people want to be, and it's one-third of the cost of nursing home care.

The CFI program is in trouble and so are the people who depend on it. The problem is that NH's provider reimbursement rates have not kept up with the cost of care. My agency serves 68 CFI clients and loses \$15,000 a month on their care -- \$180,000 a year. We are committed to the CFI program as part of our mission, but we can't afford to take on more. Many home care agencies limit the number of CFI clients, or have stopped serving the program. DHHS data shows that current CFI clients are not receiving all their needed services. Newly-eligible CFI individuals are waiting months for any services at all. It's a "silent crisis" because most CFI clients can't come to hearings to share their concerns.

DHHS has planned a 2.5% rate increase, which is not enough to improve provider capacity. **I ask the Committee to build on the House Budget by adding more general funds to the CFI budget. Direct DHHS to deploy the funding to rebase CFI home health rates to market levels. I also ask that you fully fund SB 308.** This combination will significantly improve rates, allowing us to invest in our workforce and cover all the costs of delivering care. Without rate increases, the CFI program will continue to unravel, and more people will go without care.

The Choices for Independence program is a good program that keeps people out of hospitals and nursing homes. But it has been neglected for years and it's at crisis stage. **The New Hampshire economy is strong. Now is the time to fix CFI.** Thank you for the opportunity to speak.

PO Box 2209, New London, NH 03257-2209

(603)526-4077

1-800-310-4077

Fax (603)526-6208

· www.lakesunapeevna.org

Martone, Debra

From: DTU President <president@doverteachersunion.com>
Sent: Thursday, May 09, 2019 7:03 AM
To: D'Allesandro, Lou; Feltes, Dan; Kahn, Jay; Rosenwald, Cindy; Reagan, John; Giuda, Bob; Martone, Debra
Subject: Testimony
Attachments: IMG_6410.jpg

Good morning,

Thank you for the opportunity to speak last night at the committee's budget hearing in Manchester. I was able to sneak in my testimony just before the 9:00 hour, but I wanted to submit it to you in writing also. Additionally last night, I submitted a list of names of others in support of House Bills 1 and 2. Attached you will find an additional list that I neglected to include last evening.

Thank you,
Lisa Dillingham

Good evening, my name is Lisa Dillingham, and I am the proud president of the Dover Teachers' Union, representing over 330 teachers in the Dover School District. One week ago tonight, our City Council fully funded a new teacher contract and our school budget. This may seem an ordinary accomplishment, but for us, it was a year-long effort.

Dover is a tax-cap community. Every budget season since its inception in 2007 has proved more and more difficult as we aim to provide our students with what they need to learn. To this day, we are STILL trying to recover and bring back programs and positions that were cut 8 years ago. A tax-cap compliant school budget is now impossible without eliminating more.

Knowing a new teacher contract was going to add to the budget demand this year, the Dover Teachers' Union began planning and organizing well over a year ago. After carefully gathering information and data about the needs of our district from our teachers' perspective, we set out to educate our community.

Starting at our city's annual fall festival, we handed out information, engaged in conversations, and gathered support from Dover residents. We started by sharing the fact that the Dover School District ranks second from the bottom in per pupil spending in the state while our middle schools is dead last. These statistics took many by surprise... they couldn't understand despite all the accolades, expanding infrastructure, and city growth, how we could rank so low.

As the budget season unfolded, we took action! We worked to the terms of our contract to inform Dover citizens just how far above and beyond teachers work for their students. We published letters in the local paper. We drove around with signs in our cars advertising the facts and asking for support. We showed up in droves to our school board and city council meetings. We invited residents into our classrooms via our stories, struggles, and successes. We educated our community about what it means to be an educator.

All of our hard work paid off because our city decided that education needed to be a priority now. However, will the same be true next year? Will our progress be sustainable? Will teachers continue to have to fight for their students? These are all questions in which we need to await an answer.

One question, though, we don't need to await the answer is, will there be continual support from the community for the increases needed to pay for our schools? I'll tell you right now, the tax payers of Dover will tell you no.

As others have said before me, education has changed, and we need the funding to coincide with that change. Towns and cities cannot afford the rising costs of funding public education alone.

Please support House Bills 1 and 2.

DOER TEACHERS

I support HB1 and HB2! I support more funding for public education!

Betsy Breen
Cecilia White
Kristin Dummer
Jillian Cote
Kaitlyn Haynes
Jocelyn Thiel
Margaret Buckley
Julie O'Hara
Meredith
Anna Sinclair
Linda Smart
Susan Mone
Laura Johnson
Terese Nicoletta
Koranne Doble
Megan DiLorenzo
Charles Patrick West
Ellen W. Brake
Deborah Calabrese
Lynn Ramsey
Katie
Dee Nery
Allison Mustard
Ellen Schuetz

Amy Baumgardner
Rachael
Rachael
Nancy Greenblatt
Algebra Courroy
Alyssa

Dover TEACHERS

I support HB1 and HB2! I support more funding for public education!

~~Michelle Solberg~~
Amy Matzek

Jacqueline Thomas

Juvid Clouger

Miz

Sen. McCarty

A. Farnsworth

Chambouche

Calla Kalliance

Lisa Carter

Tim Marshall

Karin Gashi

~~Paul Kline~~

Paul Hale

Steve Melvin

Liz Norris

Anna A. Cabin

Karl M. M.

Aleget Avery

Conley Roberto

Sharon Shea

~~Barbara~~

Brielle Lynn

Carol Finn

April LePierre

Carol Morris

Jill DeLeon

Aligh Marden

Cystal Lee

6

8

May 8, 2019

Dear Chair Lou D'Allesandro and Members of the Finance Committee,

Good evening, my name is Kelly Ehrhart and I live in Nashua, NH. **I am asking you to support the developmental disability (DD) services budget and the people that carry out the work.** I'm supported by Gateways Community Services and The PLUS Company through DD Waiver services.

With the services I have better a quality of life. My direct support professional, Karen, helps me grocery shop and be more involved with my community. Karen is helping me work on my social skill goals. Without my services I would not be able to stay in my apartment and be independent.

I urge you to support developmental services and address the workforce challenges that we are faced with. Please also include SB308 in your budget because it provides a much needed rate increase to providers.



Sincerely,

Kelly Ehrhart
Nashua, NH
603-821-7392 417-1841
kehrhart65@gmail.com

May 7, 2019

Senator D'Allesandro, Chairman
Senate Finance Committee
State House, Room 103
107 N. Main Street
Concord, NH 03301

RE: HB 1-A and HB 2-FN

Dear Senator D'Allesandro and Members of the Senate Finance Committee:

Thank you for your work on creating a budget that keeps New Hampshire healthy and thriving economically. The New Hampshire Area Health Education Center (NH AHEC) applauds the Committee for efforts to address New Hampshire's health care workforce shortage by focusing on these efforts in the state's budget. Because of our strong economy, now is the time to build a stable foundation for the future.

The NH AHEC's mission is to improve care and access to care, particularly in rural and underserved areas by enhancing the health and public health workforce in the state. The NH AHEC aims to achieve a high-quality cost-effective healthcare system by bridging the intellectual resources of academic institutions to the needs of practitioners in rural and underserved communities in New Hampshire through educational outreach and support, with a focus on diversity, distribution, and practice transformation. Since its establishment 22 years ago, the NH AHEC has continually trained the future and current health workforce with a focus on disadvantaged students from rural and underserved communities. The NH AHEC receives no state general fund assistance.

Right now, New Hampshire has a shortage of over 2,000 health care worker vacancies, which has major financial implications for nonprofit and for-profit businesses and is slowing the state's economic potential. Health care organizations have to recruit clinicians from out-of-state because we do not "grow" enough within our borders due to the inadequate investments in pipeline development. The NH AHEC firmly believes that the solutions contained in SB 308 will help our state's health care organizations recruit and retain health care workers. Included in the eight solutions proposed in SB 308 are investments in our state's health care pipeline and advanced training programs.

To retain our youth, New Hampshire must invest in more programs that provide students with in-state connections and prepare them to secure a future here (i.e. shadowing experiences, volunteer opportunities, and summer educational programs). In addition, our state's practicing health care professionals require continuing education opportunities that expose them to the realities of clinical practice and prepare them for career advancement, while accommodating their busy schedules.

Below are a few examples of current NH AHEC Network activities and programs that could be expanded and enriched with the State funding included in SB 308 to address the needs of the health care/behavioral health care shortage:

- Health Careers Institute at Dartmouth (HCID): This is week-long residential program for 10th, 11th, and 12th graders to explore health care careers, including behavioral health and public health. Students meet faculty at Dartmouth as well as health care professionals from the surrounding area and participate in hands-on experiences at Dartmouth Hitchcock Medical Center and other medical settings, including rural areas such as Littleton Regional Healthcare in Littleton NH. *State of NH funding could allow for New Hampshire students from financially disadvantaged backgrounds a greater opportunity to attend program by providing financial scholarships to help cover the cost of tuition.*
- Summer Health Career Camps: The Southern NH (SNH) AHEC offers summer health career camp experiences that highlight health and behavioral health careers for 8th and 9th grade students. *State of NH funding could allow funding for the expansion of the program.*
- Health careers education and promotion – The North Country Health Consortium (NCHC) Health Careers Counselor will work with the students participating in the Northern NH (NNH) AHEC pipeline activities to keep these students interested in health careers and track their progress towards pursuit of a degree.
- Live, Learn, and Play in Northern NH: This program of the Northern NH AHEC/North Country Health Consortium offers health professions students quality training experiences in rural medically underserved areas throughout northern New Hampshire. Students learn about the social determinants of health impacting rural populations, including the impact of Substance Use Disorders in rural communities. In addition, students experience New Hampshire's most awe-inspiring scenery, outdoor recreation and complete a community service project. *State of NH funding could provide for travel reimbursement, lodging, and living stipends for graduate health professions students to spend time working in rural health care locations in the North Country (Northern NH).*
- Screening, Brief Intervention, Referral to Treatment (SBIRT) Interprofessional Education: The NH AHEC partners with health professions training programs around the state to integrate SBIRT into health curricula, utilizing interprofessional learning activities. "SBIRT", or Screening, Brief Intervention, Referral to Treatment, is an evidence-based tool that provides health professionals with the skills to quickly assesses the severity of substance use, identify the appropriate level of treatment, and provide appropriate intervention. The Brief Intervention tools focus on increasing provider insight and awareness regarding substance use and motivation toward behavioral change. Referral to Treatment provides those identified as needing more extensive treatment with access to specialty care. *Program was originally funded by a SAMHSA grant, which ends August 2019. State funding could continue to provide SBIRT IPE experience to the current 5 academic institutions (Geisel School of Medicine, Franklin Pierce, MCPHS*

University in Manchester, NH, and Antioch University) with an expansion to community colleges and other academic institutions with health professions training programs.

New Hampshire has the tools to make real progress, including the ability to invest in innovative programs that already exist. Key policy and budget initiatives are critical to alleviate New Hampshire's health care workforce crisis, stimulate our workforce and our economy. We cannot improve New Hampshire's health care system without having an appropriately trained workforce to provide the care, and we cannot attract and retain these workers if we do not invest in the pipeline to create them.

Thank you for your attention to this critical issue. Please do not hesitate to contact me if you have any questions.

Sincerely,

Kristina Fjeld-Sparks, Director
New Hampshire Area Health Education Center (NH AHEC)
The Dartmouth Institute for Health Policy & Clinical Practice
One Medical Center Drive, WTRB 5th Floor
Lebanon, NH 03756
603-667-0816
Kristina.E.Fjeld-Sparks@Dartmouth.edu

New Hampshire AHEC Network



Paula Smith, MBA EdD
Director, Southern NH AHEC
Lamprey Health Care
Raymond, NH



Nancy Frank, MPH
Chief Executive Officer, North
Country Health Consortium
Director, Northern NH AHEC
Littleton, NH



Kristina Fjeld-Sparks, MPH
Director, NH AHEC
The Dartmouth Institute for
Health Policy & Clinical
Practice
Lebanon, NH

May 8, 2019

Dear Senator D'Allesandro and Honorable Members of the Committee,

My son has had a life long struggle with mental illness. Over the last 11 years, he has been hospitalized 14 times for suicide attempts or ideation and has been in the emergency room for assessment more times than I can count. I don't remember every visit but I can tell you that in my experience, the average emergency room wait time to get a bed in a psychiatric facility in this State averages 4-7 days. During these various emergency room visits my son has never been seen by a psychiatrist or given medication to stabilize or treat his psychosis. He sits in a cold room stripped of all of his clothing and items of comfort, being watched by a stranger, occasionally restrained and sedated.

I remember the first time he was hospitalized. He was 10 years old. I found him in his room with a kitchen knife, stabbing himself with it. He sat in the emergency room under suicide watch for 4 days before he got a bed in an out-of-state Massachusetts facility. As a single parent working a full time job, the 3 hour round trip commute to visit my child was exhausting financially and emotionally to say the least.

When he was 14, he swallowed about 150 pills of Tylenol and Benadryl on my birthday. Gratefully, we were able to get him to the emergency room in time to save his life. He sat there (not admitted to the hospital) in the emergency room for 6 days before getting a bed at the State hospital.

When he was 16, he told a friend that he was going into the woods to shoot himself. When the friend called the police for help, the police sent a swat team to bring him to the emergency room, swarmed by heavily armed police officers, dropped to the ground and handcuffed like a criminal. It was horrifying as a parent to witness. He was in the emergency room for 5 days before getting a bed at the State hospital.

The worst experience was when he had just turned 18. I found out that he had developed a plan to kill himself, so I took him to the emergency room. During intake he expressed a desire to harm my husband, so they committed him against his wishes. He became combative knowing he was going to be on suicide watch under lock down for days. He was strong-armed by security, tasered, sedated and restrained in a locked video-monitored room, exactly as he had feared. For 10 long days he suffered from mind numbing PTSD flashbacks, sobbing with depression, at times begging for death before they transported him in handcuffs to the State

hospital, who said he had been in the ER so long there wasn't anything they could do but give him his medication back and send him home. He was at the State hospital for only 3 days over the weekend. No therapy. No care plan. What was the point?

That one was the turning point for my son. After that fiasco he has refused to go near an emergency room since, even for legitimate medical reasons. The thought of going to the emergency room brings severe PTSD flashbacks and debilitating anxieties on top of crippling depression and the ultimate desire to die.

I found a mobile crisis unit in Nashua, by accident actually. Several Greater Nashua Mental Health employees I spoke to said they never heard about it. The mobile crisis unit went to him to do an assessment and get him immediate outpatient care. It was awesome! Here is a kid wanting to die but too afraid to seek help because of how badly he has been treated. Emergency room staff members are not trained to deal with mental illness and to wait days or weeks to get treatment is simply cruel.

I urge you to support mobile crisis units for children in this state. I have seen first-hand what a difference that immediate type of care makes. Besides being the humane thing to do for those who suffer with mental illness and their families, it is also cost-effective for our State.

Sincerely,

Michelle Fritchey

April 22, 2019

Dear Chairman D'Allesandro and Members of the Senate Finance Committee,

Good afternoon, my name is Erin Fuller and I live in Rochester, NH. **I am asking you to support the developmental disability services budget and the people that carry out the work.** I supervise Direct Support Professionals (DSP's) that provide daily support to adults with developmental disabilities at Community Partners through the DD or ABD waivers.

My department is comprised of incredibly dedicated staff that make a difference in the lives of over 32 adults by teaching them valuable skills and engaging them in the community. Without the DSP's at Community Partners, many adults with disabilities would be stuck at home with families that could not work or home providers that may not be able to provide the skill-based learning they receive during the day. I struggle to maintain a fully-staffed department during this economy due to low pay and non-competitive wages. Most DSP's are forced to work two or three jobs to simply make ends meet. I cannot attract skilled workers if I cannot offer them a livable wage.

I urge you to support developmental services and address the workforce challenges that we are faced with.

Sincerely,
Erin Fuller
1 South Dewberry Lane
Rochester, NH 03867
efuller@communitypartnersnh.org
603-516-9327

April 18, 2019

To Who This Concerns At The Senate Budget Hearings,

I'm a consumer at Community Partners in
Dover, Nh that provides mental health services.

And I was told that the Governor's Funding for
the Best Buddies Program was 'Removed' and
that's gonna hurt alot of people! We need these
funds for those who are lonely and need the Best
Buddies Program to make friends!

Sincerely Calvin G.

Calvin G.

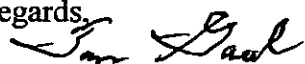
TO: SENATE FINANCE COMMITTEE
RE: MAY 8, 2019 HEARING IN MANCHESTER, NH
TESTIMONY FROM TOM GAUL (PARENT OF SPECIAL NEEDS CHILD)

Dear Senators:

Good evening, my name is Tom Gaul, and I live in Amherst NH. I am here this evening to ask you to support the developmental disability services budget and the individuals who perform this critical work.

Our son Michael receives services thru Gateways Community Services. Michael was born with a brain disorder, and all the doctors said he wouldn't live past 5 years old. Well, he celebrated his 29th birthday last month. We couldn't have made it this far without all the support services received thru Gateways and their great team. A huge part of Michael's progress have been the DSP's we have had over the years. I urge you to support Senate bill 308 to provide a much needed Medicaid reimbursement rate increase. There hasn't been an increase in 13 years while inflation has increased some 20% over this time. This is not fair and should become a priority as you evaluate various budget requests. I realize there are choices you must make and also realize that budget dollars are scarce, but, in my opinion, giving priority to DSP's who perform such critical work by taking care of our most vulnerable citizens is simply the "right thing to do." I ask you to please include Senate Bill 308 in your budget. Thank you for your support to this critical bill.

Regards,


Tom Gaul

5-8-19

Dear NH Senate Finance Committee:

We are Mike & Viki Gayhardt, 29 year residents of Deerfield, NH. We are here in hopes that you will hear us & support full funding for Long Term Supports & Services and the Bureau of Developmental Services. It's important to include SB 308 in the budget, which would provide a 5% rate increase in the first fiscal year, a 7% rate increase in the second, as well as securing adequate budget appropriation for an adult NH Medicaid dental benefit.

These requests are important to us, as we have two adult children who experience autism. Our nearly 29 year old requires direct support for what was once a 30 hour budgeted week which has been whittled down (over the last few years) to 27.5 hour week. We can never offer benefits to her direct supporters, as her budget has not changed (just minimized) since she was 21. We are at the max end of the pay scale in order to keep her current DSP's at \$14 an hour. In our desperation to find good support staff in the past we've resorted to hiring someone with a felony record, as offering no benefits & a sub living wage ~~to offer~~ brings forth few qualified applicants.

My daughter currently has two part time people who share the DSP role. They are neither trained nor have any experience in working with someone with autism, but they are kind & our daughter is comfortable with them. That's as good as it gets. It's impossible to find DSP's with ANY skill in such a complex disability as autism for such little pay and no benefits. We are lucky to find someone who is kind, but who would even TAKE a job, never mind STAY in a job like this when A PAY INCREASE CAN NEVER BE PROMISED? What happens is that it falls back onto the backs of parents like us who are increasingly filling in for the role for the fading DSP workforce. We just lost 2 hours of DSP support on Mondays, because the provider could take another full day job on Mondays that paid her \$18 an hour. We just cannot compete and expect to keep our DSP's when they can do better elsewhere for much less demanding work.

Neither of our kids have income that can support routine dental checkups and dental fillings. At ages 28 and 25, we are still paying for them to have dental checkups and fillings while always putting off our own oral health needs and saving for our old age. As struggling small business owners, we aren't sure for how much longer we can do this, or how our children will be able to afford such care when we are gone. Our son's wisdom tooth extraction ~~is~~ cost us over \$1,000 out of pocket, and he recently had to walk out of a former dental practice where the provider insisted on doing X-rays that we couldn't afford at the time. We currently limit our children's dental exams to once a year instead of twice a year as recommended by their current dentist. We also put off their X-rays for as long as we can.

Thank you in advance for your consideration to fully fund LTSS and BDS services, including SB308 and appropriation for adult dental benefits. It's just & moral.

Sincerely, *Viki and Mike Gayhardt, Deerfield*

603-463-5946

May 8, 2019

RE: State Budget - Please Fully Fund Developmental Services

Dear Senate Budget Committee Members,

My name is Robert Getchell and I live in Manchester, NH. Please fully fund developmental services and give a rate increase.

I experience a disability and with a little support I live independently in my own apartment. I am employed and work at Birch Hill as a utility person doing some cleaning and other needed tasks to help support myself and pay my bills.

With the support of my area agency, Community Crossroads, I am able to live and work and direct my life. I am also able to visit family and friends and explore my community. To help save for these activities I also collect cans, bottles and batteries. I'm now saving money to be able to travel and attend two family weddings this year. I love my family and like spending time with them. Because I live far away I only see them on occasion because money is so tight.

Fully funding Developmental Services is so important. It makes it possible for me and other people with disabilities to have the services they need to be active members in the community. Please fully fund developmental services and give a rate increase so people can live, work, and be as independent as possible.

Sincerely,

Robert Getchell
332 Pearl Street
Apartment 11
Manchester, NH 03104
(603) 858-3185



This is me visiting with my friend Heather.



WAYPOINT

Help Along the Way

Formerly
CHILD AND FAMILY SERVICES

Funding for Choices for Independence Home Health Services

May 8, 2019

Good evening, I'm Dottie Gove, Director of Home Care Services for Waypoint and a member of the Board of the Granite State Home Health & Hospice Association.

One minus One = ZERO or No One. This is what too many of our frail elderly and medically vulnerable adults who are on the Choices for Independence (CFI) Program are experiencing. A staffing shortage in a facility is never good. Patients wait longer, care can be compromised, and staff burn out or get hurt. In Home Care, one short can mean no one. Sometimes family is available, but all too frequently there isn't, meaning the frail senior will stay in soiled depends, not take their medications, try and do activities that require help, fall, and get hurt.

Choices for Independence (CFI) is for low income individuals who qualify to be in a nursing home yet choose to live at home and in the community of their choice. To qualify an individual must need assistance with at least two activities of daily living such as dressing, bathing, toileting, or ambulating. A case manager works with the individual to set up a personalized plan of care which might include help from a personal care service provider, homemaker, a home health aide, or a nurse. Sounds great right? In theory - yes. In actuality - no.

The issue is that the rate of reimbursement for services is so subpar that NH citizens who qualify for this program are not getting the services they need. According to DHHS's data, the unfulfilled home healthcare or the difference between what was authorized and what was paid in FY 2018 was \$13,000,000!

The CFI program for all providers has been underfunded for years. Agencies lose money on the program and can't afford to pay wages or benefits that allow us to retain and recruit employees. Every day we receive calls from Case Managers pleading for help with their clients. Every day we say "sorry, we simply don't have the resources". We are not unique - homecare agencies across the state have stopped providing CFI services or put quotas on the number of cases accepted.

I opened a Vietnam Veteran for services last week. He is new to the program and has several chronic diseases. He requests help with a shower - just once a week would be fine with him. There is no one available - He's on a list. There are hundreds of individuals just like him who are ending up in emergency rooms, hospitals, and nursing homes where they do not want to be.

Without meaningful rate rebasing, the access problems will continue and the funds will not be used. I urge the Finance Committee to add general funds to the CFI program. You should also direct DHHS to significantly increase provider reimbursement, which will help stabilize agencies and enable us to deliver more services. This is a sensible approach and something DHHS is already doing in its Title XX programs.

Thank you for the opportunity to speak. If you would like to go on a home visit and see first hand the value of supporting the CFI program or if you have questions or concerns please contact me. I can be reached at 603-518-4111 or by email at goved@waypointnh.org if I can be of assistance.



HEADQUARTERS

toll free (800) 640.6486
office (603) 518.4000
fax (603) 668.6260

464 Chestnut Street
PO Box 448
Manchester, NH 03105
waypointnh.org

Community Partners Family Advisory Council
113 Crosby Rd, Suite 1
Dover, NH 03820



April 22, 2019

Dear Chairman D'Allesandro and Members of the Senate Finance Committee,

Good afternoon, my name is Jackie Hookway and I live in Barrington, NH. I am asking you to support the ***Developmental Disability Services Budget and the people who carry out the work.*** My daughter, Dayna is supported by Community Partners through the DD Waiver.

Community Partners has known our daughter Dayna longer than any other service provider. This type of relationship, established from identification to adulthood is unique and sets the area agency apart from all the other services systems that we have been exposed to. This stability provides a relief to our family and most especially to Dayna, who struggles when she has to undergo multiple transitions.

Dayna's program through adult services allows for me to hire staff to help her meet her goals towards independence. Since she turned 21 last July, she has had 3 different staff and large gaps in services. It is a challenge to hire consistent, dedicated staff when they are unable to live off the set wages and can make more money at clothing stores and fast food restaurants.

I urge you to support the developmental services and address the workforce challenges that we are faced with.

Thank you for taking the time to read about my concerns.

Sincerely,

Jackie Hookway
29 Mast Rd
Barrington, NH 03825
Jackiehookway@gmail.com
603-231-0174

April 19, 2019

Dear Chairman D'Allesandro and Members of the Senate Finance Committee,

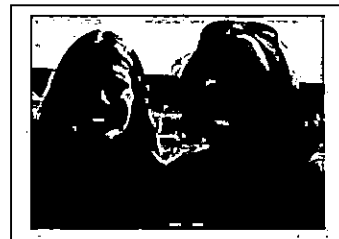
Dayna, our daughter has a STABLE NH account, which has allowed her to purchase a car and maintain her benefits, we are so proud of her accomplishments. Prior to STABLE NH accounts this purchase would not have been possible. The fact that she will not lose her benefits and her car is her own, would have only ever been a dream. We want you to know how historic and important it is that she has the ability to save. Just a short time ago holding a saving over \$2,000 was not something someone who lived with a disability and collected Social Security could ever imagine doing. Dayna saved for and purchased a car and learned important life lessons, just like most typical young adult. Not enough people are aware of the advantages of STABLE NH and even if they are they are still worried about saving and the risk of losing their benefits. People continue to need to be educated that they can save; there hasn't been enough time to spread the word.

Thank you for taking the time to read our testimony and we urge you to please support STABLE NH and restore the \$30,000 that was removed from the Governor' budget to help market and advertise this historic change!

Sincerely,

Christopher and Jackie

Christopher and Jackie Hookway
29 Mast Rd
Barrington, NH 03825
Jackiehookway@gmail.com
603-231-0174



April 18, 2019

To Who This Concerns At The Senate Budget Hearings,

I'm a consumer at Community Partners in
Dover, Nh that provides mental health services.
And I was told that the Governor's Funding for
the Best Buddies Program was 'Removed' and I'm
not Happy because it helps people who don't
have friends get them!

Sincerely Amanda L.

Amanda L.

April 18, 2019

To Who This Concerns At The Senate Budget Hearings,

I'm a consumer at Community Partners in
Dover, Nh that provides mental health services.
And I was told that the Governor's Funding for
the Best Buddies Program was 'Removed' and
it makes me sad! Regretfully more and more
Programs for the disabled are losing there
funding and we as Consumers Need You to Keep
These Funds in place to keep the level of
assistance they provide at level that is sufficient!

Sincerely Kerri L.

Kerri L.

April 18, 2019

To Who This Concerns At The Senate Budget Hearings,

I'm a consumer at Community Partners in Dover, Nh that provides mental health services. And I was told that the Governor's Funding for the Best Buddies Program was 'Removed' and it makes me not feel very glad. I feel that the Best Buddies Program 'Needs To Be Funded' because it's a 'GOOD PROGRAM' that helps individuals with disabilities make friends and gain employment... "This is not right"!

Sincerely, Thomas L.

Thomas L.

April 18, 2019

To Who This Concerns At The Senate Budget Hearings,

I'm a consumer at Community Partners in Dover, Nh that provides mental health services. And I was told that the Governor's Funding for the Best Buddies Program was 'Removed' and it makes me sad! These funds are need so people with disabilities can enjoy this program and have the friends they need to be successful out in public!

Sincerely Tim L.

Tim L.

To: New Hampshire Senate Finance Committee
From: Diana LaMothe, Hudson, NH
Date: May 8, 2019

Re: HB 25-A: Hudson CTE Center Renovation, State Share of \$14,450,000

Background

In May of 2017, a CTE Renovation Committee was formed to identify capital improvement needs for the Wilbur H. Palmer Career and Technical Education Center located at Alvirne High School in Hudson, New Hampshire (the Hudson CTE Center). No upgrades have been made to the Hudson CTE Center since it was built in 1992. A lot has changed in 27 years with regard to the programs of education that the Hudson CTE Center supports. Consider, in particular, health sciences, K-12 education, environmental science and conservation, computer science, and various fields of technology.

In March of 2018, the taxpayers of Hudson voted to approve the renovation and expansion plan of the Hudson CTE Center, with the understanding that it would be funded as follows:

Taxpayer-funded portion	\$ 8,262,500
State-funded portion	<u>17,000,000</u>
Total project cost	<u>\$25,262,500</u>

After the 2018 vote, the CTE Renovation Committee was changed to the CTE Building Committee, which is comprised of 14 members. Cumulatively, hundreds of hours have been spent by community volunteers, the architect, and the construction manager to fine-tune the Hudson CTE Center project. The project's budget contains hard numbers that add up to the total project cost of \$25,262,500. Construction is scheduled to begin in June/July of this year and will be completed in 24 months.

Concern: HB 25-A Needs Revision

In the April 11, 2019 version of HB 25-A, the state appropriation for the Hudson CTE Center is listed as \$14,450,000, which is \$2,550,000 less than the amount Hudson had anticipated in good faith. General conversations indicate that the balance of \$2.5 million will be appropriated in the biennium beginning July 1, 2021. While this sounds great, it really doesn't help with the Hudson CTE Center renovations that will be completed *before* that date. So, if the full funding of \$17 million is not appropriated in this next biennium beginning July 1, 2019, the Hudson CTE Center project as currently designed - again with hard construction costs and plans that have been tediously developed over the last 2 years - will have to be scaled back.

The impact of cutting \$2.5 million out of a \$25.3 million project is significant. Many programs will not receive needed and much overdue upgrades. This would be a disservice to the students who benefit from these programs, students not only from Hudson, but also from sending schools. It also would be a disservice to community members, businesses and post-secondary educational institutions that benefit from high-quality, relevant CTE programs.

Proposed Solution

I reviewed the detail of HB 25-A and it appears that some capital appropriations are for projects that would likely span 2 biennia. I ask that you please consider reallocating funds from such longer-term projects to the Hudson CTE Center so that the full \$17 million is designated for the Hudson CTE Center in this next biennium. The difference of \$2.5 million could then be appropriated to the longer-term projects in the biennium beginning July 1, 2021. (The newly renovated Hudson CTE Center will likely be celebrating its grand opening at this time!)

Closing Remark

The newly designed Hudson CTE Center will move our state forward in providing our children with a 21st century education that will prepare them for their best possible future. Our hope is that many of these students will stay in New Hampshire and contribute back to their local communities. We have seen this hope come to fruition in many instances. Please consider my proposed solution and restore the full \$17 million funding for the Hudson CTE Center in the upcoming biennium. Thank you.

When your child is born, to be the first to interact with it through its infancy, from the moment their skin touches your own is a momentous occasion. Having a family member fall seriously ill, and being able to stay home and nurse them back to health is a momentous occasion. A loved one admitting they are an addict, asking for your help, and being in a position to take time away from work, knowing that you will still be employed when you return, is another momentous occasion.

These momentous occasions allow for family bonds to be crystallized through time so they are stronger than granite. Sometimes, such occasions intertwine our families and, collectively, they become our towns, cities, states, national or even world history. Our State has an opportunity to determine the extent to which all residents experience these momentous occasions in regards to Paid Family and Medical Leave Insurance. Each of our legislative bodies have proposed their vision of family and medical leave, and our good Governor Sununu has proposed his own plan. Which we choose will most certainly go down in our state's history and be looked back on by future generations of our state.

The family and medical leave plans from the House and Senate propose almost identical benefits for families in New Hampshire. They both include a potential pre-tax premium deduction of 0.5% of employees' weekly wages. The Governor's argument to veto these bills begs the question to this being an income tax when, in fact, employers will have great flexibility in implementing this benefit. If you receive your health insurance from your employer then your

insurance premium is deducted from the gross income before that income is taxed. If employers decide to follow this principle for family and medical leave, and the premium is deducted before taxation, how is that income being taxed? Furthermore, employers have the option to cover the benefit altogether so it will neither be deducted nor impact your taxable income, and the rate will not be subject to fluctuating market prices. If only that were the case for the Governor's proposed bill.

The other so called plan has been proposed by our Governor and the good Governor Scott of Vermont. Their plan is a voluntary "buy in" program unless you're a state employee. Private sector employers can choose to purchase this benefit from our government or private insurance companies, which will ultimately dictate the price of this insurance. Once an employer decides to purchase the insurance, their rate is affected by how many employees choose it. If 100% of employees "buy in" then you get the "state" rate. Once employees choose to "opt-out" - which is within their rights of the law - the rate for employers will go up.

Not only does this so called plan put the weight of this financial burden on employers and small business owners, but without 100% employee participation the price increases. Employees who choose to "buy-in" may end up paying much more than a few dollars a week, depending on how many of their co-workers choose to "opt-out". It is also ironic that the House and Senate plans have been criticized for lack of solvency when the Governor of New Hampshire himself admitted that the reason his plan failed to pass last year was because it was not solvent unless there is 100%

participation from employees, thus the increasing prices for lower employee participation. This bill is the equivalent of saying, "Well, something is better than nothing!" to the 38,968 private firms in New Hampshire, 37,184 (or 94.5%) of which have less than 50 employees.

I have great respect for our Governor. He and I have aligned on several of issues. And, in all honesty, I understand the economics behind the two Governor's proposal and am a strong proponent of its capitalism. It aims to make the family and medical insurance market competitive which, in the long run, could lower prices to less than the 0.5% proposed by the legislature. But on this issue I disagree with the risk the Governors are making by putting such a great benefit at the perils of the economy. This is not a partisan issue, or an economic issue. At the end of the day it is a family issue but that is a fact that Governors Sununu and Scott have not recognized in their law. So, I have brought a few facts of my own.

The fact is thousands of parents in our state are forced to choose not to stay home and bond with their newborns, adopted or fostered children because they can't afford to take time off from work.

The fact is 40% of New Hampshire families can't budget a \$400 unexpected expense, medical or otherwise, without causing significant financial harm.

The fact is those who struggle with addiction, or have family members who are addicts, cannot afford to take time off to help themselves, or their loved ones, overcome their addiction.

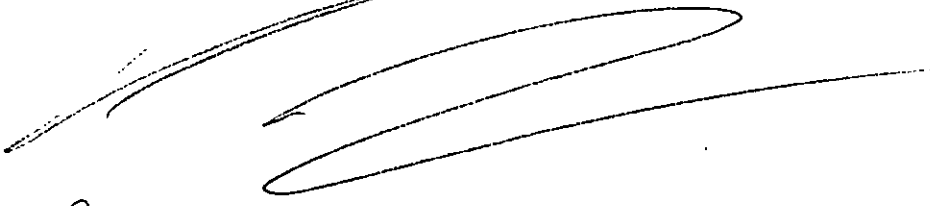
The fact is our aging population will find it difficult to remain in the workforce unless they have the assurance of this insurance.

And the fact is, for a small amount of money each week, potentially pre-tax or at the cost of the employer, we can ensure the safety, vitality and prosperity of our future generations.

So it is not surprising that despite all these facts, Governor Sununu and Governor Scott would have us believe their privatized approach to this insurance is the way to go even without bipartisan support in our legislature, without significant public support in our state for their bill, and without the prospect of a better future for all Granite Staters, all things the legislators plan possess. Our Governor is betting the future of New Hampshire families on an economic and political roll of the dice. New Hampshire families deserve better than this. We deserve that our families' health and safety be a priority for our Government, not another way for insurance companies to further line their pockets at the expense of New Hampshire workers.

The stronger and more vital future of our state depends on this momentous occasion. If we pass Paid Family Leave for all, instead of the Governor's TSVL plan for the few who can afford it, this decision will be looked back upon with reverence by future generations, as well as those who fall on the side of its passing and enactment. We hope, in good faith, as the silent and vocal majority, that Governor Sununu joins us on this side of history, and works with the house and senate to sign one of these bills into law for the good of the people. We stand United in this State

of America with our legislature and all New Hampshire families so that no new parent, newborn child or otherwise, or any family member shall again go uncared for in our state. Thank you.

A large, stylized handwritten signature scribble consisting of several overlapping, sweeping lines that form a roughly oval shape with a long tail extending to the right.

Paden J. Livingston

April 18, 2019

To Who This Concerns At The Senate Budget Hearings,

I'm a consumer at Community Partners in
Dover, Nh that provides mental health services.
And I was told that the Governor's Funding for
the Best Buddies Program was 'Removed' and it
makes me upset! The Best Buddies Program
Needs Those Funds to help people with
disabilities get friends and No More Bullies!

Sincerely Jen M.

Jen.M.

Dear Statehouse 4/15/2019

I am Megan Miller I thank you for all you do like keeping Community Partners going with helpful staff and Case Mnagers who stand up for us and support our decisions.

I am writing because youy taking away the funding for the Durham Best Buddies Program.

I am concerned for the opportunity that is now taken away from the disabled community and how that effects the future.

I know someone who benefited a lot from Best Buddies. He was an angry fusterated person and had angry outbursts and meltdowns. When he went to Best Buddies he changed into a laid back happy man who was proud of being in Best Buddies. He wore a temporary tattoo quite proudly and showing it to others. It was quite beautiful to say the transformation and to see he was happy. I was happy for him.

I am standing up for him and others where they have been helped by this program.

Just think without Best Buddies that opportunity to grow and have guidance will not exist now and some people will stay angry and lost.

So I ask please reinstate funding for Best Buddies, to make the disabled community a better place for all and to encourage growth.

Sincerly, Megan M

A handwritten signature in black ink, appearing to read "Megan M". The signature is cursive and somewhat stylized, with a large initial "M" and a trailing flourish.

April 18, 2019

To Who This Concerns At The Senate Budget Hearings,

I'm a consumer at Community Partners in
Dover, Nh that provides mental health services.
And I was told that the Governor's Funding for
the Best Buddies Program was 'Removed'! The
Best Buddies Program has been funded since
1988 so 'Why' would you want to take it away?!
To remove Govener Sununu's Funding will hurt
the program deeply that helps So Many People!

Sincerely Sam M.

Sam M.

May 7, 2019

Senator Lou D'Allesandro-Chairman
Senator Dan Feltes-Vice Chairman
Senator Cindy Rosenwald
Senator Jay Kahn
Senator John Reagan
Senator Bob Giuda

Chairman D'Allesandro and Members of the Senate Finance Committee:

My name is James Moran and with me tonight is my son Martin. We live in Merrimack.

We first became associated with Gateways back in 2005, when Martin was 2 years old, and diagnosed with autism.

For the past 14 years, we have we have used the resources and guidance of Gateways so Martin can gain the skills necessary to live a normal as life as possible. I consider myself financially astute, but it was the staff at Gateways that mentioned STABLE NH Accounts, as a means to provide monetary resources for Martin needs in the future.

Today, Martin is a freshman at Merrimack High School, participates in high school sports and works 8 hours a week at a local supermarket.

We respectfully request that you increase funding for Early Supports and Services, continue to support the developmental services budget and wait list , restore funding to promote and educate families on STABLE NH Accounts so Martin and individuals like Martin can continue to have the necessary resources available to them so they can live a normal a life as possible.

Respectfully Submitted

James Moran
Martin Moran
23 Dunbarton Drive
Merrimack NH 03054

janandjimmoran603@gmail.com

May 8, 2019

Senator D'Allesandro, Chairman
Senate Finance Committee
State House, Room 103
107 N. Main Street
Concord, NH 03301



RE: HB 1-A and HB 2-FN

Dear Senator D'Allesandro and Members of the Senate Finance Committee:

Thank you for your work on creating a budget that keeps New Hampshire healthy and thriving economically. Manchester Community Health Center (MCHC) is the medical home for nearly 14,000 patients of Manchester and surrounding towns.

We are a non-profit community health center that provides primary and preventive care to almost 15,000 patients per year in our community, regardless of their ability to pay. Our services include primary medical care, specialty care, referrals for dental care, optometry, chronic disease management, behavioral health and substance misuse treatment. Many of our patients experience barriers to health care, and we make it our mission to reduce these barriers. This is a snapshot of our patient population:

- **Socioeconomic Status:** Approximately 77% of Manchester Community Health Center (MCHC) patients are known to be at 200% of the 2018 Federal poverty level or below (\$40,840 or less annually for a family of 3)
- **Outpatient Insurance Status:**
 - 19.9% are uninsured
 - 8.6% are covered by Medicare
 - 46.7% are covered by Medicaid
 - 24.8% are covered by Medicaid Expansion products (PAP) or private insurance
- **Languages Spoken:** Approximately 47% of MCHC patients do not use English as their primary language. The predominant non-English languages are Spanish, Arabic, Nepali, Vietnamese, Portuguese and Bosnian. MCHC employs 14 interpreters to provide language accessible services to our patients.

NUMBERS OF CHILDREN AND ADULTS SERVED

Patients: Children: 5,673 Adults: 8,906 **TOTAL: 14,579**

Total Visits: 62,003

FINANCIAL INFORMATION

Agency Budget: \$19,452,741

Employees: 223

Percentage of overall Budget from Medicaid Revenue: 36%

Total Medicaid Revenue: \$6,927,807.00

Estimated Revenue from Granite Advantage Participants: \$3,463,903.00

Margin in FY'19: \$140,000

Current Operating Days in Cash: 19

Addressing New Hampshire's Health Care Workforce Shortage

The most serious issue facing our state's community health centers at this time is our scarcity of qualified health care clinicians. As a result, it takes our health center months to find qualified clinicians and staff. This means that it takes longer for us to onboard new patients and to expand the services we offer the greater Manchester area. For example, we have been recruiting for a Psychiatric Nurse Practitioner since May of 2018. In addition, we have been recruiting two behavioral health clinicians, one since September 2018. We recently started recruiting for a psychiatric nurse practitioner, because behavioral health services are in high demand in Manchester and across the state. We anticipate the recruitment process for this position will take months and result in an associated \$15,000 in lost productivity and \$15,000 in recruitment fees. More importantly, our community needs access to health care services, and we want and need to provide those services.

One position we have had open in our school systems for a behavioral health clinician to work in Manchester School of Technology had been vacant for almost a year. The other clinicians have full panels, so that means a waiting list for students who need access to services.

Right now, New Hampshire has a shortage of over 2,000 health care worker vacancies, including 109 vacancies at community health center across the state for clinical and non-clinical positions. Manchester Community Health Center fully supports the solutions contained in Senate Bill 308, which were designed to better position our state's health care organizations, including community health centers, in recruiting and retaining health care workers.

SB 308 reduces administrative burdens for health care organizations when hiring clinicians; increases access to health care education programming; improves utilization of resources like telemedicine to expand access to care, especially in rural areas; implements long overdue Medicaid rate increases for all Medicaid providers; and invests in the State Loan Repayment Program (SLRP). This program allows clinicians to repay their student loans in exchange for a three-year service commitment, and it is the most important tool for community health centers like ours to attract providers to our organization. Eighty-three percent of clinicians who participate in this program remain in the Granite State after their commitment is complete.

If funding for SLRP is reduced, this will compromise many of the grants already awarded by the Office of Rural Affairs in the NH Department of Health and Human Services to providers across the state. Manchester Community Health Center currently has 3 participants in SLRP: 1 Marriage and Family Therapist, 1 Licensed Independent Clinical Social Worker, and 1 Master Licensed Alcohol and Drug Counselor. These clinicians provide services to approximately 500 of our patients. Funding reductions and potential cancellations of current SLRP contracts would impact 75% of MCHC providers who currently receive this funding and nearly 30 clinicians in New Hampshire. The Governor's budget funded SLRP at \$250,000 per year, which caused the NH DHHS to delay contracting with qualified clinicians who want to practice in New Hampshire. Any further reductions would be devastating for our organization and ultimately hurt our patients the most because the availability of SLRP is what helps us recruit and retain providers to meet increasing patient demand.

Ensuring Access to Family Planning Services

Manchester Community Health Center is one of 10 family planning contractors with the State of New Hampshire. These contracts allow us to provide STD and HIV counseling and testing, health education materials, and birth control services to low-income women, men, and adolescents in need of family planning and reproductive health services. The State funds these contracts in part by federal funds through the Title X program. Earlier this year, the federal government amended the Title X regulations to include a "gag rule." As a Title X provider, the new regulations would require our health center to separate our clinicians and staff funded through our contract with the State of New Hampshire, physically and financially, from our other prenatal and

family planning services. This is financially and physically impossible for our organization to do. While there is a temporary injunction from enforcement of the new rules at the federal level, we must operate and plan as if the new regulations are in place. We cannot operate as a family planning provider for the State if we were subject to the new rules as written.

Additionally, the State of New Hampshire's family planning contracts rely on the confidentiality protections included in Title X. It is my understanding that if the state or the contracts were to exclude Title X as part of the funding source, all family planning patients would lose the confidentiality protections afforded them in Title X. I cannot understate how important confidentiality protections are to the adolescents and young men and women who access family planning services.

In closing, Manchester Community Health Center needs qualified clinicians to help us accomplish our mission of improving the health and well-being of our patients and the communities we serve. Additionally, all of our patients, regardless of the services they use, need access to high-quality services and to know that those services will not be disclosed to anyone without the patient's permission.

Thank you for your attention to this critical issue. Please do not hesitate to contact me if you have any questions. We invite the Committee to visit our health center to learn more about the services we provide to our communities and the difficulties we face in recruiting and retaining qualified clinicians. Please do not hesitate to contact me if you have any questions or would like more information. Thank you for your time. Please reach out to me with any questions. We at Manchester Community Health Center look forward to hearing from you!

Sincerely,



Kris McCracken, President/CEO
145 Hollis Street, Manchester, NH 03101
PHONE: (603) 935-5210
EMAIL: kmccracken@mchc-nh.org
WEBSITE: www.mchc-nh.org

May 2, 2019

Dear Chairman D'Allesandro and Members of the Senate Finance Committee,

Good Afternoon, Our names are Robert and Judith McSheehan and we live in Rochester, NH. We are here to ask you to fully fund the Developmental Services budget and the people who carryout the work every single day. Please also support SB308, which provides a rate increase for providers. Two of our sons and supported by Community Partners. Brandon through family supports and Tyler through the In Home Supports Waiver.

We would like to tell you a little about our boys. Tyler is 16 and has Fragile X Syndrome which affects him with many intellectual and developmental issues. Without the In Home Supports, we would be lost. He receives a lot of much needed help with personal care, respite care, behavior management etc. Brandon is 14 and is autistic. He receives family support and respite care which also helps our continually struggling family.

Given what we stated above about our family, if you do not fully fund the developmental services budget request, it will be devastating to not only our family, but many other families that need these funds to maintain a stable family life.

In the words of the Patriots.. " Do Your Job " and fully fund Developmental Services.
Thank You !!

Sincerely,

Robert and Judith McSheehan
5A Green Street
Rochester, NH 03868
mcrobjudy@yahoo.com
603-335-4208



NAMI New Hampshire

National Alliance on Mental Illness

Honorable Senator Lou d'Allesandro Chairman
 Senate Finance Committee
 State House Room 103
 North Main St.
 Concord, NH 03301

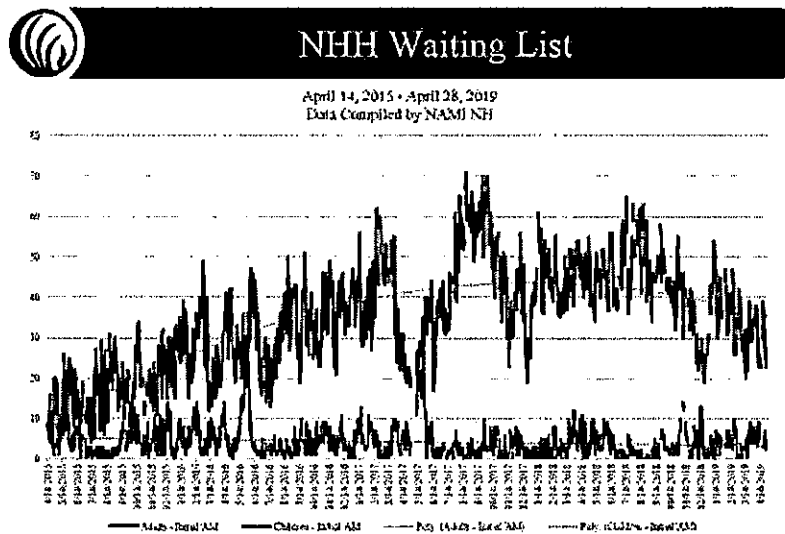
May 8, 2019

Chairman d'Allesandro and members of the Committee:

My name is Kenneth Norton and I am the Executive Director of NAMI NH, The New Hampshire Chapter of the National Alliance on Mental Illness. NAMI NH is a grass roots non-profit, non-partisan organization whose mission is to improve the lives of all people impacted by mental illness and suicide. NAMI NH is not a treatment provider; we fulfill our mission by providing support, education and advocacy. I am a Licensed Independent Social Worker in NH, former foster parent and adoptive DCYF parent. I have served as a subject matter expert on issues including mental illness and suicide prevention to SAMHSA and the Department of Defense, and I have family members with mental illness as well as addictive disorders.

"Imagine frantically rushing a family member or loved one to the Emergency Department with a life threatening medical condition. Nurses and Emergency Department staff gather information and take vital signs. After carefully assessing the patient the Dr. confirms your fears and indicates the situation is very serious and potentially life threatening and will require hospitalization. But there is a complication; there are no hospital beds available, not at this hospital or any other hospital in New Hampshire. Worse, there is a waiting list to get into the hospital and it may be days before your loved one can get treated – in the meantime they will be held in the ED until a bed becomes available."

I spoke these words in January of 2013 at a press conference in the Legislative Office Building which NAMI NH hosted and which over 14 organizations participated in. I also stated that this practice is "wrong medically, legally, ethically, morally and economically." Sadly, since that time the average number of people in a mental health crisis being boarded in Emergency Departments quadrupled and wait times have also grown from days to weeks. In January a young man waited from December 26 to January 24th for a bed. The above chart shows



 NAMI New Hampshire

Find Help, Find Hope.

NAMI New Hampshire • 85 North State Street • Concord, NH 03301
 InfoLine: 800-242-6264 • Tel. 603-225-5359 • Fax 603-228-8848 • info@naminh.org / www.NAMINH.org

the progression over the past four years, the black line represents adults and the blue or lighter line represents children.

Yesterday afternoon there were 41 people waiting for admission to New Hampshire Hospital or another designated receiving facility. Among those waiting were 13 children, 23 adults in Emergency Departments, 3 people in jails and two in the secure psychiatric unit. Governor Sununu has identified this as a crisis and truly it is. People are suffering and their lives are being inalterably changed. Treatment delayed is treatment denied. I have little doubt that the Emergency Department Boarding Crisis is a contributing factor to our increasing rates of suicide in NH. A report issued by the US Center for Disease Control in June 2018 identified NH as having the 3rd highest increase in rates in the country.

Up to this point, bipartisan efforts to resolve the crisis during the last several legislative sessions have had only minimal impact. I am cautiously optimistic that working together we can successfully address this issue and that in 2021 I will not be

standing here before you repeating these grim statistics. What is different this time is that we have a new 10 year mental health plan. The plan took 18 months to develop and involved hundreds of key stakeholders from throughout the state who participated in focus groups, workgroups and public hearings to develop a blueprint for moving forward. That plan was further distilled into fourteen priority recommendations for the current biennium. *It is NAMI NH's position that this plan represents a cohesive whole and needs to be fully funded.*

Immediately resolving the ED Boarding crisis is an imperative. We need statewide mobile crisis response for adults and children to divert people from hospitals and jails. When an individual is in a mental health crisis, those individuals and their families need other options beside calling 911 or going to the emergency department. We also need to provide funding for suicide prevention and Headrest the certified crisis center for the National Suicide Prevention Lifeline.

In this budget process plans to address the Emergency Boarding crisis and implementation of the 10 year plan need to be operationalized. DHHS has been long on concepts but short on details. We need specific timeframes and outcomes and how and when we can expect ED boarding to end.

Toward that end, we need to clearly define some of the language we are using. Starting with beds; we need more beds – all kinds!!! This includes inpatient beds, both voluntary and involuntary. We need crisis beds and peer respite beds that can successfully divert people from the hospital or incarceration. We need



NH Leading Causes of Death: 2013-2017

Rank	Age Groups										All Ages	
	<1	1-4	5-9	10-14	15-24	25-34	35-44	45-54	55-64	65+		
1	Congenital Anomalies 27	Congenital Anomalies 27	Malignant Neoplasms 13	Malignant Neoplasms 13	Malignant Neoplasms 13	Malignant Neoplasms 13	Malignant Neoplasms 13	Malignant Neoplasms 13	Malignant Neoplasms 13	Malignant Neoplasms 13	Malignant Neoplasms 13	Malignant Neoplasms 13
2	Heart Disease 21	Heart Disease 21	Heart Disease 21	Heart Disease 21	Heart Disease 21	Heart Disease 21	Heart Disease 21	Heart Disease 21	Heart Disease 21	Heart Disease 21	Heart Disease 21	Heart Disease 21
3	Unintentional Poisoning 23	Unintentional Poisoning 23	Unintentional Poisoning 23	Unintentional Poisoning 23	Unintentional Poisoning 23	Unintentional Poisoning 23	Unintentional Poisoning 23	Unintentional Poisoning 23	Unintentional Poisoning 23	Unintentional Poisoning 23	Unintentional Poisoning 23	Unintentional Poisoning 23
4	Cerebrovascular Disease 18	Influenza & Pneumonia 18	Diagnosed Neoplasms 18	Diagnosed Neoplasms 18	Malignant Neoplasms 15	Heart Disease 63	Heart Disease 114	Heart Disease 114	Heart Disease 114	Heart Disease 114	Heart Disease 114	Heart Disease 114
5	Poisoning 11	Heart Disease 11	Heart Disease 11	Congenital Anomalies 11	Congenital Anomalies 11	Congenital Anomalies 11	Congenital Anomalies 11	Congenital Anomalies 11	Congenital Anomalies 11	Congenital Anomalies 11	Congenital Anomalies 11	Congenital Anomalies 11
6	Influenza 11	Malignant Neoplasms 11	Cerebrovascular Disease 11	Cerebrovascular Disease 11	Cerebrovascular Disease 11	Cerebrovascular Disease 11	Cerebrovascular Disease 11	Cerebrovascular Disease 11	Cerebrovascular Disease 11	Cerebrovascular Disease 11	Cerebrovascular Disease 11	Cerebrovascular Disease 11
7	Respiratory Disease 11	Birth Defects 11	Congenital Anomalies 11	Diabetes Mellitus 11	Diabetes Mellitus 11	Diabetes Mellitus 11	Diabetes Mellitus 11	Diabetes Mellitus 11	Diabetes Mellitus 11	Diabetes Mellitus 11	Diabetes Mellitus 11	Diabetes Mellitus 11
8	Heart Disease 11	Diabetes Mellitus 11	Diabetes Mellitus 11	Diabetes Mellitus 11	Congenital Anomalies 11	Cerebrovascular Disease 11	Cerebrovascular Disease 11	Cerebrovascular Disease 11	Cerebrovascular Disease 11	Cerebrovascular Disease 11	Cerebrovascular Disease 11	Cerebrovascular Disease 11
9	Heart Disease 11	Heart Disease 11	Heart Disease 11	Heart Disease 11	Heart Disease 11	Heart Disease 11	Heart Disease 11	Heart Disease 11	Heart Disease 11	Heart Disease 11	Heart Disease 11	Heart Disease 11
10	Heart Disease 11	Heart Disease 11	Heart Disease 11	Heart Disease 11	Heart Disease 11	Heart Disease 11	Heart Disease 11	Heart Disease 11	Heart Disease 11	Heart Disease 11	Heart Disease 11	Heart Disease 11

Source: CDC WISQARS, 2013-2017



transitional beds to transition people leaving an inpatient setting and we also need to recognize that many of the people who go into a “transitional bed” may need this level of care on an ongoing basis and may not be able to successfully “transition” to a community setting. We will likely need to continue to build that out resource in the future. And we need bridge subsidies to make housing for people on disability affordable. NAMI NH challenges the notion that we will end up with too many inpatient beds. Let’s look toward providing mental health treatment to those individuals with mental illness who end up in our jails and prisons. Let’s also look to provide crisis stabilization and brief assessment to people with intellectual disabilities or head injuries who are currently being sent out of state.

Raising reimbursement rates is a critical part of moving the 10 year plan forward. Increasing reimbursement rates is critical to SB 11 proposes to raise rates for both voluntary and involuntary (Designated Receiving Facility) beds. During the past week, NAMI NH has been surveying NH’s Hospitals to determine if any are currently considering adding inpatient psychiatric beds. *As of this point, we have not had any hospitals indicate they are even considering adding inpatient psychiatric beds.* While raising rates is an important component of the 10 year plan, *we should not assume that this alone will result in additional inpatient capacity being created anytime soon.*

While Emergency Department Boarding is the most visible symptom of the challenges faced by our mental health system, a clear contributing factor to this problem is the weeks to months it takes to get an outpatient appointment. A significant driver of the workforce shortage in the mental health field is the low Medicaid reimbursement rates which make it very difficult to recruit and retain qualified staff particularly for our community mental health centers which serve our most ill individuals from children, to youth and transition age youth to adults and older adults. Vacancy rates there have hovered over 200 clinical positions at any point in time during the past year. Without increasing and sustaining Medicaid reimbursement rates, we will not be able to successfully implement the 10 year plan.

Related to workforce development, is the critical need to address workforce capacity issues at the Department of Health and Human Services Bureau of Mental Health Services, and the Bureau of Children’s Behavioral Health. The Bureau of Mental Health Services is a shadow of what it was (a Division) during the 1990’s when we were rated #1 in the country. Both of these Bureaus need increased staff in order to have the leadership and capacity to move the 10 year plan forward and to hold the various systems accountable to achieving the objectives of the plan.

NAMI NH also recognizes the importance of funding and addressing prevention and early intervention services (Recommendation #10). These services are essential, especially given the impact of the opioid crisis and other risk factors on children. Moving services and supports further upstream will result in positive human and financial impact in the future.

Successfully addressing our mental health crisis will require not only increasing our inpatient capacity, but must also build out a continuum of community based step up and step down services. This includes day treatment/partial hospitalization, clubhouses and peer supports. Providing increased treatment options and day time therapeutic activities can provide alternative to hospitalization as well as prevent high rates of readmission for those recently released. Peer support is also be an important step up and step down component. Both step up/step down services and peer support are priority recommendations (numbers 6 and 7) of the 10 year plan which have no funding on the proposed budget.

While a community based system of care is the goal we all aspire to, in practice it has some limits. It is important to point out that even when we were rated as having the best mental health system in the country, with a robust continuum of step up and step down services like supported housing, partial hospital/day treatment and vocational programs in every region of the state, we had 200 adult beds and

many inpatient voluntary and involuntary capacity, but we still had over 60 people at New Hampshire Hospital who required a higher level of care than was available in the community, and we also had people with serious mental illness being victimized and exploited in the community because they lacked the capacity and where withal to defend themselves.

Along similar lines, NAMI NH endorses the need to develop a forensic hospital and continuum of care for forensic patients, particularly those who are under civil commitments rather than a criminal status. Doing so, and striving to have it accredited as a hospital will better balance treatment, and security needs and help reduce some of the prejudicial attitudes and discrimination faced by these individuals and their families.

Although I have never before advocated for NAMI NH itself, I would note that the Family Mutual Support line item in the budget which funds many of our support and educational programs has been flat for several years while requests for support and education programs continue to increase dramatically. Any consideration you can give to increasing that would be appreciated.

This raises the issue of accountability of the 10 year plan. There are two parts to this. The first is that up to this point in time budget proposals from the Governor, DHHS and the House of Representatives have been long on concepts and short on details. Individuals and families who have been directly impacted by the Emergency Department Boarding Crisis want and deserve specific information like timelines and how and when these proposals and budget will be operationalized and when they can expect to see concrete results in their ability to access timely and effective mental health treatment.

Over the next 10 years we will have 5 gubernatorial and legislative elections, we will likely see a new commissioner of the Department of Health and Human Services and undoubtedly a period of recession or less robust economic times than we have now. Meanwhile we are still working under the mental health settlement agreement from a federal class action suit against the state and have a separate class action suit pending. While SB 292 attempts to address this by having DHHS report to the Health and Human Services Oversight Committee it does not go far enough, e.g. with these lawsuits in progress, DHHS is unlikely to report on any negative aspects which reflect poorly on the state's implementation of the plan NAMI NH believes we need a higher level of accountability in order to fully enact and evaluate the effectiveness of the plan. NAMI NH believes investing in an independent monitor similar to the Office of Child Advocate. We believe having an individual to review and address implementation efforts across the mental health system over the next 10 years would be a sound investment and likely to save the state money in legal costs in the long run.

I know from conversations with each of you that you all care deeply about addressing our mental health crisis. On behalf of NAMI NH I ask you to fully fund the priority recommendations of the 10 year plan. Thank you for all you do for our state. I am happy to answer any questions which you have.

Respectfully,



Kenneth Norton LICSW
Executive Director

April 18, 2019

To Who This Concerns At The Senate Budget Hearings,

I'm a consumer at Community Partners in Dover, Nh that provides mental health services. And I was told that the Governor's Funding for the Best Buddies Program was 'Removed' and that really sticks because that's going to hurt me plus the program and people that rely on this support program. It also makes me upset and angry because it helps people out there that need it and without it they'll be lost!

Sincerely, Bill P.

BILL P.

Good evening, members of the Committee. For the record, my name is Katie Parent, and I am the Crisis Services Program Manager at YWCA NH in Manchester, NH, one of the 13 crisis centers across the state. Specifically we serve survivors of domestic and sexual violence in the Greater Manchester Area, parts of both Rockingham and Hillsborough County. I want to speak to you today about the importance of maintaining the proposed funding level to the Domestic Violence Prevention Program.

As Crisis Services Program Manager at YWCA NH, I have had the opportunity to work directly with clients and their children, as well as implement programming to meet the needs of survivors as they work to heal and rebuild their lives. I have seen firsthand the difference that crisis center services make in the lives of victims and their families, and can personally attest to the lifesaving difference the funding for these centers makes.

One example of this work making such a huge difference is a former emergency shelter guest. This woman came to us through a community referral, had young children, and spoke almost no English. She came to us with literally nothing but the clothes on her back and no other way of leaving that incredibly abusive relationship. She stayed in our shelter for almost a full year, the entire time working tirelessly with our advocates to develop the necessary skills to live independently. With our support, she got the courage to confront her abuser in court on several occasions and to advocate for herself every opportunity she had. She is now living successfully on her own and thriving in a safe environment for her and her children.

This is just one example of the 2000 individuals our center serves annually (and up to 1000 a year)
Its stories like these that keep me, and other advocates, working tirelessly on behalf of victims, even when it feels like an uphill battle. We are making real differences in the lives of some of the most vulnerable people in our communities: these are our friends, neighbors, and family members, and by prioritizing the funding for these services, we can make NH a safer place for all of us to live and raise our families.

Thank you for your time, and I ask you to please maintain the critical funding proposed for crisis centers in this budget.

Katie Parent

05/08/19

Funding Mental Health Needs in the 2020-2021 State Operating Budget

Bill Rider President/ CEO of The Mental Health Center of Greater Manchester

Representing:

The NH Community Behavioral Health Association is an organization comprised of the ten community mental health centers throughout New Hampshire. These centers serve individuals in our state who are living with - and recovering from - mental illness and Substance Use Disorders. This network of mental health centers provides ongoing and emergency behavioral health services to New Hampshire residents, both children and adults.

Mental illness is a disease, not a choice or a lifestyle. Like other diseases, mental illness has a pathway to recovery. The arc of that recovery is different for all; but for all it is possible. Indeed, the Centers for Disease Control and Prevention recognize that recovery rates for people with mental illness are on par and in many cases better than for other chronic health conditions and therefore, it is paramount that we have every level of care available to those citizens.

The Community Behavioral Health Association urges New Hampshire's executive branch and legislative leaders to adopt the following approach with regard to funding the 10-Year Mental Health Plan and addressing the hospital emergency department boarding crisis.

Workforce investments/Medicaid rate reimbursement increases: There is ample evidence that current Medicaid rates are not sufficient to support the existing mental health system and that the access to care that NH citizens are lawfully entitled to is being impacted. The small amount of stabilization funds found in the Governor's proposed budget and in the House version of the budget will not address the need for current services let alone any new programs. **UNLESS MEDICAID RATES ARE IMPROVED NONE OF THE ELEMENTS BELOW CAN BE STOOD UP.**

2. Appropriate funds to stand up 24 additional Designated Receiving Facility (DRF) beds at up to 3 regional hospitals: Currently addressed in SB 11 and funded in the House version of HB 1.

3. Re-locate the children's behavioral health hospital, fund the rehabilitation needs for this transfer, and appropriate adequate funds to care for this population: a. The authority to move forward with this policy is included in HB 2, but there are not yet adequate funds to pay for the capital costs of the new program. The \$5 million included in HB 1 will likely be short of the need, by \$2 to \$3 million.

b. Adequate Medicaid funding needs to be newly appropriated to fund the operational costs of the new children's facility. HB 1 fails to address the obvious need.

4. Reconstruct the existing children's unit at NH Hospital to accommodate 48 adult beds: a. \$1 million is included in the House version of HB 1.

b. It is unclear if sufficient funding has been appropriated in HB 1 to care for this population at NH Hospital.

5. Fund 4 additional mobile crisis unit flexible teams, including sufficient coverage for statewide children's mobile crisis: a. The House version of HB 2 includes \$2 million for children's mobile crisis units and \$3 million for adult mobile crisis units, for the biennium.

b. Current and future needs must be funded. We are already underfunded in this area and need adequate funding for existing mobile crisis units.

6. Begin the process to transfer individuals out of the existing Secure Psychiatric Unit (SPU) at the NH Prison: a. CBHA strongly supports transferring those individuals who have not been found guilty of crimes out of the SPU to a more appropriate setting.

b. The Governor proposed one-time spending of \$26 million to build a new forensic hospital to replace the SPU. While it is accepted that a new facility is needed for those currently inappropriately housed at the NH Prison, the proposal lacked sufficient detail and did not address future operating costs.

c. HB 2 and HB 726 create a commission to address this policy and a floor amendment to HB 2 added \$1.2 million to fund the study. We recommend requiring this commission to report by December of 2020.

d. Appropriate \$2 million in the capital budget for engineering and planning a new facility in 2021.

e. Fund the facility through traditional capital budget processes in 2021.

f. Amend the existing study commission language in HB 2/HB 726 to require that a plan is developed to pay for the operating costs of the new facility and ensure that the planning also includes the goal of strengthening community placements, to avoid over-building of the new facility.

g. Fund meaningful case management for the purpose of evaluating and stepping down levels of care for some of the existing SPU population with the goal of relocating as many of the current population to more suitable facilities as soon as practical.

May 8, 2019

Good Evening Chairman D'Allessandro and members of the Senate Finance Committee

My name is Mary Roberge and I live and work in Manchester, NH. I am here to request that money from the general fund be used to increase the funding for the Choice for Independence program. Doing this will help all individuals in this program to receive services that will enhance their lives. Please give this your consideration.

Thank you for listening to me and for all the work you are doing with this budget to ensure everyone receives the funding needed.

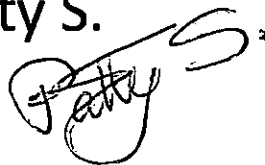
Mary Roberge
1023 Merrill Street
Manchester, NH 03103
603-668-6553 (H)
603-674-7224 (C)
maks19@hotmail.com

April 18, 2019

To Who This Concerns At The Senate Budget Hearings,

I'm a consumer at Community Partners in
Dover, Nh that provides mental health services.
And I was told that the Governor's Funding for
the Best Buddies Program (I commend Him for
reserving these funds) was 'Removed' and
it makes me Very Upset! The funds that are being
removed for this program and many others are
Seriously Needed to help keep the level of help
that they provide at a level that is sufficient!

Sincerely Patty S.

A handwritten signature in black ink that reads "Patty S." with a stylized flourish at the end.

April 18, 2019

To Who This Concerns At The Senate Budget Hearings,

I'm a consumer at Community Partners in
Dover, Nh that provides mental health services.
And I was told that the Governor's Funding for
the Best Buddies Program was 'Removed' and it
makes me angry! We all need this funding to
keep helping people like myself and others to
help us out!

Sincerely Paul S.

Paul S.

April 23, 2019

Dear Chairman D'Allesandro and Members of the Senate Finance Committee,

We are writing to ask you to **support the developmental disability services budget and the people that carry out the work.** Our son, Philip Smith, turning 21 years in July, will be supported by Community Partners adult services. Having completed his high school diploma at age 19, he has been in the service gap with no funding for the past 2 years. Our family is grateful for the pending services which will support Philip to plan his future and obtain the skills he needs to someday live independently and work in New Hampshire.

Philip is one of the rapidly growing number of young adults who are on the autism spectrum. After many years of significant supports in the school system, they leave high school with emerging skills to be independent. As his parent, it has been a wake-up call that without the funding for continuing services, he may fail to achieve his independence. We are thankful for the supports he received as a child, but his life is only just beginning. Our family needs for him to move forward. Without supports, it is impossible for both parents to return to full time work to ensure the financial security for our retirement and continued financial support of Philip throughout his lifetime.

Please support SB308 to provide increased rate to providers. Many families across that state are desperately seeking caregivers for their family members with significant disability. With the set hourly wage cap, it is impossible to find workers. As Julie's role as the Vice Chairperson on Community Partner's Family Advisory Council, she hears the growing crisis that families face with the workforce challenge in our state. We must be able to offer caring individuals a higher wage to ensure that we may keep people with disability in their family homes.

I urge you to support developmental services and address the workforce challenges faces our families and area agencies.

Thank you,

Julie Smith

Andrew Smith

Julie and Andy Smith
12 Woodridge Rd.
Durham, NH 03824
jsmithnh@icloud.com



Please Fully Fund the Developmental Disability Budget and SB308












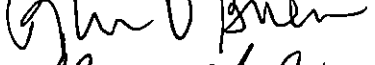

5/8/19

Thank you Chairman and honorable members of the Senate Finance Committee.

For the record, my name is Shauna Smith and I am a lifetime resident of New Hampshire. I have been working with the children and families of New Hampshire for nearly 20 years. I have served as a Child Protective Service Worker for the Department of Health and Human Services for the last 12 years. I am here today representing all my fellow Child Protective Workers, when I ask you to support Senate Bill 6. This bill would provide the necessary funding needed to ensure that the safety of New Hampshire's children is priority. This bill will allow DCYF to address current community and agency challenges including the substance misuse and mental health crisis, improving trauma-informed care and better assessing adverse childhood experiences (ACES), ensuring social worker physical and emotional safety as well as clinical training for supervisory staff. It will allow the agency to expand efforts to recruit quality foster /adoptive families and valuable community resources. It will allow DCYF to provide the community with agency engagement and education, which is necessary for the prevention of future child abuse and neglect. Furthermore, adequate staffing will allow DCYF to comply with the strict federal and state guidelines that generate necessary and important funding for the agency.

Bottom line: The state of NH has a morale and ethical obligation to prioritize the safety of our children.

Below are the signatures and number of years of service from my fellow CPSW's that also support Senate Bill 6 and respectfully request that you fully endorse such:

<u>Name</u>	<u>Signature</u>	<u>Years of Service</u>
Holly Stinnett		3 1/2
Jaylee Suarez		1 1/2
Danielle Ouelo		8 months
Michelle Holmes		1
Coraimae Perez		2 years
Ashley Manbath		2 years
Gabriel Winters		1
Meagan Kubiak		2
Kent Laventure		25
Amy Wales		3
Richard Doyle		2
Robin O'Brien		
Maru Sullivan		3 1/2

Caroline Racine

12 Caroline Racine

Heidi Van Curen

2

Shawn M Ryan

2 Shawn Ryan

Tess Guilmette

2 Tess Guilmette

Catrina Howland

5 1/2 Katrina Howland

America Hogan

3.5 America Hogan

April 23, 2019

Dear Chairman D'Allesandro and Members of the Senate Finance Committee,

We are writing to ask you to **support the developmental disability services budget, in particular, the people that carry out the work.** Our son, Nick Stacy, will turn 21 next month and will be supported by Community Partners adult services. Nick earned his diploma in 2017, then completed Voc-Rehab's Project Search in 2018. We have been paying out of pocket for his adult services for two years. While the support we found has been terrific, our staff is leaving Direct Support next week to take a job with better pay and a decent medical benefits package. While our family is grateful for the pending services that will support Nick in maintaining a job, managing self-care, and building his independent living skills here in New Hampshire, we are unsure how consistent his support will be due to limited salaries.

Please support SB308 to provide increased compensation rates to providers. Many families across New Hampshire are desperately seeking caregivers for their family members. With the set hourly wage cap, it can be impossible to find workers who are in that role for more than a few months. This is a growing crisis that families face with the workforce challenge in our state. We must be able to offer competent, caring individuals a higher wage to ensure that we may keep people with disability in their homes, functioning in their communities, and with stable employment.

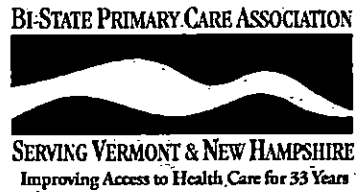
I urge you to support developmental services and address the workforce challenges facing our families and area agencies.

Thank you,

Lisa + Neal Stacy

75 Long Hill Road
Dover, NH 03820
lmnn@stacy.net

Please Fully Fund the Developmental Disability Budget and SB308.



May 8, 2019

Senator D'Allesandro, Chairman
Senate Finance Committee
State House, Room 103
107 N. Main Street
Concord, NH 03301

RE: HB 1 and HB 2-FN

Dear Chairman D'Allesandro and Members of the Senate Finance Committee:

Thank you for the opportunity to speak to you regarding HB 1 and HB 2. There are three issues that Bi-State Primary Care Association and our members respectfully request be addressed and included in the budget bills.

Bi-State Primary Care Association is a non-profit organization that advocates for access to primary and preventive care for all New Hampshire residents with a special emphasis on the medically underserved. Bi-State represents 15 New Hampshire community health centers, which are located in areas of the state with limited access to health care services. New Hampshire's community health centers are non-profit organizations that provide integrated substance use disorder treatment, behavioral health, primary care, and oral health services to over 115,000 patients, including 1 in 6 of Granite Staters enrolled in the Medicaid program.¹

1. New Hampshire's Health Care Workforce Shortage

Last summer, a handful of organizations began meeting to identify solutions to our state's health care workforce shortage. This group has grown extensively and represents provider types across the health care spectrum. The New Hampshire Health Care Coalition, which now includes 50 organizations, worked with members of your Committee, Senators Rosenwald and Feltes, and Senator Bradley and House leadership to develop a bipartisan legislative proposal that will grow our health care workforce and keep them in the Granite State. Attached with my testimony is a letter from the New Hampshire Health Care Coalition that outlines the provisions of SB 308, so I will highlight several key provisions in this letter. Senate Bill 308 contains reasonable and accomplishable proposals to help fill health care worker vacancies.

¹ Statewide data from Kaiser Family Foundation: <http://kff.org/other/state-indicator/total-population>, BPHC 2017 UDS Summary Reports, and Self-Reported data in Bi-State Primary Care Association member surveys.

Senate Bill 308 includes a modest Medicaid rate increase of 5% in SFY 2020 and 7% in SFY 2021 for all Medicaid services. Last year, the Medicaid shortfall at New Hampshire's 12 federally qualified health centers (a subset of community health centers) was approximately \$10 million because their reimbursement does not cover the full cost of providing services. Low reimbursement rates affect every health care organization's ability to provide services and contribute to provider turnover. Health centers are a good investment: studies show on average, Medicaid patients seen at community health centers like ours save the health care system approximately 24%.² The increase to all Medicaid rates included in SB 308 is a much-needed investment in our health care workforce.

Senate Bill 308 also includes an investment in the State Loan Repayment Program, which allows clinicians to repay their student loans in exchange for a three-year service commitment and is considered the #1 tool to recruit providers to work in high-need areas like rural New Hampshire. This program is of huge benefit to our rural and medically underserved areas as two-thirds of the clinicians currently participating in SLRP practice in rural New Hampshire. As introduced, the budget funds SLRP at \$250,000. Nearly 30 clinicians, including 12 at community health centers, will lose their SLRP funding if the funding remains at this level.

New Hampshire also benefits from advanced training programs, such as the Nurse Practitioner Fellowship Program, which is a partnership between the University of New Hampshire, Lamprey Health Center, and the Area Health Education Centers. Community-based organizations, such as our health centers, need clinicians who are trained in treating patients with complex health needs. Expansions of advanced training programs in New Hampshire will help us train the workforce we need in the areas and practices that we need them.

According to a December 2018 survey, there are 109 vacancies at community health centers across the state and the health centers identified the health care workforce shortage as the top issue facing their organizations. New Hampshire's health care system cannot meet the current or future needs of our state if we do not address the issues in a comprehensive manner. We ask that you include the contents of SB 308 in the budget bills.

2. Family Planning Contracts and Title X

As you know, the New Hampshire Department of Health and Human Services contracts with 10 health care organizations for the provision of family planning services, and it uses a combination of TANF, Title X, and state general funds to pay for those contracts. These contracts provide patients access to STD and HIV counseling and testing, health education materials, and sterilization services to low-income women, men, and adolescents in need of family planning and reproductive health services. Earlier this year, the federal government amended the Title X regulations to include a "gag rule." As a Title X provider, the new regulations would require contractors, including community health centers, to separate clinicians and staff funded through the contract with the State of New Hampshire, physically and financially, from their other prenatal and family planning services. This is financially and physically impossible for our health centers to do. As you know, community health centers are small nonprofit organizations,

² Capital Link data pg 3; article in the American Journal of Public Health November 2016 issue (<http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2016.303341>).

not large health systems. They are oftentimes limited by physical space, and more often than not, they operate on a thin margin. While there is a temporary injunction from enforcement of the new rules at the federal level, we must operate and plan as if the new regulations are in place. We cannot operate as a family planning provider for the State if we were subject to the new rules as written. As such, we respectfully request the family planning contracts be funded with general fund dollars rather than Title X. It is our understanding that this would require an additional appropriation of \$1.2 million per year of the biennium.

3. Uncompensated Care at Federally Qualified Health Centers and Rural Health Clinics

Bi-State also wants to draw your attention to a matter that is still unfolding and may need to be included in HB 1: reimbursement for an increase in the uncompensated care at health centers. Twelve of the state's community health centers are federally qualified health centers (FQHCs). These health centers are regulated by the Health Resources and Services Administration. Federal law dictates what services FQHCs must provide, the composition of their boards, and inspects each health center every three years to ensure the health center is in compliance with federal law and regulations. As the name indicates, these health centers receive limited federal funding to provide comprehensive, culturally competent, high-quality primary care, mental health, substance use disorder treatment, and oral health services.

Since the passage of SB 313 in 2018, Bi-State and our members have grown exceedingly concerned about the unintended consequences of the community engagement requirement included in the bill and the administrative rules. As you know, the Granite Advantage Health Care Program must complete 100 hours of qualifying activities in order to maintain eligibility. If a person fails to meet the 100 hours and fails to cure the deficiency, the beneficiary's coverage will be suspended. Community health centers are funded in part by the Health Resources and Services Administration. Congress was very intentional with this funding and specified that HRSA funds shall not be used to supplant Medicaid. Based on conversations with our national association and HRSA, it is our current understanding that community health centers may use their HRSA grants to pay for services provided to patients whose Medicaid expansion benefits have been suspended because of failure to comply with the work requirement. This issue has been raised to the Centers of Medicare and Medicaid Services (CMS) by the New Hampshire Department of Health and Human Services (DHHS), and CMS has not provided an answer. This issue has multiple implications, including reducing the amount of funding available to serve truly uninsured patients. Like other small, nonprofit health care organizations, health centers' revenue includes insurance reimbursement, both public and private, grants, and donations. Any reductions in their insurance reimbursement requires the health centers use their very limited grant dollars for purposes they were not intended for: Medicaid beneficiaries.

It is also our understanding that health centers cannot collect payments from Medicaid beneficiaries whose Medicaid enrollment have been suspended because the beneficiary is still enrolled in Medicaid. Senate Bill 293, which was sponsored by Senator Feltes, passed the House floor earlier today and now heads to House Finance. In short, the bill would require the state use general fund dollars to reimburse health centers for services provided to Medicaid beneficiaries in suspended status for the reasons listed above. Community health centers should be reimbursed for services provided to Granite Advantage Health Care Program beneficiaries whose coverage has been suspended because there is no other source of funding that health centers can use to pay

for this care. Safety-net providers cannot bear the financial burden and the uncertainty of compliance with the community engagement requirement.

In closing, we respectfully request that you 1) join the New Hampshire Health Care Workforce Coalition in supporting SB 308's systemic approach to addressing our health care workforce crisis by adding the provisions in SB 308 to the budget; 2) fully fund family planning contracts with general fund dollars rather than Title X; and 3) please keep SB 293 on your radar in the event it needs to be added to HB 1 and/or HB 2.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Kristine E. Stoddard, Esq.
Director of NH Public Policy
603-228-2830, ext. 113
kstoddard@bistatepca.org

To Whom It May Concern;

I am submitting this testimony to your committee for consideration regarding the expansion of dental coverage to APTD Medicaid individuals in the state of NH.

First and foremost, let me say that I have been extremely grateful that for the past 18 years my son has received Medicaid services, first under Katie Beckett and now under APTD.

I also want to acknowledge that I am NOT speaking for all adult recipients of Medicaid in this testimony... I am specifically speaking about individuals who receive APTD.

My son has several disabilities— autism, Bi-Polar Disorder, and dyspraxia- along with several other conditions.

The ability to care for his dental hygiene as an independent adult is **specifically** due to his disabilities. Permanently and Totally Disabled.

Although he “brushes his teeth” at least twice a day... he is not able to manipulate the brush to clean them well. So- for 28 years- as his mother and a responsible caregiver- I have been responsible to make sure this happens.

When he was young I did not think about it much... I assumed that he would be able to learn this and everything else he needed to know to become an independent adult— if he got the best services possible and I was a good caregiver... But that’s what a mom does, right? We always attended to oral health with regular visits to the dentist, and there were no major issues, and the minor ones were covered by his Medicaid.

Fast forward to puberty - behaviors became horribly unmanageable - the Bi-Polar diagnosis manifests, the father leaves- I’m left with everything... adulthood. But thanks to Medicaid, the necessary interventions are covered and it’s one thing I am not worrying about.

I was employed for 9 years as an autism support specialist by Easter Seals and developed a network of families, created support activities for parents and siblings, provided social events in the community for families and learned the system of care here in NH quite well. I’m one of the lucky parents who has a college degree, no special needs of my own, a great support network - AND I know how to navigate the system. This position was eliminated in 2011, and I found that I needed to step in and manage my son’s day program because what existed was so poorly run. His behaviors and needs prevent me from being able to commit to employment in a traditional sense... so I am held captive to the caregiving responsibilities. I now get a stipend through my son’s budget that allows me to do this (again- I am one of the lucky ones!) but so many families and DD adults in our state are not as lucky...

When my son turned 21 the dental care was eliminated from his care. When I was no longer working, I tried to get coverage through the Marketplace, but I was receiving a caregiver stipend for Eliot. This is not taxable. And since the insurance plans are based on taxes, I was not able to acquire anything.

I have to admit that the visits to the dentist have taken a back seat to other things because of this.

Last year at an exam Eliot had 3 cavities. It was estimated that it would cost \$1200. I had to arrange for Care Credit to pay for this... and when he was having them fixed, they found 2 additional cavities, which brought the total to over \$2000. Thank goodness I have good credit, but I will be paying for this over 3 years... and how many cavities will he get between now and then?

When my son entered adult services, I recall meeting other adults in his programs who had horrible teeth.... these people lived with home care providers. My theory is that the system says, **“You’re an adult now, so you can brush your own teeth.”** Who wants to have to fight with an adult to brush their teeth at the end of the day?

But the reality is...there are Developmentally Disabled adults who are **NOT ABLE TO CARE FOR THEMSELVES** and need help with many self help tasks. **Is that not what APTD is for?**

At present, the state is terribly understaffed in finding willing and responsible individuals to fill be responsible for the well being of our most vulnerable citizens. Many of those who do fill these positions can not be relied on to carry out what is truly necessary to ensure their total well being— dental hygiene being just one small thing in the big picture.

By allowing APTD recipients to apply for coverage of dental services - or at least various levels of dental care... (this could and should be applied for, since some individuals may not need as much as others?) the state is accomplishing several important things:

1. The possibility of monitoring the dental health of this population - because there is nothing now...
2. Decreasing the number of individuals who receive NO attention to this aspect of overall health because it is so easily dismissed as a minor self care task.
3. Improving the quality of overall health for the most needy.
4. Improving the sanity of those caregivers (mostly parents— mostly MOTHERS) who are giving up so very much of themselves to be responsible for their loved ones.

Thank you all for considering this information as you move forward with your task. And thank you for your service in addressing the needs of NH citizens in your role on this committee. It is very much appreciated!

Most sincerely,

E A Webster

Elizabeth Webster
124 Karatzas Ave.
Manchester, NH
603- 785-2423

Committee Report

General Court of New Hampshire - Bill Status System

Docket of HB2

Docket Abbreviations

Bill Title: relative to state fees, funds, revenues, and expenditures.*Official Docket of HB2.:*

Date	Body	Description
3/4/2019	H	Late Drafting and Introduction Approved by House by the Necessary 2/3 MA VV 02/28/2019 HJ 5 P. 44
3/4/2019	H	Introduced 02/28/2019 and referred to Finance HJ 7 P. 62
3/4/2019	H	Division III Work Session: 03/06/2019 09:30 am LOB 210-211
3/4/2019	H	Public Hearing: 03/11/2019 05:00 pm Lakes Region Community College - Laconia
3/4/2019	H	Public Hearing: 03/11/2019 05:00 pm Boys and Girls Club of Souhegan Valley - Milford
3/5/2019	H	==CANCELLED== Division III Work Session: 03/11/2019 10:00 am LOB 210-211
3/6/2019	H	Division II Work Session: 03/11/2019 10:00 am LOB 209
3/4/2019	H	==TIME CHANGE== Division III Work Session: 03/11/2019 10:00 am LOB 210-211
3/6/2019	H	Division I Work Session: 03/13/2019 01:00 pm LOB 212
3/7/2019	H	Division III Work Session: 03/13/2019 01:00 pm LOB 210-211
3/4/2019	H	Division III Work Session: 03/14/2019 09:30 am LOB 210-211
3/6/2019	H	Division II Work Session: 03/14/2019 10:00 am LOB 209
3/6/2019	H	Division I Work Session: 03/14/2019 10:30 am LOB 212
3/4/2019	H	Division III Work Session: 03/15/2019 09:30 am LOB 210-211
3/6/2019	H	Division I Work Session: 03/15/2019 10:00 am LOB 212
3/4/2019	H	Division II Work Session: 03/15/2019 10:00 am LOB 209
3/4/2019	H	Division III Work Session: 03/18/2019 09:30 am LOB 210-211
3/7/2019	H	Division I Work Session: 03/18/2019 10:00 am LOB 212
3/14/2019	H	Division II Work Session: 03/18/2019 10:00 am LOB 209
3/4/2019	H	Public Hearing: 03/18/2019 01:00 pm Reps Hall
3/4/2019	H	==CANCELLED== Division III Work Session: 03/19/2019 09:30 am LOB 210-211
3/5/2019	H	==CANCELLED== Division I Work Session: 03/20/2019 10:00 am LOB 212
3/13/2019	H	Division I Work Session: 03/22/2019 10:00 am LOB 212
3/14/2019	H	Division II Work Session: 03/22/2019 10:00 am LOB 209
3/7/2019	H	Division III Work Session: 03/22/2019 10:00 am LOB 209
3/6/2019	H	Division III Work Session: 03/25/2019 09:30 am LOB 209
3/6/2019	H	Division I Work Session: 03/25/2019 10:00 am LOB 212
3/22/2019	H	==RECESSED== Division II Work Session: 03/25/2019 10:00 am LOB 209
3/25/2019	H	Division III Work Session: 03/26/2019 09:30 am LOB 210-211
3/6/2019	H	Division I Work Session: 03/26/2019 10:00 am LOB 212
3/26/2019	H	==CONTINUED== Division II Work Session: 03/26/2019 10:00 am LOB 209
3/25/2019	H	Division II Work Session: 03/27/2019 01:00 pm LOB 209
3/25/2019	H	Division I Work Session: 03/27/2019 01:00 pm LOB 212
3/25/2019	H	Division III Work Session: 03/27/2019 01:00 pm LOB 210-211
3/25/2019	H	Division III Work Session: 03/28/2019 09:30 am LOB 210-211

3/25/2019 H ==CANCELLED== Division I Work Session: 03/28/2019 10:00 am LOB 212

3/25/2019 H Division II Work Session: 03/28/2019 10:00 am LOB 209

3/26/2019 H Executive Session: 04/01/2019 01:00 pm LOB 210-211 (Division I)

3/26/2019 H ==CONTINUED== Executive Session: 04/02/2019 10:00 am LOB 210-211 (Division II)

3/26/2019 H ==CONTINUED== Executive Session: 04/03/2019 01:00 pm LOB 210-211 (Division III)

4/4/2019 H Majority Committee Report: Ought to Pass with Amendment **#2019-1403h** for 04/11/2019 **(Vote 13-9; RC) HC 19 P. 5**

4/4/2019 H Minority Committee Report: Inexpedient to Legislate

4/11/2019 H Special Order (Rep. Ley): MA VV 04/11/2019 **HJ 13 P. 16**

4/11/2019 H Amendment **#2019-1403h**: AA **RC 222-159** 04/11/2019 **HJ 13 P. 17**

4/11/2019 H FLAM **#2019-1417h** (Reps. Ladd, Weyler, Steven Smith, Horn): AF **RC 157-221** 04/11/2019 **HJ 13 P. 79**

4/11/2019 H FLAM **#2019-1435h** (Reps. L. Ober, Hinch, Weyler, Packard): AF **RC 159-223** 04/11/2019 **HJ 13 P. 81**

4/11/2019 H FLAM **#2019-1469h** (Reps. Lovejoy, Hatch, Wallner): AA **RC 376-4** 04/11/2019 **HJ 13 P. 88**

4/11/2019 H FLAM **#2019-1470h** (Reps. Cushing, Nordgren): AA **RC 220-159** 04/11/2019 **HJ 13 P. 91**

4/11/2019 H FLAM **#2019-1473h** (Reps. Ladd, Weyler, Horn, Hinch, Packard): AF **RC 157-225** 04/11/2019 **HJ 13 P. 93**

4/11/2019 H **Ought to Pass with Amendment** 2019-1403h/1469h/1470h: MA **RC 224-160** 04/11/2019 **HJ 13 P. 97**

4/18/2019 S Introduced 04/18/2019 and Referred to Finance; **SJ 14**

5/1/2019 S **Hearing**: 05/07/2019, Representatives' Hall, SH, 01:00 pm to 05:00 pm and 06:00 pm to 08:00 pm for HB1 and HB2; **SC 21**

5/1/2019 S Please note: These hearings will be streamed live via the Internet at the following web address: <http://sg001-harmony.sliq.net/00288/Harmony/en/PowerBrowser/PowerBrowserV2/20190507/1029/21365>

5/2/2019 S **Hearing**: 05/08/2019, Manchester City Hall, Aldermanic Chambers (3rd Floor), 1 City Hall Plaza, Manchester, NH 03101, 07:00 p.m. for HB1 and HB2; **SC 21**

5/31/2019 S Budget Briefing: 06/04/2019, Room 100, SH, 10:00 am; **SC 25**

5/31/2019 S Committee Report: Ought to Pass with Amendment **#2019-2403s**, 06/06/2019; **SC 25**

6/6/2019 S Sen. Bradley Moved to divide the Question on Committee Amendment 2019-2403s, Sections 68, 72-73, 85, 141-148, 185-189, 195-197, 210, 216, 233-236, 242, 244-247, 249-251, 279, 332-335, 359, 369, 371, 373-393, 396-398, 408-410, 417-419, 421, 423-426, 430-433, 337-341

6/6/2019 S and then the balance of the Committee Amendment; 06/06/2019; **SJ 19**

6/6/2019 S The Chair ruled the Question Divisible; 06/06/2019; **SJ 19**

6/6/2019 S Committee Amendment 2019-2403s, Sections 68, 72-73, 85, 141-148, 185-189, 195-197, 210, 216, 233-236, 242, 244-247, 249-251, 279, 332-335, 359, 369, 371, 373-393, 396-398, 408-410, 417-419, 421, 423-426, 430-433; 337-341; **RC 24Y-0N**, AA; 06/06/2019; **SJ 19**

6/6/2019 S Committee Amendment 2019-2403s: The balance of the amendment; **RC 14Y-10N**, AA; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Gray Floor Amendment **#2019-2446s**, **RC 10Y-14N**, AF; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Birdsell Floor Amendment **#2019-2447s**, **RC 10Y-14N**, AF; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Giuda Floor Amendment **#2019-2445s**, **RC 10Y-14N**, AF; 06/06/2019; **SJ 19**

6/6/2019 S Without Objection, Sen. Morgan Moved the Question, MA; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Morse Floor Amendment **#2019-2448s**, **RC 10Y-14N**, AF; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Birdsell Floor Amendment **#2019-2450s**, **RC 10Y-14N**, AF; 06/06/2019; **SJ 19**

6/6/2019 S Without Objection, Sen. Sherman Moved the Question, MA; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Morse Floor Amendment #2019-2428s, RC 10Y-14N, AF; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Bradley Offered Floor Amendment #2019-2432s; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Bradley Withdraws Floor Amendment #2019-2432s; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Giuda Floor Amendment #2019-2436s, RC 10Y-14N, AF; 06/06/2019; **SJ 19**

6/6/2019 S Without Objection, Sen. Hennessey Moved the Question, MA; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Bradley Floor Amendment #2019-2458s, RC 10Y-14N, AF; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Reagan Floor Amendment #2019-2427s, RC 10Y-14N, AF; 06/06/2019; **SJ 19**

6/6/2019 S Without Objection, Sen. Kahn Moved the Question; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Morse objects to the motion to move the question; 06/06/2019 **SJ 19**

6/6/2019 S Without Objection, Sen. Kahn Moved the Question, MA; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Giuda Floor Amendment #2019-2444s, RC 10Y-14N, AF; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Reagan Floor Amendment #2019-2443s, RC 10Y-14N, AF; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Starr Floor Amendment #2019-2434s, RC 10Y-14N, AF; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Birdsell Floor Amendment #2019-2416s, RC 11Y-13N, AF; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Starr Floor Amendment #2019-2452s, RC 10Y-14N, AF; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Giuda Floor Amendment #2019-2440s, RC 10Y-14N, AF; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Giuda Floor Amendment #2019-2439s, RC 9Y-15N, AF; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Giuda Floor Amendment #2019-2449s, RC 11Y-13N, AF; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Giuda Floor Amendment #2019-2430s, RC 10Y-14N, AF; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Bradley Floor Amendment #2019-2431s, RC 9Y-14N, AF; 06/06/2019; **SJ 19**

6/6/2019 S Sen. Bradley Moved to divide the Question on Ought to Pass as Amended 2019-2403s, Sections 68, 72-73, 85, 141-148, 185-189, 195-197, 210, 216, 233-236, 242, 244-247, 249-251, 279, 332-335, 359, 369, 371, 373-393, 396-398, 408-410, 417-419, 421, 423-426, 430-433, 337-341,

6/6/2019 S and then the balance of the bill as amended; 06/06/2019; **SJ 19**

6/6/2019 S Without Objection, The Chair ruled the Question Divisible; 06/06/2019; **SJ 19**

6/6/2019 S Sen. D'Allesandro Objected that the Question is Divisible; 06/06/2019; **SJ 19**

6/6/2019 S Is the Question Divisible on HB 2-FN-A-L on Ought to Pass as Amended; RC 9Y-13N, MF; 06/06/2019 **SJ 19**

6/7/2019 S Without Objection, Sen. Watters Moved the Question, MA; 06/06/2019; **SJ 19**

6/7/2019 S **Ought to Pass with Amendment** 2019-2403s, MA, VV; OT3rdg; 06/06/2019; **SJ 19**

6/7/2019 S The Chair rescinded OT3rdg, 06/06/2019; **SJ 19**

6/7/2019 S Sen. Watters Moved Reconsideration on Ought to Pass as Amended, MA, VV; 06/06/2019; **SJ 19**

6/7/2019 S **Ought to Pass with Amendment** 2019-2403s, RC 14Y-9N, MA; OT3rdg; 06/06/2019; **SJ 19**

6/11/2019 H House Non-Concurs with Senate Amendment 2403s and Requests CofC (Rep. Wallner): MA VV 06/06/2019

6/11/2019 H Speaker Appoints: Reps. Wallner, Ley, Lovejoy, Nordgren, Ford 06/06/2019

6/11/2019 H Speaker Appoints Alternates: Reps. Luneau, Martin, Ames 06/06/2019

6/12/2019 S Sen. D'Allesandro Accedes to House Request for Committee of Conference, MA, VV; (In recess 06/06/2019); **SJ 20**

6/12/2019 S President Appoints: Senators D'Allesandro, Feltes, Rosenwald, Reagan; (In Recess 06/06/2019); **SJ 20**

6/12/2019 S President Appoints Alternates: Senators Soucy, Kahn; (In Recess 06/06/2019); **SJ 20**

6/12/2019	H	==RECESSED== Conference Committee Meeting: 06/17/2019 01:00 pm LOB 210-211
6/17/2019	H	==RECESSED== Conference Committee Meeting: 06/18/2019 10:00 am LOB 210-211
6/18/2019	H	==RECESSED== Conference Committee Meeting: 06/19/2019 10:00 am LOB 210-211
6/19/2019	H	==CONTINUED== Conference Committee Meeting: 06/20/2019 01:00 pm LOB 210-211
6/20/2019	S	Conferee Change; Senator Kahn Replaces Senator Reagan; SJ 21
6/20/2019	S	Conference Committee Report Filed, #2019-2630c ; 06/27/2019
6/27/2019	S	Conference Committee Report #2019-2630c ; RC 14Y-10N , Adopted; 06/27/2019; SJ 21
6/27/2019	H	Conference Committee Report 2630c: Adopted, RC 207-145 06/27/2019
6/27/2019	S	Enrolled Bill Amendment #2019-2652e Adopted, VV, (In recess of 06/27/2019); SJ 21
6/27/2019	H	Enrolled Bill Amendment #2019-2652e : AA VV 06/27/2019
6/28/2019	S	Enrolled (In recess 06/27/2019); SJ 21
6/28/2019	H	Enrolled 06/27/2019
7/1/2019	H	Vetoed by Governor Sununu 06/28/2019

 NH House

 NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 2-FN-A-LOCAL

Senate Committee: Finance

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee See Online

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 2403 - amendment # 2399

- amendment # _____ - amendment # _____

Executive Session Sheet

Committee Report

List of Floor Amendments to

HB 2-FN-A-L

Floor Action Documents: {Clerk's Office} See Post-it

All floor amendments considered by the body during session (on

- amendment # _____ - amendment # _____

- amendment # _____ - amendment # _____

2446	2458	2439
2447	2427	2449
2445	2444	2430
2448	2443	2431
2450	2434	
2428	2416	
2432	2452	
2436	2440	

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members by the committee of conference): 2630

Enrolled Bill Amendment(s) 2652

Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate See Online as amended by the house

final version See Online

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide _____

Date _____

Senate Clerk's Office JM

1 Committee of Conference Report on HB 2-FN-A-LOCAL, relative to state fees, funds, revenues, and
2 expenditures.

3

4 Recommendation:

5 That the House recede from its position of nonconcurrence with the Senate amendment, and
6 concur with the Senate amendment, and

7 That the Senate and House adopt the following new amendment to the bill as amended by the
8 Senate, and pass the bill as so amended:

9

10 Amend the bill by replacing all after the enacting clause with the following:

11

12 Amend the bill by replacing all after the enacting clause with the following:

13

14 1 Repeal. 2017, 155:7 relative to budget adjustments and class 027 transfers to the department
15 of information technology for fiscal year 2019, is repealed.

16 2 Department of Administrative Services; Debarment of Vendors. Amend the introductory
17 paragraph of RSA 21-I:11-c, I to read as follows:

18 I.(a) No individual or business entity shall ~~[make a bid, proposal, or quotation in response~~
19 ~~to a request for]~~ **be awarded a** bid, proposal, or quotation issued by the division of procurement
20 and support services if that individual or entity, or any of its subsidiaries, affiliates, or principal
21 officers:

22 3 Department of Administrative Services; Debarment of Vendors; Statement. Amend RSA 21-
23 I:11-c, I(b) to read as follows:

24 (b) All individuals or business entities submitting a bid, proposal, or quotation in
25 response to a request for a bid, proposal, or quotation issued by the division of procurement and
26 support services shall, as part of their response, provide ~~[an affidavit signed under oath before a~~
27 ~~duly authorized notary public]~~ **a statement signed under penalty of unsworn falsification as**
28 **set forth in RSA 641:3** that all conditions listed in subparagraphs (a)(1)-(10) have been met.
29 Failure to submit such ~~[an affidavit or, should the affidavit be false or signed]~~ **a statement, the**
30 **filing of a false statement, or the signing of the statement** by an unauthorized person, **shall**
31 **be reason for** the bid, proposal, or quotation ~~[shall]~~ **to be** ~~[automatically]~~ rejected and the resulting
32 contract, if any, shall be deemed to be in breach. The commissioner of the department of
33 administrative services shall adopt rules under RSA 541-A relative to the ~~[affidavit]~~ **statement**
34 required under this subparagraph.

35 4 Department of Administrative Services; Divisions. Amend the section heading of RSA 21-I:11

Committee of Conference Report on HB 2-FN-A-LOCAL
- Page 2 -

1 to read as follows:

2 21-I:11 ~~[Division]~~ **Divisions of Procurement and Support Services, Public Works Design**
3 **and Construction, and** Plant and Property ~~[Management]~~.

4 5 Department of Administrative Services; Director of Plant and Property. Amend the
5 introductory paragraph of RSA 21-I:11, I(c) to read as follows:

6 (c) The division of plant and property, which shall be under the supervision of ~~a~~
7 ~~classified administrator who~~ **an unclassified director of plant and property who shall be**
8 **qualified to hold that position by reason of education and experience and shall perform**
9 **such duties as the commissioner from time to time may authorize. The director of plant**
10 **and property** shall be responsible for the following functions, in accordance with applicable law:

11 6 Director of Plant and Property; Salary; Funding; Effective Date.

12 I. The salary of the director of plant and property shall be determined after assessment and
13 review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position
14 which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action
15 and appointment of the director of plant and property, position number 10082 shall be abolished to
16 allow for the transition of this classified position with its available appropriations into the
17 unclassified position of director of plant and property. Funding shall be transferred into a new
18 expenditure class number 11, within accounting unit 01-14-14-141510-1440. The incumbent in the
19 abolished classified position shall be offered the opportunity to seek the commissioner's nomination
20 for the unclassified position of director of plant and property.

21 II. The amendment to RSA 21-I:11, I(c) by section 5 of this act shall take effect upon the
22 abolition of position number 10082 under paragraph I, as certified by the commissioner of
23 administrative services to the secretary of state and the director of legislative services.

24 7 Department of Administrative Services; Directors; Officers. Amend RSA 21-I:2, II to read as
25 follows:

26 II. The commissioner shall nominate for appointment by the governor, with the consent of
27 the council, each unclassified division director, the assistant commissioner, the deputy
28 commissioner, the internal auditor, the **director of financial data** ~~[manager]~~ **management**, the
29 ~~[manager]~~ **director** of ~~[risks]~~ **risk** and benefits, and the senior operational analyst. The
30 unclassified division directors, the assistant commissioner, the deputy commissioner, the internal
31 auditor, the **director of financial data** ~~[manager]~~ **management**, the ~~[manager]~~ **director** of ~~[risks]~~
32 **risk** and benefits, and the senior operational analyst shall each serve for a term of 4 years.

33 8 Department of Administrative Services; Office of the Commissioner. RSA 21-I:4 is repealed
34 and reenacted to read as follows:

35 21-I:4 Office Established. There is hereby established an office of the commissioner consisting
36 of the following units:

37 I. State budget.

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1 II. Internal audit.

2 III. Operational analysis.

3 IV. Cost containment.

4 9 Division of Financial Data Management. Amend RSA 21-I:5 to read as follows:

5 21-I:5 **Division of** Financial Data Management [~~Unit~~]. There is hereby established within the
6 [~~office of the commissioner~~] **department a division of** financial data management [~~unit~~] under the
7 supervision of an unclassified **director of** financial data [~~manager~~] **management** who shall be
8 responsible for the following functions in accordance with applicable laws:

9 I. Providing coordination of all internal department financial information in order to assure
10 the compatibility, continuity and integrity of such information.

11 II. Assisting the commissioner with the planning, management and operation of all internal
12 department financial information systems.

13 III. Carrying on a continuing analytical research and planning program in the field of
14 governmental financial management in order to provide for the most effective and efficient
15 information management systems possible.

16 IV. Accomplishing data entry and control of information for all internal department
17 financial systems, and preparing and distributing reports generated from those systems.

18 V. Assisting department division directors by:

19 (a) Establishing and operating a financial information resource center for their use.

20 (b) Jointly monitoring state and federal fiscal legislation with the directors in order to
21 assure timely awareness of and compliance with new legislation.

22 VI. Assisting users of information and financial systems which are the responsibility of the
23 **division of** financial data management [~~unit~~].

24 10 New Section; Deputy Director of Risk and Benefits. Amend RSA 21-I by inserting after
25 section 7-c the following new section:

26 21-I:7-d Deputy Director of Risk and Benefits; Position Established.

27 I. There is established within the department of administrative services the unclassified
28 position of deputy director of risk and benefits. The deputy director of risk and benefits shall be
29 qualified to hold that position by reason of education and experience and shall perform such duties
30 and exercise such powers as the commissioner, in consultation with the director of risk and benefits,
31 may authorize. The deputy director of risk and benefits shall assume the duties of the director of
32 risk and benefits in the event that the director is unable for any reason to perform such duties.

33 II. The commissioner shall, after consultation with the director of risk and benefits, appoint
34 the unclassified deputy director of risk and benefits. The deputy director of risk and benefits shall
35 serve at the pleasure of the commissioner.

36 11 Deputy Director of Risk and Benefits; Salary; Funding; Offer to Seek Nomination and
37 Effective Date.

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1. I. The salary of the unclassified deputy director of risk and benefits shall be determined
2 after assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b)
3 for the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon
4 completion of this action, and appointment of the deputy director of risk and benefits, position
5 number 19203 shall be abolished to allow for the transition of this classified position with its
6 available appropriations into the unclassified position of deputy director of risk and benefits.
7 Funding shall be transferred into a new expenditure class number 12 within accounting unit 01-14-
8 14-143510-2901. The incumbent in the abolished classified position shall be offered the opportunity
9 to seek the commissioner's appointment to the unclassified position of deputy director of risk and
10 benefits.

11 II. The establishment of the position of deputy director of risk and benefits by section 10 of
12 this act shall take effect upon the abolition of position number 19203 under paragraph I, as certified
13 by the commissioner of administrative services to the secretary of state and the director of
14 legislative services.

15 12 Department of Administrative Services; Division of Risk and Benefits. Amend RSA 21-I:7-c
16 to read as follows:

17 21-I:7-c Risk ~~[Management]~~ **and Benefits**. There is established within the ~~[office of the~~
18 ~~commissioner of administrative services a]~~ **department a division of risk [management unit] and**
19 **benefits**, under the supervision of an unclassified ~~[manager of risks]~~ **director of risk** and benefits,
20 who shall be qualified to hold that position by reason of education and experience, and who shall
21 perform such duties as the commissioner from time to time may authorize. The functions of the
22 **division of risk [management unit] and benefits** shall be divided across the following bureaus:

23 I. The bureau of health and benefits, under the supervision of a classified administrator,
24 who shall be responsible for the following functions, in accordance with applicable law:

25 (a) Overseeing and administering the state employee and retiree group insurance
26 programs authorized by RSA 21-I:26 through RSA 21-I:36, in accordance with administrative rules
27 adopted pursuant to RSA 21-I:14, XIII.

28 (b) Coordinating the employee and retiree benefit programs administered through the
29 **division of risk [management unit] and benefits** with the benefits and programs offered through
30 the New Hampshire retirement system and the state's deferred compensation commission
31 established in RSA 101-B.

32 (c) Overseeing and administering all additional employee or retiree benefit programs
33 offered by the state, other than those related to the New Hampshire retirement system or the
34 state's deferred compensation commission established in RSA 101-B.

35 (d) Conducting ongoing studies of alternative financing methods and benefit offerings.

36 (e) To the extent deemed necessary by the ~~[manager of risks]~~ **director of risk** and
37 benefits, creating for potential incorporation into the department of administrative services manual

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1 of procedures described at RSA 21-I:14, I(b), a technical assistance manual that clearly explains
2 procedures related to the bureau's functions, including but not limited to procedures relating to
3 employee and retiree benefits.

4 (f) Developing and monitoring insurance and third party administrator contracts
5 related to the state employee and retiree group insurance program in accordance with applicable
6 law, by:

7 (1) Developing bid specifications for insurance and third party administrator
8 contracts and ensuring bid specifications are in compliance with applicable collective bargaining
9 agreements.

10 (2) Negotiating final contract terms with the vendors awarded contracts through
11 the procurement process.

12 (3) Formalizing contract agreements.

13 (4) Monitoring contracts on an ongoing basis to ensure timely procurement,
14 renewals, amendments, updates, statutory compliance, and extensions.

15 (5) Ensuring that vendors comply with the requirements of contract agreements by:

16 (A) Implementing, monitoring, and enforcing performance guarantees.

17 (B) Receiving and analyzing state employee and retiree group insurance
18 utilization data and statistics.

19 (C) Monitoring Medicare issues to ensure compliance with federal law and
20 programs.

21 (g) Reviewing and making recommendations to the [~~manager of risks~~] **director of risk**
22 and benefits that are intended to ensure the proper operation and long term sustainability of the
23 bureau's programs.

24 (h) Implementing, overseeing, and administering employee wellness initiatives.

25 (i) Advising the [~~manager of risks~~] **director of risk** and benefits and, upon request, the
26 commissioner, the governor and executive council, the general court, the state retiree health plan
27 commission established in RSA 100-A:56, the joint legislative fiscal committee established in RSA
28 14:30-a, and other entities regarding employee and retiree benefits program.

29 (j) Ensuring that the bureau's programs are compliant with applicable state and federal
30 law.

31 (k) Monitoring agencies' activities for compliance with benefit program requirements.

32 II. The bureau of property, casualty, and workers' compensation, under the supervision of a
33 classified administrator, who shall be responsible for the following functions, in accordance with
34 applicable law:

35 (a) Overseeing and administering the state's workers' compensation program under
36 RSA 21-I:24 and RSA 21-I:25-a or other applicable law.

37 (b) Identifying loss exposure for all state real and personal property and for personal

1 injury, except as otherwise provided by law, on a continuing basis.

2 (c) Identifying cost-effective means for protecting against various types of losses,
3 including self-funding, commercial insurance purchases, and risk assumption, and recommending
4 to the [~~manager of risks~~] **director of risk** and benefits actions to be taken through the budget
5 process, or other processes, to implement such means.

6 (d) After consultation with, and approval by the [~~manager of risks~~] **director of risk** and
7 benefits, purchasing liability insurance under a fleet policy covering the operation of state-owned
8 vehicles and motorboats, and such other insurance and surety bonds as any state department,
9 agency, or official may be legally authorized to secure, or required to furnish; provided that
10 approval shall not be granted for any such insurance or surety bonds unless the same have been
11 marketed and procured through a resident agent of an insurance company registered and licensed
12 to do business in this state. With the exception of any risk located outside the state, no such
13 insurance company or resident agent, personally or by another, shall allow, give, or pay, directly or
14 indirectly, to any nonresident agent or nonresident broker any part of the commission on the sale of
15 such insurance or surety bonds. The insurance commissioner may suspend or revoke the license of
16 any resident agent or insurance company violating the provisions hereof.

17 (e) Conducting ongoing studies of alternative financing methods and benefit offerings.

18 (f) Overseeing the state employee workers' compensation and commercial insurance
19 programs, by:

20 (1) Preparing bid specifications for commercial insurance and third party
21 administrator contracts related to workers' compensation and commercial insurance in accordance
22 with applicable law, and ensuring bid specifications are in compliance with collective bargaining
23 agreements.

24 (2) Negotiating final contract terms with the vendors awarded contracts through
25 the procurement process, formalizing contract agreements, and monitoring contracts on an ongoing
26 basis to ensure timely procurement, renewals, amendments, updates, statutory compliance, and
27 extensions.

28 (3) Managing claims payments and statistical data related to workers' compensation
29 and commercial insurance and ensuring vendors comply with the requirements of contract
30 agreements.

31 (4) Coordinating and developing processes and procedures related to the workers'
32 compensation and commercial insurance programs.

33 (5) Monitoring agencies' workers' compensation and commercial insurance activities
34 for compliance with requirements.

35 (g) To the extent deemed necessary by the [~~manager of risks~~] **director of risk** and
36 benefits, creating for potential incorporation into the department of administrative services manual
37 of procedures described at RSA 21-I:14, I(b), a technical assistance manual or manuals that clearly

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1 explains procedures related to the bureau's functions.

2 (h) Evaluating risks facing the state and developing and operating health, safety, loss
3 control, and risk reduction programs, in accordance with loss prevention guidelines adopted
4 pursuant to RSA 21-I:14, II.

5 (i) Reviewing and making recommendations to the [~~manager of risks~~] **director of risk**
6 and benefits that are intended to ensure the proper operation and long term sustainability of the
7 bureau's programs.

8 (j) Advising the [~~manager of risks~~] **director of risk** and benefits and, upon request, the
9 commissioner, the governor and executive council, the general court, and other entities regarding
10 the bureau's programs.

11 (k) Ensuring that the bureau's programs are compliant with applicable state and
12 federal law.

13 III. The bureau of finance, under the supervision of a classified administrator, who shall be
14 responsible for the following functions, in accordance with applicable law:

15 (a) Managing claims payments, vendor payments, statistical data, and financial
16 reporting related to the risk management unit's responsibilities.

17 (b) Conducting ongoing studies of alternative financing methods and benefit offerings.

18 (c) To the extent deemed necessary by the [~~manager of risks~~] **director of risk** and
19 benefits, creating for potential incorporation into the department of administrative services manual
20 of procedures described at RSA 21-I:14, I(b), a technical assistance manual that clearly explains
21 procedures related to the bureau's functions.

22 (d) Establishing working rate tables for application to self-insured health benefit
23 programs, including by coordinating and reviewing actuarial projections, considering rate
24 alternatives and modeling, and developing full working rate tables.

25 (e) Reviewing and making recommendations to the [~~manager of risks~~] **director of risk**
26 and benefits that are intended to ensure the proper operation and long term sustainability of the
27 bureau's programs.

28 (f) Advising the [~~manager of risks~~] **director of risk** and benefits and, upon request, the
29 commissioner, the governor and executive council, the general court, and other entities regarding
30 the bureau's programs.

31 (g) Ensuring that the bureau's programs are compliant with applicable state and
32 federal law.

33 (h) Monitoring agencies' financial activities for compliance with financial requirements
34 of the state's health benefit program.

35 13 Department of Administrative Services; Reference Changed. Amend RSA 21-I:24, I to read
36 as follows:

37 I. The commissioner of administrative services, through the department's **division of risk**

1 ~~[management unit]~~ **and benefits**, is hereby authorized to pay such sum or sums as may be awarded
2 under the provisions of RSA 281-A, and the expense of insurance and third party administrator
3 services providing managed care programs authorized by RSA 281-A:23-a and similar services
4 directly related to the provision and monitoring of workers' compensation benefits payable to state
5 employees.

6 14 Department of Administrative Services; Reference Changed. Amend RSA 21-I:25-a, to read
7 as follows:

8 21-I:25-a Procurement of Managed Care and Other Risk-Shifting Services. By following the
9 procedures of RSA 21-I:28, the commissioner of administrative services, through the department's
10 **division of risk** ~~[management unit]~~ **and benefits**, and after consultation with the governor and
11 council, may contract for or purchase insurance or third party administrator services providing
12 managed care program services and similar services directly related to the provision and
13 monitoring of workers' compensation benefits payable to state employees.

14 15 Department of Administrative Services; References Changed. Amend RSA 21-I:30-f to read
15 as follows:

16 21-I:30-f Administrative Cost of Certain Programs Administered by the **Division of Risk**
17 ~~[Management Unit]~~ **and Benefits**; Obligation of Employee. The **division of risk** ~~[management~~
18 ~~unit]~~ **and benefits** may use moneys in the employee benefit adjustment account, established under
19 RSA 9:17-c, for the purposes of paying the administrative fees for the dependent care assistance
20 program established under RSA 21-I:44-a and the medical and related expenses program
21 established under RSA 21-I:44-b. The **division of risk** ~~[management unit]~~ **and benefits** may also
22 use such moneys in the event money must be paid to the contracting party in advance to cover the
23 employee's medical expenses, when the employee has not contributed all of such costs from payroll
24 deductions, provided that the employee benefit adjustment account shall be repaid when the
25 employee fulfills his or her obligation.

26 16 Department of Administrative Services; Reference Changed. Amend RSA 21-I:44-a, to read
27 as follows:

28 21-I:44-a Dependent Care Assistance Program Established. There is established a dependent
29 care assistance program to be administered by the **division of risk** ~~[management unit]~~ **and**
30 **benefits** of the department of administrative services with the assistance of the division of
31 accounting services of the department of administrative services and the treasury department.
32 Under this program, an employee may have a certain amount of his or her salary withheld, before
33 taxes, for the purpose of day care expenses.

34 17 Department of Administrative Services; Reference Changed. Amend RSA 21-I:44-b, to read
35 as follows:

36 21-I:44-b Medical and Related Expenses Program Established. There is established a medical
37 related expenses program to be administered by the **division of risk** ~~[management unit]~~ **and**

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1 **benefits** of the department of administrative services with the assistance of the division of
2 accounting services of the department of administrative services and the treasury department.
3 Under this program, an employee may have a certain amount of his or her salary withheld, before
4 taxes, for the purpose of medical expenses.

5 18 State Agency Insurance; Reference Changed. Amend RSA 9:27 to read as follows:

6 9:27 Insurance.

7 ~~[I.]~~ Any agency or department of the state may, with the approval of the governor and
8 council and within the limits of its appropriation, secure casualty or liability insurance on any
9 property owned by the state or in connection with any program or activity of the state; provided,
10 however, that all such purchases shall first be reviewed and approved by the **division of risk**
11 ~~[management unit]~~ **and benefits** of the department of administrative services and that any
12 insurance specifically required by law shall be carried.

13 ~~[II. All casualty or liability insurance secured by an agency or department and in effect on~~
14 ~~July 1, 2017, shall be reported to the risk management unit by September 1, 2017.]~~

15 19 Health and Human Services; Reference Changed. Amend RSA 161:4, III to read as follows:

16 III. Liability Insurance. The commissioner of the department of health and human services
17 or designee shall have the authority, after consultation with the insurance department and the
18 **division of risk** ~~[management unit]~~ **and benefits**, and in accordance with the procedures
19 established by the commissioner of administrative services under RSA 21-I:7-c, V, to purchase
20 personal liability coverage for individuals providing care to adults receiving assistance from the
21 department of health and human services who reside in certified residential care facilities. The
22 amount and nature of this insurance coverage may vary in the discretion of the commissioner of
23 administrative services.

24 20 Services for Youth and Families; Reference Changed. Amend RSA 170-G:3, VI to read as
25 follows:

26 VI. The commissioner shall have authority, after consultation with the insurance
27 department and the **division of risk** ~~[management unit]~~ **and benefits**, and in accordance with the
28 procedures established by the commissioner of administrative services under RSA 21-I:7-c, V, to
29 purchase insurance coverage for the benefit of individuals providing foster care to children within
30 the jurisdiction of the department. The amount and nature of this insurance coverage may vary in
31 the discretion of the commissioner of administrative services.

32 21 Services for Youth and Families; References Changed. Amend RSA 170-G:3, VII(b) and (c)
33 to read as follows:

34 (b) No payment shall be made under subparagraph (a)(1) or (2) unless the department
35 investigates the claim and the commissioner, or the commissioner's designee, recommends to the
36 **division of risk** ~~[management unit]~~ **and benefits** that the claim, or some portion of the claim, be
37 paid. If the **division of risk** ~~[management unit]~~ **and benefits** determines that the claim meets the

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1 requirements of this paragraph and is reasonable in amount, the commissioner of administrative
2 services, or the commissioner's designee, shall authorize such payment.

3 (c) No payment shall be made under subparagraph (a)(3) unless the department
4 investigates the claim and the commissioner, or the commissioner's designee determines the foster
5 parent did not act intentionally, willfully or recklessly, and recommends to the **division of risk**
6 ~~[management unit]~~ **and benefits** that the claim, or some portion of the claim, be paid. If the
7 **division of risk** ~~[management unit]~~ **and benefits** determines that the claim meets the
8 requirements of this subparagraph, the attorney general shall be notified and shall select a
9 qualified attorney to provide legal representation and defense to the claimant subject to the dollar
10 limitations of subparagraph (a)(3), the recommendations of the **division of risk** ~~[management unit]~~
11 **and benefits**, and the attorney general's own experience and expertise. The commissioner of
12 administrative services, or the commissioner's designee, shall authorize payment of such amounts
13 as are approved by the attorney general.

14 22 University System; References Changed. Amend RSA 187-A:43, VI-VII, to read as follows:

15 VI. Cost analysis, including costs associated with the **division of risk** ~~[management unit]~~
16 **and benefits** staff, shall be paid for by the university system. The university system shall pay all
17 associated costs of transferring data into the state group health insurance plan and all costs
18 associated with data collection, data manipulation associated with transferring from one plan to
19 another, and costs of university system changes, including staff costs.

20 VII. The university system shall provide to the **division of risk** ~~[management unit]~~ **and**
21 **benefits** a file of medical and pharmaceutical claims for the previous 2 years which shall not
22 contain any personally identifiable information.

23 23 Community College System; References Changed. Amend RSA 188-F:68, VI-VII, to read as
24 follows:

25 VI. Cost analysis, including costs associated with the **division of risk** ~~[management unit]~~
26 **and benefits** staff, shall be paid for by the community college system. The community college
27 system shall pay all associated costs of transferring data into the state group health insurance plan
28 and all costs associated with data collection, data manipulation associated with transferring from
29 one plan to another, and costs of system changes, including staff costs.

30 VII. The community college system shall provide to the **division of risk** ~~[management unit]~~
31 **and benefits** a file of medical and pharmaceutical claims for the previous 2 years which shall not
32 contain any personally identifiable information.

33 24 Board of Claims; Reference Changed. Amend RSA 541-B:11-A to read as follows:

34 541-B:11-a Annual Report. The secretary of state shall provide annually to the **division of risk**
35 ~~[management unit]~~ **and benefits** a copy of the annual report for the board.

36 25 Salaries; Unclassified State Officers. Amend the following positions in RSA 94:1-a, I(b),
37 salary grade HH, to read as follows:

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1 HH Department of administrative services [~~manager of risks~~] **director of risk** and benefits
2 HH Department of administrative services **director of** financial data [~~manager~~] **management**

3 26 Department of Administrative Services; Intent of Amendment of Risk Management Unit;
4 Continuation of Operations. The amendment to the title of the risk management unit to the
5 division of risk and benefits is not intended to alter the underlying functions, authorities, or
6 personnel of the existing unit or its manager, or the compensation of any existing employee. The
7 division of risk and benefits shall perform all duties previously performed by the risk management
8 unit and the director of the division of risk and benefits shall perform all duties and functions
9 previously performed by the manager of risks. Any and all documents entered into by the risk
10 management unit or any of its subunits, including but not limited to contracts, agreements,
11 requests for proposals, requests for bids, requests for quotes, purchase orders, and other items shall
12 be construed to apply to, and shall be deemed to be the action of, the division of risk and benefits.

13 27 Department of Administrative Services; Intent of Amendment of Title of the Manager of
14 Risks; Continuation of Salary and Functions. The unclassified employee serving as the manager of
15 risks prior to the effective date of this section shall, barring resignation or removal from office, be
16 deemed the director of the division of risk and benefits for the remainder of his or her existing term
17 as the manager of risks and benefits. The salary of the director of the division of risk and benefits
18 shall be that allocated in RSA 94:1-a, I(b) to the manager of risks and benefits.

19 28 Department of Administrative Services; Continuation of Laws; Transfer of Duties Relating
20 to Risk Management. All provisions of law that remain in effect and refer to the department of
21 administrative services' risk management unit shall be construed so as to apply to the division of
22 risk and benefits. All powers, duties, and obligations of the risk management unit, and all bureaus
23 or other subunits within the unit, shall be transferred to the division of risk and benefits and its
24 subunits without interruption or delay on the effective date of this section. The transfer shall
25 include, but not be limited to, all personnel, equipment, and funding of the former risk management
26 unit and its subunits. The department of administrative services may make such changes to the
27 accounting structure and budgetary allocations for the biennium ending June 30, 2021 as it
28 concludes are necessary or appropriate to effectuate and accommodate the changes made to the
29 department by this act.

30 29 Department of Administrative Services; Intent of Amendment of Financial Data
31 Management Unit; Continuation of Operations. The alteration of the title of the financial data
32 management unit to the division of financial data management is not intended to alter the
33 underlying functions, authorities, or personnel of the existing unit or its manager, or the
34 compensation of any existing employee. The division of financial data management shall perform
35 all duties previously performed by the financial data management unit and the director of the
36 division of financial data management shall perform all duties and function previously performed
37 by the financial data manager. Any and all documents entered into by the financial data

1 management unit or any of its subunits, including but not limited to contracts, agreements,
2 requests for proposals, requests for bids, requests for quotes, purchase orders, and other items shall
3 be construed to apply to, and be deemed to be the action of, the division of financial data
4 management.

5 30 Department of Administrative Services; Intent of Amendment of Title of the Financial Data
6 Manager; Continuation of Salary and Functions. The unclassified employee serving as the financial
7 data manager as of the effective date of this section shall, barring resignation or removal from
8 office, be deemed the director of the division of financial data management for the remainder of his
9 or her existing term as the financial data manager. The salary of the director of the division of
10 financial data management shall be that allocated in RSA 94:1-a, I(b) to the financial data manager.

11 31 Department of Administrative Services; Continuation of Laws; Transfer of Duties Relating
12 to Financial Data Management. All provisions of law that remain in effect and refer to the
13 department of administrative services' financial data management unit shall be construed so as to
14 apply to the division of financial data management. All powers, duties, and obligations of the
15 financial data management unit, and all bureaus or other subunits within the unit, shall be
16 transferred to the division of financial data management and its subunits without interruption or
17 delay on the effective date of this section. The transfer shall include, but not be limited to, all
18 personnel, equipment, and funding of the former financial data management unit and its subunits.
19 The department of administrative services may make such changes to the accounting structure and
20 budgetary allocations for the biennium ending June 30, 2021 as it concludes are necessary or
21 appropriate to effectuate and accommodate the changes made to the department by this act.

22 32 Department of Administrative Services; Consolidation of Human Resources and Payroll
23 Functions.

24 I. Notwithstanding any law or administrative rule to the contrary, the commissioner of
25 administrative services, with the prior approval of the fiscal committee of the general court and the
26 governor and council, may make such transfers of appropriation items and changes in allocations of
27 funds available for operational purposes to the department of administrative services from any
28 other agency necessary to effectuate the efficient consolidation or deconsolidation of human
29 resources, payroll and business processing functions within state government. Such business
30 processing functions shall include:

- 31 (a) Accounts receivable;
32 (b) Accounts payable;
33 (c) Collection of fines, penalties, fees, restitution, remittances, and other moneys due to
34 the state; and
35 (d) Such additional finance, accounting and other functions and transactions that the
36 commissioner of administrative services determines may potentially achieve substantial efficiencies
37 from consolidation.

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1 II. The commissioner of administrative services may establish the number of total
2 personnel required for human resources, payroll, and business processing functions in the executive
3 branch of state government and, with the prior approval of the governor and council, may eliminate
4 unnecessary positions and may transfer positions to or from the department of administrative
5 services to or from any other agency if the commissioner of administrative services concludes that
6 such transfers or eliminations are necessary to effectuate the efficient consolidation or
7 deconsolidation of human resources, payroll, or business processing functions within state
8 government. Such transfers may, if deemed appropriate by the commissioner of administrative
9 services, include the transfer of all associated books, papers, records, personnel files, and
10 equipment, including, but not limited to, work station and information technology equipment, and
11 may, if deemed appropriate by the commissioner of administrative services, include the transfer of
12 any unexpended appropriations for any of the foregoing, and any unexpended appropriations for
13 salary, payroll, benefits, support costs, or any other costs associated with the transferred personnel.
14 The department of administrative services may also establish new full-time temporary positions
15 within the department, if the commissioner of administrative services deems it necessary to
16 effectuate the efficient consolidation or deconsolidation of human resources, payroll, or business
17 processing functions.

18 III. The commissioner of administrative services may locate personnel whose positions have
19 been transferred in such work spaces as the commissioner determines will efficiently effectuate the
20 consolidation or deconsolidation of functions. Such work spaces may include either space currently
21 owned or rented by the state, or space which may be rented by the commissioner utilizing amounts
22 which may be saved by the state as the result of the consolidation or deconsolidation of functions.

23 IV. If the commissioner of administrative services consolidates, deconsolidates or, pursuant
24 to 2015, 276:2 or other law, has consolidated or deconsolidated, any human resources, payroll, or
25 business processing function and subsequently determines that such consolidation or
26 deconsolidation is not cost effective or beneficial to the interests of the state, the commissioner may,
27 with the prior approval of the fiscal committee of the general court, deconsolidate or reconsolidate,
28 fully or partially, any human resources, payroll, or business processing function within the
29 executive branch of state government. As part of a deconsolidation, the commissioner, after
30 consultation with the heads of such executive branch agencies as may be affected, shall determine
31 positions to be transferred to another agency, shall determine positions to be transferred elsewhere
32 within the department of administrative services, or shall determine positions to be eliminated.

33 V. Any unspent balance remaining of the \$250,000 appropriation made by 2011, 224:86 to
34 the department of administrative services for the biennium ending June 30, 2013, for the purpose of
35 selecting and retaining an independent business processing consultant to evaluate and make
36 recommendations relative to the consolidation of business processing functions within state
37 government, shall not lapse until June 30, 2021. The department of administrative services may

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1 use this balance to fund such projects, functions, or activities as the commissioner of administrative
2 services may direct relating to the efficiency of state government, including, but not limited to, the
3 selection and retention of an independent business processing consultant and/or other projects,
4 functions, or activities relating to the consolidation or deconsolidation of human resource, payroll
5 and business processing functions.

6 33 Department of Administrative Services; State Employee Health Plan; Application. The cost
7 sharing and plan design for unrepresented active state employees who participate in the health
8 plans offered by the state shall be the same as those for individuals covered by the collective
9 bargaining agreement between the state of New Hampshire and the State Employees' Association of
10 New Hampshire, Inc. The fiscal committee of the general court may approve changes to the above
11 plan design cost sharing provisions consistent with RSA 21-I:30, I. The cost sharing and plan
12 designs for represented active state employees who participate in the health plans offered by the
13 state shall be in accordance with the provisions of the collective bargaining agreements between the
14 state and the employee organizations representing those employees.

15 34 Department of Administrative Services; Health Coverage Shared Responsibility. Agencies
16 may use funds in existing class 60 budgets to pay any penalties imposed under the employer shared
17 responsibility for health coverage under section 4980H of the Internal Revenue Code.

18 35 All Agencies; Administrative Services; Electronic Mail. Unless restricted by law or
19 administrative rule, upon request of an intended recipient, an agency may provide documents by
20 electronic mailing in lieu of mail.

21 36 Department of Administrative Services; Heating Systems Savings. Amend RSA 21-I:19-ff to
22 read as follows:

23 21-I:19-ff State Heating System Savings Account. There is hereby established the state heating
24 system savings account for the transfer of unexpended state heating system appropriations due to
25 reduced heating system costs resulting from the 26 state buildings served by the Concord Steam
26 project authorized in 2017, 2. Notwithstanding RSA 21-I:19-e, at the end of each state fiscal year,
27 the commissioner of administrative services shall identify the unexpended appropriations in the
28 accounts and class lines for the 26 state buildings served by the replacement of the Concord Steam
29 facility. The commissioner shall deposit such sums into the account established by this section.
30 Funds in the state heating system savings account shall be nonlapsing and appropriated to the
31 department of administrative services for the biennium ending June 30, 2019, *the biennium*
32 *ending June 30, 2021*, and the fiscal year ending [2020] *June 30, 2022* and may be used to pay
33 principal and interest on bonds and notes issued to fund the capital project for the heating of state
34 facilities located at the Governor Hugh J. Gallen state office park and state-owned buildings in
35 downtown Concord.

36 37 State Heating System Facilities. Any unspent balance remaining on the \$18,000,000
37 appropriation made by 2017, 2 to the department of administrative services for the fiscal year

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1 ending June 30, 2017, for the purpose of the purchase and replacement of all systems providing
2 heat to state facilities located at the Governor Hugh J. Gallen state office park and state-owned
3 buildings in downtown Concord that were obtaining steam from Concord Steam corporation, as well
4 as the decommissioning of the steam plant located at 105 Pleasant Street in Concord, including but
5 not limited to system design, construction, hazardous material remediation, and project
6 administration and management, as required, shall not lapse until June 30, 2020. As indicated in
7 2017, 2, this project shall be managed by the division of public works design and construction and
8 funds may be expended to fund any temporary personnel for the purpose of project administration,
9 management, or clerk of the works. The commissioner of the department of administrative services
10 is also authorized to employ a classified, full-time, permanent project manager in the division of
11 public works design and construction, whose initial salary and benefit cost shall be from funds
12 appropriated pursuant to 2017, 2. The governor is authorized to draw a warrant for said sum out of
13 any money in the treasury not otherwise appropriated, and said funds shall not lapse until June 30,
14 2020.

15 **38 Department of Administrative Services; Funding and Staffing Resource Limitations.**

16 I. Due to inadequate funding and staffing resources at the department of administrative
17 services, the commissioner of the department of administrative services may suspend the
18 obligations or requirements under RSA 21-I:7-c as it applies to addressing performance and
19 financial legislative budget assistant audit findings from 2006, 2011, and 2014 regarding
20 management of the employee and retiree health benefit program, including establishing rules and
21 operational policies for the program, for each fiscal year of the biennium ending June 30, 2021.

22 II. Due to inadequate funding and staffing resources at the department of administrative
23 services, the commissioner of the department of administrative services may suspend the following
24 requirements or obligations of the department for each fiscal year of the biennium ending June 30,
25 2021:

26 (a) The provisions relating to identification and implementation of energy efficiency
27 projects in compliance with the governor's executive order 2016-03.

28 (b) The provisions relating to data analysis and the development of performance metrics
29 for buildings and vehicles to monitor energy and water usage, use of fossil fuels, and greenhouse
30 gas emissions in compliance with governor's executive order 2016-03.

31 **39 Department of Administrative Services; Establishment of Additional Surplus Fund. Amend**
32 **RSA 21-I:11, I, (a)(6)(B) to read as follows:**

33 (B) Be maintained by the treasurer [~~as a~~] ***in one of 2*** separate, restricted [~~fund~~]
34 ***funds:***

35 (i) ***The surplus distribution section administrative assessments fund,***
36 ***into which shall be deposited funds received by the department by virtue of the disposition***
37 ***of surplus property; and***

1 (ii) *The federal surplus food fund, into which shall be deposited*
2 *funds received by the department by virtue of the disposition of federal surplus food.*

3 40 Surplus Distribution Accounts. Amend RSA 6:12, I(b)(92) to read as follows:

4 (92) Moneys deposited in the 2 surplus ~~[distribution section administrative~~
5 ~~assessments fund]~~ *funds* under RSA 21-I:11, I(a)(6)(B):

6 (A) *The surplus distribution section administrative assessments fund;*
7 *and*

8 (B) *The federal surplus food fund.*

9 41 Department of Administrative Services; Fund Restrictions. Amend the introductory
10 paragraph of RSA 21-I:11-a, I to read as follows:

11 I. Expenditures from the funds established by RSA 21-I:11, I(a)(6)(B), shall be restricted to
12 defraying the following costs *of the respective programs* incurred as a result of transferring
13 donated commodities or surpluses from the consignee point of delivery or point of origin to the
14 ultimate point of consumption:

15 42 New Section; Department of Administrative Services; Building Maintenance Fund. Amend
16 RSA 21-I by inserting after section 11-c the following new section:

17 21-I:11-d Building Maintenance Fund. Each agency for which the department of
18 administrative services is charged with providing building maintenance services shall pay to the
19 department an annual assessment of 75 cents per square foot of such space which the agency
20 occupies. The department of administrative services may make transfers from appropriate agency
21 accounts to address such assessments. Collected amounts shall be deposited in the building
22 maintenance fund, which shall be nonlapsing and continually appropriated to the department of
23 administrative services for the purposes of covering costs associated with continuing maintenance of
24 buildings, space, and other property which it is charged with maintaining.

25 43 New Subparagraph; Application of Receipts; Building Maintenance Fund. Amend RSA 6:12,
26 I(b) by inserting after subparagraph (343) the following new subparagraph:

27 (344) Moneys deposited in the building maintenance fund established under RSA
28 21-I:11-d.

29 44 Appropriation; Building Maintenance Fund.

30 I. In addition to any other sums appropriated, the following sums are hereby appropriated
31 from the following sources for the purposes of sections 42-43 of this act for the fiscal years ending
32 June 30, 2020 and June 30, 2021:

33 (a) For the fiscal year ending June 30, 2020:

34 All	General	Federal	Highway	Turnpike	Other
35 \$528,606.50	\$263,417.50	\$74,598.50	\$57,811.00	\$702.50	\$132,077.00

36 (b) For the fiscal year ending June 30, 2021:

37 All	General	Federal	Highway	Turnpike	Other
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1 \$528,606.50 \$262,808.00 \$74,598.50 \$57,873.50 \$702.00 \$132,624.50

2 II. The department of administrative services is authorized to allocate these appropriations
3 among agencies as necessary to implement the requirements of sections 42 and 43.

4 45 Study of Building Maintenance Funding Sources for Patient Occupied Buildings Managed
5 by the Department of Health and Human Services. The department of administrative services and
6 the department of health and human services shall study appropriate mechanisms for the creation
7 of an additional building maintenance fund for the patient occupied buildings currently managed
8 directly by the department of health and human services, including but not limited to the Glenclyff
9 home, New Hampshire hospital, and the Sununu youth services center. The departments shall
10 report their findings to the fiscal committee of the general court on or before November 1, 2019.

11 46 Judicial Appointments; Number Limited; Conversion Suspended.

12 I. For the biennium ending June 30, 2021, the number of judges serving on the superior
13 court shall not exceed 22 and the number of full-time judges serving on the circuit court shall not
14 exceed 35.

15 II. RSA 490-F:7, III, relative to conversion of the position of marital master to a full-time
16 judicial position, is hereby suspended for the biennium ending June 30, 2021.

17 47 Judicial Branch; Transfer Among Accounts and Classes. Notwithstanding any provision of
18 law to the contrary, and subject to approval of the fiscal committee of the general court, for the
19 biennium ending June 30, 2021, the supreme court may transfer funds within and among all
20 accounting units within the judicial branch as the supreme court deems necessary and appropriate
21 to address budget reductions or to respond to changes in federal laws, regulations, or programs, and
22 otherwise as necessary for the efficient management of the judicial branch. If the supreme court
23 intends to transfer funds which would otherwise meet the transfer requirements as set forth in RSA
24 9:17-d, prior approval of the fiscal committee of the general court shall be required for transfers of
25 \$100,000 or more.

26 48 Department of Corrections; Transfer Authority. The following classes within the
27 department of corrections shall be exempt from the transfer restrictions in RSA 9:17-a, 9:17-c,
28 classes 10-personal services-perm classified, 11-personal services-unclassified, 12-personal services-
29 unclassified, 18-overtime, 19-holiday pay, 50-personal service-temp/appointed and 60-benefits. The
30 department may transfer funding in these classes within and among all accounting units provided
31 that any transfer shall require prior approval of the fiscal committee of the general court and
32 governor and council. The provisions of this paragraph shall remain in effect for the biennium
33 ending June 30, 2021.

34 49 New Section; Cost of Care Reimbursement Account Established. Amend RSA 622 by
35 inserting after section 58 the following new section:

36 622:58-a Cost of Care Reimbursement Fund Established. There is established the cost of care
37 reimbursement fund, which shall be administered by the commissioner of the department of

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1 corrections. This fund shall be nonlapsing and continually appropriated to the commissioner for the
2 purpose of the general care of those persons under departmental control and upkeep of the prison
3 facilities including equipment. The commissioner shall deposit all funds received from the
4 department of justice as specified in RSA 622:58 into this fund.

5 50 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after
6 subparagraph (343) the following new subparagraph:

7 (344) Moneys deposited in the cost of care reimbursement fund under RSA 622:58-a.

8 51 Department of Corrections; Cost of Care Reimbursement Moneys. Amend RSA 622:58 to
9 read as follows:

10 622:58 Deposit of Recovered Moneys. All moneys recovered under this subdivision shall be
11 deposited in the ~~[general fund]~~ **cost of care reimbursement fund under RSA 622:58-a.**

12 52 Repeal. RSA 622:7-b, relative to victim's fund, is repealed.

13 53 Application of Receipts; Victims' Fund. Amend RSA 6:12, I(b)(23) to read as follows:

14 (23) The assessments collected under RSA 106-L:10 and 651:63, V ~~[and the~~
15 ~~surcharges on state commissary purchases under RSA 622:7-b designated for the victims' assistance~~
16 ~~fund which]~~ shall be credited to the victims' assistance fund until that fund exceeds \$900,000, at
17 which time moneys in excess of \$900,000 shall be credited to the general fund.

18 54 Department of Corrections; Unclassified Position Established; Director of Nursing.

19 I. The unclassified position of director of nursing is hereby established in the department of
20 corrections and shall be qualified for that position by reason of education and experience and shall
21 be nominated by the commissioner of the department of corrections for the appointment by the
22 governor and the executive council, who shall serve at the pleasure of the commissioner. The
23 director of nursing shall oversee the uniform integration of nursing practice and care into the
24 comprehensive medical and behavioral health system operated by the department of corrections as
25 well as ensuring adherence of nurses to nursing practice laws, rules, standards, and policies. This
26 position shall also establish an organizational reporting structure to ensure that all nurses receive
27 adequate and appropriate supervision. Direct reports shall include the assistant nursing director
28 and all nurse coordinators.

29 II. The salary of this position shall be determined after assessment and review of the
30 appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be
31 conducted pursuant to RSA 94:1-d and RSA 14:14-c.

32 III. Upon completion of this action and appointment of the position identified in paragraph
33 I, classified position #16287 shall be abolished to allow for the transition of this classified position
34 with its available appropriations into the new unclassified position. Funding shall be transferred
35 into expenditure class 011, within accounting unit 02-46-46-465010-8234. The incumbent in the
36 abolished classified position shall be offered the opportunity to seek the commissioner's nomination
37 for the unclassified director of nursing position.

1 55 Department of Corrections; Unclassified Positions Established.

2 I. The following positions are hereby established in the department of corrections and shall
3 be qualified for the position by reason of education and experience and shall be nominated by the
4 commissioner of corrections for appointment by the governor and council, who shall serve at the
5 pleasure of the commissioner. The chief pharmacist shall oversee the pharmacy unit and supervise
6 the pharmacist I-IV as well as perform such duties that the commissioner from time to time may
7 authorize:

8 (a) Department of corrections, chief pharmacist.

9 (b) Department of corrections, pharmacist I.

10 (c) Department of corrections, pharmacist II.

11 (d) Department of corrections, pharmacist III.

12 (e) Department of corrections, pharmacist IV.

13 II. The salary of these positions shall be determined after assessment and review of the
14 appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the positions which shall be
15 conducted pursuant to RSA 94:1-d and RSA 14:14-c.

16 III. Upon completion of this action and appointment of the positions identified in paragraph
17 I, the following positions shall be abolished to allow for the transition of these classified positions
18 with their available appropriations into the unclassified positions. Funding shall be transferred
19 into expenditure class 011, within accounting unit 02-46-46-465010-8236. The incumbents in the
20 abolished classified positions shall be offered the opportunity to seek the commissioner's nomination
21 for the unclassified positions:

22 (a) Chief pharmacist #19851.

23 (b) Pharmacist #12997.

24 (c) Pharmacist #19553.

25 (d) Pharmacist #19848.

26 (e) Pharmacist #16290.

27 56 State Commission for Human Rights. Amend RSA 354-A:3, I to read as follows:

28 I. There is hereby created a commission to be known as the New Hampshire commission for
29 human rights, *which shall be administratively attached to the department of justice*
30 *pursuant to RSA 21-G:10*. Such commission shall consist of 7 members, who shall be appointed by
31 the governor, with the consent of the council, and one of whom shall be designated as chair by the
32 governor. The term of office of each member of the commission shall be for 5 years.

33 57 Boxing and Wrestling Commission. Amend RSA 285:2 to read as follows:

34 285:2 Establishment of Commission. There is hereby established a boxing and wrestling
35 commission which shall oversee amateur and professional fighting sports in the state. *The*
36 *commission shall be administratively attached to the department of state pursuant to RSA*
37 *21-G:10*.

1 58 Annual Grant for Leased Space; Charter Schools. Amend the introductory paragraph of
2 RSA 198:15-hh, I to read as follows:

3 I. The amount of the annual grant for a lease to any school district duly organized, any city
4 maintaining a school department within its corporate organization, any cooperative school district
5 as defined in RSA 195:1, or any receiving district operating an area school as defined in RSA 195-
6 A:1, shall be a sum equal to 30 percent of the amount of the annual payment of the lease incurred,
7 for the cost of leasing permanent space in a building or buildings not owned by the school district or
8 school administrative unit which is used for the operation of a high school vocational technical
9 education program, to the extent approved by the state board of education. For the purposes of this
10 section, the amount of the annual grant for a lease to a vocational technical education center shall
11 be calculated in the same manner as a cooperative school district. The amount of the annual grant
12 for a chartered public school authorized under RSA 194-B:3-a shall be a sum equal to 30 percent of
13 the annual lease payment incurred for the cost of leasing space; ***provided that no annual grant***
14 ***for leased space provided to a chartered public school in accordance with this section***
15 ***shall exceed \$30,000 in any fiscal year.*** The total amount of grants to schools pursuant to this
16 section shall not exceed the state appropriation for leased space. If the amount appropriated is
17 insufficient therefor, the appropriation shall be prorated proportionally among the schools eligible
18 for a grant. Such lease agreements shall be eligible for grants under this section, provided all of the
19 following conditions apply:

20 59 Meals and Rooms Tax; Distribution to Cities and Towns. For the fiscal years ending June
21 30, 2020 and June 30, 2021, the state treasurer shall fund the distribution of revenue to cities and
22 towns pursuant to the formula for determining the amount of revenue returnable to cities and
23 towns under RSA 78-A:26, I and II at no more than the amount of the fiscal year 2019 distribution.

24 60 Department of Health and Human Services; Social Services Block Grant Cost of Living
25 Adjustment to Income Levels. Notwithstanding any other provision of law, for the biennium ending
26 June 30, 2021, the department of health and human services shall raise the income eligibility for
27 elderly and adult clients under the social services block grant program each January, by the
28 percentage amount of the cost of living increase in social security benefits on a yearly basis provided
29 such amount is consistent with federal law and regulations relative to the social services block
30 grant income eligibility.

31 61 County Reimbursement of Funds; Limitations on Payments. Amend RSA 167:18-a, II(a) to
32 read as follows:

33 II.(a) The total billings to all counties made pursuant to this section shall not exceed the
34 amounts set forth below for state fiscal years ~~[2018-2019]~~ **2020-2021**:

35 (1) State fiscal year ~~[2018]~~ **2020**, ~~[\$117,573,000]~~ **\$123,372,750.**

36 (2) State fiscal year ~~[2019]~~ **2021**, ~~[\$119,925,000]~~ **\$126,923,933.**

37 62 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children;

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1 Definitions. Amend RSA 167:6, VII to read as follows:

2 VII. For purposes hereof, a person shall be eligible for medical assistance as categorically
3 needy or as medically needy. A person shall be eligible as categorically needy if ~~[he]~~ *such person*
4 receives financial assistance under RSA 167:6, I, IV, V or VI, or is otherwise eligible to receive such
5 assistance but does not, *or is otherwise eligible, but does not due to receiving a finding of*
6 *clinical ineligibility for federal cash benefits under paragraph VI*. A person shall be eligible
7 as medically needy if ~~[he]~~ *such person* meets the categorical, age, and technical requirements
8 under RSA 167:6, I, IV, V or VI, and if his *or her* income and assets meet the standards as
9 prescribed for the medically needy program. A person shall also be eligible as categorically needy or
10 as medically needy who is eligible for medical assistance pursuant to the mandates of federal law or
11 regulation or pursuant to optional state coverage groups which are allowed by federal regulation
12 and defined by the commissioner of the department of health and human services in accordance
13 with rules adopted under RSA 541-A, but who does not receive assistance or would not be otherwise
14 eligible to receive assistance under paragraph I, IV, V, or VI.

15 63 Prospective Repeal Regarding Eligibility for Services Extended. Amend 2011, 209:6, I, as
16 amended by 2013, 140:1, I, as amended by 2015, 276:41, I, as amended by 2017, 156:85, I to read as
17 follows:

18 I. Section 5 of this act shall take effect July 1, ~~[2019]~~ **2021**.

19 64 Department of Health and Human Services; Suspension of Direct and Indirect Graduate
20 Medical Education Payments. The commissioner of the department of health and human services
21 shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and
22 Medicaid Services to suspend the provision of direct and indirect graduate medical education
23 payments to hospitals as provided in 42 C.F.R. section 413.75 for the biennium ending June 30,
24 2021. Upon approval of the state plan amendment, and as of the effective date of the state plan
25 amendment, any obligations for payment of direct and indirect graduate medical education shall be
26 suspended for the biennium ending June 30, 2021.

27 65 Health and Human Services; Suspension of Catastrophic Aid Payments to Hospitals. The
28 commissioner of the department of health and human services shall submit a Title XIX Medicaid
29 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend
30 catastrophic aid payments to hospitals. Upon approval of the state plan amendment, and as of the
31 effective date of the state plan amendment, any obligations for catastrophic aid payments to
32 hospitals shall be suspended for the biennium ending June 30, 2021.

33 66 Department of Health and Human Services; Prospective Repeal Regarding the Exemption
34 from Certain Transfer Procedures Extended. Amend 2018, 163:11, IV to read as follows:

35 IV. Section 10 of this act shall take effect June 30, ~~[2019]~~ **2021**.

36 67 Department of Health and Human Services; Program Eligibility; Additional Revenues. For
37 the biennium ending June 30, 2021, the department of health and human services shall not

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1 authorize, without prior consultation with the house health, human services and elderly affairs
2 committee and the senate health and human services committee, and the approval of the fiscal
3 committee of the general court and governor and council, any change to program eligibility
4 standards or benefit levels that might be expected to increase or decrease enrollment in the
5 program or increase expenditures from any source of funds; provided, however, that no such prior
6 approval shall be required if a change to a federal program in which the state is participating as of
7 the effective date of this section is required by federal law.

8 68 Appropriation; Department of Safety, Division of Fire Standards and Training and
9 Emergency Medical Services. There is hereby appropriated to the department of safety, division of
10 fire standards and training and emergency medical services, the sum of \$500,000, for the biennium
11 ending June 30, 2021, for the purpose of providing grants to local firefighters for medical
12 examinations conducted pursuant to RSA 281-A:17. The sum shall be a charge against the fire
13 standards and training and emergency medical services fund established pursuant to RSA 21-P:12-
14 d, and shall not lapse.

15 69 Commissioner of Health and Human Services; Quarterly Reports. During the biennium
16 ending June 30, 2021, the commissioner of health and human services shall make quarterly reports
17 to the governor, the speaker of the house of representatives, and the senate president on the status
18 of estimated Medicaid payments in relation to actual costs. Further contents of the such reports
19 shall be as specified by the governor.

20 70 Department of Health and Human Services; Unfunded Positions; Authorization.
21 Notwithstanding any other provision of law to the contrary, the department of health and human
22 services may fill unfunded positions during the biennium ending June 30, 2021, provided that the
23 total expenditure for such positions shall not exceed the amount appropriated for personnel
24 services.

25 71 Eligibility for Home and Community-Based Services; Suspension. RSA 151-E:18, regarding
26 presumptive eligibility for home and community based services, shall be suspended for the
27 biennium ending June 30, 2021.

28 72 New Section; Department of Health and Human Services; Developmental Services;
29 Establishing Certain Funds and Transfers of Certain Appropriations. Amend RSA 171-A by
30 inserting after section 8-a the following new section:

31 171-A:8-b Establishing Certain Dedicated Funds and Transfers of Certain Appropriations.

32 I. There is hereby established the developmental services fund. The fund, from
33 appropriations provided in accounting unit 05-95-93-930010-7100, shall be used to carry out the
34 provisions of this chapter. The fund shall be nonlapsing and shall be continually appropriated to
35 the commissioner for the purposes of this chapter.

36 II. There is hereby established the acquired brain disorder services fund. The fund, from
37 appropriations provided in accounting unit 05-95-93-930010-7016, shall be used to carry out the

1 provisions of this chapter. The fund shall be nonlapsing and shall be continually appropriated to
2 the commissioner for the purposes of this chapter.

3 III. There is hereby established the in-home support waiver fund. The fund, from
4 appropriations provided in accounting unit 05-95-93-930010-7110, shall be used to carry out the
5 provisions of this chapter. The fund shall be nonlapsing and shall be continually appropriated to
6 the commissioner for the purposes of this chapter.

7 IV. The funds in paragraphs I through III shall only be transferred between these funds
8 and/or accounting units for those particular services for the purposes of this chapter.

9 73 New Subparagraphs; Department of Health and Human Services; Developmental Services;
10 Certain Accounts. Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new
11 subparagraphs:

12 (344) Moneys deposited in the developmental services fund established under RSA
13 171-A:8-b, I.

14 (344) Money deposited in the acquired brain disorder services fund established
15 under RSA 171-A:8-b, II.

16 (344) Money deposited in the in-home support waiver fund established under RSA
17 171-A:8-b, III.

18 74 Department of Health and Human Services; Transfer of Certain Trust Funds.

19 I. The trust established in *In Re: Laconia State School Trust Funds*, Docket Number 317-
20 2017-EQ-599 (6th Circuit-Probate Division-Concord) shall be dissolved upon the final distribution of
21 funds pursuant to the court order issued in that case.

22 II. Distributions shall be made from the trust to former residents of Laconia state school
23 pursuant to court order. When there are no longer any surviving former residents of Laconia state
24 school, any funds remaining in the trust shall be distributed to persons receiving services from the
25 state developmental services system, in accordance with the court order, until all of the funds in the
26 trust are fully expended.

27 75 Study Committee on Outdated Non-regulatory Boards, Commissions, Councils, and Advisory
28 Bodies.

29 I. There is hereby established a committee to review all non-regulatory boards,
30 commissions, councils, and advisory bodies which exist in statute to determine which such non-
31 regulatory boards, commissions, councils, and advisory bodies should be repealed.

32 II.(a) The committee shall be composed of 5 members as follows:

33 (1) Three members of the house of representatives, appointed by the speaker of the
34 house of representatives.

35 (2) Two members of the senate, appointed by the president of the senate.

36 (b) The governor shall appoint 2 persons who shall represent the executive branch and
37 shall serve as an advisory council to the members of the committee. The advisory council shall

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1 advise and assist the members in the completion of the committee's duties.

2 III. Members of the committee shall receive mileage at the legislative rate when attending
3 to the duties of the committee. The first meeting of the committee shall be called no later than 30
4 days after the effective date of this section. The first-named house member shall call the first
5 meeting of the committee. Three members of the committee shall constitute a quorum.

6 IV. In determining which non-regulatory boards, commissions, councils, and advisory
7 bodies should be repealed, the committee shall consider the following:

8 (a) Frequency of meetings.

9 (b) Attendance records and the level of difficulty in achieving quorum for meetings.

10 (c) Whether there is duplication of purpose or activities.

11 (d) Any other factors which the committee deems relevant.

12 V. The committee shall report its findings and any recommendations for legislation,
13 including recommendations for repeal of non-regulatory boards, commissions, councils, or other
14 advisory bodies to the president of the senate, the speaker of the house of representatives, the
15 senate clerk, the house clerk, the governor, and the state library on or before November 1, 2019.

16 76 Department of Health and Human Services; Plan to Close the Cliff Effect for Individuals
17 and Families who Receive Public Benefits.

18 I. The purpose of this section is to coordinate poverty reduction strategies across agencies
19 and employers to provide necessary support mechanisms to ensure the long-term success for New
20 Hampshire's families and children for economic independence achieved through employment, and to
21 demonstrate successful outcomes for families and children for identifying supportive transitions
22 from public benefits to self-sufficiency while enhancing New Hampshire's workforce. Families
23 include parents, grandparents, caretaker relatives, and other individuals caring for children
24 acknowledging that the opioid crisis has impacted the care of New Hampshire's children.

25 II. In this section, "cliff effect" means the experience of individuals or families who receive
26 public benefits when new or increased income results in a reduction or loss of public benefits, but
27 the increased income does not fully compensate for or exceed the loss of public benefits. This results
28 in the individual and or family with less public benefits and an increase in out-of-pocket expenses
29 that eliminates any financial gain from the new or increased income.

30 III. The department of health and human services shall develop a plan to close the cliff
31 effect so New Hampshire individuals and families are afforded a full opportunity to participate in
32 the New Hampshire workforce. The plan shall include the development and implementation of a
33 "benefits cliff calculator" to measure the effect of increased income for individuals or families who
34 receive public benefits and shall include related policy options such as, but not limited to, an earned
35 income disregard, transportation accessibility, and incentives for employment retention based on an
36 updated economic analysis.

37 IV. No later than 30 days after the effective date of this section, the commissioner of the

1 department of health and human services shall convene a working group consisting, at a minimum
2 of, representatives of the following departments or agencies: the commissioner of the department of
3 employment security or designee, the commissioner of the department of education or designee, the
4 commissioner of the department of business and economic affairs or designee, the chancellor of the
5 community college system of New Hampshire or designee, the executive director of the New
6 Hampshire housing finance authority or designee, a representative of a philanthropic agency
7 appointed by the governor, a representative from a community action program appointed by the
8 governor, a private employer appointed by the governor, an individual who is receiving or who has
9 received public benefits appointed by the governor, a member of the house of representatives
10 appointed by the speaker of the house of representatives, and a member of the senate appointed by
11 the senate president.

12 V. The meetings of the working group shall be subject to RSA 91-A. The department, in
13 consultation with the working group, shall prepare a plan to close the cliff effect for individuals and
14 families receiving public benefits. The plan shall include, but not be limited to, policy change
15 recommendations, the development of a benefits cliff calculator which may be used by public and
16 private employers to navigate and close the cliff effect.

17 VI. The working group shall submit an initial report on the plan including policy
18 recommendations to the speaker of the house of representatives, the senate president, and the
19 governor on or before December 1, 2019, and quarterly thereafter for the remainder of the biennium
20 ending June 30, 2021.

21 VII. The sum of \$1 for the fiscal year ending June 30, 2020 and the sum of \$1 for the fiscal
22 year ending June 30, 2021 are hereby appropriated to the department of health and human services
23 for the purposes of developing and implementing the plan required in this section. The governor is
24 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
25 appropriated.

26 .77 Revenue Sharing; Suspension. RSA 31-A, relative to revenue sharing with cities and towns
27 shall be suspended for the biennium ending June 30, 2021.

28 78 Liquor Commission; Processing of Merchant Cards. For the biennium ending June 30, 2021,
29 the liquor commission, for purposes of supporting merchant card activity, may:

30 I. Implement necessary business strategies in the event of a disaster or loss of services to
31 insure the continuity of the commission's business operations, including the processing of merchant
32 cards, which includes the ability to transfer funds from accounting unit 01-03-03-030010-7677 in
33 consultation with the commissioner of the department of information technology. The commissioner
34 shall report to the fiscal committee of the general court within 30 days any instances where it would
35 need to implement such business strategies, including any costs and loss of revenue associated with
36 the disaster or loss of services and the implementation of such business strategies.

37 II. Enter into contracts for technical and hosting services to support retail operations and

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1 merchant card processing. The commission shall comply with RSA 176:18 for any contracts entered
2 into to support retail operations and merchant card processing.

3 III. Hire information technology technical support personnel to support its merchant card
4 activity and related technical support operations in retail stores.

5 79 Electric Utility Restructuring; Policy Principles; System Benefits Charge. Amend RSA 374-
6 F:3, VI to read as follows:

7 VI. Benefits for All Consumers. Restructuring of the electric utility industry should be
8 implemented in a manner that benefits all consumers equitably and does not benefit one customer
9 class to the detriment of another. Costs should not be shifted unfairly among customers. A
10 nonbypassable and competitively neutral system benefits charge applied to the use of the
11 distribution system may be used to fund public benefits related to the provision of electricity. Such
12 benefits, as approved by regulators, may include, but not necessarily be limited to, programs for
13 low-income customers, energy efficiency programs, funding for the electric utility industry's share
14 of commission expenses pursuant to RSA 363-A, support for research and development, and
15 investments in commercialization strategies for new and beneficial technologies. Legislative
16 approval of the New Hampshire general court shall be required to increase the system benefits
17 charge. This requirement of prior approval of the New Hampshire general court shall not apply to
18 the energy efficiency portion of the system benefits charge ~~[consistent with or authorized only by~~
19 ~~Order No. 25,922 issued by the commission, dated August 2, 2016.]~~ ***if the increase is authorized***
20 ***by an order of the commission to implement the 3-year planning periods of the Energy***
21 ***Efficiency Resource Standard framework established by commission Order No. 25,923***
22 ***dated August 2, 2016, ending in 2020 and 2023, or, if for purposes other than implementing***
23 ***the Energy Efficiency Resource Standard, is authorized by the fiscal committee of the***
24 ***general court; provided, however, that no less than 20 percent of the portion of the funds***
25 ***collected for energy efficiency shall be expended on low-income energy efficiency***
26 ***programs. Energy efficiency programs should include the development of relationships***
27 ***with third-party lending institutions to provide opportunities for low-cost financing of***
28 ***energy efficiency measures to leverage available funds to the maximum extent, and shall***
29 ***also include funding for workforce development to minimize waiting periods for low-***
30 ***income energy audits and weatherization.***

31 80 Department of Education; Acceptance of Gifts. For the biennium ending June 30, 2021, the
32 department of education may, subject to the approval of the governor and council, accept gifts,
33 contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and
34 other organizations or institutions for the purpose of funding appropriations for New Hampshire
35 scholars made in accounting unit 06-56-56-562010-7534.

36 81 Repeal. RSA 78-A:26, I(b), relative to disposition of income from meals and rooms tax
37 revenue, is repealed.

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1 82 Application of Receipts. Amend RSA 6:12, I(b)(21) to read as follows:

2 (21) The money received under ~~[RSA 78-A:26, I(b) and]~~ RSA 230:52, II, which shall
3 be credited to the division of travel and tourism development, department of business and economic
4 affairs.

5 83 Division of Travel and Tourism Budget; Meals and Rooms Tax Revenue. Amend RSA 12-O
6 to insert after section 11-a the following new section:

7 12-O:11-b Division of Travel and Tourism Budget; Meals and Rooms Tax Revenue. The budget
8 of the division of travel and tourism, including the travel and tourism development fund established
9 by RSA 12-O:16, shall be funded at an amount no less than 3.15 percent of the net income identified
10 by RSA 78-A:26, I for the most recently completed fiscal year.

11 84 Suspensions of Law; Travel and Tourism; Integrated Land Development:

12 I. Distribution of Meals and Rooms Tax; Division of Travel and Tourism Development. The
13 provisions of RSA 12-O:11-b, crediting a portion of meals and rooms tax revenue to the division of
14 travel and tourism development, are hereby suspended for the biennium ending June 30, 2021.

15 II. Integrated Land Development Permits; Procedure Suspended. Due to budgetary and
16 staffing constraints, RSA 489, establishing a procedure to obtain an integrated land development
17 permit from the department of environment services, is suspended for the biennium ending June
18 30, 2021.

19 85 State Aid Grants; Department of Environmental Services. Notwithstanding RSA 486, for
20 the biennium ending June 30, 2021, no state aid grants shall be made for any new infrastructure
21 projects that would have otherwise been eligible for state aid grants under RSA 486, RSA 486-A, or
22 RSA 149-M, except that infrastructure projects that have achieved substantial completion by
23 December 31, 2019, shall be eligible for state aid grants, subject to availability of funding and in
24 accordance with other provisions of current law. Nothing in this section shall affect the provision of
25 the future water supply land protection grants under RSA 486-A if funding is available for such
26 purposes.

27 86 Judicial Branch; Reimbursement of Sheriff's Office for Court Security. For the biennium
28 ending June 30, 2021, the state shall reimburse the sheriff's office for court security at the rates
29 provided in the collective bargaining agreement applicable to per diem court security officers
30 employed by the judicial branch to attend any official business, for any person employed as a bailiff
31 by the sheriff's office.

32 87 Treasury Department; Revenue Information Management System Account. Amend RSA 21-
33 J:1-b, II to read as follows:

34 II. The revenue increase from existing taxes attributable to the RIMS collected by the
35 department and deposited in the revenue information management system account shall be no
36 greater than \$4,000,000 each fiscal year beginning in the fiscal year ending June 30, ~~[2022]~~ **2020**,
37 and ending ~~[in the fiscal year ending June 30, 2021]~~ **when deposits total \$40,000,000**. The

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1 commissioner shall report annually on the methodology used to determine the revenue increase to
2 the capital budget overview committee and house and senate ways and means committees.

3 88 Capital Appropriations. Amend the footnote to 2017, 228:1, XIX to read as follows:

4 *To provide funds for the appropriations made in subparagraph A, the state treasurer is hereby
5 authorized to borrow upon the credit of the state not exceeding the sum of \$24,160,000 and for said
6 purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in
7 accordance with RSA 6-A. Payments of principal and interest on the bonds and notes for the
8 \$6,000,000 state appropriation shall be made from the general fund for fiscal years 2018, 2019,
9 2020, and 2021. Beginning with fiscal year 2022, payments of principal and interest on the bonds
10 and notes for the appropriation of \$24,160,000 shall be made from revenue credited to a revenue
11 information management system account established within RSA 21-J by legislation during the
12 2017 regular legislative session. ~~[If no such dedicated fund for a revenue information management~~
13 ~~system account within RSA 21-J becomes law during the 2017 regular legislative session, the~~
14 ~~appropriation for the project shall be reduced to the \$6,000,000 of state funds authorized in~~
15 ~~subparagraph A with payments of principal and interest on the bonds and notes to be made from~~
16 ~~the general fund]~~ **Notwithstanding the prescribed commencement of principal repayment**
17 **from the revenue information management system replacement account, the repayment of**
18 **principal from the general fund shall total \$6,000,000, plus interest.**

19 89 Department of Natural and Cultural Resources; Forest Lands. Amend RSA 227-G:5, I(b) to
20 read as follows:

21 (b) The forest management and protection fund shall be a nonlapsing fund administered
22 by the treasurer of the state of New Hampshire. The fund shall be expended at the discretion of the
23 director of the division and the commissioner. Any funds in excess of that appropriated from the
24 fund may be expended by the commissioner, with prior approval of the fiscal committee **pursuant**
25 **to RSA 9:16-a** and governor and council, in accordance with RSA 227-G:5, I(a). Revenues shall be
26 derived from the proceeds of the sale of timber and other forest products from state-owned
27 forestlands, less 13 percent which shall be deposited into the general fund. Revenues shall also be
28 derived from the lease of state-owned forestlands, or billable services provided by the division of
29 forests and lands, if the revenues are not dedicated to any other purpose. Revenues for the fund
30 shall also be derived from administrative fines collected pursuant to RSA 227-J:1.

31 90 Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment, and Recovery;
32 Faith-Based Member. Amend RSA 12-J:1, IV to read as follows:

33 IV.(a)(1) A representative of the Business and Industry Association of New Hampshire,
34 appointed by the association.

35 (2) A representative of the New Hampshire Medical Society, appointed by the
36 society.

37 (3) The chancellor of the community college system of New Hampshire, or designee.

- 1 (4) The chairman of the New Hampshire Suicide Prevention Council.
2 (5) A representative of the New Hampshire Nurses' Association, appointed by the
3 association.
4 (6) A representative of the New Hampshire Charitable Foundation, appointed by
5 the foundation.
6 (7) *A representative of the New Hampshire Hospital Association, appointed*
7 *by the association.*
8 (b) *A representative of the state's faith-based community, who shall be a*
9 *nonvoting member, appointed by the governor.*
10 (c) The members under this paragraph shall serve 3-year terms.

11 91 Appropriation; Department of Employment Security. The sum of \$3,500,000 for the fiscal
12 year ending June 30, 2019 is hereby appropriated to the department of employment security for the
13 purpose of funding start-up costs of family medical leave insurance with a third party
14 administrator, provided that if either SB 1, HB 712, or similar legislation of the 2019 legislative
15 session do not become law then such appropriation shall not take effect. Said sums shall be non-
16 lapsing and continually appropriated to the department for this purpose. The governor is
17 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
18 appropriated.

19 92 Appropriation; Education Trust Fund. The sum of \$6,400,000 for the fiscal year ending
20 June 30, 2019 is hereby appropriated to the education trust fund. Of this amount, \$3,000,000 shall
21 not be expended until the biennium ending June 30, 2023. The governor is authorized to draw a
22 warrant for said sum out of any money in the treasury not otherwise appropriated.

23 93 Repeal. RSA 6:12, I(b)(237), relative to the moneys deposited in the civil legal services fund,
24 is repealed.

25 94 Civil Legal Assistance. Amend RSA 525-A:1 and 525-A:2 to read as follows:

26 525-A:1 ~~[Civil Legal Assistance]~~ **Statement of Purpose.** Funds appropriated to New
27 Hampshire Legal Assistance for the purposes of civil legal assistance shall be used ~~[only for the~~
28 ~~provision of civil legal representation to low-income persons in this state. New Hampshire Legal~~
29 ~~Assistance shall make reports to the judicial council by June 30 and December 31 of each year on its~~
30 ~~use of state funds]~~ **to enable the state to fund civil legal services to low-income persons in**
31 **the state.**

32 525-A:2 Civil Legal Services ~~[Fund]~~. ~~[There is established in the office of the state treasurer a~~
33 ~~separate fund to be known as the civil legal services fund. The money in this fund shall be~~
34 ~~distributed to]~~ **Funds appropriated to New Hampshire Legal Assistance [te] shall** be used to
35 ~~[establish and operate offices in the cities of Nashua and Concord to]~~ provide civil legal services to
36 low-income persons in ~~[the cities of Nashua and Concord and the surrounding areas, and to provide~~
37 ~~additional attorneys, paralegals, or both, to the staff of the New Hampshire Legal Assistance offices~~

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1 ~~in Manchester, Claremont, Portsmouth, and Littleton]~~ *the state*. These civil legal services shall
2 include services related to such issues as housing, social security and other government benefits,
3 health care, domestic violence, and consumer issues. New Hampshire Legal Assistance shall report
4 semi-annually to the judicial council as to its use of these funds [~~in accordance with RSA 525-A:1~~].

5 95 Operation of Keno Games; Fees for Research. Amend RSA 284:47, II to read as follows:

6 II. A licensee may retain 8 percent of the proceeds from keno games. [~~Of the remaining 92~~
7 ~~percent:~~

8 ~~(a) One percent shall be paid to the department of health and human services to~~
9 ~~support research, prevention, intervention, and treatment services for problem gamblers.~~

10 ~~(b)~~ The remainder, less the administrative costs of the lottery commission and prize
11 payouts, shall be deposited in the education trust fund established in RSA 198:39.

12 96 Tobacco Tax; Definitions. Amend RSA 78:1, XIV to read as follows:

13 XIV. "Tobacco products" means *any product containing, made, or derived from*
14 *tobacco or nicotine that is intended for human consumption, including but not limited to*
15 *cigarettes, **electronic cigarettes**, loose tobacco, smokeless tobacco, and cigars[~~but~~]. *Tobacco*
16 *products shall not include premium cigars or any product that has been approved by the*
17 *United States Food and Drug Administration for sale as a tobacco cessation product and*
18 *is being marketed and sold exclusively for such approved use.**

19 97 New Paragraph; Electronic Cigarette; Definition. Amend RSA 78:1 by inserting after
20 paragraph XXIV the following new paragraph:

21 XXV. "Electronic cigarette" means a noncombustible device regardless of shape or size that
22 can be used to deliver aerosolized or vaporized nicotine to a person inhaling from the device,
23 including but not limited to a device manufactured, distributed, marketed, or sold as an electronic
24 cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or any
25 other similar product or device under any other product name or descriptor. The term includes any
26 liquid or other substance containing nicotine that is intended to be used with or in such a device,
27 including in a closed cartridge or container that is not intended to be opened.

28 98 Tobacco Tax; Tax Imposed on Tobacco Products Other Than Cigarettes. RSA 78:7-c is
29 repealed and reenacted to read as follows:

30 78:7-c Tax Imposed on Tobacco Products Other Than Cigarettes.

31 I. A tax upon the retail consumer is hereby imposed on tobacco products other than
32 cigarettes, except electronic cigarettes, at a rate of 65.03 percent of the wholesale sales price.

33 II. A tax upon the retail consumer is hereby imposed on electronic cigarettes as follows:

34 (a) For closed cartridges or containers of liquid or other substances containing nicotine
35 that are not intended to be opened, at a rate of \$0.30 per milliliter on the volume of the liquid or
36 other substance in the cartridge or container as listed by the manufacturer; and

37 (b) For containers of liquid or other substances containing nicotine that are intended to

1 be opened, at a rate of 8 percent of the wholesale sales price.

2 III. The tax under this section may be rounded to the nearest cent if the commissioner
3 determines that the amount of tax would not thereby be made materially disproportionate. No such
4 tax is imposed on any transactions, the taxation of which by this state is prohibited by the
5 Constitution of the United States. No such tax shall be imposed on premium cigars.

6 99 Contingent Version; Tobacco Tax; Definitions. RSA 78:1, XIII is repealed and reenacted to
7 read as follows:

8 XIII. "Tobacco products" means any product containing, made, or derived from tobacco or
9 nicotine that is intended for human consumption, including but not limited to cigarettes, electronic
10 cigarettes, loose tobacco, smokeless tobacco, and cigars. Tobacco products shall not include
11 premium cigars or any product that has been approved by the United States Food and Drug
12 Administration for sale as a tobacco cessation product and is being marketed and sold exclusively
13 for such approved use.

14 100 Contingent Version; New Paragraph; Electronic Cigarette; Definition. RSA 78:1 by
15 inserting after paragraph III the following new paragraph:

16 III-a. "Electronic cigarette" means a noncombustible device regardless of shape or size that
17 can be used to deliver aerosolized or vaporized nicotine to a person inhaling from the device,
18 including but not limited to a device manufactured, distributed, marketed, or sold as an electronic
19 cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or any
20 other similar product or device under any other product name or descriptor. The term includes any
21 liquid or other substance containing nicotine that is intended to be used with or in such a device,
22 including in a closed cartridge or container that is not intended to be opened.

23 101 Contingent Version; Tobacco Tax; Tax Imposed on Tobacco Products Other Than
24 Cigarettes. RSA 78:2, II is repealed and reenacted to read as follows:

25 II.(a) A tax on all other tobacco products sold at retail in this state is imposed on tobacco
26 products other than cigarettes, except electronic cigarettes, at a rate of 65.03 percent of the
27 wholesale sales price.

28 (b) A tax upon electronic cigarettes sold at retail in this state is imposed as follows:

29 (1) For closed cartridges or containers of liquid or other substances containing
30 nicotine that are not intended to be opened, at a rate of \$0.30 per milliliter on the volume of the
31 liquid or other substance in the cartridge or container as listed by the manufacturer; and

32 (2) For containers of liquid or other substances containing nicotine that are
33 intended to be opened, at a rate of 8 percent of the wholesale sales price.

34 (c) The tax under this paragraph may be rounded to the nearest cent if the
35 commissioner determines that the amount of tax would not thereby be made materially
36 disproportionate. No such tax shall be imposed on premium cigars.

37 102 Contingency; HB 595. If HB 595-FN of the 2019 regular legislative session becomes law

1 then sections 99-101 of this act shall take effect January 1, 2020 at 12:01 am and sections 96-98 of
2 this act shall not take effect. If HB 595-FN of the 2019 regular legislative session does not become
3 law then sections 96-98 of this act shall take effect January 1, 2020 and sections 99-101 of this act
4 shall not take effect.

5 103 Youth Access to and Use of Tobacco Products; Definitions. Amend RSA 126-K:2, II-a to
6 read as follows:

7 II-a. ***"Device" means any product composed of a mouthpiece, a heating element, a***
8 ***battery, and electronic circuits designed or used to deliver any aerosolized or vaporized***
9 ***substance including, but not limited to, nicotine or cannabis. Device may include, but is***
10 ***not limited to, hookah, e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.***

11 II-b. "E-cigarette" means any electronic smoking device composed of a mouthpiece, a
12 heating element, a battery, and electronic circuits that ~~[provides a vapor of pure]~~ ***may or may not***
13 ***contain*** nicotine ~~[mixed with propylene glycol to the user as the user simulates smoking]~~ ***or e-***
14 ***liquid.*** This term shall include such devices whether they are manufactured as e-cigarettes, e-
15 cigars, or e-pipes, or under any other product name.

16 II-c. ***"E-liquid" means any liquid, oil, or wax product containing, but not limited***
17 ***to, nicotine or cannabis intended for use in devices used for inhalation.***

18 104 Youth Access to and Use of Tobacco Products; Contingent 2020 Version; Definition of E-
19 Cigarette. RSA 126-K:2, II-b is repealed and reenacted to read as follows:

20 II-b. "E-cigarette" means any electronic smoking device composed of a mouthpiece, a
21 heating element, a battery, and electronic circuits that may or may not contain nicotine. This term
22 shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or
23 under any other product name.

24 105 Contingency; Youth Access to and Use of Tobacco Products; Definition. If HB 511-FN of
25 the 2019 regular legislative session becomes law, then section 104 of this act shall take effect
26 January 1, 2020 at 12:01 am. If HB 511-FN of the 2019 regular legislative session does not become
27 law, section 104 of this act shall not take effect.

28 106 Access to and Use of Tobacco Products; Purpose. Amend RSA 126-K:1 to read as follows:

29 126-K:1 Purpose. The purpose of this chapter is to protect the ~~[children]~~ ***citizens*** of New
30 Hampshire from the possibility of addiction, disability, and death resulting from the use of tobacco
31 products by ensuring that tobacco products will not be supplied to ~~[minors]~~ ***persons under the age***
32 ***of 21.***

33 107 Access to and Use of Tobacco Products; Proof of Age of Purchaser. Amend the introductory
34 paragraph of RSA 126-K:3, I to read as follows:

35 I. For the purposes of this chapter, any person responsible for monitoring sales from a
36 tobacco vending machine or any person making the sale of tobacco products, e-cigarettes, or liquid
37 nicotine which vending machine or other sale is to be made to any person who does not appear to be

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1 at least [18] 21 years of age, shall require the purchaser to furnish any of the following
2 documentation that such person is [18] 21 years of age or over:

3 108 Access to and Use of Tobacco Products; Proof of Age of Purchaser. Amend RSA 126-K:3,
4 III to read as follows:

5 III. The establishment of all of the following facts by a person responsible for monitoring
6 sales from a vending machine or a person or sampler making a sale or distribution of tobacco
7 products, e-cigarettes, or liquid nicotine to a person under [18] 21 years of age shall constitute
8 prima facie evidence of innocence and a defense to any prosecution for such sale:

9 (a) That the person falsely represented in writing and supported by some official
10 documents that the person was [18] 21 years of age or older;

11 (b) That the appearance of the person was such that an ordinary and prudent person
12 would believe such person to be at least [18] 21 years of age or older; and

13 (c) That the sale was made in good faith relying on such written representation and
14 appearance in the reasonable belief that the person was actually [18] 21 years of age or over.

15 109 Access to and Use of Tobacco Products; Sale and Distribution. Amend the section heading
16 and paragraph I of RSA 126-K:4 to read as follows:

17 126-K:4 Sale and Distribution of Tobacco Products, E-cigarettes, or Liquid Nicotine to [Minors]
18 *Persons Who Have Not Attained 21 Years of Age* Prohibited.

19 I. No person shall sell, give, or furnish or cause or allow or procure to be sold, given, or
20 furnished tobacco products, e-cigarettes, or liquid nicotine to a [minor] *person who has not*
21 *attained 21 years of age*. The prohibition established by this paragraph shall not be deemed to
22 prohibit [minors] *persons who have not attained 21 years of age* employed by any
23 manufacturer, wholesaler, sub-jobber, vending machine operator, sampler, or retailer from
24 performing the necessary handling of tobacco products, e-cigarettes, or liquid nicotine during the
25 duration of their employment.

26 110 Access to and Use of Tobacco Products; Rolling Papers. Amend RSA 126-K:4-a to read as
27 follows:

28 126-K:4-a Rolling Papers.

29 I. No person shall sell, give, or furnish rolling papers to a minor. Violations of this
30 paragraph shall be civil infractions punishable by administrative action of the commission against
31 the licensee. The fines for violations of this paragraph shall not exceed \$250 for the first offense,
32 \$500 for the second offense, and \$750 for the third and subsequent offenses.

33 II. No person under [18] 21 years of age shall purchase, [~~attempt to purchase,~~] possess, or
34 use any rolling paper. Any [minor] *person* who violates this section shall be guilty of a violation
35 and shall be punished by a fine not to exceed \$100 for each offense.

36 111 Access and Use of Tobacco Products; Distribution of Free Samples. Amend RSA 126-K:5, I
37 and II to read as follows:

1 I. No person may distribute or offer to distribute samples of tobacco products, e-cigarettes,
2 or liquid nicotine in a public place *or to a person who has not attained 21 years of age*. This
3 prohibition shall not apply to sampling:

4 (a) In an area to which minors are denied access.

5 (b) In a store to which a retailer's license has been issued.

6 (c) At factory sites, construction sites, conventions, trade shows, fairs, or motorsport
7 facilities in areas to which minors are denied access.

8 II. The commission shall adopt rules, pursuant to RSA 541-A, concerning the distribution of
9 free samples of tobacco products, e-cigarettes, or liquid nicotine to prevent their distribution to
10 ~~[minors]~~ *persons who have not attained 21 years of age*.

11 112 Access to and Use of Tobacco Products; Possession and Use of Tobacco Products, E-
12 Cigarettes, or Liquid Nicotine. Amend RSA 126-K:6 to read as follows:

13 126-K:6 Possession and Use of Tobacco Products, E-cigarettes, or Liquid Nicotine by ~~[Minors]~~
14 *Persons Who Have Not Attained 21 Years of Age*.

15 I. No person under ~~[18]~~ *21* years of age shall purchase, attempt to purchase, possess, or use
16 any tobacco product, e-cigarette, or liquid nicotine.

17 II. The prohibition on possession of tobacco products, e-cigarettes, or liquid nicotine shall
18 not be deemed to prohibit minors employed by any manufacturer, wholesaler, sub-jobber, vending
19 machine operator, sampler, or retailer from performing the necessary handling of tobacco products,
20 e-cigarettes, or liquid nicotine during the duration of their employment.

21 III. A ~~[minor]~~ *person who has not attained 21 years of age* shall not misrepresent his or
22 her age for the purpose of purchasing tobacco products.

23 IV. Notwithstanding RSA 169-B and RSA 169-D, a person 12 years of age and older who
24 violates this section shall not be considered a delinquent or a child in need of services.

25 V. Any ~~[minor]~~ *person who has not attained 21 years of age* who violates this section
26 ~~[shall]~~ *may* be guilty of a violation and shall be punished by a fine not to exceed \$100 for each
27 offense or shall be required to complete up to 20 hours of community service for each offense, or
28 both. Where available, punishment may also include participation in an education program.

29 113 Access to and Use of Tobacco Products; Special Provisions. Amend RSA 126-K:8, I to read
30 as follows:

31 I.(a) No person shall sell, give, or furnish tobacco products, e-cigarettes, or liquid nicotine
32 to a ~~[minor]~~ *person who has not attained 21 years of age* who has a note from an adult
33 requesting such sale, gift, or delivery. *Tobacco products, e-cigarettes, or liquid nicotine shall*
34 *only be delivered to a person who provides an identification as enumerated in RSA 126-K:3*
35 *establishing that the person has attained 21 years of age.*

36 (b) *Each school shall establish a policy regarding violations of this paragraph.*
37 *The policy may include, but not be limited to, mandatory education classes on the hazards*

1 *of using tobacco products, e-cigarettes, or liquid nicotine, and suspensions and other*
2 *penalties.*

3 114 Delinquent Children; Limitations of Authority Conferred. Amend RSA 169-B:32 to read as
4 follows:

5 169-B:32 Limitations of Authority Conferred. This chapter shall not be construed as applying
6 to persons 16 years of age or over who are charged with the violation of a motor vehicle law, an
7 aeronautics law, a law relating to navigation or boats, a fish and game law, a law relating to title
8 XIII, a law relating to fireworks under RSA 160-B or RSA 160-C, any town or municipal ordinance
9 which provides for a penalty not exceeding \$100 plus the penalty assessment, and shall not be
10 construed as applying to any minor charged with the violation of any law relating to the possession,
11 sale, or distribution of tobacco products to or by a person under [~~18~~] 21 years of age. However, if
12 incarceration takes place at any stage in proceedings on such violations, incarceration shall be only
13 in a juvenile facility certified by the commissioner of the department of health and human services.

14 115 Children in Need of Services; Limitations of Authority Conferred. Amend RSA 169-D:22 to
15 read as follows:

16 169-D:22 Limitations of Authority Conferred. This chapter shall not be construed as applying
17 to persons 16 years of age or over who are charged with the violation of a motor vehicle law, an
18 aeronautics law, a law relating to navigation of boats, a fish and game law, a law relating to title
19 XIII, or a law relating to fireworks under RSA 160-B or RSA 160-C, and shall not be construed as
20 applying to any minor charged with the violation of any law relating to the possession, sale, or
21 distribution of tobacco products to or by a person under [~~18~~] 21 years of age.

22 116 Retail Tobacco License. Amend RSA 178:19-a, III to read as follows:

23 III. The commission, when issuing or renewing a retail tobacco license, shall furnish a sign
24 which shall read or be substantially similar to the following: "State Law prohibits the sale of
25 tobacco products to persons under age [~~18~~] 21. Warning: violators of these provisions may be
26 subject to a fine."

27 117 Cigar Bars. Amend RSA 178:20-a, II(c) to read as follows:

28 (c) Does not allow any person under the age of [~~18~~] 21 on the premises unless
29 accompanied by a parent, legal guardian, or adult spouse.

30 118 Adequate Public Education; Policy Regarding Tobacco Products. Amend RSA 193-E:2-a,
31 I(g) to read as follows:

32 (g) Health education, *including a policy for violations of RSA 126-K:8, I(a).*

33 119 Alcoholic Beverages; Definition of E-Cigarette and E-Liquid Added. Amend RSA 175:1,
34 XXXI-a to read as follows:

35 XXXI-a. *"E-cigarette" means any electronic smoking device composed of a*
36 *mouthpiece, a heating element, a battery, and electronic circuits that may or may not*
37 *contain nicotine or e-liquid. This term shall include such devices whether they are*

1 *manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name. "E-*
2 *liquid" means any liquid, oil, or wax product containing, but not limited to, nicotine or*
3 *cannabis intended for use in devices used for inhalation.*

4 XXXI-aa. "Farmers' market" means an event or series of events at which 2 or more vendors
5 of agricultural commodities gather for purposes of offering for sale such commodities to the public.
6 Commodities offered for sale must include, but are not limited to, products of agriculture, as defined
7 in RSA 21:34-a. "Farmers' market" shall not include any event held upon any premises owned,
8 leased, or otherwise controlled by any individual vendor selling therein.

9 120 Definition of License. Amend RSA 175:1, XXXIX to read as follows:

10 XXXIX. "License" means the authority granted by the commission to engage in the sale of
11 liquor, wine, beverages, ~~or~~ tobacco products, *or e-cigarettes* otherwise unlawful unless evidenced
12 by such document.

13 121 Definition of Retailer. Amend RSA 175:1, LIX-a to read as follows:

14 LIX-a. "Retailer," when used with respect to tobacco products *or e-cigarettes*, means any
15 person who sells tobacco products *or e-cigarettes* to consumers, and any vending machine in which
16 tobacco products are sold.

17 122 Liquor Commission; Liquor Investigator. Amend RSA 176:9, III to read as follows:

18 III. The commissioner, deputy commissioner, assistant, or liquor investigator may enter
19 any place where liquor, beverages, ~~or~~ tobacco products, *e-cigarettes* are sold or manufactured, at
20 any time, and may examine any license or permit issued or purported to have been issued under the
21 terms of this title. They shall make complaints for violations of this title.

22 123 Liquor Licenses and Fees; Licenses Required. Amend RSA 178:1, VI to read as follows:

23 VI. No person shall sell tobacco products *or e-cigarettes* to individuals or the public in any
24 method or manner, directly or indirectly, or keep for sale any tobacco products *or e-cigarettes*
25 without first registering to do business with the secretary of state and obtaining a license for such
26 activity under the provisions of this title. The commission shall provide a list of persons licensed
27 under this section to the commissioner of the department of revenue administration upon request.

28 124 Licenses Authorized; Sale of Tobacco Products. Amend RSA 178:2, I to read as follows:

29 I. The commission may issue licenses to individuals, partnerships, limited liability
30 companies and partnerships, or corporations but not to unincorporated associations, on applications
31 duly made therefor for the manufacture, warehousing, sale, offer for sale, or solicitation of orders
32 for sale of liquor or beverages and for retail sales of tobacco products *or e-cigarettes* within the
33 state, subject to the limitations and restrictions imposed by this title. The commission shall keep a
34 full record of all applications for licenses, of all recommendations for and remonstrances against the
35 granting of licenses, and of the action taken on such applications.

36 125 Combination License; Sale of Tobacco Products or E-Cigarettes. Amend RSA 178:18 to read
37 as follows:

1 178:18 Combination License.

2 I. Off-premises licenses shall be issued only for grocery and drug stores not holding on-
3 premises licenses. Such licenses shall authorize the licensees to sell fortified wine, table wine, and
4 beverages for consumption only off the premises designated in the licenses and not to other
5 licensees for resale. Such sale shall be made only in the immediate container in which the
6 beverage, wine, or fortified wine was received by the off-premises combination licensee; except that
7 in the case of the holder of a wholesale distributor license, beverages may be sold only in such
8 barrels, bottles, or other containers as the commission may by rule prescribe. Off-premises licenses
9 may also authorize the licensee to sell tobacco products *or e-cigarettes*. There shall be no
10 restriction on the number of combination licenses held by any person. The license shall authorize
11 the licensee to transport and deliver beverages, tobacco products, *e-cigarettes*, and table or
12 fortified wines ordered from and sold by the licensee in vehicles operated under the licensee's
13 control or an employee's control.

14 II. All sales of tobacco, *e-cigarettes*, beverages, fortified wines, and table wine shall be
15 recorded on cash registers. No additional registers shall be added during the remainder of the year
16 without prior approval of the commission. No rebate shall be allowed for cash registers
17 discontinued during the license year.

18 III. The commission may suspend the tobacco, *e-cigarettes*, or alcohol sales portion of the
19 license separately under the provisions of RSA 179:57; any revocation shall revoke the entire
20 license.

21 126 Retail Wine License; Sale of Tobacco Products. Amend RSA 178:19 to read as follows:

22 178:19 Retail Wine License.

23 I. A retail wine license may be issued by the commission to any person operating a retail
24 outlet in this state which shall allow the licensee to sell tobacco products, *e-cigarettes*, fortified
25 wines, and table wines directly to individuals at retail on the premises for consumption off the
26 premises; provided, however, that persons holding any license authorizing the sale of liquor or wine
27 by the glass under this chapter shall sell the wines authorized pursuant to this section in a separate
28 area of the premises from the areas licensed for on-premises consumption. A separate license shall
29 be required with respect to each place of business of an applicant. The license shall authorize the
30 licensee to transport and deliver fortified and table wines ordered from and sold by the commission
31 and sold by the licensee in vehicles operated under the licensee's control or an employee's control.

32 II. All sales of wine, ~~and~~ tobacco products, *and e-cigarettes* shall be recorded on cash
33 registers. No additional registers shall be added during the remainder of the year without prior
34 approval of the commission. No rebate shall be allowed for cash registers discontinued during the
35 license year.

36 III. On-premises licensees licensed under this chapter shall maintain separate rooms for
37 storage, shelving, display, and sale of tobacco products, *e-cigarettes*, and fortified and table wine

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1 for consumption off the premises. Such rooms shall be equipped with at least one cash register
2 which shall be capable of separately registering wine sales, and such rooms shall have an attendant
3 at all times while open for business. Wine purchased for resale by virtue of the retail wine license
4 shall be purchased on separate invoices from that wine intended for consumption in the dining room
5 or lounge, and separate sales records shall be maintained for this purpose.

6 IV. The commission may suspend the tobacco, *e-cigarette*, or alcohol sales portion of the
7 license separately under the provisions of RSA 179:57; any revocation shall revoke the entire
8 license.

9 127 Retail Tobacco License; Sale of E-Cigarettes. Amend RSA 178:19-a to read as follows:

10 178:19-a Retail Tobacco License.

11 I. The commission may issue a retail tobacco license to a person engaged in the business of
12 retail sales and distribution of tobacco products *or e-cigarettes* in this state. Each retail outlet
13 shall have a separate license regardless of the fact that one or more outlets may be owned or
14 controlled by a single person.

15 II. A retail tobacco license shall be prominently displayed on the premises described in it.

16 III. The commission, when issuing or renewing a retail tobacco license, shall furnish a sign
17 which shall read or be substantially similar to the following: "State Law prohibits the sale of
18 tobacco products *or e-cigarettes* to persons under age 18. Warning: violators of these provisions
19 may be subject to a fine."

20 128 Beer Specialty License; Tobacco Products and E-Cigarette Sales. Amend RSA 178:19-d, I to
21 read as follows:

22 I. A beer specialty license may be issued by the commission to any person operating a retail
23 outlet in this state the primary business of which is the sale of beer as defined in RSA 175:1. A beer
24 specialty license shall allow the licensee to sell beverage, wine, [~~and~~] tobacco, *and e-cigarettes*
25 products directly to individuals at retail on the premises for consumption off the premises; beer may
26 be sold in such barrels, bottles, or other containers as the commission may by rule prescribe.

27 129 Beer Specialty License; Sale of Tobacco Products and E-Cigarettes. Amend RSA 178:19-d,
28 V-VI to read as follows:

29 V. All sales of beer, [~~and~~] tobacco products, *and e-cigarettes* shall be recorded on cash
30 registers. No additional registers shall be added during the remainder of the year without prior
31 approval of the commission. No rebate shall be allowed for cash registers discontinued during the
32 license year.

33 VI. The commission may suspend the tobacco, *e-cigarette*, or alcohol sales portion of the
34 license separately under the provisions of RSA 179:57.

35 130 Board of Veterinary Medicine; Transfer to Office of Professional Licensure and
36 Certification. Amend RSA 332-B:3 to read as follows:

37 332-B:3 Board; Compensation.

1 I. There shall be a board of veterinary medicine consisting of 7 members: 5 veterinarians,
2 the state veterinarian, and one public member. The members, other than the state veterinarian,
3 shall be appointed by the governor, with the approval of the council, to a term of 5 years, and until a
4 successor is appointed. No appointed member of the board shall be appointed to 2 consecutive 5-
5 year terms. Vacancies shall be filled for the remainder of the term and in the same manner as the
6 original appointment. Any appointed member of the board may be removed by the governor after a
7 hearing by the board determines cause for removal. The state veterinarian ~~[may]~~ **shall** serve as an
8 ex officio member, provided any duties of the state veterinarian relative to this chapter shall be
9 agreed upon in writing by the board and the commissioner of agriculture, markets, and food and
10 which agreement may include:

11 (a) ~~[Supervision of the board's administrative office and employees]~~ **Recording and**
12 **producing meeting minutes for regular board meetings;**

13 (b) ~~[Assistance with administrative activities]~~ **Representing the board on the**
14 **advisory council established in RSA 318-B:38;**

15 (c) Submission of periodic reports to the board; and

16 (d) Participation in complaint investigations.

17 II. When a vacancy has occurred, or is due to occur in a veterinary position on the board,
18 the New Hampshire Veterinary Medical Association shall nominate 3 qualified persons and forward
19 the nominations to the governor. The governor may make appointments from those nominated by
20 the association, but shall not be required to appoint one of those so nominated.

21 III. Each appointed member of the board shall be paid \$75 for each day or portion of a day
22 of at least 3 consecutive hours in which the member is engaged in the work of the board, in addition
23 to such reimbursement for travel and other expenses as is normally allowed to state employees.

24 IV. ~~[The board shall be an administratively attached agency, under RSA 21-C:10, to the~~
25 ~~department of agriculture, markets, and food.]~~ **All administrative, clerical, and business**
26 **processing functions of the board shall be transferred to the office of professional**
27 **licensure and certification established in RSA 310-A:1 through RSA 310-A:1-e.**

28 131 Department of Environmental Services; Modification of Qualifications for Director of
29 Division of Water. Amend RSA 21-O:2, III(a) to read as follows:

30 (a) The commissioner shall, after consulting with the water council, nominate for
31 appointment by the governor and council a director of the division of water. The nominee shall
32 have a baccalaureate or master's degree from an accredited college or university~~], hold a valid~~
33 ~~license or certificate of registration to practice civil, sanitary, or environmental engineering issued~~
34 ~~by the lawfully constituted registration board of any state of the United States,]~~ and shall have a
35 minimum of 5 years' responsible experience in the administration of sanitary or environmental
36 engineering programs in the public or private sector.

37 132 Department of Environmental Services; Certified Application Preparer Program. Amend

1 RSA 482-A:3, XX(a)-(b) to read as follows:

2 (a) The department shall develop a voluntary certified application preparer program for
3 submission of applications for all qualifying minimum impact projects. The commissioner shall
4 adopt rules to establish the qualifications to become a certified application preparer and to identify
5 qualifying minimum impact projects. The qualifications established shall include that the
6 individual is a permitted septic system designer or is licensed or certified by the office of
7 professional licensure and certification as a certified wetland scientist, certified soil scientist,
8 professional engineer, licensed land surveyor, or any other professional designated by the
9 department, and shall include training and continuing education requirements. ~~[Qualifying~~
10 ~~minimum impact projects shall include, but not necessarily be limited to, all projects which the~~
11 ~~department has designated as minimum impact projects in its wetlands rules.]~~

12 (b) Applications for qualifying minimum impact projects submitted by a certified
13 application preparer shall not require technical review by the department. ~~[and the]~~ *The*
14 department shall issue a ~~[permit]~~ **decision on the application** within 10 days of receipt of a
15 complete application~~[-]~~, *as follows:*

16 (1) *If the application is approvable and is submitted with a waiver of review*
17 *by the appropriate conservation commissions, the department's approval shall be final*
18 *upon issuance.*

19 (2) *If the application is approvable but is not submitted with a waiver of*
20 *review by the appropriate conservation commissions, the department's approval shall be*
21 *conditional pending expiration of the 14-day period for conservation commission*
22 *intervention established in RSA 482-A:11, III(a). If the department receives a timely notice*
23 *of intervention from a conservation commission, the application shall be converted to a*
24 *regular application, with credit given for the fee paid with the application.*

25 (3) *If the application is not approvable as a minimum impact project but*
26 *might be approvable as a minor impact or major impact project, the application shall*
27 *automatically be converted to an application for a standard permit, with credit given for*
28 *the fee paid with the application.*

29 (4) *If the application is not approvable as a minimum impact, minor*
30 *impact, or major impact project, the application shall be denied.*

31 133 Department of Environmental Services; Public Bathing Facilities. RSA 485-A:26 is
32 repealed and reenacted to read as follows:

33 485-A:26 Swimming Pools and Bathing Places Public Bathing Facilities.

34 I. In this section:

35 (a) "Pool" means a man-made structure and associated pump, filter, drain, and
36 electrical equipment that is used for recreational or therapeutic bathing, swimming, diving, or other
37 contact with the water such as by wading, splashing, tubing, or sliding. "Pool" shall include, but is

1 not limited to, swimming pools, therapy pools, spas, special recreation pools, slides, and tubing
2 courses, at hotels, motels, health facilities, water parks, condominium complexes, apartment
3 complexes, youth recreation camps, public parks, and recreational campgrounds or camping parks
4 as defined in RSA 216-I:1, VII. "Pool" shall not include any pool, spa, or other pool that serves 3 or
5 fewer living units and is used only by the residents of the living units and their guests, and does not
6 include baptismal fonts or similar structures owned by a religious organization and used for
7 religious rituals.

8 (b) "Public bathing facility" means a pool that is operated by or for any governmental
9 subdivision, public or private corporation, partnership, association, or educational institution and
10 that is open to the public, members, or students, whether for a fee or free.

11 II.(a) No person shall construct or install, operate or maintain an artificial swimming pool
12 or bathing place open to and used by the public, or as a part of a business venture, or a public
13 bathing facility unless the construction, design, and physical specifications of such pool or bathing
14 place have received prior approval from the department. The department shall charge a non-
15 refundable design review fee of \$100 for a pool 400 square feet in area and an additional \$25 for
16 every additional 100 square feet. The fee shall be paid to the department upon submission of such
17 plans for review. Fees collected under this paragraph shall be deposited in the public bathing
18 facility program fund.

19 (b) Effective January 1, 2020, no person shall operate or maintain a public bathing
20 facility unless the facility is registered with the department under this section. The owner of a
21 public bathing facility shall register the facility using a form provided by the department. If all of
22 the requirements for the form are adopted in narrative rules, the form shall not be subject to RSA
23 541-A.

24 (c) The owner of a public bathing facility that existed as of January 1, 2019 shall
25 register within 60 days of the effective date of this provision. All other public bathing facilities shall
26 register prior to initiating operations. The owner or operator of the facility shall report any changes
27 in the information provided under subparagraph (b) within 10 days of the change.

28 (d) The registration required under this section shall be valid for the life of the facility.
29 The owner shall notify the department in writing that the facility has closed within 30 days of the
30 closure. The notice of closure shall include the date of such closure.

31 III. The commissioner shall adopt rules under RSA 541-A relative to safety standards to
32 protect persons using said facilities. Nothing in this section shall be deemed to affect the powers of
33 local health officers or the department of health and human services, with respect to nuisances.

34 IV. The department may take samples of the water of any such public bathing facility for
35 analysis to determine compliance with water quality requirements. The costs of such sampling and
36 analysis shall be paid by the owner or operator of such facility. The costs recovered for such
37 sampling shall be deposited in the public bathing facility program fund. The costs recovered for

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1 analysis shall be consistent with the fee structure established in RSA 131:3-a and deposited as
2 provided in RSA 131:3-a. Any municipality which establishes a program of sampling and analysis
3 which is equivalent to the department's program shall not be subject to additional sampling and
4 analysis by the department.

5 V. There is hereby established a public bathing facility program fund. This separate,
6 nonlapsing fund shall be continually appropriated to the department and used to administer the
7 public bathing facility program under this chapter. Fees collected by the department shall be
8 deposited with the state treasurer to the credit of such fund and may be invested as provided by
9 law. Interest received on such investment shall also be credited to the fund.

10 134 New Subparagraph; Public Bathing Facility Fund. Amend RSA 6:12, I(b) by inserting after
11 subparagraph 343 the following new subparagraph:

12 (344) Moneys deposited in the public bathing facility program fund under RSA 485-
13 A:26.

14 135 New Section; Public Bathing Facility Compliance Self-Certification. Amend RSA 485-A by
15 inserting after section 26 the following new section:

16 485-A:26-a Public Bathing Facility Compliance Self-Certification.

17 I. The owner of a public bathing facility that is open for 9 months or more in a calendar
18 year shall on an annual basis submit to the department, a self-certification declaration stating that
19 each pool at the facility is in compliance with all applicable public bathing facility requirements.

20 II. The owner of a public bathing facility that is open fewer than 9 months in a calendar
21 year shall on an annual basis submit to the department, prior to opening a self-certification
22 declaration stating that each pool at the facility is in compliance with all applicable public bathing
23 facility requirements.

24 III. The self-certifications required by paragraphs I and II shall be on a form provided by
25 the department. If all of the requirements for the form are adopted in narrative rules, the form
26 shall not be subject to RSA 541-A.

27 IV.(a) The owner of a public bathing facility shall pay a non-refundable fee of \$250 per pool
28 up to a maximum of \$1,500 per public bathing facility with each self-certification, to cover
29 department expenses for conducting the self-certification program and hiring of program staff.

30 (b) If the self-certification fee is not paid within 30 days of the due date, a late fee shall
31 accrue at the rate of \$50 per 3-month period or portion thereof that the fee is not paid. The
32 commissioner may waive all or any portion of the late payment fee for good cause.

33 (c) Political subdivisions of the state shall be exempt from the fee for submitting a self-
34 certification declaration, but not from the requirement to submit the self-certification.

35 V.(a) Effective January 1, 2021, the owner of a public bathing facility that is open for 9
36 months or more in a calendar year and that existed as of January 1, 2019 shall file the initial self-
37 certification within 60 days of January 1, 2021.

1 (b) The owner of a public bathing facility that is open fewer than 9 months in a calendar
2 year and that existed as of January 1, 2019 shall file the initial self-certification prior to initiating
3 operations in 2021.

4 136 Public Bathing Facilities; Injunctions; Emergency Closures. RSA 485-A:27 is repealed and
5 reenacted to read as follows:

6 485-A:27 Injunction; Emergency Closures.

7 I. Any person operating or maintaining a recreation camp, youth skill camp, or public
8 swimming pool, or bathing place facility without the same having been approved by the department
9 may be enjoined by the superior court or any justice of the court upon petition brought by the
10 attorney general.

11 II. Whenever the department determines that conditions at a public bathing facility
12 jeopardize the health and safety of patrons of the facility, the department shall issue an emergency
13 closure notice. The department shall apply the following procedure in determining whether to issue
14 an emergency closure notice:

15 (a) The department shall perform an on-site inspection to determine whether each pool
16 at the facility is in compliance with the following standards established in rules adopted by the
17 commissioner pursuant to RSA 541-A:

18 (1) Bacteriological, chemical, and physical water quality standards; and

19 (2) Patron safety requirements relating to emergency response, emergency rescue
20 equipment, first aid kits, suction outlet covers/grates, and security fencing.

21 (b) If the department determines that a pool at the facility is not in compliance with the
22 standards and safety requirements specified in subparagraph (a) and that the deficiencies threaten
23 the health or safety of patrons of the facility, the department shall issue an emergency closure
24 notice to the owner of the facility or the owner's on-site representative. The notice shall identify
25 which pool must be closed and specify the reason for the emergency closure.

26 (c) Upon receipt of an emergency closure notice, the owner shall immediately close the
27 identified pool. The owner shall not reopen the pool until each deficiency cited in the emergency
28 closure notice has been corrected and the department has confirmed the corrections.

29 (d) If an owner believes an emergency closure notice has been issued in error, the owner
30 shall notify the department in writing, which may be sent by email, fax, United States Postal
31 Service delivery, or private delivery. The written notice shall identify each reason why the owner
32 or operator believes the emergency closure notice is not appropriate. The department shall provide
33 the owner or operator with an opportunity for an adjudicative hearing within 10 days of receiving
34 the written notice.

35 137 New Section; Public Bathing Facilities; Certified Operators Required. Amend RSA 485-A
36 by inserting after section 27 the following new section:

37 485-A:27-a Certified Operator Training Required.

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1 I. Effective January 1, 2022, a public bathing facility shall be operated only under the
2 supervision of an individual who has successfully completed a certified pool and spa operator
3 certification program offered by the Association of Pool and Spa Professionals, National Swimming
4 Pool Foundation, or other pool and spa operator certification programs approved by the department.

5 II.(a) By January 1, 2022, each owner of a public bathing facility that is open for 9 months
6 or more in a calendar year shall submit to the department the name and daytime telephone number
7 including area code of each certified pool operator engaged by the owner to supervise the pool at the
8 facility. The submission of this information shall occur as part of the self-certification in RSA 485-
9 A:26-a.

10 (b) For facilities that begin operation after January 1, 2022, the information in
11 subparagraph (a) shall be submitted prior to beginning operation.

12 138 Repeal. The following are repealed:

13 I. RSA 6:12, I(b)(295), relative to the dam maintenance revolving loan fund.

14 II. RSA 482:55-a, relative to the dam maintenance revolving loan fund. Any funds
15 remaining in the dam maintenance revolving loan fund shall be credited to the dam maintenance
16 fund established in RSA 482:55.

17 III. RSA 482:89, VI, relative to the deposit of proceeds from penalties into the dam
18 maintenance revolving loan fund.

19 139 Terrain Alteration; Modify Reporting Requirements. Amend RSA 485-A:17, II-c to read as
20 follows:

21 II-c. ~~[Beginning October 1, 2007 and each fiscal quarter thereafter, the]~~ *The* department
22 shall submit a ~~[quarterly]~~ *biennial* report to the house and senate finance committees, the house
23 resources, recreation, and ~~[economic]~~ development committee, and the senate energy~~[-~~
24 ~~environment,]~~ and ~~[economic development committee]~~ *natural resources committee* relative to
25 administration of the terrain alteration review program.

26 140 State Treasurer and State Accounts; Application of Receipts. Amend RSA 6:12, I(b)(315) to
27 read as follows:

28 (315) Moneys deposited into the recreation camp and youth skill camp fund
29 established in ~~[RSA 485-A:24-a]~~ *RSA 170-E:57*.

30 141 Child Day Care Licensing; Definitions. Amend RSA 170-E:2, IV(g) to read as follows:

31 (g) "School-age program" means a child day care agency providing child day care for up
32 to 5 hours per school day, before or after, or before and after, regular school hours, and all day
33 during school holidays and vacations, and which is not licensed under ~~[RSA 149]~~ *RSA 170-E:56*, for
34 6 or more children who are 4 years and 8 months of age or older. The number of children shall
35 include all children present during the period of the program, including those children related to
36 the caregiver.

37 142 New Subdivision; Recreation Camp Licensing. Amend RSA 170-E by inserting after section

1 52 the following new subdivision:

2 Recreation Camp Licensing

3 170-E:53 Purpose. The purpose of this subdivision is to provide for the licensing of recreation
4 camps and certification of criminal background checks for youth skill camps.

5 170-E:54 Rulemaking.

6 I. The commissioner shall adopt rules under RSA 541-A relative to:

7 (a) Issuance of licenses to recreation camp operators under RSA 170-E:56, I.

8 (b) Requirements for performing criminal background checks at youth skill camps and
9 certifying acceptable results as required under RSA 170-E:56 and establishing appropriate
10 sanctions and penalties for failing to perform the required background checks.

11 II. The commissioner shall adopt all other necessary rules under RSA 541-A, relative to
12 public health and safety issues for the protection of persons attending recreation camps regulated
13 under RSA 170-E:56, I.

14 170-E:55 Definitions.

15 I. "Recreation camp" means any place set apart for recreational purposes for boys and girls.
16 It shall not apply to private camps owned or leased for individual or family use, or to any camp
17 operated for a period of less than 10 days in a year.

18 II. "Youth skill camp" means a nonprofit or for-profit program that lasts 8 hours total or
19 more in a year for the purpose of teaching a skill to minors. Such camps include, but are not limited
20 to, the teaching of sports, the arts, and scientific inquiry.

21 170-E:56 Recreation Camp License; Youth Skill Camp Certification of Criminal Background
22 Check.

23 I. No person shall for profit or for charitable purposes operate any recreation camp, as
24 defined in RSA 170-E:55, I, designed or intended as a vacation or recreation resort, without a
25 license issued by the department. Such license shall be conditioned upon the maintenance of clean,
26 healthful sanitary conditions and methods, as determined and approved by said department, good
27 only for the calendar year in which it is issued and subject to suspension or revocation at any time
28 for cause. The fee for such license shall be \$200 which shall be paid into the recreation camp and
29 youth skill camp fund established in RSA 170-E:57.

30 II.(a) No person or entity shall for profit or for charitable purposes operate any youth skill
31 camp, as defined in RSA 170-E:55, II without maintaining an appropriate policy regarding
32 background checks for camp owners, employees and volunteers who may be left alone with any
33 child or children. Certification of background checks shall be made to the department
34 demonstrating that no individual has a criminal conviction for any offense involving:

35 (1) Causing or threatening direct physical injury to any individual; or

36 (2) Causing or threatening harm of any nature to any child or children.

37 (b) Any person or entity required to perform background checks and provide

1 certification to the department pursuant to subparagraph (a) shall pay a fee of \$25 to the
2 department. All such fees collected by the department shall be deposited into the recreation camp
3 and youth skill camp fund established in RSA 170-E:57.

4 (c) Subparagraphs (a) and (b) shall not apply to any person or entity which owns
5 property used to operate a youth skill camp or any buildings or structures on such property used in
6 the operation of a youth skill camp, provided such person or entity obtains written certification
7 signed by the youth skill camp operator stating that background checks in accordance with this
8 paragraph have been completed.

9 (d) Nothing in this section shall preclude more stringent requirements for background
10 checks on the part of camp owners, directors, or operators.

11 (e) Such policies shall be made available to the department and shall include the
12 frequency of the background checks and the sources used to conduct the background checks. The
13 department shall provide information on each youth skill camp's policy on the department's website.

14 (f) If an employee or volunteer has been the subject of a background check performed by
15 another person or entity within 12 months, the previous background check may, with the signed
16 and written consent of the employee or volunteer, be shared with the operator of the youth skill
17 camp and may be used to satisfy the requirements of this paragraph, notwithstanding any other
18 law providing for the confidentiality of such information.

19 170-E:57 Recreation Camp and Youth Skill Camp Fund. There is established the recreation
20 camp and youth skills camp fund. This fund shall be nonlapsing and continually appropriated to
21 the commissioner of the department of health and human services, for the purpose of paying costs
22 associated with administering the provisions of this subdivision.

23 170-E:58 Statement of Health for Recreational Camps. Notwithstanding any law or rule to the
24 contrary, any physical examination which is required before a child may enter a recreational camp
25 may be conducted by a physician, an advance practice registered nurse, or a physician assistant.

26 170-E:59 Possession and Use of Epinephrine Auto-Injectors at Recreation Camps. A recreation
27 camp shall permit a child with severe, potentially life-threatening allergies to possess and use an
28 epinephrine auto-injector, if the following conditions are satisfied:

29 I. The child has the written approval of the child's physician and the written approval of
30 the parent or guardian. The camp shall obtain the following information from the child's physician:

31 (a) The child's name.

32 (b) The name and signature of the licensed prescriber and business and emergency
33 numbers.

34 (c) The name, route, and dosage of medication.

35 (d) The frequency and time of medication administration or assistance.

36 (e) The date of the order.

37 (f) A diagnosis and any other medical conditions requiring medications, if not a

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1 violation of confidentiality or if not contrary to the request of the parent or guardian to keep
2 confidential.

3 (g) Specific recommendations for administration.

4 (h) Any special side effects, contraindications, and adverse reactions to be observed.

5 (i) The name of each required medication.

6 (j) Any severe adverse reactions that may occur to another child, for whom the
7 epinephrine auto-injector is not prescribed, should such a pupil receive a dose of the medication.

8 II. The recreational camp administrator or, if a nurse is assigned to the camp, the nurse
9 shall receive copies of the written approvals required by paragraph I.

10 III. The child's parent or guardian shall submit written verification from the physician
11 confirming that the child has the knowledge and skills to safely possess and use an epinephrine
12 auto-injector in a camp setting.

13 IV. If the conditions provided in this section are satisfied, the child may possess and use the
14 epinephrine auto-injector at the camp or at any camp-sponsored activity, event, or program.

15 V. In this section, "physician" means any physician or health practitioner with the
16 authority to write prescriptions.

17 170-E:60 Use of Epinephrine Auto-Injector. Immediately after using the epinephrine auto-
18 injector, the child shall report such use to the nurse or another camp employee to enable the nurse
19 or camp employee to provide appropriate follow-up care.

20 170-E:61 Availability of Epinephrine Auto-Injector. The recreational camp nurse or, if a nurse
21 is not assigned to the camp, the recreational camp administrator shall maintain for the use of a
22 child with severe allergies at least one epinephrine auto-injector, provided by the child or the child's
23 parent or guardian, in the nurse's office or in a similarly accessible location.

24 170-E:62 Immunity. No recreational camp or camp employee shall be liable in a suit for
25 damages as a result of any act or omission related to a child's use of an epinephrine auto-injector if
26 the provisions of RSA 170-E:59 have been met, unless the damages were caused by willful or
27 wanton conduct or disregard of the criteria established in that section for the possession and self-
28 administration of an epinephrine auto-injector by a child.

29 170-E:63 Possession and Use of Asthma Inhalers at Recreation Camps. A recreation camp shall
30 permit a child to possess and use a metered dose inhaler or a dry powder inhaler to alleviate
31 asthmatic symptoms, or before exercise to prevent the onset of asthmatic symptoms, if the following
32 conditions are satisfied:

33 I. The child has the written approval of the child's physician and the written approval of
34 the parent or guardian. The camp shall obtain the following information from the child's physician:

35 (a) The child's name.

36 (b) The name and signature of the licensed prescriber and business and emergency
37 numbers.

- 1 (c) The name, route, and dosage of medication.
2 (d) The frequency and time of medication administration or assistance.
3 (e) The date of the order.
4 (f) A diagnosis and any other medical conditions requiring medications, if not a
5 violation of confidentiality or if not contrary to the request of the parent or guardian to keep
6 confidential.
7 (g) Specific recommendations for administration.
8 (h) Any special side effects, contraindications, and adverse reactions to be observed.
9 (i) The name of each required medication.
10 (j) At least one emergency telephone number for contacting the parent or guardian.

11 II. The recreational camp administrator or, if a nurse is assigned to the camp, the nurse
12 shall receive copies of the written approvals required by paragraph I.

13 III. The child's parent or guardian shall submit written verification from the physician
14 confirming that the child has the knowledge and skills to safely possess and use an asthma inhaler
15 in a camp setting.

16 IV. If the conditions provided in this section are satisfied, the child may possess and use the
17 inhaler at the camp or at any camp sponsored activity, event, or program.

18 V. In this section, "physician" includes any physician or health practitioner with the
19 authority to write prescriptions.

20 170-E:64 Immunity. No recreational camp or camp employee shall be liable in a suit for
21 damages as a result of any act or omission related to a child's use of an inhaler if the provisions of
22 RSA 170-E:63 have been met, unless the damages were caused by willful or wanton conduct or
23 disregard of the criteria established in that section for the possession and self-administration of an
24 asthma inhaler by a child.

25 170-E:65 Injunction. Any person operating or maintaining a recreation camp or youth skill
26 camp without the same having been approved by the department may be enjoined by the superior
27 court or any justice of the court upon petition brought by the attorney general.

28 170-E:66 Penalty; Administrative Fines.

29 I. Whoever violates any of the provisions of this subdivision, or rules adopted under this
30 subdivision shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other
31 person.

32 II. The commissioner, after notice and hearing, may impose an administrative fine not to
33 exceed \$2,000 for each offense upon any person who violates any provision of this subdivision, any
34 rule adopted under this subdivision, or any license or approval issued under this subdivision. Re-
35 hearings and appeals from a decision of the commissioner under this paragraph shall be in
36 accordance with RSA 541. Any administrative fine imposed under this section shall not preclude
37 the imposition of further penalties under this chapter. The proceeds of administrative fines levied

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1 pursuant to this paragraph shall be deposited in the general fund. The commissioner shall adopt
2 rules, under RSA 541-A, relative to:

- 3 (a) A schedule of administrative fines which may be imposed under this paragraph; and
- 4 (b) Procedures for notice and hearing prior to the imposition of an administrative fine.

5 143 Water Pollution and Waste Disposal; Safety Regulations for Pools and Bathing Places.
6 Amend the subdivision heading preceding RSA 485-A:23 to read as follows:

7 Safety Regulations for [~~Camps,~~] Pools[~~;~~] and Bathing Places

8 144 Water Pollution and Waste Disposal; Injunction. Amend RSA 485-A:27 to read as follows:

9 485-A:27 Injunction. Any person operating or maintaining a [~~recreation camp, youth skill~~
10 ~~camp,~~] public swimming pool[~~;~~] or bathing place without the same having been approved by the
11 department may be enjoined by the superior court or any justice of the court upon petition brought
12 by the attorney general.

13 145 Repeal. The following are repealed:

- 14 I. RSA 485-A:6, IX, relative to rulemaking for camp licenses and camp safety standards.
- 15 II. RSA 485-A:23, relative to safety regulations for camps, pools, and bathing places;
16 definitions.
- 17 III. RSA 485-A:24, relative to safety regulations for camps, pools, and bathing places;
18 recreation camp license; youth skill camp certification of criminal background check.
- 19 IV. RSA 485-A:24-a, relative to safety regulations for camps, pools, and bathing places;
20 recreation camp and youth skill camp fund.
- 21 V. RSA 485-A:25, relative to safety regulations for camps, pools, and bathing places;
22 rulemaking.
- 23 VI. RSA 485-A:25-a, relative to safety regulations for camps, pools, and bathing places;
24 statement of health for recreational camps.
- 25 VII. RSA 485-A:25-b, relative to safety regulations for camps, pools, and bathing places;
26 possession and use of epinephrine auto-injectors at recreation camps.
- 27 VIII. RSA 485-A:25-c, relative to safety regulations for camps, pools, and bathing places;
28 use of epinephrine auto-injector; availability of epinephrine auto-injector.
- 29 IX. RSA 485-A:25-d, relative to safety regulations for camps, pools, and bathing places;
30 availability of epinephrine auto-injector.
- 31 X. RSA 485-A:25-e, relative to safety regulations for camps, pools, and bathing places;
32 immunity.
- 33 XI. RSA 485-A:25-f, relative to safety regulations for camps, pools, and bathing places;
34 possession and use of asthma inhalers at recreation camps.
- 35 XII. RSA 485-A:25-g, relative to safety regulations for camps, pools, and bathing places;
36 immunity.

37 146 Cross Reference Changed; Safety Regulations for Camps. Amend RSA 216-I:1, VII to read

1 as follows:

2 VII. "Recreational campground or camping park" means a parcel of land on which 2 or more
3 campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes
4 only, and not for permanent year-round residency, excluding recreation camps as defined in ~~[RSA~~
5 ~~485-A:23]~~ **RSA 170-E:55, I.**

6 147 Cross Reference Changed; Safety Regulations for Camps. Amend RSA 275:35 to read as
7 follows:

8 IX. Employees of a recreation camp or a youth skill camp licensed pursuant to ~~[RSA 485-~~
9 ~~A:24]~~ **RSA 170-E:56.**

10 148 Department of Military Affairs and Veterans Services. Amend the chapter heading of RSA
11 110-B to read as follows:

12 ~~[THE MILITIA]~~ **DEPARTMENT OF MILITARY AFFAIRS AND VETERANS SERVICES**

13 149 Department of Military Affairs and Veterans Services; The Militia. Amend RSA 110-B:1 to
14 read as follows:

15 110-B:1 *Department of Military Affairs and Veterans Services.*

16 I. *The department shall consist of the militia which shall include the army*
17 *national guard, air national guard, the inactive national guard, the state guard and the*
18 *unorganized militia, and veterans services which shall include the division of veterans*
19 *services, the state veterans cemetery, the division of community based military programs,*
20 *the veterans council, and the military leadership team.*

21 II. *The department shall be led by an adjutant general who shall be the*
22 *commissioner of the department of military affairs and veterans services.*

23 III. *The department may receive, on behalf of the state, all donations and bequests*
24 *made to promote the welfare of military service members, veterans, and their families.*

25 110-B:1-a Composition of the Militia.

26 I. The militia shall be divided into 3 classes, namely the national guard, the state guard,
27 and the unorganized militia.

28 II. The national guard shall consist of an army national guard, an air national guard, and
29 an inactive national guard. As used in this chapter, the term "national guard" shall mean and refer
30 to the army national guard and the air national guard unless otherwise indicated.

31 III. The state guard shall consist of those persons serving in accordance with the provisions
32 of RSA 111.

33 IV. The unorganized militia shall consist of all able-bodied residents of the state who are 18
34 years of age or older, who are, or have declared their intention to become, citizens of the United
35 States, and who are not serving in the national guard or the state guard.

36 V. When authorized by the laws and regulations of the United States, there shall be an
37 additional section of the state guard to be known as the New Hampshire naval militia.

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1 150 The Adjutant General. Amend RSA 110-B:8, II and III to read as follows:

2 II. The adjutant general shall be the chief of staff to the governor and shall be the executive
3 head of the [~~adjutant general's~~] department **of military affairs and veterans services**. The
4 adjutant general may perform any act authorized by this chapter or by the regulations issued
5 pursuant thereto through or with the aid of such officers of the national guard or other personnel as
6 the adjutant general may designate. The adjutant general shall exercise and perform all powers,
7 functions and duties which are or may be imposed by the laws and regulations of the United States.
8 It shall be the duty of the adjutant general to direct the planning and employment of the forces of
9 the national guard in carrying out their state military mission; to establish unified command of
10 state forces whenever they shall be jointly engaged; to submit such written reports to the governor
11 as the governor may prescribe; and to perform such other duties as the governor may direct.
12 Whenever the governor and those who would act in succession to the governor under the
13 constitution and laws of the state shall be unable to perform the duties of commander-in-chief, the
14 adjutant general shall command the militia.

15 III. The adjutant general is authorized and empowered, subject to the approval of the
16 governor and council, to contract with any person or private or public agency to provide group life
17 or disability insurance coverage for members of the national guard, while on active state duty,
18 within the limits of appropriations made for the national guard.

19 **IV. The adjutant general shall advocate for and promote the welfare of military**
20 **service members, veterans, and their families. The adjutant general shall enhance,**
21 **coordinate, and oversee the benefits and services offered by organizations within the state**
22 **of New Hampshire and direct veterans to appropriate benefits and services offered by such**
23 **organizations. The department of military affairs and veterans services shall serve as a**
24 **clearinghouse for research, data, and analysis, to initiate and support public education**
25 **and awareness campaigns. The adjutant general shall serve as a liaison between the**
26 **federal government and the governor on issues relevant to the department's mission, and**
27 **represent the department at various state and national conventions, conferences, and**
28 **public functions and provide supervision to the department public relations program.**

29 151 Deputy Adjutant General. Amend RSA 110-B:8-b, I-IV to read as follows:

30 I. Assume full responsibility for the [~~adjutant general's~~] department **of military affairs**
31 **and veterans services** in the absence of the adjutant general.

32 II. Assist the adjutant general to implement the department's duties and responsibilities.

33 III. Serve as principal liaison to senior military officials, various state and federal officials,
34 the legislature, local governments, and community groups.

35 IV. Provide overall guidance and direction for state operations including business
36 administration, facilities management, **division of veterans services, the division of community**
37 **based military programs** and the state veterans cemetery.

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1 110-B:85 Director of the Division of Veterans Services.

2 I. The adjutant general shall, with the approval of the governor and council, appoint a
3 director of the division of veterans services, who shall be a veteran as defined in RSA 21:50.

4 II. The director shall:

5 (a) Supervise the activities of a statewide service delivery structure which assists
6 veterans and family members in identifying eligibility for veterans benefits, filing claims,
7 coordinating benefits with other state and federal agencies, and reviewing claims decisions for
8 appeals or waivers of unfavorable decisions.

9 (b) Identify and develop legislative proposals to improve delivery of services, review and
10 monitor legislation introduced by others, testify at hearings, and prepare legislative fiscal note work
11 sheets. The director shall coordinate, implement, and administer programs mandated by the
12 legislature.

13 (c) Prepare the agency budget and administer and monitor expenditures for the division
14 of veterans services.

15 (d) Develop and coordinate agency programs in conjunction with the United States
16 Department of Veterans Affairs as well as other federal, state, local, and private organizations.

17 (e) Represent the adjutant general at various state and national conventions,
18 conferences, and public functions and provide supervision to the division of veterans services' public
19 relations program.

20 (f) Perform such other duties as the adjutant general shall determine.

21 110-B:86 Copies of Public Records. When a copy of any public record is required by the
22 Department of Veterans Affairs to be used in determining the eligibility of any person to participate
23 in benefits made available by the United States Department of Veterans Affairs, the official
24 custodian of such public record shall without charge provide the applicant for such benefits or any
25 person acting on his or her behalf or the authorized representative of the United States Department
26 of Veterans Affairs with a certified copy of such record; provided, however, that in any case where
27 the copy is made by a town clerk whose official income is derived in part or entirely from fees a
28 charge for services hereunder shall be made and the town shall reimburse the clerk for the charges.

29 110-B:87 Donations and Bequests. The division of veterans services may receive, on behalf of
30 the state, all donations and bequests that may be made to support the delivery of state office of
31 veterans services programs.

32 110-B:88 Division of Community Based Military Programs. The division of community based
33 military programs, under the supervision of an administrator of community based military
34 programs shall facilitate military and civilian partnerships by collaborating, coordinating, and
35 communicating with military and civilian provider groups in the delivery of services to New
36 Hampshire veterans, service members, and their families. The administrator shall:

37 I. Develop and implement innovative, effective, and sustainable provider engagement

1 projects to increase education, outreach, and engagement with military-access resources.

2 II. Integrate military and civilian community and coalition networks and strengthen
3 military-civilian community supports by integrating those supports into civilian structures.

4 III. Advocate for federal and state funding to target system changes to improve services.

5 IV. Ensure cost efficiency through decreased overlap, service redundancy and increased
6 service fidelity.

7 V. Develop and provide oversight for New Hampshire's care coordination, including
8 services and supports addressing substance misuse, homelessness, suicide prevention, mental
9 health, sexual military trauma, unemployment, domestic violence, education, and legal support.

10 VI. Authorize, evaluate, and monitor the administration of federal and state grants.

11 VII. Initiate and facilitate state planning processes to improve access, navigation, and
12 coordination of military-civilian services and support.

13 VIII. Compile and analyze program statistics and metrics to evaluate the effectiveness of
14 the system of care, initiatives, and special projects, including the efforts of legislative, statewide,
15 and community coalitions across the state.

16 110-B:89 State Veterans Council Established.

17 I. There shall be a state veterans council of 4 members to be appointed by the governor and
18 council, 3 of whom shall be veterans as defined by RSA 21:50. The fourth member shall be a family
19 member of a veteran or family member of a currently serving member of the armed forces. All
20 council members shall be citizens of New Hampshire. Of the first appointments of veterans under
21 this section one shall be appointed for a term of 3 years, one for a term of 2 years, one for a term of
22 one year and thereafter each shall be appointed for a term of 3 years. The family member shall be
23 appointed for a term of 3 years. Each member of the council shall hold office until a successor is
24 appointed and qualified. Any vacancy in the council shall be filled by the governor and council for
25 the unexpired term.

26 II. The members of the council shall meet not less than semi-annually to review activities of
27 the division of veterans services and provide guidance to and make recommendations for
28 improvement on the adequacy and delivery of veterans programs to the adjutant general. The
29 adjutant general may designate one of the members to serve as liaison to the state veterans
30 advisory committee.

31 110-B:90 Military Leadership Team. There is hereby established a military leadership team
32 which shall serve in an advisory capacity and shall provide advice and guidance to the adjutant
33 general regarding the delivery of services to veterans and military service members in New
34 Hampshire. The military leadership team shall choose a chairman, vice-chairman, and a secretary
35 from their membership. The team may, by a majority vote of its members, adopt bylaws governing
36 the management and operation of the team. The military leadership team shall consist of the
37 following members:

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- 1 I. The adjutant general, or designee.
2 II. The director of the division of veterans services, or designee.
3 III. The members of the veterans council.
4 IV. The administrator of the division of community based military programs.
5 V. Representatives of organizations which provide services to veterans and military service
6 members in New Hampshire, appointed by the adjutant general.
7 VI. Members of the private sector who have an interest in serving service members,
8 veterans and their families, appointed by the adjutant general.
9 VII. A family member of veteran or currently serving member of the armed forces,
10 appointed by the adjutant general.

11 153 Aid for Veterans' Programs. Amend RSA 115-A:2, VII to read as follows:

12 VII. "[~~Office~~] **Division** of veterans services" means the [~~state office~~] **division** of veterans
13 services established pursuant to [~~RSA 115~~] **RSA 110-B:83**.

14 154 Replace Term. Replace "office of veterans services" or "state office of veterans services"
15 with "division of veterans services" in the following RSA sections: RSA 21:50, I(b)(24); 72:29, VII;
16 94:1-a, I(b), Grade CC; 115-A:2, VII; 115-A:10; 115-A:14; 115-A:17; 115-A:21; 115-B:5; 115-D:2, I(e);
17 261-C:2, III; 261-C:3; 261-C:4, II; 261-C:7; 358-A:2, XVII; 465:3; 465:5; 465:11; 651:4-b, II(a).

18 155 Repeal. RSA 115, relative to the state office of veterans services, is repealed.

19 156 Sale of Property; National Guard Armory in Berlin. The adjutant general and the
20 department of military affairs and veterans services are authorized to offer for sale the national
21 guard armory land and buildings in the city of Berlin. The adjutant general and the department
22 shall submit quarterly reports on the progress of the sale to the fiscal committee of the general
23 court. Any sale of such land and buildings shall be subject to the requirements of RSA 4:40. All
24 proceeds from the sale may be used for the purchase of a new armory in general proximity to the
25 current armory in Berlin, and any proceeds from the sale that are not used for such a purchase
26 shall lapse to the general fund.

27 157 Department of Business and Economic Affairs; Rest Areas and Welcome Centers. Amend
28 RSA 12-O:18, I to read as follows:

29 I. The department of business and economic affairs shall be responsible for the staffing of
30 **all operational** rest areas and welcome centers [~~along the state's highways~~] **owned by the**
31 **department of transportation**. There is established in the department a bureau of visitor service
32 **within the office of the commissioner** to administer this function. The commissioner may
33 consult with [~~the~~] local [~~chambers of commerce~~] **business representatives** relative to said function,
34 and shall have the authority to enter into contracts with private or public entities for said function
35 as the commissioner deems appropriate.

36 158 New Paragraphs; Department of Business and Economic Affairs; Rest Areas and Welcome
37 Centers. Amend RSA 12-O:18 by inserting after paragraph II the following new paragraphs:

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1 III. Subject to a memorandum of understanding with the department of transportation, the
2 bureau of visitor service shall provide rest area management and operational services without
3 limitation, to include staffing, training, fiscal management, grounds and building maintenance, and
4 customer service to the traveling public.

5 IV. The bureau of visitor service shall seek to advance initiatives and strategies to reduce
6 state operational responsibility and cost, to provide an improved user experience for visitors, and to
7 focus state resources on customer service for those visitors.

8 159 Labor; Workers' Compensation; Safety Provisions; Administrative Penalty. Amend RSA
9 281-A:64, VIII to read as follows:

10 VIII. The commissioner may assess an administrative penalty of up to \$250 a day on any
11 employer not in compliance with the written safety program required under paragraph II of this
12 section, the joint loss management committee required under paragraph III of this section, or the
13 directives of the department under paragraph IV of this section. Each violation shall be subject to a
14 separate administrative penalty. All penalties collected under this paragraph shall be deposited in
15 the ~~[general fund.]~~ **department of labor restricted fund established pursuant to RSA 273:1-b.**

16 160 Labor; Workers' Compensation; Definitions. Amend RSA 281-A:2, VI(d) to read as follows:

17 (d) If the commissioner finds that an employer has misrepresented the relationship
18 between the employer and the person providing services, the commissioner may assess a civil
19 penalty of up to \$2,500; in addition, such employer may be assessed a civil penalty of \$100 per
20 employee for each day of noncompliance. The fines may be assessed from the first day of the
21 infraction but not to exceed one year. Notwithstanding any provision of law to the contrary, any
22 person with control or responsibility over decisions to disburse funds and salaries and who
23 knowingly violates the provisions of this subparagraph shall be held personally liable for payments
24 of fines. All funds collected under this subparagraph shall be ~~[continually appropriated and
25 deposited into a nonlapsing workers' compensation fraud fund dedicated to the investigation and
26 compliance activities required by this section and related sections pertaining to labor and insurance
27 law.]~~ **deposited into the department of labor restricted fund established pursuant to RSA
28 273:1-b.** The commissioner of labor shall appoint as many individuals as necessary to carry out the
29 department's responsibilities under this section.

30 161 Repeal. RSA 6:12, I(b)(267), relative to moneys deposited in the workers' compensation
31 fraud fund, is repealed.

32 162 Administration of Transportation Laws; Certification of Current Workers' Compensation
33 Coverage Required. Amend RSA 228:4-b, IV to read as follows:

34 IV. All funds collected under this section shall be deposited into the ~~[general fund]~~
35 **department of labor restricted fund established pursuant to RSA 273:1-b.**

36 163 New Subdivision; Community College System; Finish Line New Hampshire Program.
37 Amend RSA 188-F by inserting after section 68 the following new subdivision:

1 Finish Line New Hampshire Program

2 188-F:69 Finish Line New Hampshire Program.

3 I. The community college system of New Hampshire may establish and administer the
4 finish line New Hampshire program. The program shall be designed to support eligible students to
5 complete a postsecondary credential.

6 II. The program shall be open to any student attending an institution within the
7 community college system who is over 25 years of age and is enrolled in a field which the
8 community college system has identified as being in high demand based on New Hampshire labor
9 market and employment information.

10 III. The community college system shall establish procedures for the administration of the
11 program, identification of high demand fields of employment, and the criteria by which a student
12 shall qualify, provided that such procedures and criteria shall be consistent with this section.

13 164 Governor's Scholarship Program and Fund. RSA 4-C:31 through 4-C:35 are repealed and
14 reenacted to read as follows:

15 4-C:31 Definitions. In this subdivision:

16 I. "Commission" means the college tuition savings plan advisory commission established in
17 RSA 195-H:2.

18 II. "Eligible institution" means a postsecondary educational institution or training program
19 within the university system of New Hampshire as defined in RSA 187-A, a postsecondary
20 educational institution within the community college system of New Hampshire as defined in RSA
21 188-F, or a private postsecondary institution approved to operate in this state that:

22 (a) Is approved by the higher education commission pursuant to RSA 21-N:8-a and
23 accredited by the New England Commission of Higher Education; and

24 (b) Is a not-for-profit organization eligible to receive federal Title IV funds.

25 III. "Eligible student" means a first-year, full-time, Pell Grant-eligible student who meets
26 the eligibility and residency requirements of RSA 4-C:33. "First-year" means a student who has
27 never enrolled in an eligible institution .

28 IV. "Full-time" means an enrolled student who is carrying an academic course load that is
29 determined to be full-time by the eligible institution based on a standard applicable to all students
30 enrolled in a particular educational program. The student's course load may include any
31 combination of courses, work, research, or special studies that the eligible institution considers
32 sufficient to classify the student as full-time.

33 4-C:32 Governor's Scholarship Program and Fund Established.

34 I. There is hereby established the governor's scholarship program and the governor's
35 scholarship fund. The program and fund shall be administered by the commission. The fund shall
36 be kept distinct and separate from all other funds and shall be used to provide scholarships which a
37 recipient shall apply to the costs of an education at an eligible institution. The funds shall be

1 distributed to an eligible institution based on the number of eligible students awarded a scholarship
2 and upon receipt of a request for reimbursement for such scholarship funds accompanied by
3 appropriate documentation.

4 II. The state treasurer shall credit to the fund any appropriation relating to the governor's
5 scholarship fund made in each fiscal year to the commission. The state treasurer shall invest the
6 fund in accordance with RSA 6:8. Any earnings shall be added to the fund.

7 III. All moneys in the fund shall be nonlapsing and continually appropriated to the
8 commission for the purposes of this subdivision.

9 IV. The commission may institute promotional programs and solicit and receive cash gifts
10 or other donations for the purpose of supporting educational scholarships from the fund. The
11 commission shall not solicit or accept real property.

12 V. All gifts, grants, and donations of any kind shall be credited to the fund.

13 4-C:33 Eligibility.

14 I. Any person who meets the following requirements shall be an eligible student:

15 (a) A person shall meet the residency requirements of RSA 193:12; be a graduate of a
16 New Hampshire high school, public academy, chartered public school, New Hampshire private
17 preparatory high school, a high school-level home education program as defined in RSA 193-A; have
18 received a New Hampshire high school equivalency certificate; have completed at least 3 years of
19 high school in this state; be pursuing a certificate, associate, or bachelor degree at an eligible
20 institution in this state; and be eligible to receive a Pell grant; or

21 (b) A person shall be a graduate of a preparatory high school outside of this state while
22 a dependent of a parent or legal guardian who is a legal resident of this state and who has custody
23 of the dependent; or

24 (c) A person shall have a parent or guardian who has served in or has retired from the
25 United States Army, Navy, Air Force, Marine Corps, or Coast Guard within the last 4 years and is a
26 resident of this state; or

27 (d) A person shall be a graduate of a high school, public academy, chartered public high
28 school, or a high school-level home education program outside of this state but have maintained his
29 or her primary residence in this state for not less than 5 years preceding the date of application for
30 a scholarship.

31 II. A person shall meet the qualifications for academic performance or work experience as
32 established by the commission.

33 III. A person shall not have been adjudicated delinquent or convicted or pled guilty or nolo
34 contendere to any felonies or any second or subsequent alcohol or drug-related offenses under the
35 laws of this or any other state, or under the laws of the United States, except that an otherwise
36 eligible person who has been adjudicated delinquent or has been convicted or pled guilty or nolo
37 contendere to a second or subsequent alcohol or drug-related misdemeanor offense shall be eligible

1 or continue to be eligible for a scholarship after the expiration of one academic year from the date of
2 adjudication, conviction, or plea.

3 4-C:34 Procedures.

4 I. All scholarship funds shall be distributed to the eligible student by the eligible
5 institution. The institution shall include the scholarship in the student's financial aid package and
6 may seek subsequent reimbursement. The state shall provide the reimbursements twice per year to
7 each eligible institution for the number of eligible students enrolled in the current semester or term
8 who are receiving a scholarship. The institution shall submit the list of scholarship recipients to the
9 commission or its designee no later than November 30 and April 30 of each academic year, and shall
10 be reimbursed within 30 days of submission.

11 II. An eligible student may receive a scholarship in the amount of \$1,000 per year provided
12 he or she maintains at least a 2.0 grade point average. An eligible student who earned the New
13 Hampshire scholar designation at the time of high school graduation may receive a scholarship in
14 the amount of \$2,000 per year provided he or she maintains at least a 2.5 grade point average. The
15 eligible institution shall not reduce any merit or need-based grant aid that would have otherwise
16 been provided to the eligible student. An eligible student may receive an annual scholarship for a
17 maximum of 4 years.

18 III. In the event the state does not reimburse the eligible institution for scholarship
19 amounts paid to an eligible student receiving an award, the eligible institution shall agree not to
20 seek additional payments from the eligible student and to absorb the loss of funds without any
21 consequence to the eligible student.

22 IV. The commission shall adopt rules, pursuant to RSA 541-A, relative to awarding and
23 disbursing scholarship funds to an eligible student enrolled in an eligible institution.

24 V. An eligible student, who initially attends a community college and transfers directly to
25 an eligible institution, without a break in attendance, shall remain an eligible student for a
26 maximum of 4 years of total eligibility.

27 VI. The commission may hire staff or enter into a contract for services or personnel
28 necessary to administer the program.

29 165 Program Transferred. The administration, implementation, and management of the
30 governor's scholarship program established in RSA 4-C:31-34 is hereby transferred to the college
31 tuition savings plan advisory commission established in RSA 195-H:2. Any administrative rules for
32 the governor's scholarship program shall continue in effect and shall be enforced by the commission
33 until such rules expire or are repealed or amended in accordance with applicable law.

34 166 Application of Receipts; Governor's Scholarship Fund. Amend RSA 6:12, I(b)(336) to read
35 as follows:

36 (336) Moneys deposited into the governor's scholarship fund established in ~~RSA 4-~~
37 ~~C:34] RSA 4-C:32.~~

1 167 College Tuition Savings Plan Advisory Commission; Administration of Governor's
2 Scholarship Program. Amend the introductory paragraph of RSA 195-H:2, I(a) to read as follows:

3 I.(a) There is established the New Hampshire college tuition savings plan advisory
4 commission which shall ensure the proper administration and management of the savings plan.
5 The advisory commission shall ensure that the savings plan complies with the requirements of
6 section 529 of the Internal Revenue Code of 1986, as amended, and any related federal law
7 applicable to the savings plan. The commission shall also be responsible for ensuring the proper
8 administration, implementation, and management of the New Hampshire excellence in higher
9 education endowment trust fund established in RSA 6:38, **and the governor's scholarship**
10 **program and fund established in RSA 4-C:31-34.** The commission shall consist of the following
11 members:

12 168 Definitions; New Hampshire Excellence in Higher Education Endowment Fund. Amend
13 RSA 6:37 to read as follows:

14 6:37 Definitions. In this subdivision:

15 I. "Commission" means the New Hampshire college tuition savings plan advisory
16 commission established in RSA 195-H.

17 II. "Eligible educational institution" means that which is defined in section 529 of the
18 Internal Revenue Code, as amended.

19 III. **"New Hampshire college tuition savings plan UNIQUE annual allocation**
20 **program" means the scholarship program established by the commission in rules.**

21 IV. **"New Hampshire college tuition savings plan UNIQUE endowment allocation**
22 **program" means the scholarship program established by the commission in rules.**

23 V. "Trust fund" means the New Hampshire excellence in higher education endowment trust
24 fund as established in this chapter.

25 169 New Hampshire Excellence in Higher Education Endowment Fund; Allocation of Receipts.
26 Amend RSA 6:38, I to read as follows:

27 I. There is hereby established in the office of the treasurer the New Hampshire excellence
28 in higher education endowment trust fund which shall be kept distinct and separate from all other
29 funds. Annual assessments less any annual administrative costs received from the New Hampshire
30 college tuition savings plan established under RSA 195-H shall be credited to the trust fund to
31 provide scholarships for the benefit of residents of the state pursuing programs of study at eligible
32 educational institutions within the state, **of which 20 percent shall be allocated to the New**
33 **Hampshire college tuition savings plan UNIQUE endowment allocation program.**

34 170 New Hampshire Excellence in Higher Education Endowment Trust Fund; Transfers. On
35 or before September 15, 2019, the state treasurer shall transfer the sum of \$5,000,000 from the New
36 Hampshire excellence in higher education endowment trust fund established in RSA 6:38, I to the
37 state regenerative manufacturing workforce development fund established in RSA 162-T:3 for the

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1 purpose of awarding forgivable loans to qualified individuals under the regenerative manufacturing
2 workforce development program.

3 171 Rulemaking. Amend RSA 6:40, IV to read as follows:

4 IV. Procedures for determining the amount of funds available to provide annual
5 scholarships through the trust fund *in accordance with RSA 6:38*.

6 172 New Section; Department of Transportation; Bulk Disposal of Highway or Turnpike
7 Funded Real Estate. Amend RSA 4 by inserting after section 39-e the following new section:

8 4:39-f Bulk Disposal of Highway or Turnpike Funded Real Estate. Notwithstanding RSA 4:39-
9 c, the bulk disposal of real estate purchased with state or federal highway funds, or both, or with
10 turnpike funds shall occur as follows:

11 I. The commissioner of the department of transportation may recommend the bulk disposal
12 of real estate purchased with state or federal highway funds or both, or turnpike funds. The
13 request for bulk disposal shall be presented for review and approval by the long range capital
14 planning and utilization committee before submission to the governor and council for approval.
15 Upon determination that the property is no longer needed by the state, the governor and council
16 shall first offer it to the government of the town, city, or county in which the property is located. If
17 the town, city, or county refuses the offer, the governor and council may sell, convey, transfer, or
18 lease the real property.

19 II. Sales of real property under this section shall be at not less than current market value of
20 the subject property, as may be determined by the governor and council.

21 III. The proceeds due back to the department of transportation from a sale, conveyance, or
22 transfer under this section shall be credited as restricted revenue to the highway fund, or the
23 turnpike fund, or whichever fund provided money for the original purchase. The funds shall be
24 nonlapsing and continually appropriated to the department to be used for right-of-way property
25 management, maintenance, operations, or betterment of state roads and bridges.

26 IV. The commissioner of the department of transportation shall, at least once annually,
27 report to the long range capital planning and utilization committee on the status of all real estate
28 previously approved under this section.

29 V. As used in this section "bulk disposal" means multiple properties within the department
30 of transportation's real estate inventory, which are valued and presented to the long range capital
31 planning and utilization committee as a whole for review and approval to be sold to multiple buyers.

32 173 Number Plates; Official Cover Plates. Amend RSA 261:90 to read as follows:

33 261:90 Official Cover Plates. Upon payment of a fee, the director may issue and shall designate
34 official cover plates with the reproduction of the state seal thereon to be affixed to a vehicle of
35 United States senators from this state, representatives to congress from this state, the governor,
36 members of the governor's council, the president of the senate, members of the senate, the speaker
37 of the house of representatives, members of the house of representatives, the attorney general, the

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1 secretary of state, the state treasurer, the President of the United States and members of his or her
2 executive staff, **and** any ambassador or member of the foreign diplomatic corps~~[-and members of~~
3 ~~the Maine New Hampshire Interstate Bridge Authority]~~. The fee for official cover plates shall be \$1
4 in addition to any other number plate manufacturing fee otherwise required. The official cover
5 plates, exclusive of the seal, shall be white with green lettering, which shall alternate with red
6 lettering every other biennium. Official cover plates shall have the title of the person requesting
7 the plates, except for members of the governor's council whose plates shall have their council
8 district numbers embossed on them, and members of the general court, whose plates shall have
9 their house seat numbers or their senate district numbers embossed on them unless the president of
10 the senate, for members of the senate, or the speaker of the house of representatives, for members
11 of the house of representatives, shall designate a title for their plates. The president of the senate,
12 or a designee, and the speaker of the house of representatives, or a designee, shall provide the
13 director with input as needed on the cover plate design for members of the general court. The
14 director shall not issue more than 2 sets of official cover plates to any person. Official cover plates
15 may be attached only to vehicles registered in the name of the person issued the plates or the name
16 of the spouse of a member of the general court, or any vehicle being operated by a member of the
17 general court. Nothing herein shall be construed as affecting the issuance of regular motor vehicle
18 plates and the payment of the registration fee therefor. Official cover plates shall be manufactured
19 at the state prison and the prison shall provide the plates to the department at the prison's cost.

20 174 Repeal; Maine-New Hampshire Interstate Bridge Authority. The following are repealed:

21 I. RSA 234:43-66, relative to the Maine-New Hampshire Interstate Bridge Authority and
22 the Portsmouth-Kittery Bridge, also known as the Sarah Mildred Long Bridge.

23 II. RSA 234:67-69, relative to the Sarah Mildred Long Bridge.

24 III. RSA 100-A:3, VIII, relative to New Hampshire retirement system membership for
25 employees of the Maine-New Hampshire Interstate Bridge Authority.

26 175 Executive Branch Code of Ethics; Complaints. Amend RSA 21-G:31, VI to read as follows:

27 VI. In proceedings under this subdivision, the committee shall have the power to issue
28 subpoenas and administer oaths. Such subpoena powers may be exercised for the committee by the
29 chairperson or legal counsel to the committee. The fees for witnesses ~~[shall be consistent with RSA~~
30 ~~516:16 and]~~ shall be borne by the committee or the party requesting the subpoena.

31 176 Insurance Holding Companies; Examination. Amend RSA 401-B:6, V to read as follows:

32 V. Compelling Production. In the event the insurer fails to comply with an order, the
33 commissioner shall have the power to examine the affiliates to obtain the information. The
34 commissioner shall also have the power to issue subpoenas, to administer oaths, and to examine
35 under oath any person for purposes of determining compliance with this section. Upon the failure
36 or refusal of any person to obey a subpoena, the commissioner may petition a court of competent
37 jurisdiction, and upon proper showing, the court may enter an order compelling the witness to

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1 appear and testify or produce documentary evidence. Failure to obey the court order shall be
2 punishable as contempt of court. Every person shall be obliged to attend as a witness at the place
3 specified in the subpoena, when subpoenaed, anywhere within the state. He or she shall be entitled
4 to the same fees and mileage, if claimed, as a witness in RSA 516:13[~~]~~ **and** RSA 516:14[~~and RSA~~
5 ~~516:16~~], which fees, mileage, and actual expense, if any, necessarily incurred in securing the
6 attendance of witnesses, and their testimony, shall be itemized and charged against, and be paid by,
7 the company being examined.

8 177 Payment of Witnesses in Criminal Cases. Amend RSA 592-A:12 to read as follows:

9 592-A:12 ~~[Payment of] Witnesses in Criminal Cases. Any person who attends any court for the~~
10 ~~state in criminal cases pursuant to subpoena [shall be paid the witness fees provided by RSA 516:16.~~
11 ~~Any such person]~~ shall sign a witness log, which shall be available in the office of the clerk of court,
12 on which the individual shall provide the following information: name, mailing address, and the
13 name of the case for which the person was subpoenaed. The prosecuting agency shall review the
14 log each day and certify that each individual appeared as indicated on the log. ~~[The attorney~~
15 ~~general shall pay all witness fees to all such persons who are entitled to such fees.]~~

16 178 Parole Revocation. Amend RSA 651-A:17 to read as follows:

17 651-A:17 Parole Revocation. Any parolee arrested under RSA 651-A:15-a shall be entitled to a
18 hearing before the board within 45 days, in addition to any preliminary hearing which is required
19 under RSA 504-A:5. The parolee shall have the right to appear and be heard at the revocation
20 hearing. The board shall have power to subpoena witnesses[~~, pay said witnesses such fees and~~
21 ~~expenses as allowed under RSA 516:16,~~] and administer oaths in any proceeding or examination
22 instituted before or conducted by it, and to compel, by subpoena duces tecum, the production of any
23 accounts, books, contracts, records, documents, memoranda, papers or tangible objects of any kind.
24 If the board, after a hearing, finds that the parolee has violated the conditions of parole, violated the
25 law, or associated with criminal companions and in its judgment should be returned to the custody
26 of the commissioner of corrections, the board shall revoke the parole. A prisoner whose parole is
27 revoked shall be recommitted to the custody of the commissioner of corrections. This provision shall
28 not apply to a parolee who has accepted an option, offered by a probation/parole officer, to
29 participate in an intermediate sanction program and has waived his or her right to counsel and to a
30 preliminary hearing under RSA 504-A:5.

31 179 Arbitration of Disputes; Witnesses. Amend RSA 542:5 to read as follows:

32 542:5 Witnesses; Summoning; Compelling Attendance. When more than one arbitrator is
33 agreed to, all the arbitrators shall sit at the hearing of the case unless, by consent in writing, all
34 parties shall agree to proceed with the hearing with a less number. Any person may be summoned
35 as provided in RSA 516[~~]~~ to attend before the arbitrators as a witness ~~[and the fees for such~~
36 ~~attendance shall be the same as the fees of witnesses in the superior court].~~ If any person or
37 persons so summoned to testify shall refuse or neglect to attend, upon petition the court in and for

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1 the county in which such arbitrators are sitting may compel the attendance of such person or
2 persons before said arbitrator or arbitrators, or punish said person or persons for contempt in the
3 same manner now provided in RSA 516.

4 180 Midwifery; Powers and Duties of the Council. Amend RSA 326-D:4, II to read as follows:

5 II. The council shall have the power to subpoena witnesses and administer oaths in any
6 hearing or disciplinary proceedings, and to compel, by subpoena duces tecum, the production of
7 papers and records. ~~[Witnesses summoned before the council shall be paid the same fees as~~
8 ~~witnesses summoned to appear before the superior court, and such summons shall have the same~~
9 ~~effect as though issued for appearance before such court.]~~

10 181 Alcoholic Beverages; Hearings and Investigations. Amend RSA 179:56, I to read as follows:

11 I. The commission shall adopt and publish rules pursuant to RSA 541-A, to govern its
12 proceedings and to regulate the mode and manner of all investigations and hearings before it. All
13 hearings before the commission shall be in accordance with RSA 541-A:31-36. In any such
14 investigation or hearing the commission shall not be bound by the technical rules of evidence. The
15 commission may subpoena witnesses and administer oaths in any proceeding or examination
16 instituted before or conducted by it, and may compel, by subpoena, the production of any accounts,
17 books, contracts, records, documents, memoranda, and papers of any kind whatever. ~~[Witnesses~~
18 ~~summoned before the commission shall be paid the same fees as witnesses summoned to appear~~
19 ~~before the superior court, and such]~~ A summons issued by any justice of the peace shall have the
20 same effect as though issued for appearance before such court.

21 182 Repeal. The following are repealed:

22 I. RSA 21-J:26, relative to witness fees for witnesses summoned to appear before the
23 commissioner of the department of revenue administration.

24 II. RSA 153:20, relative to witness fees for witnesses summoned to appear before the state
25 fire marshal.

26 III. RSA 326-H:17, III, relative to witness fees for witnesses summoned before the board of
27 dieticians.

28 IV. RSA 365:11, relative to witness fees for witnesses summoned before the public utilities
29 commission.

30 V. RSA 516:16, relative to fees of witnesses for attendance and travel.

31 VI. RSA 516:16-a, relative to defaults and witness fees for law enforcement officers.

32 VII. RSA 665:13, relative to witness fees for witnesses summoned before the ballot law
33 commission.

34 183 Granite Workforce. 2018, 342:3 through 342:9 are repealed and reenacted to read as
35 follows:

36 342:3 Granite Workforce; Program Established.

37 I. The commissioner of the department of health and human services may use allowable

1 funds from the Temporary Assistance to Needy Families (TANF) program along with other
2 available funds, including but not limited to the job training fund established under RSA 282-A:138-
3 a, to create a network of assistance to remove barriers to work for eligible low income families as
4 well as low income individuals and to provide subsidies to employers in high need areas, as
5 determined by the department of employment security based upon workforce shortages. The funds
6 shall be used to fund the granite workforce program, which shall operate as part of the New
7 Hampshire granite advantage health care program established in RSA 126-AA. The program shall
8 be jointly administered by the department of health and human services and the department of
9 employment security. No cash assistance shall be provided to eligible participants through granite
10 workforce.

11 II. To be eligible for the granite workforce program, applicants shall be enrolled in the New
12 Hampshire granite advantage health care program, established in RSA 126-AA, whether or not the
13 applicant is subject to the work and community engagement requirement.

14 III. An eligible recipient, participating in the granite workforce program, whose wages
15 subsequently cause the household to exceed 138 percent of the federal poverty level shall continue
16 to receive granite workforce program services as needed, including the subsidy for employers,
17 provided the recipient's wages do not cause the household to exceed 250 percent of the federal
18 poverty level. After the second employer subsidy is paid on behalf of a granite workforce recipient,
19 the recipient shall no longer be eligible for granite workforce services as long as household income
20 exceeds 138 percent of the federal poverty level.

21 IV. The department of employment security shall determine eligibility and entry into the
22 program, using nationally recognized assessment tools for vocational and job readiness assessments.
23 Vocational assessments shall include consideration of educational needs, vocational interest,
24 personal values, and aptitude. The department shall use the assessment results to work with the
25 participant to produce a long term career plan.

26 V. Except as otherwise provided in paragraphs II regarding program eligibility,
27 administrative rules governing the New Hampshire employment program, adopted under RSA 541-
28 A, shall apply to the granite workforce program.

29 342:4 Granite Workforce; Subsidies for Employers.

30 I. After 3 months of employment and upon verification of continued employment and wages
31 from the employer, the department of employment security shall authorize payment of a subsidy
32 equal to 50 percent of the employee's wages for the prior month, not to exceed \$2,000, to the
33 participant's employer.

34 II. After 9 months of employment and upon verification of continued employment and
35 wages from the employer, the department of employment security shall authorize payment of a
36 subsidy equal to 50 percent of the employee's wages for the prior month, not to exceed \$2,000, to the
37 participant's employer.

1 III. Upon notice by the department of an overpayment, the employer shall reimburse the
2 department the amount of the overpayment.

3 IV. In this section, "employer" means a tax exempt organization pursuant to section
4 501(c)(3) of the Internal Revenue Code.

5 342:5 Granite Workforce; Referral for Barriers to Employment.

6 I. The department of health and human services, in consultation with the department of
7 employment security, shall issue a request for applications for community providers interested in
8 offering case management services to participants with barriers to employment.

9 II. Participants shall be identified by the department of employment security using an
10 assessment process that screens for barriers to employment, including but not limited to
11 transportation, child care, substance use, mental health, and domestic violence.

12 III. The department of employment security shall refer to community providers individuals
13 with identified barriers to employment. When child care is identified as a barrier to employment,
14 the department of employment security or the community provider shall refer the individual to
15 available child care service programs, including the child care scholarship program administered by
16 the department of health and human services.

17 IV. In addition to employer subsidies, TANF and other funds allocated to the granite
18 workforce program shall be used to fund other services that eliminate barriers to work, as
19 established through rulemaking.

20 342:6 Granite Workforce; Network of Education and Training.

21 I. If after the assessment conducted by the department of employment security additional
22 job training, education, or skills development is necessary prior to job placement, the department of
23 employment security shall address those needs by:

24 (a) Referring individuals to training and apprenticeship opportunities offered by the
25 community college system of New Hampshire;

26 (b) Referring individuals to the department of business and economic affairs to utilize
27 available training funds and support services;

28 (c) Referring individuals to education and employment programs for youth available
29 through the department of education; or

30 (d) Referring individuals to training available through other colleges and training
31 programs.

32 II. Any industry specific skills and training shall be provided for jobs in high need areas, as
33 determined by the department of employment security based upon workforce shortages.

34 342:7 Granite Workforce; Job Placement. Upon determining the participant is job ready, the
35 department of employment security shall place individuals into jobs with employers in high need
36 areas, as determined by the department of employment security based upon workforce shortages.
37 High need areas include but are not limited to jobs in the fields of healthcare, advanced

1 manufacturing, construction/building trades, information technology, and hospitality. Training and
2 job placement shall focus on:

3 I. Supporting health care/safety issues: training and jobs to combat the opioid crisis,
4 including nurses, nursing assistants, clinicians, social workers, and treatment providers at the
5 licensed alcohol and drug addictions counselor and licensed mental health counselor levels.
6 Additionally, jobs to address long term care needs, home healthcare services, and expanding
7 mental/behavioral health services.

8 II. Advanced manufacturing to meet employer needs: training and jobs that include
9 computer aided drafting and design, electronic and mechanical engineering, precision welding,
10 computer numerical controlled precision machining, robotics, and automation.

11 III. Construction/building trades to address critical infrastructure needs: training and jobs
12 for building roads, bridges, municipality infrastructure, and ensuring safe drinking water.

13 IV. Information technology: training and jobs to allow businesses to excel in an ever
14 increasing network dependent business environment.

15 V. Hospitality training and jobs to support New Hampshire's tourism industry: including
16 but not be limited to hotel workers, restaurant workers, campground workers, lift operators, state
17 park workers, and amusement park workers.

18 342:8 Reporting Requirement; Measurement of Outcomes.

19 I. The department of health and human services shall prepare a report on the outcomes of
20 the granite workforce program using appropriate standard common performance measures.
21 Program partners, as a condition of participation, shall be required to provide the department with
22 the relevant data. Metrics to be measured shall include, but are not limited to:

23 (a) Degree of participation.

24 (b) Progress with overcoming barriers.

25 (c) Entry into employment.

26 (d) Job retention.

27 (e) Earnings gain.

28 (f) Movement within established federal poverty level measurements, including the
29 Supplemental Nutrition Assistance Program (SNAP) and the New Hampshire granite advantage
30 health care program under RSA 126-AA.

31 (g) Attainment of education or training, including credentials.

32 II. The report shall be issued to the speaker of the house of representatives, the president of
33 the senate, the governor, the commission to evaluate the effectiveness and future of the New
34 Hampshire granite advantage health care program established under RSA 126-AA:4, and the state
35 library on or before December 1, 2019.

36 342:9 Termination of Granite Workforce Program.

37 I. The commissioner of the department of health and human services shall be responsible

1 for determining, every 3 months commencing no later than December 31, 2018, whether available
2 TANF reserve funds total at least \$5,000,000. If at any time the commissioner determines that
3 available TANF reserve funds have fallen below \$5,000,000, the commissioners of the departments
4 of health and human services and employment security shall, within 20 business days of such
5 determination, terminate the granite workforce program. The commissioners shall notify the
6 governor, the speaker of the house of representatives, the president of the senate, the chairperson of
7 the fiscal committee of the general court, and granite workforce participants of the program's
8 pending termination.

9 II. If at any time the New Hampshire granite advantage health care program, established
10 under RSA 126-AA, terminates, the commissioners of the departments of health and human
11 services and employment security shall terminate the granite workforce program. The date of the
12 granite workforce program's termination shall align with that of the New Hampshire granite
13 advantage health care program.

14 184 Department of Natural and Cultural Resources; Exemption from Transfer Restrictions.
15 Amend RSA 9:16-a, II-a(d) as follows:

16 (d) The following account units within the department of natural and cultural resources
17 shall be exempt from the transfer restrictions in subparagraphs (a), (b), and (c): 03-35-35-351510-
18 3701, 03-35-35-351510-3745, 03-35-35-351510-3720, 03-35-35-351510-7300, 03-35-35-351510-3414,
19 03-35-35-351510-3556, 03-35-35-351510-3558, 03-35-35-351510-3484, 03-35-35-351510-3486, 03-35-
20 35-351510-3488, 03-35-35-351510-3562, 03-35-35-351510-3415, 03-35-35-351510-3746, 03-35-35-
21 351510-3777, 03-35-35-351510-3717, [and] 03-35-35-351510-3703, **and 03-35-35-351510-4016.**

22 185 Motor Vehicles; Waiver in Lieu of Court Appearance. Amend RSA 262:44, I to read as
23 follows:

24 I. Such defendant shall receive, in addition to the summons, a uniform fine schedule
25 entitled "Notice of Fine, Division of Motor Vehicles" which shall contain the normal fines for
26 violations of the provisions of title XXI on vehicles for which a plea may be entered by mail. The
27 defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment
28 at the time the summons is issued; except if, for cause, the summoning authority wishes the
29 defendant to appear personally. Defendants summoned to appear personally shall do so on the
30 arraignment date specified in the summons, unless otherwise ordered by the court. Defendants
31 who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall
32 enter their plea on the summons and return it with payment of the fine plus penalty assessment to
33 the director of the division of motor vehicles within 30 days of the date of the summons. The
34 director of the division of motor vehicles may accept payment of the fine by credit card in lieu of
35 cash payment. Any transaction costs assessed by the issuer of the credit card shall be paid out of
36 the portion of the fine amount which is credited [~~as agency income~~] **to the highway fund** and not
37 out of the penalty assessment charged by the district court. The director of the division of motor

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1 vehicles shall remit the penalty assessments collected to the state treasurer to be credited and
2 continually appropriated to the state general fund and to the victims' assistance fund and the
3 judicial branch information technology fund in the percentages and manner prescribed in RSA 106-
4 L:10. Fines shall be paid over to the state treasurer, and shall be credited ~~[as agency income by the~~
5 ~~department of safety]~~ **to the highway fund** within 14 days of their receipt ~~[and shall not lapse to~~
6 ~~the general fund until the second year of each biennium].~~

7 186 Business Finance Authority Revenue Bonds; Additional State Guarantees. Amend RSA
8 162-I:9-b, I(a) to read as follows:

9 I.(a) The governor and council may award an unconditional state guarantee of the principal
10 of and interest on bonds issued under this chapter. The full faith and credit of the state shall be
11 pledged for any such guarantee, but the total amount of bonds guaranteed by the state under this
12 section ~~[shall not exceed in the aggregate at any time \$10,000,000, plus interest, provided that such~~
13 ~~amount shall be increased to \$20,000,000 plus interest on January 1, 1993, to \$30,000,000 plus~~
14 ~~interest on January 1, 1994, to \$40,000,000 plus interest on January 1, 1995, and to \$50,000,000~~
15 ~~plus interest on January 1, 1996. In addition, the amount of bonds guaranteed by the state under~~
16 ~~this section]~~ shall not cause the contingent credit limit under RSA 162-A:22 to be exceeded. The
17 governor, with the advice and consent of the council, is authorized to draw his warrant for such
18 sum as may be necessary out of any money in the treasury not otherwise appropriated, for the
19 purpose of honoring any guarantee awarded under this section. The state's guarantee shall be
20 evidenced on each guaranteed bond by an endorsement signed by the state treasurer in
21 substantially the following form:

22 The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the
23 principal and interest on the within bond and for the performance of such guarantee the full faith
24 and credit of the state are pledged.

25 _____
26 State Treasurer

27 187 Repeal. RSA 162-I:9-b, II, relative to the total amount of state guarantees issued by the
28 business finance authority, is repealed.

29 188 Business Finance Authority; Unified Contingent Credit Limit. Amend RSA 162-A:22 to
30 read as follows:

31 162-A:22 Unified Contingent Credit Limit. The total amount of state guarantees in force under
32 RSA 162-A:7-a, RSA 162-A:8, RSA 162-A:10, III, RSA 162-A:13, RSA 162-A:13-a, RSA 162-A:17,
33 ~~[RSA 162-I:9 a,]~~ and RSA 162-I:9-b shall not exceed in the aggregate at any time \$50,000,000 plus
34 interest, provided that such amount shall be increased to \$80,000,000 plus interest on January 1,
35 1993, to \$95,000,000 plus interest on January 1, 1994, and to \$115,000,000 plus interest on May 1,
36 2015. ~~[After May 1, 2015, an amount not to exceed \$30,000,000 plus interest may be used solely for~~
37 ~~bonds guaranteed pursuant to RSA 162-I:9 a, and an amount not to exceed the remaining~~

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1 ~~189~~ ~~\$85,000,000 plus interest may be used solely for bonds issued pursuant to sections other than RSA~~
2 ~~162-I:9-a.]~~

3 189 Repeal. The following are repealed:

4 I. RSA 12-G:33, relative to submission of a comprehensive development plan by the Pease
5 development authority.

6 II. RSA 12-G:35, relative to loans to Pease development authority to enable the authority to
7 obtain matching funds.

8 190 Office of Professional Licensure and Certification; Fees. Amend RSA 310-A:1-e, I(b) to read
9 as follows:

10 (b) There is hereby established the office of professional licensure and certification fund
11 into which the fees collected under subparagraph (a) shall be deposited. [~~The fund shall be a~~
12 ~~separate, nonlapsing fund, continually appropriated to the office for the purpose of paying all costs~~
13 ~~and salaries associated with the office]~~ **After paying all costs and salaries associated with the**
14 **office, moneys in this fund shall lapse to the general fund at the close of each fiscal year.**

15 191 New Paragraphs; Department of Justice; Director of the Office of Victim/Witness
16 Assistance. Amend RSA 21-M:3 by inserting after paragraph X the following new paragraphs:

17 XI. The attorney general, subject to the approval of the governor and council, may appoint
18 a director of the office of victim/witness assistance, within the limits of the appropriation made for
19 the appointment, who shall hold office for a term of 5 years. Any vacancy in such office may be
20 filled for the unexpired term. The director of the office of victim/witness assistance may be removed
21 only as provided by RSA 4:1.

22 XII. The attorney general, subject to the approval of the governor and council, may appoint
23 a director of communications within the limits of the appropriation made for the appointment, who
24 shall hold office for a term of 5 years. Any vacancy in such office may be filled for the unexpired
25 term. The director of communications may be removed only as provided by RSA 4:1.

26 192 Department of Justice; Office of Victim/Witness Assistance. Amend the introductory
27 paragraph in RSA 21-M:8-b, II to read as follows:

28 II. There is hereby established within the criminal justice bureau of the department of
29 justice, the office of victim/witness assistance. **The office shall be supervised by the director of**
30 **victim/witness assistance who shall be appointed by the attorney general in accordance**
31 **with the provisions of RSA 21-M:3, XI and who shall carry out the duties imposed by this**
32 **section under the supervision of the attorney general and perform such other work as the**
33 **attorney general may assign.** The office shall provide information and services to victims and
34 witnesses in criminal cases prosecuted by the attorney general and shall develop and coordinate a
35 statewide victim/witness rights information program. The victim/witness rights information
36 program shall:

37 193 New Paragraph; Department of Justice; Officer-Involved Deadly Force Investigator

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1 Position Established. Amend RSA 21-M:8 by inserting after paragraph III the following new
2 paragraph:

3 IV.(a) To assist the attorney general in his or her duty to exercise general supervision of
4 officer-involved use of deadly force investigations and to provide training to local law enforcement
5 officers, the department of justice may hire an unclassified full-time investigator assigned the
6 bureau, who shall work on officer-involved use of deadly force investigations.

7 (b) There is established within the department of justice an unclassified full-time
8 investigator position for the purpose of working on officer-involved use of deadly force investigations
9 as required in this paragraph. Notwithstanding RSA 14:14-c and RSA 94:1-d, the salary for the
10 full-time investigator position shall be established as a labor grade BB pursuant to RSA 94:1-a, I(a).

11 194 Department of Justice; Position Reclassified and Established.

12 I. The position of administrator II-public/legislative information officer, position number
13 18030, within the department of justice shall be designated as an unclassified position.

14 II. There is established within the department of justice the unclassified position of director
15 of communications. The salary of the director of communications shall be determined after
16 assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for
17 the positions which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion
18 of this action and appointment of the director of communications, position number 18030 shall be
19 abolished to allow for the transition of its available appropriations into the unclassified position of
20 director of communications. Funding shall be transferred into the proper unclassified expenditure
21 class for the attorney general accounting unit. The incumbent in the abolished classified position
22 shall be offered the opportunity to seek the attorney general's nomination for the unclassified
23 position of director of communications.

24 195 Department of Justice; Position Reclassified and Established.

25 I. The position of attorney III-assistant director of charitable trusts, position number 10321,
26 within the department of justice shall be designated as an unclassified position.

27 II. There is established within the department of justice the unclassified position of
28 assistant attorney general. The salary of the assistant attorney general is established in RSA 94:1-
29 a, I-c. Upon completion of this action and appointment of the assistant attorney general, position
30 number 10321 shall be abolished to allow for the transition of its available appropriations into the
31 unclassified position of assistant attorney general. Funding shall be transferred into the proper
32 unclassified expenditure class for the charitable trust accounting unit. The incumbent in the
33 abolished classified position shall be offered the opportunity to seek the attorney general's
34 nomination for the unclassified position of assistant attorney general.

35 196 Department of Administrative Services; Rehiring of Laid Off Classified State Employees.

36 I. For purposes of this section, "laid off" means any person in a classified position as
37 described in RSA 21-I:49 who receives written notice of the state's intent to lay him or her off or

1 who is laid off between July 1, 2019 and June 30, 2021, as a result of reorganization or downsizing
2 of state government.

3 II. It is the intent of the general court that any classified position which becomes available
4 in a department or establishment, as defined in RSA 9:1, shall be filled, if possible, by a state
5 employee laid off, as defined in paragraph I, if such person is not currently employed by the state of
6 New Hampshire, if he or she meets the minimum qualifications for the position, and if he or she
7 does not receive a promotion as a result of the rehire.

8 III. The head of each department or agency shall submit the name and classification of any
9 individual laid off between July 1, 2019 and June 30, 2021, to the director of the division of
10 personnel within 10 days of the layoff.

11 197 Appropriation; State Treasurer; Municipal Aid.

12 I. The sum of \$40,000,000 for the fiscal year ending June 30, 2019 is hereby appropriated to
13 the state treasurer for the purpose of providing municipal aid to each city, town, and
14 unincorporated place in the state. The treasurer shall distribute \$20,000,000 of the municipal aid to
15 each city, town, and unincorporated place in the state by October 1 of the fiscal year ending June
16 30, 2020 and \$20,000,000 of the municipal aid to each city, town, and unincorporated place in the
17 state by October 1 of the fiscal year ending June 30, 2021. The proportion of municipal aid
18 distributed to each municipality pursuant to this paragraph shall be calculated pursuant to
19 paragraph II. The governor is authorized to draw a warrant for said sums out of any money in the
20 treasury not otherwise appropriated. The appropriation in this section shall not lapse until June
21 30, 2021. Municipal aid received by October 1, 2019 may be considered unanticipated revenue
22 under RSA 31:95-b and may be accepted and expended pursuant to RSA 31:95-b, II through IV
23 whether or not a town has adopted the provisions of RSA 31:95-b.

24 II. For each fiscal year of the biennium beginning July 1, 2019, the state treasurer shall
25 reserve the amount in the treasury as determined in paragraph I. Such moneys shall not be used
26 for any purpose other than to distribute grants to municipalities. From such funds, the treasurer
27 shall disburse to each municipality in the state:

28 (a) Twenty percent of such funds for the determination year shall be distributed to
29 municipalities on the basis of the ratio that each municipality's average daily membership in
30 residence bears to the statewide total membership in residence, as determined by the department
31 and provided to the treasurer.

32 (b) Eighty percent of such funds for the determination year shall be distributed to
33 municipalities on the basis of the ratio that each municipality's number of pupils in the
34 municipality's average daily membership in residence eligible for a free or reduced-price meal bears
35 to the total statewide membership in residence eligible for a free or reduced-price meal, as
36 determined by the department and provided to the treasurer.

37 III. The grant determined in this section shall be distributed to each municipality in one

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1 payment of 100 percent on or before October 1 of the fiscal year.

2 IV. For purposes of this section:

3 (a) "Average daily membership in residence" or "ADMR" means the average daily
4 membership in attendance of pupils who are legal residents of the school district, pursuant to RSA
5 193:12 or RSA 193:27, IV, in kindergarten through grade 12 in the determination year and attend a
6 state-approved public or nonpublic school as assigned by the school district in which the pupil
7 resides, or by the state, or attend an approved chartered public school, and who are educated at the
8 school district's expense, which may include costs of attendance at public academies or out-of-
9 district placements.

10 (b) "Department" means the department of education.

11 (c) "Determination year" means the school year immediately preceding the school year
12 for which aid is determined.

13 (d) "Eligible for a free or reduced-price meal" means the ADMR of pupils in
14 kindergarten through grade 12 who are eligible for the federal free or reduced-price meal program.

15 (e) "Municipality" means a city, town, or unincorporated place.

16 198 New Section; Community Development Fund for New Hampshire Established. Amend
17 RSA 162-L by inserting after section 4 the following new section:

18 162-L:4-a Community Development Fund for New Hampshire. There is hereby established in
19 the state treasury the community development fund for New Hampshire, which shall be kept
20 distinct and separate from all other funds. All moneys in the fund shall be nonlapsing and
21 continually appropriated to the community development finance authority. In addition to any state
22 appropriations, the community development finance authority may accept gifts, grants, and
23 donations from other sources, including contributions and loans from businesses, for deposit into
24 the fund. The fund shall be used to provide flexible loan capital for community development
25 initiatives and for one-time capital infrastructure revitalization and strategic investments.

26 199 New Subparagraph; Dedicated Funds or Accounts; Community Development Fund.
27 Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new subparagraph:

28 (344) Moneys deposited in the community development fund for New Hampshire
29 established in RSA 162-L:4-a.

30 200 Appropriation; Community Development Finance Authority; Community Development
31 Fund for New Hampshire. There is hereby appropriated to the community development finance
32 authority the sum of \$1,000,000 for the biennium ending June, 30 2021, for deposit in the
33 community development fund for New Hampshire established in RSA 162-L:4-a. The governor is
34 authorized to draw a warrant for such sum from any money in the treasury not otherwise
35 appropriated.

36 201 State Aid Grant Program; Appropriation to Department of Environmental Services.

37 I. The sum of \$3,652,347 for the fiscal year ending June 30, 2020, is hereby appropriated to

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1 the department of environmental services for the purpose of funding state aid grant programs
2 under RSA 486 for wastewater SAG 03-44-44-442010-1003-073-500580. The governor is authorized
3 to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

4 II. The sum of \$3,781,024 for the fiscal year ending June 30, 2021, is hereby appropriated to
5 the department of environmental services for the purpose of funding state aid grant programs
6 under RSA 486 for wastewater SAG 03-44-44-442010-1003-073-500580. The governor is authorized
7 to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

8 202 Department of Justice; Victim/Witness Specialist Positions Reclassified and Established.
9 The positions of victim/witness specialist position numbers 18674, 19419, 9T2817, and 9T2811,
10 within the department of justice shall be designated as unclassified positions. There are hereby
11 established within the department of justice 4 unclassified victim/witness specialist positions. The
12 salary of the victim/witness specialist positions shall be determined after assessment and review of
13 the appropriate temporary letter grade allocation for the positions which shall be conducted
14 pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action and appointments to the
15 unclassified positions, position numbers 18674, 19419, 9T2817, and 9T2811 shall be abolished to
16 allow for the transition of the available appropriations to the unclassified positions. Funding shall
17 be transferred into the proper unclassified expenditure class in the victim witness general
18 accounting unit. The incumbents in the abolished classified positions shall be offered the
19 opportunity to seek the attorney general's nomination for the unclassified victim/witness specialist
20 positions.

21 203 New Paragraphs; Department of Justice; Criminal Justice Bureau; Victim/Witness
22 Specialist Positions Established. Amend RSA 21-M:8 by inserting after paragraph IV the following
23 new paragraphs:

24 V. The attorney general, subject to the approval of the governor and council, may appoint
25 permanent victim/witness specialists within the limits of the appropriation made for the
26 appointments, who shall hold office for a term of 5 years. Any vacancy in such position may be
27 filled for the unexpired term. The victim/witness specialists may be removed only as provided by
28 RSA 4:1.

29 VI. The attorney general, subject to the approval of the governor and council, may appoint
30 unclassified, full-time temporary victim/witness specialists within the federal appropriations made
31 for the appointment, who shall hold office subject to continuation of the federal grant funds
32 supporting the victims/witness program. Any vacancy shall be filled in the same manner as the
33 original appointment. The victim/witness specialists may be removed only as provided by RSA 4:1,
34 or if the federal appropriation no longer supports the positions.

35 VII. There is established within the department of justice an unclassified full-time elections
36 attorney. The salary of the elections attorney is established in RSA 94:1-a, I(c).

37 204 Department of Natural and Cultural Resources; Curatorial Responsibilities Suspended.

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1 Due to inadequate funding and staffing resources at the department of natural and cultural
2 resources, the commissioner of the department of natural and cultural resources may suspend the
3 requirements of RSA 227-C and RSA 12-A relative to curatorial responsibilities, for each year of the
4 biennium ending June 30, 2021.

5 205 Statewide Public Boat Access Fund; Appropriation to Department of Natural and Cultural
6 Resources. Amend RSA 233-A:13 to read as follows:

7 233-A:13 Statewide Public Boat Access Fund Established. There is hereby established a
8 nonlapsing statewide public boat access fund. The \$5 boat registration surcharge collected
9 pursuant to RSA 270-E:5, II(d) and any other public access funds donated to the state shall be
10 placed in this fund. ~~[All]~~ Funds received under this section are continually appropriated to the fish
11 and game department for the purposes of the statewide public boat access program established
12 under this chapter, *except for sufficient funds which are hereby appropriated to the*
13 *department of natural and cultural resources for payment of principal and interest on*
14 *bonds and notes for the Mount Sunapee state park beach boat ramp project.*

15 206 Department of State; Archives and Records Management; Appointment of Director. Amend
16 RSA 5:28 to read as follows:

17 5:28 Appointment of Director. The secretary of state, with the approval of governor and
18 council, shall appoint the director of the division of archives and records management, who shall be
19 known as the state archivist and who shall be an unclassified state employee. The director shall
20 have a minimum of a master's degree in library science ~~[or]~~, history, *or equivalent* or 10 years
21 prior experience as an archivist or experience in a related field. The term of office for the state
22 archivist shall be for 4 years. Any vacancy shall be filled for the unexpired term. The salary of the
23 state archivist shall be as specified in RSA 94:1-a.

24 207 Department and Secretary of State; Election Fund. Amend RSA 5:6-d, I-III to read as
25 follows:

26 I. There is established in the office of the state treasurer a nonlapsing fund to be known as
27 the election fund which shall be kept distinct and separate from all other funds. The election fund
28 is established to meet the requirements of section 254(b) of the Help America Vote Act, Public Law
29 107-252 *and the 2018 Election Reform Program authorized by the Consolidated*
30 *Appropriations Act of 2018, Public Law 115-141, hereafter referred to as the "2018 Election*
31 *Reform Program"*.

32 II. The treasurer shall deposit in the election fund all monies received by the state pursuant
33 to the Help America Vote Act of 2002, Public Law 107-252 *and the 2018 Election Reform*
34 *Program*. The treasurer shall also deposit in the election fund such other funds received under
35 state or federal law, or donated to the state by private parties, for the purposes of conducting
36 elections, voter and election official education, election law enforcement, and related information
37 technology projects and improvements, and shall credit any interest or income earned on monies on

1 deposit to the fund.

2 III. The secretary of state is authorized to accept, budget, and, subject to the limitations of
3 this paragraph, expend monies in the election fund received from any party for the purposes of
4 conducting elections, voter and election official education, the purchase or lease of equipment that
5 complies with the Help America Vote Act of 2002, Public Law 107-252, or with RSA 659:13, V,
6 reimbursing the department of safety for the actual cost of voter identification cards, election law
7 enforcement, *enhancing election technology, making election security improvements*, and
8 improvements to related information technology, including acquisition and operation of an
9 automated election management system. *With the exception of federal and state portions of*
10 *funds associated with the 2018 Election Reform Program*, the secretary of state shall not
11 expend any monies in the election fund unless the balance in the fund following such expenditures
12 shall be at least 12 times the estimated annual cost of maintaining the programs established to
13 comply with the Help America Vote Act of 2002, Public Law 107-252.

14 208 Short Title. Sections 209-215 of this act shall be known as the Granite State Jobs Act of
15 2019.

16 209 Findings. The general court finds it is in the public interest to enhance public-private
17 partnerships to recruit, train, and re-employ workers in order to meet New Hampshire's skills gap
18 and worker shortage, efficiently and timely assisting Granite state businesses and Granite stater
19 looking for work, including those in recovery.

20 210 Unemployment Compensation; Contribution Rates. Amend RSA 282-A:87, IV(a) to read as
21 follows:

22 IV.(a)(1) Each employer subject to payment of contributions pursuant to RSA 282-A:69, I
23 shall have its rate reduced by ~~[2/10]~~ *2/5* of one percent beginning in the ~~[second]~~ *fourth* quarter of
24 ~~[2007]~~ *2019*. An administrative contribution equal to the amount of this reduction shall be paid by
25 all such employers.

26 (2) Commencing ~~[July 1, 2007]~~ *January 1, 2020*, after deduction of all costs
27 incurred in the collection of the administrative contribution, 1/3 of the quarterly administrative
28 contribution collected, not to exceed ~~[\$2,000,000]~~ *\$6,000,000* annually, shall be deposited each
29 quarter in the fund established by ~~[RSA 282-A:138-a]~~ *RSA 282-A:182* and shall be expended only as
30 provided by and for the purposes provided in that section *and shall lapse to the unemployment*
31 *trust fund account established in RSA 282-A:104, I(b) if unspent or unencumbered at the*
32 *end of the relevant program year*. The remaining quarterly administrative contribution
33 collected shall be *divided so that the proportional share of the quarterly administrative*
34 *contribution resulting from the increase over 2/10 of one percent shall be deposited in the*
35 *unemployment compensation fund established in RSA 282-A:103 and the remaining*
36 *amount* deposited in the fund established by RSA 282-A:140 and shall be expended only as
37 provided by and for the purposes provided in that section, and not for any other purpose.

1 higher than average unemployment in New Hampshire, including persons in need of training to
2 change careers, persons with substance use disorders who are in recovery programs, persons with
3 disabilities, inmates transitioning to the general population, persons who are homeless, senior
4 citizens, legal immigrants and speakers of languages other than English, including documented
5 outreach to and priority given to persons with substance use disorders who are in recovery
6 programs.

7 282-A:182 Training Fund.

8 I. There is hereby created in the state treasury a special fund to be known as the training
9 fund. Commencing January 1, 2020, the moneys in this fund shall be used solely as determined by
10 the commissioner of the department of employment security in accordance with rules and guidelines
11 adopted by the department for funding training under the job training program established in this
12 subdivision. The commissioner of the department of employment security shall make rules relative
13 to administration of the grant award process under this subdivision.

14 II. The commissioner shall act as the fiscal agent for moneys deposited in the training fund.
15 All costs incurred by the commissioner acting as fiscal agent of the training fund shall be paid from
16 such fund.

17 III. Any interest earned on the moneys in this fund shall remain in the fund and shall be
18 expended as provided in paragraph I.

19 IV. Any moneys paid into the training fund during a calendar year, which are either not
20 obligated by June 30 of the following year or spent by June 30 of the year thereafter, shall be
21 continually appropriated and shall not lapse.

22 282-A:183 Expenditure for Job Training Program. The department of employment security
23 shall use no more than 10 percent, or \$600,000, of any moneys received from the training fund
24 established in RSA 282-A:182, whichever is less, to administer the job training program in this
25 subdivision, including support for the sector partnership initiative.

26 282-A:184 Report. The commissioner shall annually submit a report to the governor's state
27 workforce innovation board, the speaker of the house of representatives, the president of senate, the
28 chairperson of the senate committee with jurisdiction over commerce issues, and the chairperson of
29 the house committee with jurisdiction over labor issues concerning the effectiveness of the job
30 training program established in this subdivision.

31 212 Commission to Review and Evaluate Workforce and Job Training Programs in New
32 Hampshire. Amend RSA 273:28, IV(g)(12) to read as follows:

33 (12) Department of [~~business and economic affairs~~] **employment security**, job
34 training program [~~for economic growth~~] pursuant to RSA [~~12-O:30-37~~] **282-A:181-184**.

35 213 Application of Receipts. Amend RSA 6:12, I(b)(74) to read as follows:

36 (74) Moneys deposited in the training fund established by RSA [~~282-A:138-a~~] **282-**
37 **A:182**.

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1 214 New Hampshire Workforce Opportunity Fund. Amend RSA 12-O:45, V to read as follows:

2 V. In accordance with RSA [~~12-O:30~~] **282-A:181** through RSA [~~12-O:37~~] **282-A:184**, the
3 commissioner of the department of employment security shall have the authority to make grants to
4 New Hampshire employers for the purpose of training employees in accordance with this chapter,
5 such grants not to exceed the amounts specified in RSA 282-A:87, IV(a)(2), and not to exceed to any
6 single employer in any grant year the sum of \$70,000, unless first approved by governor and
7 council. The commissioner shall provide the governor and council an information item not less
8 frequently than semi-annually describing all such grants expended pursuant thereto. Such grants
9 shall be made pursuant to a form of agreement that shall be approved by governor and council after
10 review by the attorney general and the commissioner of the department of administrative services.

11 215 Repeal. The following are repealed:

12 I. RSA 12-O:30 through RSA 12-O:37, relative to the job training program for economic
13 growth.

14 II. RSA 282-A:138-a, relative to the training fund.

15 216 Contingent Nullification. If sections 209-215 of this act, relative to the granite state jobs
16 act of 2019 become law, then SB 2-FN of the 2019 regular legislative session is nullified and shall
17 not take effect.

18 217 Applicability. If SB 2-FN of the 2019 regular legislative session becomes law, section 216 of
19 this act shall take effect one minute after the effective date of SB 2-FN.

20 218 Appropriation; Affordable Housing Fund. The sum of \$5,000,000 for the fiscal year ending
21 June 30, 2020, is hereby appropriated to the housing finance authority for deposit in the affordable
22 housing fund established in RSA 204-C:57, for the purpose of providing financing or state matching
23 funds for affordable housing. The appropriation shall be in addition to any other funds
24 appropriated to the housing finance authority. The governor is authorized to draw a warrant for
25 said sum out of any money in the treasury not otherwise appropriated.

26 219 New Section; Special Account. Amend RSA 432 by inserting after section 30 the following
27 new section:

28 432:30-a Special Account. There is established a separate account to which shall be credited all
29 funds appropriated or acquired to provide financial and technical assistance associated with this
30 subdivision. This shall be a nonlapsing account, and funds in said account are hereby appropriated
31 for the purpose of this subdivision.

32 220 Appropriation. Department of Agriculture, Markets and Food. There is hereby
33 appropriated to the department of agriculture, markets and food the sum of \$250,000 for the fiscal
34 year ending June 30, 2020 and \$500,000 for the fiscal year ending June 30, 2021 for deposit in the
35 special account established in RSA 432:30-a. The governor is authorized to draw a warrant for said
36 sum out of any money in the treasury not otherwise appropriated.

37 221 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after

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1 subparagraph (343) the following new subparagraph:

2 (344) Moneys deposited in the special account for agriculture development rights
3 under RSA 432:30-a.

4 222 State Demographer. For the biennium ending June 30, 2021, the provisions of RSA 4-C:36
5 and RSA 14:46, VII are hereby suspended. For said biennium, the director of the office of strategic
6 initiatives may provide assistance to the commission on demographic trends established pursuant to
7 RSA 4-C:37, the department of health and human services pursuant to RSA 9:9-e, or the legislative
8 budget assistant pursuant to RSA 9:9-f, in place of the state demographer.

9 223 Board of Tax and Land Appeals; Staff. Amend RSA 71-B:14 to read as follows:

10 71-B:14 Staff. The board shall have upon its staff [2] **at least one** review [appraisers]
11 **appraiser** who shall be **a** classified state [employees] **employee** and who shall be competent to
12 review the value of property for tax and eminent domain purposes. In addition, the board shall
13 have such clerical and technical staff as may be necessary within the limits of appropriation made
14 therefor.

15 224 Coos County Job Creation Tax Credit Extended. Amend RSA 77-E:3-c, II to read as
16 follows:

17 II. ~~[The initial job creation tax credit allowed under this paragraph shall not apply to any~~
18 ~~tax period ending prior to the effective date of this section, or to any tax period ending after~~
19 ~~December 31, 2019.]~~ After being initially granted, the tax credit shall be renewable for 4
20 consecutive additional years, provided that no additional tax credit shall be granted under this
21 chapter for any tax period after December 31, [2022] **2027**.

22 225 Business Profits Tax; Imposition of Tax; 2019. RSA 77-A:2 is repealed and reenacted to
23 read as follows:

24 77-A:2 Imposition of Tax. A tax is imposed at the rate of 7.9 percent upon the taxable business
25 profits of every business organization.

26 226 Business Enterprise Tax; Imposition of Tax; 2019. RSA 77-E:2 is repealed and reenacted to
27 read as follows:

28 77-E:2 Imposition of Tax. A tax is imposed at the rate of .675 percent upon the taxable
29 enterprise value tax base of every business enterprise.

30 227 Repeal of Prospective Amendments. The following are repealed:

31 I. 2017, 156:215, relative to the rate of the business profits tax in 2021.

32 II. 2017, 156:216, relative to the rate of the business enterprise tax in 2021.

33 III. 2017, 156:217, II, relative to the applicability of the 2021 rates changes.

34 228 Applicability. Sections 225 and 226 of this act shall apply to taxable periods ending on or
35 after December 31, 2019.

36 229 Education Trust Fund. Notwithstanding RSA 198:39, I, for the biennium ending June 30,
37 2021, the education trust fund may be used for the purpose of distributing school building aid to

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1 school districts and approved chartered public schools pursuant to RSA 198:15-b, distributing
2 tuition and transportation funds to school districts for students attending career and technical
3 education programs pursuant to RSA 188-E:9, and distributing special education aid to school
4 districts pursuant to RSA 186-C:18.

5 230 New Section; The Budget; Transmission to the Legislature; Changes to Statutory Law.
6 Amend RSA 9 by inserting after section 2 the following new section:

7 9:2-a Transmission to the Legislature; Changes to Statutory Law. Not later than February 15
8 of the first year of each biennial legislative session, the governor shall transmit to the legislature a
9 document to be known as the trailer bill containing any changes to statutory law deemed necessary
10 for the ensuing biennium. This document shall be separate from the document known as the
11 budget as provided in RSA 9:2 and shall not be considered a budget bill as provided in part II,
12 article 18-a of the New Hampshire constitution. This document shall be available in printed format
13 and at least one electronic computer file format in common use at the time.

14 231 Department of Safety; Deputy Director of Administration; Position Established. There is
15 established within the department of safety the unclassified position of deputy director of
16 administration. The deputy director of administration shall be qualified to hold that position by
17 reason of education and experience, and shall be appointed by and serve at the pleasure of the
18 commissioner of safety. The deputy director of administration shall assist the director of
19 administration in carrying out the duties of the department of safety. The salary of the deputy
20 director of administration shall be determined after assessment and review of the appropriate
21 temporary letter grade allocation in RSA 94:1-a, I for the position which shall be conducted
22 pursuant to RSA 94:1-d and RSA 14:14-c. Funding shall be appropriated from expenditure class
23 012, within accounting unit 02-23-23-232015-2310.

24 232 New Section; Department of Safety; Deputy Director of Administration. Amend RSA 21-P
25 by inserting after section 6 the following new section:

26 21-P:6-a Deputy Director of Administration.

27 I. The commissioner of safety shall nominate a deputy director of administration for
28 appointment by the governor, with the consent of the council. The deputy director of
29 administration shall serve a term of 4 years, and may be reappointed. The deputy director of
30 administration shall be qualified to hold that position by reason of education and experience.

31 II. The deputy director of administration shall perform such duties as are assigned by the
32 director of administration. The deputy director of administration shall assume the duties of the
33 director of administration in the event that the director of administration is unable for any reason
34 to perform such duties.

35 III. The salary of the deputy director of administration shall be as specified in RSA 94:1-a.

36 233 Assistant Director of Division of Fire Standards and Training and Emergency Medical
37 Services; Membership in New Hampshire Retirement System. Notwithstanding any provision of

1 RSA 100-A to the contrary, the current assistant director of the division of fire standards and
2 training and emergency medical services, department of safety, shall be considered to have been
3 properly enrolled as a member in group II of the New Hampshire retirement system as of his
4 original date of hire with the division of fire standards and training and emergency medical services
5 and he shall retain such membership for the duration of service in his present capacity.

6 234 Motor Vehicles; Copies of Certificates and Motor Vehicle Records. Amend RSA 260:15, II to
7 read as follows:

8 II. The department may issue a copy of any motor vehicle record upon the request of an
9 insurance company or any other authorized agent, and notwithstanding RSA 91-A shall require
10 payment by the insurance company or authorized agent of a fee of [~~\$12~~] **\$13** for email or other
11 computer-generated requests where payment is debited against an account established with the
12 department, or \$15 for all other requests, which shall be deposited in the fire standards and
13 training and emergency medical services fund established in RSA 21-P:12-d.

14 235 Motor Vehicles; Drivers' Licenses; Real ID Compliant; Fee. Amend RSA 263:42, I to read
15 as follows:

16 I. For each original driver's license and examination or driver's license renewal, other than
17 for a commercial vehicle or motorcycle- ***\$60 for a Real ID Act compliant license under RSA***
18 ***263:14-b or \$50 for each other license***; for each license issued under RSA 263:5-f- \$10; for each
19 youth operator's license and examination- \$10 per year, not to exceed \$50; for each license issued to
20 a nonresident alien for less than 5 years- \$10 per year or portion thereof; for each original
21 commercial driver license and examination or commercial driver license renewal- \$60; for each
22 commercial driver license reexamination in a one-year period- \$20; for each commercial vehicle
23 endorsement, renewal of an endorsement, or removal of a restriction- \$10; for each special
24 motorcycle original license and examination or special motorcycle license renewal- \$50; for each
25 original motorcycle endorsement- \$25; for each 3-wheeled motorcycle endorsement- \$25; for each
26 motorcycle endorsement and 3-wheeled motorcycle endorsement renewal- no charge. For each
27 original driver's license issued, \$5 shall be credited to the driver training fund established by RSA
28 263:52. Except as provided in RSA 263:5-f, I, RSA 263:14, and RSA 263:39-a, III, every license shall
29 expire on the licensee's birthdate in the fifth year following the issuance of such license. No fee
30 collected under this paragraph shall be refunded once an examination has been taken or a license
31 issued, except as provided in RSA 263:43.

32 236 Department of Transportation; Capital Corridor Rail Expansion. The department of
33 transportation is hereby authorized to access the Boston Urbanized Area Formula Funding program
34 of the Federal Transit Administration, 49 U.S.C. section 5307, identified in the 2019-2028 Ten Year
35 Transportation Improvement Plan, to complete the project development phase of the project named
36 Nashua-Manchester-Concord, project number 40818. The department may use toll credits pursuant
37 to RSA 228:12-a for this project.

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1 237 Department of Transportation; Use of Toll Credits. Amend RSA 228:12-a to read as
2 follows:

3 228:12-a Use of Toll Credits. The department may use toll credits as a match for federal
4 highway funds solely for the funding of highway and road projects, ~~[or]~~ projects concerning the
5 travel of motor vehicles on such highways and roads, *and the completion of the project*
6 *development phase of the project named Nashua-Manchester-Concord, project number*
7 *40818, in the 2019-2028 Ten Year Transportation Improvement Plan.* Any other use of toll
8 credits shall require approval of the joint legislative capital budget overview committee, established
9 in RSA 17-J:1, prior to moving the project forward for approval in the state 10-year transportation
10 improvement program.

11 238 Department of Transportation; Appropriation. There is hereby appropriated to the
12 department of transportation the sum of \$1,870,000 for the fiscal year ending June 30, 2019, for the
13 purpose of demolition and environmental mitigation of structures on state-owned property. Such
14 funds shall not lapse. The governor is authorized to draw a warrant for said sum out of any money
15 in the treasury not otherwise appropriated.

16 239 Rulemaking Exception; Medicaid Rate of Reimbursement Methodology for Nursing
17 Facilities. Amend RSA 541-A:21 by inserting after paragraph III the following new paragraph:

18 III-a. Rules adopted relative to the budget adjustment factor contained within the Medicaid
19 rate of reimbursement methodology for nursing facilities shall be exempt from the provisions of 541-
20 A:5 through 541-A:14 provided that the budget adjustment factor applied to the reimbursement
21 methodology is equal to or less than 28.76 percent. If the budget adjustment factor to be applied to
22 the reimbursement methodology is greater than 28.76 percent, the provisions of 541-A shall apply.

23 240 Alcohol Abuse Prevention and Treatment Fund; Disbursements. Amend RSA 176-A:1, III
24 to read as follows:

25 III. Moneys received from all other sources other than the liquor commission pursuant to
26 RSA 176:16, III, *including any community benefit contribution made by New Hampshire's*
27 *hospitals*, shall be disbursed from the fund upon the authorization of the governor's commission on
28 alcohol and drug abuse prevention, treatment, and recovery established pursuant to RSA 12-J:1
29 *and shall not be diverted for any other purposes.* Funds disbursed shall be used for alcohol
30 and other drug abuse prevention, treatment, and recovery services, and other purposes related to
31 the duties of the commission under RSA 12-J:3; provided, however, that funds received from any
32 source other than the liquor commission, pursuant to RSA 176:16, III, shall not be used to support
33 the New Hampshire granite advantage health care program and shall not be deposited into the fund
34 established in RSA 126-AA:3.

35 241 Appropriation; Department of Health and Human Services; Inpatient Psychiatric
36 Treatment Facility for Children.

37 I. There is hereby appropriated the sum of \$5,000,000 for the fiscal year ending June 30,

1 2020, which shall be nonlapsing, to the department of health and human services for the purpose of
2 operating a psychiatric treatment facility for children who are in need of acute inpatient psychiatric
3 treatment. The governor is authorized to draw a warrant for said sum out of any money in the
4 treasury not otherwise appropriated.

5 II.(a) Before entering into any contractual obligation regarding the facility, the
6 commissioner of the department of health and human services shall prepare a report which
7 describes how the operational plan shall certify and provide for:

8 (1) Continued Joint Commission accreditation;

9 (2) Age- and developmentally- appropriate education, recreation, and rehabilitation
10 services; and

11 (3) Backup staffing and security services so that the capacity for response to staffing
12 shortages and emergencies, including psychiatric emergencies of children, is no less effective and no
13 less protective than now exists at New Hampshire hospital.

14 (b) The report shall be provided to the governor, the speaker of the house of
15 representatives, the president of the senate, and the fiscal committee of the general court no later
16 than 30 days before the issuance of a request for proposals or the entrance into any contractual
17 obligation for the development of the facility.

18 (c) In addition, the commissioner shall ensure that the facility is operated consistently
19 with the principles and requirements of RSA 135-F, regarding the system of care for children's
20 mental health.

21 242 Appropriation; Department of Health and Human Services; New Hampshire Hospital
22 Repurposing. There is hereby appropriated to the department of health and human services the
23 sum of \$4,000,000 for the fiscal year ending June 30, 2019, which shall be nonlapsing, for the
24 purpose of repurposing the children's unit at New Hampshire Hospital for up to 48 adult beds. Of
25 this amount, \$3,000,000 shall be a charge against the state general fund, and \$1,000,000 shall be a
26 charge against trust funds established for the benefit of New Hampshire Hospital. The unit shall be
27 operational for adult patients by June 1, 2021. The governor is authorized to draw a warrant for
28 the general fund share of said sum out of any money in the treasury not otherwise appropriated.
29 The appropriation made in this section shall be contingent upon the department submitting and
30 presenting a plan to the fiscal committee of the general court.

31 243 Appropriation; Department of Health and Human Services; Transitional Housing Beds.
32 There is hereby appropriated to the department of health and human services the sum of
33 \$5,000,000 for the fiscal year ending June 30, 2019, which shall be nonlapsing, for the purpose of
34 funding 40 new transitional housing beds for forensic patients and/or patients with complex
35 behavioral health conditions including those transitioning from the New Hampshire hospital. The
36 plans for constructing such beds shall be completed by January 1, 2020, and the beds shall be
37 operational by June 1, 2021. The appropriation made in this section shall be contingent upon the

1 department submitting and presenting a plan to the fiscal committee of the general court. The
2 governor is authorized to draw a warrant for said sum out of any money in the treasury not
3 otherwise appropriated.

4 244 Appropriation; Department of Health and Human Services; Patients Residing in Hospital
5 Emergency Rooms.

6 I. There is hereby appropriated to the department of health and human services the sum of
7 \$750,000 for the fiscal year ending June 30, 2019, which shall be nonlapsing, and shall be expended
8 for the purpose of providing due process for involuntary emergency admissions patients currently
9 residing in emergency rooms in hospitals; provided that no hospital shall receive more than
10 \$100,000. The appropriation made in this section shall only cover the portion of costs not
11 reimbursable by insurance carriers. The commissioner of the department of health and human
12 services shall establish the application process for such funds. The governor is authorized to draw a
13 warrant for said sum out of any money in the treasury not otherwise appropriated.

14 II. If the expenditure is greater than the appropriation contained in this section, the
15 commissioner of the department of health and human services may request and receive additional
16 funding, with the prior approval of the fiscal committee of the general court and governor and
17 council. The governor is hereby authorized to draw a warrant for said sum out of any money in the
18 treasury not otherwise appropriated.

19 245 Transfer of Funds for Operation of the Sununu Youth Services Center. Notwithstanding
20 RSA 9:16-a and RSA 9:16-c, for the biennium ending June 30, 2021, prior approval of the fiscal
21 committee of the general court shall be required for any transfer of funds required for the operation
22 of the Sununu youth services center.

23 246 Medicaid Managed Care Program; Dental Benefits. RSA 126-A:5, XIX(a) is repealed and
24 reenacted to read as follows:

25 XIX.(a) The commissioner shall employ a managed care model for administering the
26 Medicaid program and its enrollees to provide for managed care services for all Medicaid
27 populations throughout New Hampshire consistent with the provisions of 42 U.S.C. section 1396u-2.
28 Models for managed care may include, but not be limited to, a traditional capitated managed care
29 organization contract, an administrative services organization, an accountable care organization, or
30 a primary care case management model, or a combination thereof, offering the best value, quality
31 assurance, and efficiency, maximizing the potential for savings, and presenting the most innovative
32 approach compared to other externally administered models. Services to be managed within the
33 model shall include all mandatory Medicaid covered services and may include, but shall not be
34 limited to, care coordination, utilization management, disease management, pharmacy benefit
35 management, provider network management, quality management, and customer services. The
36 commissioner shall enter into contracts with the vendors that demonstrate the greatest ability to
37 satisfy the state's need for value, quality, efficiency, innovation, and savings. The commissioner

1 shall establish rates based on the appropriate model for the contract that is full risk to the vendors.
2 The rates shall be established in rate cells or other appropriate units for each population or service
3 provided including, but not limited to, persons eligible for temporary assistance to needy families
4 (TANF), aid for the permanently and totally disabled (APTD), breast and cervical cancer program
5 (BCCP), home care for children with severe disabilities (HC-CSD), and those residing in nursing
6 facilities. The rates and/or payment models for the program shall be presented to the fiscal
7 committee of the general court on an annual basis. The managed care model or models' selected
8 vendors providing the Medicaid services shall emphasize patient-centered, value-based care and
9 include enhanced care management of high-risk populations as identified by the department. In
10 contracting for the managed care program, the department shall ensure no reduction in the quality
11 of care of services provided to enrollees in the managed care model and shall exercise all due
12 diligence to maintain or increase the current level of quality of care provided. The commissioner
13 may, in consultation with the fiscal committee, adopt rules, if necessary, to implement the
14 provisions of this paragraph. The department shall seek, with the approval of the fiscal committee,
15 all necessary and appropriate waivers to implement the provisions of this paragraph.

16 247 Department of Health and Human Services; Adult Dental Benefit; Development of Plan.
17 The department of health and human services shall develop a plan for the incorporation of an adult
18 dental benefit into a value-based care platform, as follows:

19 I. In this section, "value-based care" means an oral health care delivery model in which
20 providers are paid based upon making positive health outcomes while reducing costs.

21 II. No later than 30 days after the effective date of this section, the department shall
22 convene a working group consisting, at a minimum, of representatives of the following stakeholders:
23 each managed care plan under contract with the state, the New Hampshire Oral Health Coalition, a
24 public health dentist and a solo private practice dentist recommended by the New Hampshire
25 Dental Society, the New Hampshire Dental Hygienist Association, and the Bi-State Primary Care
26 Association, a representative of a New Hampshire dental insurance carrier designated by the
27 governor, 2 members of the house of representatives, one of whom shall be from the majority party
28 and one of whom shall be from the minority party, appointed by the speaker of the house of
29 representatives, 2 members of the senate, one of whom shall be from the majority party and one of
30 whom shall be from the minority party, appointed by the president of the senate, a member of the
31 commission to evaluate the effectiveness and future of the New Hampshire granite advantage
32 health care program designated by the commission, and 2 members of the New Hampshire medical
33 care advisory committee, one of whom shall be a consumer advocate, designated by the committee.

34 III. The working group shall be convened by the commissioner of health and human
35 services and shall be subject to RSA 91-A. The department, in consultation with the working group,
36 shall prepare a plan for the incorporation of an adult dental benefit into a value-based care
37 platform. The adult dental benefit shall become effective on April 1, 2021. Each plan shall include,

1 at a minimum, a detailed description of the following: eligibility and enrollment covered benefits
2 and scope of services, cost benefit analysis including projected expenditures and anticipated cost
3 savings, transition planning, prior authorization, transportation, pharmacy, case management,
4 network adequacy, credentialing, quality metrics and outcome measurements, patient safety,
5 utilization management, finance and reimbursement, rates and payment, grievance and appeals,
6 and office of ombudsman. Each plan shall also address how the incorporation of the services into a
7 value-based care platform shall achieve the legislative intent of providing value, quality, efficiency,
8 innovation, and savings.

9 IV. Under no circumstances shall a fee for service model be included in the plan. The plan
10 shall promote the development of an adult value-based dental benefit and/or an alternative payment
11 model.

12 248 Reports.

13 I. The department of health and human services shall present an update on the status of
14 the plan preparation each month to the fiscal committee of the general court and the oversight
15 committee on health and human services, established in RSA 126-A:13, until the plan has been
16 implemented. The department's updates shall also include managed care organization and
17 department readiness for implementation.

18 II. No later than October 1, 2019, the commissioner shall submit to the speaker of the house
19 of representatives, the president of the senate, and the governor, all proposed changes to state law
20 the commissioner believes may be necessary for the incorporation of an adult dental benefit into a
21 value-based care platform.

22 249 Repeal. RSA 126-A:5, XIX(b), relative to relative to enrollment in the managed care
23 program, is repealed.

24 250 New Subdivision; Child Abuse Specialized Medical Evaluation Program. Amend RSA 169-
25 C by inserting after section 39-k the following new subdivision:

26 Child Abuse Specialized Medical Evaluation Program

27 169-C:39-1 Child Abuse Specialized Medical Evaluation Program Established. A child abuse
28 specialized medical evaluation program is hereby established in the department. The program shall
29 include the following elements:

30 I. Child protective service workers shall have on-call access, 24 hours a day and 7 days a
31 week, to an experienced health care professional who is trained in and can advise on the
32 standardized diagnostic methods, treatment, and disposition of suspected child sexual abuse and
33 physical abuse.

34 II. Department nurses and child protective service workers performing screenings and
35 assessments of reported cases of child abuse shall receive pre-service training in the standardized
36 medical diagnostic methods, treatment, and disposition as well as periodic in-service training by
37 health care providers experienced in child abuse and neglect.

1 III. Annually, a limited number of designated health care providers geographically
2 distributed shall be trained in nationally recognized curricula to respond to initial presentations of
3 child sexual abuse, physical abuse, and neglect.

4 IV. Health care professionals who participate in the training or are members of a
5 multidisciplinary team, working with the department of health and human services or law
6 enforcement, shall participate in periodic peer or expert reviews of their evaluations and undertake
7 continuing education in the medical evaluation of child abuse and neglect according to professional
8 standards.

9 V. The department shall contract with a health care provider with experience in child
10 abuse and neglect to administer the program in collaboration with participating private and public
11 entities.

12 VI. Reimbursement rates for health care providers who participate in the program shall
13 reflect the average cost to deliver such services, including the participation in multidisciplinary
14 team activities and associated court proceedings. The rates shall be periodically reviewed and, if
15 necessary, revised.

16 VII. The commissioner of the department shall adopt rules, under RSA 541-A, relative to
17 the medical evaluation program, training and continuing education requirements, and
18 reimbursement rates.

19 251 Federal Family Planning Funding. If the proposed federal rule on Compliance with
20 Statutory Program Integrity Requirements, 83 Fed. Reg. 25,502 (to be codified at 42 C.F.R. pt 59)
21 does not go into effect and federal family planning funds are made available to the providers funded
22 out of account 05-95-90-902010-5530, the unused portion of general funds appropriated to that
23 account for the purpose of replacing lost federal funds shall lapse to the general fund.

24 252 New Section; Commission to Study School Funding. Amend RSA 193-E by inserting after
25 section 2-d the following new section:

26 193-E:2-e Commission Established.

27 I. There is established a commission to study school funding.

28 II. The members of the commission shall be as follows:

29 (a) Four members of the house of representatives, appointed by the speaker of the house
30 of representatives.

31 (b) Two members of the senate, appointed by the president of the senate.

32 (c) Six members of the public, 3 of whom shall be appointed by the president of the
33 senate and 3 of whom shall be appointed by the speaker of the house of representatives.

34 (d) One member appointed by the governor.

35 (e) Three members appointed by the chairperson of the commission pursuant to
36 paragraph V.

37 III. Legislative members of the commission shall receive mileage at the legislative rate

1 when attending to the duties of the commission.

2 IV. The commission shall:

3 (a) Review the education funding formula and make recommendations to ensure a
4 uniform and equitable design for financing the cost of an adequate education for all public school
5 students in pre-kindergarten through grade 12 in the state.

6 (b) Determine whether the New Hampshire school funding formula complies with court
7 decisions mandating the opportunity for an adequate education for all students in pre-kindergarten
8 through grade 12, with a revenue source that is uniform across the state.

9 (c) Identify trends and disparities across the state in student performance in pre-
10 kindergarten through grade 12 based on current school funding options.

11 (d) Re-establish the baseline for the costs, programs, staffing, and facilities needed to
12 provide the opportunity for an adequate education.

13 (e) Act as an independent commission.

14 (f) Study and produce recommendations regarding all costs and existing funding for
15 special education, including listing any currently unfunded special education mandates issued to
16 date by the state department of education.

17 (g) Study integrating into the education funding adequacy formula a factor that
18 accounts for the number of Class A, B, and C properties in a community, and the distribution of
19 education funding costs across those numbers and classes of properties.

20 (h) Consider other policy issues as the committee deems necessary. The commission
21 may consult with outside resources and state agencies, including but not limited to the department
22 of education, the department of revenue administration, and the legislative budget office.

23 V. The members of the study commission shall elect a chairperson from among the
24 members. The chairperson shall appoint 3 individuals to be members of the commission. The first
25 meeting of the commission shall be called by the first-named house member. The first meeting of
26 the commission shall be held within 60 days of the effective date of this section. Eight members of
27 the commission shall constitute a quorum. The commission shall establish a calendar to meet on a
28 regular basis.

29 VI. The commission shall establish a budget and hire staff with an understanding of school
30 finance options. Such staff shall be independent of government agencies.

31 VII. The commission shall make an initial report to the speaker of the house of
32 representatives, the president of the senate, the senate clerk, the house clerk, the governor, and the
33 state library 9 months after its first meeting, with a subsequent report to the house clerk, the
34 senate clerk, the governor, and the state library on or before September 1, 2020. The commission
35 shall remain active until and when the general court addresses its recommendations.

36 253 Appropriation. The sum of \$500,000 for the biennium ending June 30, 2021 is hereby
37 appropriated to the commission to study school funding established in RSA 193-E:2-e for the

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1 purpose of administration, staffing, and the utilization of independent school finance experts.
2 Notwithstanding restrictions on the use of moneys in the education trust fund in RSA 198:39, said
3 appropriation shall be a charge against the education trust fund and shall be nonlapsing.

4 254 School Money; Definitions. Amend RSA 198:38, I(a) to read as follows:

5 (a) "Average daily membership in attendance" or "ADMA" means the average daily
6 membership in attendance, as defined in RSA 189:1-d, III, of pupils in kindergarten through grade
7 12, in the determination year[~~; provided that no kindergarten pupil shall count as more than 1/2~~
8 ~~day attendance per school year~~]. ADMA shall only include pupils who are legal residents of New
9 Hampshire pursuant to RSA 193:12 and educated at school district expense which may include
10 public academies or out-of-district placements. For the purpose of calculating funding for
11 municipalities, the ADMA shall not include pupils attending chartered public schools, but shall
12 include pupils attending a charter conversion school approved by the school district in which the
13 pupil resides.

14 255 Repeal. RSA 198:48-c, III, relative to distribution of a kindergarten grant based on Keno
15 revenue, is repealed.

16 256 School Money; Additional Aid Based on Free or Reduced Price Meals; Fiscal Capacity
17 Disparity Aid. RSA 198:40-b and RSA 198:40-c are repealed and reenacted to read as follows:

18 198:40-b Additional Aid Based on Free or Reduced-Price Meals.

19 I. In a school district in which 48 percent or more of the ADMA is eligible to receive a free
20 or reduced-priced meal, an additional \$350 for each pupil in the ADMA who is eligible for a free or
21 reduced-priced meal.

22 II. In a school district in which at least 12 percent but less than 48 percent of the ADMA is
23 eligible to receive a free or reduced-priced meal, an amount equal to \$87.50 plus \$0.0729 for each
24 0.01 percent that its free or reduced-priced meal eligibility rate exceeds 12 percent, for each pupil in
25 the ADMA who is eligible for a free or reduced-priced meal.

26 III. A school district in which less than 12 percent of the ADMA is eligible to receive a free
27 or reduced-priced meal shall receive no additional aid under this section.

28 198:40-c Fiscal Capacity Disparity Aid.

29 I. In addition to aid for the cost of the opportunity for an adequate education provided
30 under RSA 198:40-a, each biennium the commissioner shall calculate fiscal capacity disparity aid
31 and provide that amount of aid in each year of the biennium to a municipality's school districts as
32 follows:

33 (a) A municipality with an equalized valuation per pupil of \$350,000 or less shall
34 receive \$1,750 per pupil in the municipality's ADMA.

35 (b) A municipality with an equalized valuation per pupil between \$350,001 and
36 \$999,999 shall receive a grant equal to \$0.0027 for each dollar of difference between its equalized
37 valuation per pupil and \$1,000,000, per pupil in the municipality's ADMA.

1 (c) A municipality with an equalized valuation per pupil of \$1,000,000 or more shall
2 receive no fiscal capacity disparity aid.

3 II. Fiscal capacity disparity aid shall be distributed pursuant to RSA 198:42.

4 III. In this section, "equalized valuation per pupil" means a municipality's equalized
5 valuation, including properties subject to taxation under RSA 82 and RSA 83-F, as determined by
6 the department of revenue administration, that was the basis for the local tax assessment in the
7 determination year, divided by the school district's kindergarten through grade 12 ADMA in the
8 determination year.

9 257 School Money; Consumer Price Index Adjustment. Amend RSA 198:40-d to read as follows:
10 198:40-d Consumer Price Index Adjustment.

11 I. Beginning July 1, 2017 and every biennium thereafter, the department of education shall
12 adjust the cost of an adequate education under RSA 198:40-a based on the average change in the
13 Consumer Price Index for All Urban Consumers, Northeast Region, using the "services less medical
14 care services" special aggregate index, as published by the Bureau of Labor Statistics, United States
15 Department of Labor. The average change shall be calculated using the 3 calendar years ending 18
16 months before the beginning of the biennium for which the calculation is to be performed.

17 *II. Beginning July 1, 2021 and every biennium thereafter, the department of*
18 *education shall adjust the additional aid based on free or reduced-price meals as*
19 *provided in RSA 198:40-b based on the average change in the Consumer Price Index for All*
20 *Urban Consumers, Northeast Region, using the "services less medical care services"*
21 *special aggregate index, as published by the Bureau of Labor Statistics, United States*
22 *Department of Labor. The average change shall be calculated using the 3 calendar years*
23 *ending 18 months before the beginning of the biennium for which the calculation is to be*
24 *performed.*

25 258 Determination of Adequate Education Grants. Amend RSA 198:41, I(b) to read as follows:

26 (b) Subtract the amount of the education tax warrant to be issued by the commissioner
27 of revenue administration for such municipality reported pursuant to RSA 76:8 for the next tax
28 year[-] ; *and*

29 (c) *Add the municipality's additional aid for free or reduced-price meals*
30 *pursuant to RSA 198:40-b and fiscal capacity disparity aid pursuant to RSA 198:40-c.*

31 259 Determination of Education Grants. Amend RSA 198:41, IV(d) to read as follows:

32 (d) For fiscal year 2017 and each fiscal year thereafter, the department of education
33 shall distribute a total education grant to each municipality in an amount equal to the total
34 education grant for the fiscal year in which the grant is calculated plus a percentage of the
35 municipality's fiscal year 2012 stabilization grant, if any, distributed to the municipality; the
36 percentage shall be 96 percent for fiscal year 2017, [~~and shall be reduced by 4 percent of the amount~~
37 ~~of the 2012 education grant for~~] *92 percent for fiscal year 2018, 88 percent for fiscal year 2019,*

1 *and 100 percent for fiscal year 2020 and* each fiscal year thereafter. No stabilization grant shall
2 be distributed to any municipality for any fiscal year in which the municipality's education property
3 tax revenue collected pursuant to RSA 76 exceeds the total cost of an adequate education or to any
4 municipality for any fiscal year in which the municipality's ADMA is zero.

5 260 General Fund Surplus; Revenue Stabilization Reserve Account. Notwithstanding RSA
6 9:13-e, after transferring \$5,000,000 to the revenue stabilization reserve account at the close of the
7 fiscal biennium ending June 30, 2019, the remainder of the general fund surplus for said biennium
8 shall remain in the general fund.

9 261 Appropriation; Internet Crimes Against Children Fund; Reductions.

10 I. The sum of \$250,000 for the fiscal year ending June 30, 2020, and \$250,000 for the fiscal
11 year ending June 30, 2021 are hereby appropriated to the New Hampshire Internet crimes against
12 children fund established in RSA 21-M:17. The governor is authorized to draw a warrant for said
13 sums out of any money in the treasury not otherwise appropriated.

14 II. In order to offset sums appropriated under paragraph I, the department of education
15 shall reduce state general fund appropriations to account 06-56-56-567010-3058, expenditure class
16 631-building aid lease, by \$300,000 for the fiscal year ending June 30, 2020.

17 262 Governor's Commission on Disability; Analysis and Report. The governor's commission on
18 disability, established in RSA 275-C, shall analyze the state's system of support for individuals with
19 developmental disabilities and recommend reforms and improvements to ensure that the state's
20 service delivery model is structured to provide maximum benefit and tailored services to individuals
21 with developmental disabilities. The governor's commission on disability shall consult with the
22 university of New Hampshire institute on disability, the department of health and human services,
23 the New Hampshire council on developmental disabilities, Granite State Independent Living,
24 Community Support Network, Inc., Disability Rights Center-NH, the developmental services
25 quality council of the department of health and human services, and any other relevant
26 stakeholders including individuals with developmental disabilities and their families and/or
27 guardians, and may accept and expend any applicable federal funds, and any gifts, grants, or
28 donations that may be available for the purposes of this section. The commission shall also
29 coordinate with the New Hampshire council on developmental disabilities to secure any funds that
30 may be used for this purpose under the federal Developmental Disabilities Assistance and Bill of
31 Rights Act of 2000 (PL 106-402) and in conjunction with the development and amendment of the
32 state plan goals and objectives. The governor's commission on disability shall report its findings to
33 the governor, the speaker of the house of representatives, the president of the senate, the house
34 clerk, the senate clerk, and the state library on or before November 1, 2019.

35 263 Department of Administrative Services; Study of Personnel System.

36 I. In order to ensure that the state is as effective an organization as possible in the 21st
37 century to deliver quality public services to the people of New Hampshire while also operating as

1 model employer for its workforce, the department of administrative services shall conduct a
2 comprehensive study of the state's personnel system. The study shall include a review of all laws,
3 administrative rules, and collective bargaining agreements related thereto, and by November 1,
4 2019, the commissioner of the department of administrative services shall issue a report with
5 recommendations to the governor, the speaker of the house of representatives, and the president of
6 the senate.

7 II. The sum of \$150,000 for the fiscal year ending June 30, 2019 is hereby appropriated to
8 the department of administrative services for the purpose of a study of the state's personnel system
9 as specified in paragraph I of this section. Said sum shall not lapse until June 30, 2021. The
10 governor is hereby authorized to draw a warrant for said sum out of any money in the treasury not
11 otherwise appropriated.

12 264 Appropriation; Department of Administrative Services. The sum of \$1,300,000 for the
13 fiscal year ending June 30, 2019 is hereby appropriated to the department of administrative
14 services for the purpose of obtaining scheduling software. Said sum shall not lapse until June 30,
15 2021. The governor is hereby authorized to draw a warrant for said sum out of any money in the
16 treasury not otherwise appropriated.

17 265 Joint Legislative Historical Committee; Annual Appropriation. Amend RSA 17-I:5 to read
18 as follows:

19 17-I:5 Annual Appropriation. There is hereby appropriated annually the sum of [~~\$10,000~~]
20 **\$25,000** to the joint legislative historical committee established in RSA 17-I for deposit in the
21 nonlapsing historical fund established under RSA 177:8, II for the purpose of carrying out its
22 statutory duties. The governor is authorized to draw [~~his~~] a warrant for said sum out of any money
23 in the treasury not otherwise appropriated.

24 266 Legislative Branch; Special Account. Amend 2011, 224:217, II(c), as amended by 2013,
25 144:102, 2015, 276:214, and 2017, 156:129 to read as follows:

26 (c) [~~Beginning in~~] **For** fiscal year 2017 and [~~for each~~] fiscal year [~~thereafter~~] **2018**,
27 unexpended and unencumbered appropriations shall be transferred to the appropriate subaccount.

28 (d) **Beginning in fiscal year 2019 and for each year thereafter, any unexpended**
29 **and unencumbered appropriations of the house of representatives, senate, joint offices,**
30 **and office of legislative budget assistant remaining at the close of the fiscal year shall not**
31 **lapse.**

32 267 Office of Professional Licensure and Certification; Division Directors. Amend RSA 310-A:1-
33 c to read as follows:

34 310-A:1-c Division Directors[~~Positions Transferred~~].

35 I. There is established in the office of professional licensure and certification 2 [~~classified~~]
36 ~~positions, at salary grade 35, of~~ **unclassified directors: The** director of the division of technical
37 professions and director of the division of health professions. **Each director shall be qualified to**

1 *hold that position by reason of education and experience and shall perform such duties as*
2 *the executive director from time to time may authorize.*

3 *II. The executive director shall nominate for appointment by the governor, with the*
4 *consent of the council, each unclassified division director, each of whom shall serve for a*
5 *term of 4 years.*

6 ~~II. Every classified or unclassified state employee position authorized in the boards,~~
7 ~~councils, and commissions under RSA 310 A:1 a shall be transferred to the office of professional~~
8 ~~licensure and certification and subject to the supervisory authority of the executive director.~~

9 ~~III. The authority granted to the executive director of the real estate commission under~~
10 ~~RSA 331 A:8, relative to the issuance and denial of licenses, hearing and procedures on denial of~~
11 ~~licenses, the hiring of clerical, administrative, and investigative staff, maintenance of the official~~
12 ~~record, and implementation of a program for consumer education, is hereby transferred to the~~
13 ~~executive director of the office of professional licensure and certification.~~

14 ~~IV. The unclassified position of executive director of the real estate commission shall be~~
15 ~~converted from an unclassified position to a similar classified position when the incumbent serving~~
16 ~~as the executive director of the real estate commission upon transfer to the office of professional~~
17 ~~licensure and certification vacates the position. Any funds appropriated for the compensation of the~~
18 ~~unclassified position of executive director of the real estate commission shall be used for~~
19 ~~compensation of the classified position at the office of professional licensure and certification.]~~

20 268 Division Directors; Salary; OPLC.

21 I. The salary of the unclassified director of the division of technical professions and director
22 of the division of health professions shall be determined after assessment and review of the
23 appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be
24 conducted pursuant to RSA 94:1-d and RSA 14:14-c.

25 II. Upon completion of the action in paragraph I, and appointment of the director of the
26 division of technical professions, position number 44018 shall be abolished to allow for the transition
27 of this classified position with its available appropriations into the unclassified position of director of
28 the division of technical professions. Funding shall be transferred into a new expenditure class
29 number 11 within accounting unit 01-21-21-212010-2405. The incumbent in the abolished classified
30 position shall be offered the opportunity to seek the executive director's appointment to the
31 unclassified position of director of the division of technical professions.

32 III. Upon completion of the action in paragraph I, and appointment of the director of the
33 division of health professions, position number 44019 shall be abolished to allow for the transition of
34 this classified position with its available appropriations into the unclassified position of director of
35 the division of health professions. Funding shall be transferred into a new expenditure class
36 number 11 within accounting unit 01-21-21-215010-2406. The incumbent in the abolished classified
37 position shall be offered the opportunity to seek the executive director's appointment to the

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1 unclassified position of director of the division of health professions.

2 269 Board of Nursing. Amend RSA 326-B:3, VI to read as follows:

3 VI. No more than ~~one~~ 2 board ~~member~~ **members** shall be associated with a particular
4 agency, corporation, or other enterprise or subsidiary at one time.

5 270 New Paragraph; Tax on Transfer of Real Property; Distribution of Funds. Amend RSA 78-
6 B:13 by inserting after paragraph II the following new paragraph:

7 III. Annually, on or before October 1, the commissioner shall direct the state treasurer to
8 transfer the sum of \$5,000,000 from revenue collected pursuant to the tax imposed by RSA 78-B:1 to
9 the affordable housing fund established in RSA 204-C:57.

10 271 New Subparagraph; Business Profits Tax; Definition; Internal Revenue Code. Amend RSA
11 77-A:1, XX by inserting after subparagraph (n) the following new subparagraph:

12 (o) For all taxable periods beginning on or after January 1, 2020, the United States
13 Internal Revenue Code of 1986 in effect on December 31, 2018, subject to RSA 77-A:3-b.

14 272 Business Profits Tax; Adjustments; Internal Revenue Code Provisions. Amend RSA 77-A:3-
15 b, II to read as follows:

16 II. The United States Internal Revenue Code shall be applied without section ~~[199]~~ **951A** of
17 such code.

18 273 Applicability; Business Profits Tax; Adjustment. Section 272 of this act shall apply to
19 taxable periods beginning on or after January 1, 2020.

20 274 Communications Services Tax; Purpose; Basic Communications Services Deleted. Amend
21 RSA 82-A:1 to read as follows:

22 82-A:1 Statement of Purpose. It is the intent of the general court to impose a tax on those
23 who use 2-way communications services and to source mobile telecommunications services to the
24 place of primary use. It is also the intent of the general court that Internet access service ~~[and basic~~
25 ~~communications services essential to public health, safety, and welfare]~~ shall not be subject to the
26 tax imposed by this chapter.

27 275 Definitions; Communications Services. Amend the introductory paragraph of RSA 82-A:2,
28 III to read as follows:

29 III. "Communications services" means services for transmitting, emitting, or receiving
30 signs, signals, writing, images, sounds or intelligence of any nature by any electromagnetic system
31 capable of 2-way communication and includes, without limitation, messages or information
32 transmitted through use of local, toll and wide area telephone service; private line services and
33 networks, whether leased, rented or owned; channel services; telegraph services; teletypewriter
34 services; cable television; computer exchange services; mobile telecommunications services;
35 **prepaid wireless telecommunications services; VoIP;** facsimile services; specialized mobile
36 radio; stationary 2-way radio; paging services; or any other form, whether stationary, portable or
37 mobile, of 2-way communications; or any other transmission of messages or information by

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1 electronic or similar means, between or among points by wire, cable, fiber-optics, laser, microwave,
2 radio, satellite or similar facilities. "Communications services" shall not include:

3 276 Definitions; Retailer. Amend RSA 82-A:2, X to read as follows:

4 X. "Retailer" means and includes every person engaged in the business of making sales at
5 retail as defined in this chapter. The department may, in its discretion, upon application, authorize
6 the collection of the tax hereby imposed by any retailer not maintaining a place of business within
7 this state, who, to the satisfaction of the department, furnishes adequate security to insure
8 collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect
9 such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the
10 gross charges for communications services in this state in the same manner and subject to the same
11 requirements as a retailer maintaining a place of business within this state. The permit may be
12 revoked by the department at its discretion. *For purposes of the tax imposed by this chapter*
13 *on prepaid wireless telecommunications service, "retailer" has the same meaning as*
14 *"seller."*

15 277 New Paragraphs; Definitions; Prepaid Wireless Telecommunications Service; VoIP. Amend
16 RSA 82-A:2 by inserting after paragraph XXVI the following new paragraphs:

17 XXVII. "Prepaid wireless telecommunications service" means "prepaid commercial mobile
18 radio service," as that term is defined in RSA 106-H:2, VIII-b.

19 XXVIII. "Retail transaction" means the purchase of prepaid wireless telecommunications
20 service from a seller for any purpose other than resale.

21 XXIX. "Seller" means a person who sells prepaid wireless telecommunications service to
22 another person.

23 XXX. "Voice over Internet Protocol" or "VoIP" means any service that:

24 (a) Enables real-time, 2-way voice communications that originate from or terminate to
25 the user's location in Internet Protocol or any successor protocol;

26 (b) Requires a broadband connection from the user's location; and

27 (c) Permits users generally to receive calls that originate on the public switched
28 telephone network and to terminate calls to the public switched telephone network.

29 278 Imposition of Tax; Reference Added. Amend RSA 82-A:4 to read as follows:

30 82-A:4 Imposition of Tax; Interstate Communications Services. Except as provided in RSA
31 82-A:4-b, *RSA 82-A:4-d, and RSA 82-A:4-e*, a tax is imposed upon interstate communications
32 services and private communications services furnished to a person in this state and purchased at
33 retail from a retailer by such person, at the rate of 7 percent of the gross charge when such service
34 purchased on a call-by call basis originates in this state and terminates outside this state or
35 originates outside this state and terminates in this state and the service address is in this state, or
36 when such service purchased on a basis other than a call-by-call basis is provided to a person with a
37 place of primary use in this state or when such private communications services are apportioned to

1 this state in accordance with RSA 82-A:4-c. Provided however, a tax is imposed upon interstate
2 paid calling service furnished to a person in this state and purchased at retail from a retailer by
3 such person, at the rate of 7 percent of the gross charge when the origination point of the
4 communications signal (as first identified by either (a) the seller's telecommunications system, or (b)
5 information received by the seller from its service provider, where the system used to transport
6 such signals is not that of the seller) is in this state. To prevent actual multi-state taxation of
7 communications services that are subject to taxation under this section, any taxpayer, upon proof
8 that the taxpayer has paid a tax in another state on such services, shall be allowed a credit against
9 the tax imposed in this section to the extent of the amount of such tax properly due and paid in such
10 other state. However, such tax is not imposed on communications services to the extent such
11 services may not, under the Constitution and statutes of the United States, be made the subject of
12 taxation by the state.

13 279 New Sections; Special Rules for VOIP Services and Prepaid Wireless Telecommunications
14 Service. Amend RSA 82-A by inserting after section 4-c the following new sections:

15 82-A:4-d Special Rules for VoIP Services. A tax is imposed on intrastate and interstate
16 communications services that are VoIP services provided by a retailer to a person with a place of
17 primary use in this state, regardless of where the VoIP services originate, terminate, or pass
18 through. The tax shall be imposed on the gross charge at the rate specified in RSA 82-A:3 and RSA
19 82-A:4. No tax shall be imposed on a person whose place of primary use is outside this state.

20 82-A:4-e Special Rules for Prepaid Wireless Telecommunications Service.

21 I. A tax is imposed on each retail transaction in this state of intrastate and interstate
22 communications services that are prepaid wireless telecommunications services. The tax shall be
23 imposed on the gross charge at the rate specified in RSA 82-A:3 and 82-A:4.

24 II. For purposes of paragraph I, a retail transaction is sourced to New Hampshire:

25 (a) If the retail transaction occurs in person at a seller's location in New Hampshire; or

26 (b) If subparagraph (a) does not apply, the prepaid wireless telecommunications service
27 is evidenced by a physical item, such as a card, and the purchaser provides a New Hampshire
28 delivery address for such item; or

29 (c) If subparagraphs (a) and (b) do not apply, the consumer gives a New Hampshire
30 address during the consummation of the sale, including the address associated with the consumer's
31 payment instrument if no other address is available, and the address is not given in bad faith; or

32 (d) If subparagraphs (a)-(c) do not apply, the consumer's mobile telephone number is
33 associated with a postal zip code, telephone area code, or location within New Hampshire.

34 III. The tax imposed by this section shall be collected by the seller from the consumer with
35 respect to each retail transaction sourced to New Hampshire, in accordance with RSA 82-A:6;
36 provided, however, the amount of the tax shall be either separately stated on an invoice, receipt, or
37 other similar document that is provided by the seller to the consumer, or otherwise disclosed to the

1 consumer.

2 IV. If prepaid wireless telecommunications service is sold with one or more other products
3 or services for a single, non-itemized charge, then the tax shall apply to the entire non-itemized
4 charge except as provided in RSA 82-A:2, V(e).

5 V. If a minimal amount of prepaid wireless telecommunications service is sold with a
6 prepaid wireless device for a single, non-itemized charge, then the seller may elect not to apply the
7 tax to such transaction. For purposes of this subparagraph, an amount of service denominated as
8 10 minutes or less, or \$5 or less, is minimal.

9 VI. The seller shall be liable to remit all taxes required by this section that are collected
10 from consumers, including all such taxes that the seller is deemed to collect where the amount of
11 the tax has not been separately stated on an invoice, receipt, or other similar document provided by
12 the seller to the consumer, in accordance with RSA 82-A:7.

13 VII. The prepaid commercial mobile radio service E911 surcharge imposed under RSA 106-
14 H:9, I-a shall not be subject to the tax imposed by this section.

15 280 Applicability. Sections 274-279 of this act shall apply to taxable periods ending after
16 December 31, 2019.

17 281 Findings. The general court declares that:

18 I. An adequate supply of housing that is affordable to a range of incomes is essential to New
19 Hampshire's economic and community development goals.

20 II. Access to an efficient and inexpensive legal appeals process is fundamental to protecting
21 private property rights against unreasonable governmental regulation and processes.

22 III. Individual homeowners who are denied local permits for additions or other simple
23 modifications to their homes often abandon their legal right to appeal because of the time and
24 expense involved in a superior court appeal.

25 IV. Abutters and other parties with standing to appeal local land use decisions on housing
26 developments often abandon their legal right to appeal because of the costs associated with court
27 appeals.

28 V. There are several factors that inhibit builders' ability to meet the demand for new
29 housing in New Hampshire. Significant among these factors are local land use regulations and
30 board practices that can arbitrarily thwart development or impose costly delays. These powers are
31 delegated to municipalities by the state, and must be used in a manner that is consistent with state
32 law.

33 VI. Builders may appeal local land use decisions to the superior court, but such appeals are
34 expensive and time consuming, often leading builders to either abandon their appeals or completely
35 avoid seeking development permits.

36 VII. The cost of litigating such matters in court is significant, and by establishing an
37 alternative process, but without eliminating the option of court appeals, will help to reduce costs of

1 litigation for all parties.

2 VIII. It is appropriate and necessary to establish an alternative track for review of local
3 decisions on housing and housing development without diminishing anyone's existing legal right to
4 pursue a remedy in superior court and without affecting local control or changing the legal
5 standards by which local decisions are adjudicated.

6 282 New Chapter; Housing Appeals Board. Amend RSA by inserting after chapter 678 the
7 following new chapter:

8 CHAPTER 679

9 HOUSING APPEALS BOARD

10 679:1 Board Established. There is hereby established a housing appeals board, hereinafter
11 referred to as the board, which shall be composed of 3 members who shall individually and
12 collectively be learned and experienced in questions of land use law or housing development or both.
13 At least one member shall be an attorney licensed to practice law in the state of New Hampshire,
14 and at least one member shall be either a professional engineer or land surveyor. The members of
15 the board shall be full-time employees and shall not engage in any other employment,
16 appointments, or duties during their terms that is in conflict with their duties as members of the
17 board.

18 679:2 Appointment; Term; Chair. The members of the board shall be appointed by the supreme
19 court and commissioned by the governor for a term of 5 years and until their successors are
20 appointed and qualified; provided, however, that any vacancy on the board shall be filled for the
21 unexpired term. The initial members of the board shall serve staggered terms of 3, 4, and 5 years.
22 The supreme court shall designate one member as chair to serve in that capacity for the duration of
23 his or her term.

24 679:3 Removal. Any member may be removed by the same authority for inefficiency, neglect of
25 duty, or malfeasance in office; but, before removal, the member shall be furnished with a copy of the
26 charges and have an opportunity to be heard in defense.

27 679:4 Compensation. Each member of the board shall receive the annual salary prescribed by
28 RSA 94:1-a and reasonable expenses, including transportation, subject to the approval of the
29 governor and council.

30 679:5 Authority; Duties.

31 I. It shall be the duty of the board and it shall have power and authority to hear and affirm,
32 reverse, or modify, in whole or in part, appeals of final decisions of municipal boards, committees,
33 and commissions regarding questions of housing and housing development. This includes, but is
34 not limited to:

35 (a) Planning board decisions on subdivisions or site plans.

36 (b) Board of adjustment decisions on variances, special exceptions, administrative
37 appeals, and ordinance administration.

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- 1 (c) The use of innovative land use controls.
- 2 (d) Growth management controls and interim growth management controls.
- 3 (e) Decisions of historic district commissions, heritage commissions, and conservation
4 commissions.
- 5 (f) Other municipal permits and fees applicable to housing and housing developments.
- 6 (g) Matters subject to the board's authority may include mixed-use combinations of
7 residential and nonresidential uses. Such different uses may occur on separate properties, provided
8 such properties are all part of a common scheme of development.

9 II. In exercising its authority under this chapter, the board shall have the power to award
10 all remedies available to the superior courts in similar cases, including permission to develop the
11 proposed housing.

12 III. Relative to RSA 674:58 through RSA 674:61, the board shall have the power and
13 authority to hear and determine appeals of decisions of local land use boards regarding proposals for
14 workforce housing, including but not limited to whether the municipality's land use ordinances and
15 regulations provide a reasonable and realistic opportunity for the development of workforce
16 housing; whether the local land use board has imposed conditions of approval that render the
17 proposal economically unviable; and whether a denial by a local land use board was unreasonable or
18 unlawful.

19 IV. After local remedies have been exhausted, appeals may be brought before the board by
20 an applicant to the municipal board, committee, or commission, or by any other aggrieved or injured
21 party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15. The
22 municipality shall be a party to the action. If the applicant is not the party initiating the action
23 before the board, then the applicant shall automatically be an intervenor. The board shall grant
24 intervenor status to abutters and to any other aggrieved or injured party who can demonstrate legal
25 standing to appeal pursuant to RSA 677:4 or RSA 677:15.

26 679:6 Timing of Appeals and Board Proceedings.

27 I. Appeals shall be filed with the board within 30 days of the final decision of a municipal
28 board, committee, or commission. At the same time an appeal is filed with the board, the applicant
29 shall notify the municipal board, committee, or commission of such appeal.

30 II. The municipal board, committee, or commission shall within 30 days of receipt of such
31 notice submit to the board a certified record of its proceedings on the matter subject to the appeal.

32 III. The board shall hold a hearing on the merits within 90 days of its receipt of a notice of
33 appeal.

34 IV. The board shall make a decision on an appeal within 60 days after conducting a hearing
35 on the merits.

36 679:7 Jurisdiction; Court Appeals.

37 I. In matters within its authority the board shall have concurrent, appellate jurisdiction

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1 with the superior court. An election by any party to bring an action before the board shall be
2 deemed a waiver of any right to bring an action in the superior court, but shall not abrogate any
3 party's right to appeal decisions of the board to the supreme court; as such, the board shall retain
4 jurisdiction of any matter originally brought before it. At any time during an appeal to the board, if
5 the board determines that it does not have jurisdiction to hear the appeal, the appellant shall have
6 30 days to file an appeal with the superior court.

7 II. In an appeal of a local decision on housing or housing development, any claim that is
8 within the board's authority under RSA 679:5 and that has previously been or is subsequently
9 included in an appeal in superior court by another party to the decision or by any other aggrieved or
10 injured party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15
11 shall automatically be stayed by the court to provide the party with standing the opportunity to
12 intervene in the matter before the board. If intervenor status is granted, the stay of the court
13 action regarding those claims shall continue during the pendency of the appeal to the board. After
14 the board has decided the appeal, the court shall dismiss the matter before it to the extent the
15 matter has been resolved by the board. Any claim included in an appeal to superior court that is
16 not within the board's authority shall not be subject to automatic stay by the court.

17 679:8 Quorum; Disqualification; Temporary Members.

18 I. In all matters a majority of the board shall constitute a quorum to transact business.

19 II. No member of the board shall represent a party or testify as an expert witness or render
20 any professional service for any party or interest before the board, and any member having an
21 interest in the subject matter shall be disqualified to act therein.

22 III. If, in the event of a disqualification or temporary disability of a member or members of
23 the board, it shall become necessary to do so, the board, subject to the approval of the supreme
24 court, shall appoint such number of temporary board members as shall be necessary to meet the
25 requirements herein imposed. Such temporary board members shall serve with respect to such
26 matter until the same has been fully disposed of before the board.

27 IV. Temporary board members shall have the same qualifications as regular board
28 members in whose place they are acting.

29 V. A temporary board member shall be compensated at the rate of \$75 for each day devoted
30 to the work of the board and shall be reimbursed the necessary and reasonable expenses incurred
31 by him or her in the performance of his or her duties.

32 VI. In the event of a vacancy on the board, the appellant may elect to continue the
33 proceedings while awaiting the appointment of a successor board member.

34 679:9 Hearing Procedure; Standard of Review.

35 I. Appeals to the board shall be consistent with appeals to the superior court pursuant to
36 RSA 677:4 through RSA 677:16. Appeals shall be on the certified record, and except in such cases
37 as justice may warrant, in the sole discretion of the board, no additional evidence will be introduced.

1 Consistent with the contested case provisions of RSA 541-A, the rules of evidence shall not strictly
2 apply. In addition to the provisions of RSA 91-A, the board shall record the proceedings of any
3 hearing before it and shall make such recording available to the public for inspection and recording
4 from the date of the hearing to a date which is 15 working days after the board has made a final
5 decision on the matter which is the subject of the hearing, or, if an appeal is made from such
6 decision, the date upon which the matter has been finally adjudicated, whichever date is later.

7 II. The board shall not reverse or modify a decision except for errors of law or if the board is
8 persuaded by the balance of probabilities, on the evidence before it, that said decision is
9 unreasonable.

10 679:10 Representation by Nonattorneys. Nonattorneys, including professional engineers,
11 architects, and land surveyors, may represent any party before the board. Nothing in this section
12 shall prevent the board from denying representation by any individual it deems to be improper,
13 inappropriate, or unable to adequately represent the interests of the applicant to the municipal
14 board, committee, or commission.

15 679:11 Board Meetings. The board's deliberative processes in adjudicatory proceedings held
16 pursuant to RSA 541-A shall be exempt from the public meeting and notice provisions of RSA 91-A.
17 Decisions and orders in adjudicatory proceedings shall be publicly available, but only after they
18 have been reduced to writing, signed by a quorum of the board, and served upon the parties, and
19 shall set forth the board's rulings of law and findings of fact in support of its decisions. Discussions
20 and actions by the board concerning procedural, administrative, legal, and internal matters shall be
21 exempt from the meeting and notice provisions of RSA 91-A:2.

22 679:12 Rules and Regulations. The board may adopt rules under RSA 541-A necessary for
23 carrying out its functions including but not limited to rules of procedure to be followed in hearings
24 conducted by it not inconsistent with the provisions of this chapter.

25 679:13 Administration of Oaths, Subpoenas, Etc.; Fees. The board shall have authority to
26 administer oaths and to compel the attendance of witnesses to proceedings before it. The board
27 shall have the power to subpoena and subpoena duces tecum. Witnesses compelled to appear shall
28 be paid the same fee and mileage that are paid to witnesses in the superior court of the state. A
29 subpoena or subpoena duces tecum of the board may be served by any person designated in the
30 subpoena or subpoena duces tecum to serve it. Any testimony given by a person duly sworn shall be
31 subject to the pains and penalties of perjury. All applications or petitions to the board for which no
32 filing fee has been otherwise specified by statute shall be accompanied by a \$250 filing fee. Costs
33 and attorney's fees may be taxed as in the superior court.

34 679:14 Notice. The board shall serve notice in writing of the time, place, and cause of any
35 hearing upon all parties at least 20 days prior to the date of the hearing.

36 679:15 Appeal. Decisions of the board may be appealed to the supreme court by any party in
37 accordance with the provisions of RSA 541 as from time to time amended.

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1 679:16 Enforcement of Decisions. After a decision of the board becomes final, the board shall,
2 at the request of any party, file a certified abstract thereof in the Merrimack county superior court.
3 The clerk of said court shall forthwith enter judgment thereon and such judgment may be enforced
4 as with any final judgment of the superior court.

5 679:17 Staff. The board shall have such clerical, administrative, and technical staff as may be
6 necessary within the limits of the appropriation made therefor.

7 679:18 Office. The board shall be provided with an office in Concord in which its records,
8 documents, and books shall be kept, and with a suitable room in which it may hold hearings.

9 679:19 Neglect to Comply With Board's Orders. Neglect or failure on the part of any
10 municipality to comply with such orders shall be deemed willful neglect of duty, and it shall be
11 subject to the penalties and damages provided by law in such cases.

12 283 Salaries Established; Amend RSA 94:1-a, I(b) by inserting in salary grade DD the following
13 new positions:

14 DD	housing appeals board	member
15 DD	housing appeals board	chair

16 284 Appropriation; Housing Appeals Board. The sum of \$415,000 for the fiscal year ending
17 June 30, 2021 is hereby appropriated to the housing appeals board established pursuant to RSA 679
18 for the proper administration of said chapter. Said sum shall not lapse until June 30, 2021. The
19 governor is authorized to draw a warrant for said sum out of any money in the treasury not
20 otherwise appropriated.

21 285 Adequate Representation for Indigent Defendants in Criminal Cases; Repayment. RSA
22 604-A:9, I, I-a, I-b, and I-c are repealed and reenacted to read as follows:

23 I.(a) Any adult defendant or juvenile respondent who has been assigned counsel or a public
24 defender shall be subject to an order by the court, pursuant to this section, regarding payment to
25 the state for counsel fees and expenses paid by the state on behalf of the defendant or juvenile, and
26 regarding payment of an administrative service assessment. Any payment obligation shall apply
27 only to a defendant who has been convicted or a juvenile who has been found delinquent.

28 (b) Upon entering a judgment of conviction or a finding of delinquency, and the
29 issuance of sentence or disposition, the court shall enter a separate written order setting forth the
30 reasons for the court's conclusion regarding the financial ability of the defendant or the juvenile,
31 including any person liable for the support of the juvenile pursuant to RSA 604-A:2-a, to make
32 payment of counsel fees and expenses, and administrative service assessment. In its discretion, the
33 court may conduct an ability-to-pay hearing to assist in its determination. If the court finds that
34 there is an ability to pay some or all of the counsel fees and expenses and the assessment, either
35 presently or in the future, it shall order payment in such amounts and upon such terms and
36 conditions it finds equitable; any payment obligation shall not commence until the conviction and
37 sentence or the finding of delinquency and disposition has become final. If the court finds that

1 there is no such ability to pay, it shall so order, and any payment obligation shall terminate.

2 (c) In assessing ability to pay upon or after the entering of a judgment of conviction and
3 the issuance of a sentence, neither the court nor the office of cost containment shall consider income
4 that is exempt from execution, levy, attachment, garnishment, or other legal process under any
5 state or federal law, and shall be reduced only by the amount of expenses which are reasonably
6 necessary for the maintenance of the defendant and his dependents.

7 (d) If the court determines that the defendant is financially unable to repay any fees
8 and expenses to the state, the repayment obligation shall be waived. A copy of each order finding
9 that the defendant has an ability to pay fees and assessments shall be forwarded to the
10 commissioner of the department of administrative services and the office of cost containment. An
11 order waiving the repayment obligation shall not be forwarded. Neither the commissioner of the
12 department of administrative services nor the office of cost containment shall have the authority to
13 alter the court's determination that a repayment obligation is waived.

14 (e) After the judgment of conviction is entered and a repayment order is issued, a
15 defendant subject to a repayment order under this section may, if his or her circumstances have
16 changed since the date of the court's order, petition the court for relief from the obligation imposed
17 by this section, which may be granted upon a finding that the defendant is unable to comply with
18 the terms of the court's order or any modification of the order by the court.

19 (f) The maximum payment amount for counsel fees and expenses shall be according to a
20 schedule established by the administrator of the office of cost containment with the approval of the
21 administrative justices of the courts. Any payment obligation for fees and expenses shall not exceed
22 the amount of the state's flat rate payable to a contract attorney as established pursuant to RSA
23 604-B. The administrative service assessment shall not exceed 10 percent of the counsel fees and
24 expenses. Payment shall be made to the office of cost containment unless the defendant or juvenile
25 is placed on probation or sentenced to a period of conditional discharge, in which case repayment
26 shall be made to the state through the department of corrections. Any payment obligation
27 attributable to a juvenile shall terminate when the juvenile reaches the age of majority, except
28 when the juvenile has been certified and tried as an adult.

29 (g) In a case where counsel has been appointed, and a repayment order issued, the
30 defendant shall be required to notify the clerk of the court and the office of cost containment of each
31 change of mail address and actual street address. Whenever notice to the defendant is required,
32 notice to the last mail address on file shall be deemed notice to and binding on the defendant.

33 286 Adequate Representation for Indigent Defendants in Criminal Cases; Repayment. Amend
34 RSA 604-A:9, II to read as follows:

35 II. All petitions for court appointed counsel shall bear the following words in capital letters:
36 I UNDERSTAND THAT I MAY BE REQUIRED TO REPAY THE SERVICES PROVIDED TO ME
37 BY COURT APPOINTED COUNSEL IF I AM CONVICTED UNLESS THE COURT FINDS THAT I

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1 AM OR WILL BE FINANCIALLY UNABLE TO PAY.

2 287 Reference Change; Appointment of Counsel; Payment Obligation. Amend RSA 604-A:2-f,
3 IV to read as follows:

4 IV. When the court appoints counsel to represent a defendant in a proceeding under this
5 section, the court shall grant the defendant relief from the obligation to repay the state for
6 appointed counsel fees under ~~[RSA 604-A:9, I b]~~ **RSA 604-A:9, I(b)**, if the court determines that the
7 defendant is financially unable to repay.

8 288 Committee to Study the Costs to the State for the Appointment of Counsel to Represent
9 Indigent Defendants in Criminal Cases.

10 I. There is established a committee to study the costs to the state for the appointment of
11 counsel to represent indigent defendants in criminal cases.

12 II. The members of the committee shall be as follows:

13 (a) Two members of the senate, appointed by the president of the senate.

14 (b) Three members of the house of representatives, appointed by the speaker of the
15 house of representatives.

16 III. The committee shall convene an advisory group consisting of the following individuals,
17 who shall not be voting members of the committee, but shall provide the committee members with
18 information and expertise on matters related to the committee's objective:

19 (a) The chief justice of the supreme court, or designee.

20 (b) The commissioner of the department of administrative services, or designee.

21 (c) An individual representing the judicial council, appointed by the judicial council.

22 (d) An individual representing the New Hampshire Public Defender, appointed by that
23 office.

24 IV. Legislative members of the committee shall receive mileage at the legislative rate when
25 attending to the duties of the committee.

26 V. The committee shall study the cost to the state for the appointment of counsel pursuant
27 to RSA 604-A to represent indigent defendants in criminal cases. The committee shall:

28 (a) Determine, from the most recent information and data available, the percentage of
29 indigent defendants in criminal cases who have been appointed counsel pursuant to RSA 604-A who
30 are found guilty, and the percentage of indigent defendants in criminal cases who have been
31 appointed counsel pursuant to RSA 604-A who are found not guilty.

32 (b) Calculate the cost to the state for the appointment of counsel pursuant to RSA 604-A
33 for such indigent defendants.

34 VI. The members of the study committee shall elect a chairperson from among the
35 members. The first meeting of the committee shall be called by the first-named senate member.
36 The first meeting of the committee shall be held within 45 days of the effective date of this section.
37 Three members of the committee shall constitute a quorum.

1 VII. The committee shall report its findings and any recommendations for proposed
2 legislation to the president of the senate, the speaker of the house of representatives, the senate
3 clerk, the house clerk, the governor, the fiscal committee of the general court, and the state library
4 on or before January 1, 2020.

5 289 New Paragraph; Department of Justice; Bureau of Civil Law; Authority to Hire Additional
6 Staff for Campaign Finance, Election Law, Inaugural Committee Oversight, and Lobbying Matters.
7 Amend RSA 21-M:11 by inserting after paragraph III the following new paragraph:

8 IV. To assist the attorney general in his or her duty to exercise supervision of campaign
9 finance, election law, inaugural committee oversight, and lobbying matters, the department of
10 justice may hire:

11 (a) An unclassified full-time investigator assigned to the bureau, who shall work
12 exclusively on, campaign finance, election law, inaugural committee oversight, and lobbying
13 matters. Notwithstanding RSA 14:14-c, the salary for the full-time investigator position shall be
14 established as a salary grade BB.

15 (b) A classified full-time investigative paralegal assigned to the bureau, who shall work
16 exclusively on campaign finance, election law, inaugural committee oversight, and lobbying matter.
17 The classification shall be a paralegal II, labor grade 19.

18 290 Off Highway Recreational Vehicles and Trails; Regulations of Political Subdivisions.
19 Amend RSA 215-A:15, V to read as follows:

20 V. Enforcement of ~~paragraph~~ **paragraphs IV and VII** shall be the joint responsibility of
21 the city of Concord and the state of New Hampshire.

22 291 New Paragraph; Off Highway Recreational Vehicles and Trails; Regulations of Political
23 Subdivisions. Amend RSA 215-A:15 by inserting after paragraph VI the following new paragraph:

24 VII. OHRVs shall be prohibited from traveling on Hoit Road Marsh in the city of Concord.

25 292 Statement of Findings and Purpose. The general court hereby finds that outdoor
26 recreation is vital to a diverse economy, is a delineating asset for the state in competition for
27 workforce and employer recruitment, represents an opportunity for communities of the state to
28 connect to a statewide asset, and contributes to a healthy community. In furtherance of these
29 objectives, the general court hereby establishes an office of outdoor recreation industry development
30 in the department of business and economic affairs.

31 293 New Section; Department of Business and Economic Affairs; Outdoor Recreation Industry
32 Development; Office and Position Established. Amend RSA 12-O by inserting after section 23 the
33 following new section:

34 12-O:23-a Office of Outdoor Recreation Industry Development Established.

35 I. There is established in the department the office of outdoor recreation industry
36 development. The office shall be under the supervision of a classified director of the office of
37 outdoor recreation industry development, who shall serve under the supervision of the

1 commissioner. The director shall provide administrative oversight and ensure that the
2 responsibilities of the office described in this section are fulfilled.

3 II. The office of outdoor recreation industry development shall:

4 (a) Coordinate outdoor recreation policy, management, and promotion among state and
5 federal agencies and local government entities.

6 (b) Promote economic development in the state by:

7 (1) Coordinating with outdoor recreation stakeholders.

8 (2) Using outdoor recreational infrastructure and industry to promote tourism and
9 recruit members of the general workforce.

10 (3) Working with stakeholders and academic institutions to develop relevant
11 training and curricula for members of the outdoor industry and manufacturing workforce.

12 (4) Improving motorized and nonmotorized recreational opportunities in cooperation
13 with the department of natural and cultural resources.

14 (5) Recruiting outdoor recreation business and industry.

15 (c) Recommend policies and initiatives to enhance recreational amenities and
16 experiences in the state and help implement those policies and initiatives.

17 (d) Develop outcome-driven data regarding the effect of outdoor recreation in the state.

18 (e) Promote the health and social benefits of outdoor recreation, especially to young
19 people.

20 (f) Advance sustainable land stewardship initiatives recognizing the relationship
21 between outdoor recreation and its economic benefit to the state.

22 III. Provided that any federally funded programs managed by the department of natural
23 and cultural resources, division of parks on the effective date of this section shall continue to be
24 managed by the division of parks, the office of outdoor recreation industry development may:

25 (a) Seek federal grants or loans.

26 (b) Seek private foundation partnerships.

27 (c) Seek to participate in federal programs.

28 (d) In accordance with applicable federal program guidelines, administer federally
29 funded outdoor recreation programs.

30 294 New Paragraph; Community Recreation Service; Duties. Amend RSA 12-B:3 by inserting
31 after paragraph X the following new paragraph:

32 XI. To serve as liaison to the office of outdoor recreation industry development established
33 pursuant to RSA 12-O:23-a.

34 295 Appropriation; Department of Business and Economic Affairs. The sum of \$125,000 for the
35 fiscal year ending June 30, 2020 and the sum of \$125,000 for the fiscal year ending June 30, 2021
36 are hereby appropriated to the department of business and economic affairs for the purpose of
37 supporting the small business development center and its programs. The governor is authorized to

1 draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

2 296 Fill and Dredge in Wetlands; Excavating and Dredging Permits. Amend RSA 482-A:3, I(b)
3 and (c) as follows:

4 (b) The application fee for shoreline structure projects shall be [~~\$200~~] **\$400** plus an
5 amount based on the area of dredge, fill, or dock surface area proposed, or a combination thereof,
6 which shall be [~~\$2~~] **\$4** per square foot for permanent dock surface area; [~~\$1~~] **\$2** per square foot for
7 seasonal dock surface area; and [~~\$.20~~] **\$.40** per square foot for dredge or fill surface area or both.
8 For projects involving only the repair, reconstruction, or reconfiguration of an existing docking
9 structure, the application fee shall be [~~\$200~~] **\$400**.

10 (c) The application fee shall be [~~\$200~~] **\$400** for minimum impact dredge and fill projects
11 [~~under this chapter~~] **and for non-enforcement related publicly funded and supervised**
12 **restoration projects as defined by rules, regardless of impact classification, if undertaken**
13 **by other than the person or persons responsible for causing the restoration to be needed.**
14 The application fee for all projects under this chapter which are not covered by subparagraph (b) or
15 (c) or paragraphs IV-a, V, X through XII, XV, XVI, or XVII through XIX shall be [~~\$.20~~] **\$.40** per
16 square foot of proposed impact, with a minimum fee of [~~\$200~~] **\$400** for all such projects that impact
17 fewer than [~~1,000~~] **600** square feet.

18 297 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Use of Fees. Amend RSA
19 482-A:3, III to read as follows:

20 III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), XII(c), and X are
21 continually appropriated to and shall be expended by the department for paying per diem and
22 expenses of the public members of the council, hiring additional staff, reviewing applications and
23 activities relative to [~~the~~] wetlands [~~of the state~~] **under RSA 482-A**, [~~and~~] protected shorelands
24 under RSA 483-B, **alteration of terrain under RSA 485-A:17**, conducting field investigations,
25 and holding public hearings. Such fees **and any monetary grants, gifts, donations, or interest**
26 **generated by these funds** shall be **deposited with and** held by the treasurer in a nonlapsing
27 fund identified as the [~~wetlands and shorelands review~~] **water resources fund**.

28 298 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certain Fees. Amend
29 RSA 482-A:3, X(a) to read as follows:

30 (a) The maximum cash application fee for the New Hampshire department of
31 transportation shall be [~~\$10,000~~] **\$30,000** per application plus provisions for technical or consulting
32 services or a combination of such services as necessary to meet the needs of the department. The
33 department may enter into a memorandum of agreement with the New Hampshire department of
34 transportation to accept equivalent technical or consulting services or a combination of such
35 services in lieu of a portion of their standard application fees.

36 299 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Review of Applications.
37 Amend RSA 482-A:3, XIV(b)(1) to read as follows:

1 (1) The time limits prescribed by this paragraph shall supersede any time limits
2 provided in any other provision of law. *The time limits prescribed by this paragraph shall not*
3 *apply to applications submitted by the department of transportation, for which time limits*
4 *shall be set by a memorandum of agreement between the commissioner of the department*
5 *of environmental services and the commissioner of the department of transportation.* If
6 the department fails to act within the applicable time frame established in subparagraphs (a)(3),
7 (a)(4), and (a)(5), the applicant may ask the department to issue the permit by submitting a written
8 request. If the applicant has previously agreed to accept communications from the department by
9 electronic means, a request submitted electronically by the applicant shall constitute a written
10 request.

11 300 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Review of Applications.
12 Amend RSA 482-A:3, XIV(e) to read as follows:

13 (e) *Any request for an amendment to an application or permit shall be*
14 *submitted to the department on the appropriate amendment form.* Any request for a
15 significant amendment to a pending application or an existing permit which changes the footprint
16 of the permitted fill or dredge area shall be deemed a new application subject to the provisions of
17 RSA 482-A:3, I and the time limits prescribed by this paragraph. "Significant amendment" means
18 an amendment which changes the proposed or previously approved acreage of the permitted fill or
19 dredge area by 20 percent or more, [~~relocates the proposed footprint of the permitted fill or dredge~~
20 ~~area,~~] includes a prime wetland, or [~~surface waters of the state, includes a wetland of a different~~
21 ~~classification as classified by the department, or includes non wetland areas requiring permits for~~
22 ~~filling and dredging]~~ *elevates the project's impact classification.* This meaning of "significant
23 amendment" shall not apply to an application amendment that is in response to a request from the
24 department.

25 301 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Permit Duration and
26 Extensions. Amend RSA 482-A:3, XIV-a to read as follows:

27 XIV-a.(a) With the exception of permits issued under subparagraph (b) *or paragraph XIV-*
28 *b,* all permits issued pursuant to this chapter shall be valid for a period of 5 years. Requests for
29 extensions of such permits may be made to the department *by submitting the information*
30 *required in rules adopted by the department.* The department shall grant one extension of up
31 to 5 additional years, provided the applicant demonstrates all of the following:

32 (1) The permit for which extension is sought has not been revoked or suspended
33 without reinstatement.

34 (2) Extension would not violate a condition of law or rule *other than that*
35 *established in this paragraph relative to permit duration.*

36 (3) The project is proceeding towards completion in accordance with plans and other
37 documentation referenced by the permit.

1 (4) The applicant proposes reasonable mitigation measures to protect the public
2 waters of the state from deterioration during the period of extension.

3 (b) Any permit issued to repair or replace shoreline structures to maintain the integrity
4 and safety of such structures including, but not limited to docks, sea walls, breakwaters, riprap,
5 access ramps and stairs, that are damaged by storms or ice, shall expire 10 years from the date the
6 permit was issued as long as any work performed after the initial permitted work complies with the
7 following:

8 (1) The work is not in violation of the original permit or subparagraphs (a)(1)-(4).

9 (2) All structures are repaired or replaced to the original permitted location and
10 configuration.

11 (3) All significant work is reported to the department in accordance with the
12 reporting requirements for the original permit.

13 (c) *After review, if the department determines that a request to extend a permit*
14 *for a major project in public waters meets the stated criteria, the department shall submit*
15 *the request to the governor and executive council with a recommendation that the request*
16 *be approved. The department shall issue decisions on all other extension requests.*

17 302 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Utilities. Amend the
18 introductory paragraph of RSA 482-A:3, XV(b):

19 (b) [~~Appropriate~~] *The utility provider shall provide an annual* notice to the
20 department, *which* shall include the following information:

21 303 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Utilities. Amend RSA
22 482-A:3, XV(d) to read as follows:

23 (d) A [~~one-time annual~~] *non-refundable* filing fee of [~~\$200~~] *\$400* per town[, ~~not to~~
24 ~~exceed a maximum of \$10,000,~~] per year shall accompany the notice to the department. Such fees
25 shall be held in accordance with paragraph III.

26 304 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certified Culvert
27 Maintainers. Amend RSA 482-A:3, XVIII and XIX to read as follows:

28 XVIII. The department shall develop [~~an installer's~~] *a certification program for culvert*
29 *maintainers*, in accordance with paragraph XVII, and shall determine the educational
30 requirements for certification, including continuing education requirements. Professional engineers
31 who are duly licensed by the New Hampshire board of professional engineers are exempt from the
32 program requirements of this section. All certified individuals who perform such work shall submit
33 a quarterly report to the department fully identifying work that they performed during each
34 quarter and documentation of continuing education requirements.

35 XIX. The department shall issue [~~an installer's permit~~] *a culvert maintainer certificate*
36 to any individual who submits an application provided by the department, and has satisfactorily
37 completed the program in accordance with paragraphs XVII and XVIII. [~~Permits~~] *Initial*

1 *certificates* shall be ~~issued~~ *valid through December 31 of the year following the year of*
2 *issue. Renewal certificates shall be valid* from January 1 ~~and shall expire~~ *through* December
3 31 of every other year. Permits shall be renewable upon proper application, and documentation of
4 compliance with the continuing education requirement of paragraph XVIII. The installer's permit
5 may be suspended, revoked, or not renewed for just cause, including, but not limited to, the
6 installation of culverts in violation of this chapter or the refusal by a permit holder to correct
7 defective work. The department shall not suspend, revoke, or refuse to renew a permit except for
8 just cause until the permit holder has had an opportunity to be heard by the department. An
9 appeal from such decision to revoke, suspend, or not renew a permit may be taken pursuant to RSA
10 21-O:14.

11 305 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certified Application
12 Preparer Program. Amend RSA 482-A:3, XX(d) to read as follows:

13 (d) The certification shall be valid for one year from the date of issuance and may be
14 renewed every year. The initial fee for certification shall be \$200 and the fee for renewal shall be
15 \$50. The department shall not issue a certification or a renewal certification if the required fee is
16 not paid. All fees shall be deposited into the ~~[wetlands and shoreland review]~~ *water resources*
17 *fund* established in RSA 482-A:3, III.

18 306 Aquatic Resources Fund. Amend RSA 482-A:29, II to read as follows:

19 II. A separate, non-lapsing account shall be established within the fund into which all
20 administrative assessments collected under RSA 482-A:30, III and RSA 482-A:30-a, II shall be
21 placed. Such account moneys shall ~~[only]~~ be used ~~[to support up to 2 full time positions]~~ for
22 administration of the fund, *including staff*, and *aquatic resource mitigation* related projects.
23 ~~[No other fund moneys shall be used for state personnel costs.]~~

24 307 Shoreland Water Quality Protection; Permit Application Fees. Amend the introductory
25 paragraph of RSA 483-B:5-b, VI:

26 VI. All permits issued pursuant to this chapter shall be valid for a period of 5 years.
27 Requests for extensions of such permits may be made to the department *by providing such*
28 *information as is required by rules adopted pursuant to RSA 541-A*. The department shall
29 grant one extension of up to 5 additional years, provided the applicant demonstrates all of the
30 following:

31 308 Shoreland Water Quality Protection; Permit Application Fees. Amend RSA 483-B:5-b, I(b)
32 to read as follows:

33 (b) The permit application fee shall be ~~[\$100]~~ *the base fee specified in this*
34 *subparagraph* plus *an impact fee of* ~~[\$.10]~~ *\$.20* per square foot of area affected by the proposed
35 activities and shall be deposited in the ~~[wetlands and shorelands review]~~ *water resources* fund
36 established under RSA 482-A:3, III. ~~[Such fees shall be capped as follows:~~

37 ~~(1)]~~ For projects that qualify for permit by notification under this paragraph or RSA

1 483-B:17, X, [~~\$100~~], *the base fee shall be \$200* for restoration of water quality improvement
2 projects, and [~~\$250~~] *the base fee shall be \$400* for all other permit by notification projects.

3 ~~(2) For projects of 0-9,999 square feet, that do not qualify for a permit by~~
4 ~~notification, \$750.~~

5 ~~(3) For projects of 10,000-24,999 square feet, \$1,875.~~

6 ~~(4) For projects of 25,000 square feet or more, \$3,750.]~~

7 309 Shoreland Water Quality Protection; Other Required Permits and Approvals. Amend RSA
8 483-B:6, II to read as follows:

9 II. In applying for approvals and permits, pursuant to paragraph I, applicants shall
10 demonstrate that the proposal meets or exceeds the development standards of this chapter. The
11 department shall develop minimum standards for information to be required on or with all
12 applications under paragraph I. The department or municipality shall grant, deny, or attach
13 reasonable conditions to approvals or permits listed in subparagraphs I(a)-(f) *and RSA 483-B:5-b*,
14 to protect the public waters or the public health, safety, or welfare. Such conditions shall be related
15 to the purposes of this chapter.

16 310 Terrain Alteration; Permit Application Fees. Amend RSA 485-A:17, II to read as follows:

17 II.(a) The department shall charge a fee for each review of plans, including project
18 inspections, required under this section. The *plan review* fee shall be based on the ~~[extent of~~
19 ~~contiguous]~~ *total* area to be disturbed. Except for *property subject to* RSA 483-B:9, the fee for
20 *review of* plans encompassing an area of at least 100,000 square feet but less than 200,000 square
21 feet shall be [~~\$1,250~~] *\$3,125*. For the ~~[purposes of]~~ *property subject to* RSA 483-B:9, the fee for
22 *review of* plans encompassing an area of at least 50,000 square feet but less than 200,000 square
23 feet shall be [~~\$1,250~~] *\$3,125*. An additional fee of [~~\$500~~] *\$1,250* shall be assessed for each additional
24 area of up to 100,000 square feet to be disturbed. No ~~[permit]~~ *application* shall be ~~[issued]~~
25 *accepted* by the department until the fee required by this paragraph is paid. All fees required
26 under this paragraph shall be paid when plans are submitted for review and shall be deposited in
27 the ~~[terrain alteration]~~ *water resources* fund established in ~~[paragraph II-a]~~ *RSA 482-A:3, III*.

28 (b) *The department shall charge a non-refundable fee of \$500 plus a \$.10 per*
29 *square foot fee for each request to amend a permit that requires plans to be reviewed.*

30 311 Wetlands and Shorelands Review Fund Renamed. Amend RSA 6:12, I(b)(131) to read as
31 follows:

32 (131) Moneys deposited in the ~~[wetlands and shorelands review]~~ *water resources*
33 fund *established* under RSA 482-A:3, III.

34 312 Repeal. The following are repealed.

35 I. 2008, 5:27, I, relative to repealing permit application fees.

36 II. RSA 6:12, I(b)(256), relative to the terrain alteration fund.

37 III. RSA 482-A:3, XV(e), relative to the additional fee for amendments to the notification for

1 maintenance to existing utility services.

2 IV. RSA 485-A:17, II-a, relative to the terrain alteration fund.

3 313 Appropriation; Department of Environmental Services; Ossipee Lake Dam Reconstruction.
4 There is hereby appropriated the sum of \$1,500,000 for the fiscal year ending June 30, 2019 to the
5 department of environmental services to supplement the capital appropriation in 2017, 228:1, VIII,
6 H, for the purpose of reconstructing the Ossipee Lake Dam. This appropriation shall not lapse until
7 June 30, 2021. The governor is authorized to draw a warrant for said sum out of any money in the
8 treasury not otherwise appropriated.

9 314 New Paragraph; Pease Development Authority; Real Estate Transfer Tax Exemption for
10 Leases. Amend RSA 78-B:2 by inserting after paragraph XXII the following new paragraph:

11 XXIII. To a lease of any term by and between the Pease development authority and any
12 other person, including any sales, transfers, or assignments of any interest in the leased property.

13 315 Hazardous Waste Clean Up; Civil Actions; Cost Recovery. Amend RSA 147-B:10, III(a) to
14 read as follows:

15 (a) The attorney general may institute an action before the superior court for the
16 county in which the facility is located against any person liable pursuant to paragraph I of this
17 section to recover all costs incurred by the state. Costs recovered under this section shall be
18 deposited into the fund *except that costs recovered to offset expenditures made from the*
19 *drinking water and groundwater trust fund established in RSA 6-D:1 shall be deposited*
20 *into the drinking water and groundwater trust fund.*

21 316 New Section; Deposits to Drinking Water and Groundwater Trust Fund. Amend RSA 485-
22 F by inserting after section 5 the following new section:

23 485-F:6 Deposits to Drinking Water and Groundwater Trust Fund. Any money received by
24 the state related to the contamination of drinking water or groundwater, other than fees, fines,
25 penalties, oil or hazardous waste cost recovery, or any other money already allocated to a specified
26 fund, shall be deposited into the drinking water and groundwater trust fund. This paragraph shall
27 not be construed to limit any damages otherwise awarded in a related private cause of action.

28 317 New Paragraph; Recovered Costs; Deposited in Drinking Water and Groundwater Trust
29 Fund. Amend RSA 485-F:3 by inserting after paragraph II the following new paragraph:

30 III. Costs paid from the drinking water and groundwater trust fund for the action described
31 in paragraph I(a) and recovered by the state under RSA 147-B:10, shall be deposited to the trust
32 fund. In addition, upon payment from the trust fund for any costs for which a third party would
33 otherwise be liable, the right to recover payment from such third party shall be assumed by the
34 drinking water and groundwater advisory commission to the extent of payment made from the trust
35 fund. Any money so recovered shall be repaid to the trust fund. No party shall receive multiple
36 compensation for the same injury, and any such compensation shall be repaid to the trust fund.

37 318 Contingency; Drinking Water and Groundwater Trust Fund; SB 169. If SB 169 of the 2019

1 regular legislative session becomes law, then sections 315-317 of this act shall not take effect.

2 319 Repeal. RSA 176:16-a, relative to liquor commission revenue shortfalls, is repealed.

3 320 Definition of Pet Vendor. Amend RSA 437:1, IV to read as follows:

4 IV. "Pet vendor" means any person, firm, corporation, or other entity [~~engaged in the~~
5 ~~business of transferring~~] **that transfers 25 or more dogs, 25 or more cats, 30 or more ferrets,**
6 **or 50 or more birds**, live animals or birds customarily used as household pets to the public, with or
7 without a fee or donation required, and whether or not a physical facility is owned by the licensee in
8 New Hampshire, when transfer to the final owner occurs within New Hampshire, **between July 1**
9 **and June 30 of each year. Pet vendor also means any person, firm, corporation, or other**
10 **entity that transfers amphibians, reptiles, fish, or small mammals customarily used as**
11 **household pets to the public in quantities set in rules adopted by the department, with or**
12 **without a fee or donation required, and whether or not a physical facility is owned by the**
13 **licensee in New Hampshire between July 1 and June 30 of each year. Nothing in this**
14 **paragraph shall be construed to alter or affect the municipal zoning regulations that a**
15 **pet vendor shall conform with under RSA 437:3.**

16 321 Exemptions; Commercial Kennel Deleted. Amend RSA 437:7 to read as follows:

17 437:7 Exceptions. The license provisions of this subdivision shall not apply to breeders of dogs
18 that do not meet the definition of [~~commercial kennel~~] **pet vendor** in RSA 437:1, veterinarians, or
19 the transfer of livestock or poultry.

20 322 New Paragraph; Health Certificates for Dogs, Cats, and Ferrets. Amend RSA 437:8 by
21 inserting after paragraph V the following new paragraph:

22 VI. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
23 without first being protected against infectious diseases using a vaccine approved by the state
24 veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
25 unless accompanied by an official health certificate issued by a licensed veterinarian. No transfer
26 shall occur unless the transferred animal is accompanied by a health certificate issued within the
27 prior 14 days. The certificate shall be in triplicate, one copy of which shall be retained by the
28 signing veterinarian, one copy of which shall be for the licensee's records, and one copy of which
29 shall be given to the transferee upon transfer as provided in paragraph III. If an official health
30 certificate is produced, it shall be prima facie evidence of transfer. The signing veterinarian shall
31 provide a copy of the health certificate to the department of agriculture, markets, and food upon
32 request.

33 323 New Chapter; Cost of Care Fund. Amend RSA by inserting after chapter 437-A the
34 following new chapter:

35 CHAPTER 437-B
36 COST OF CARE FUND

37 437-B:1 Cost of Care Fund.

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1 I. There is established in the department of agriculture, markets, and food a nonlapsing
2 fund to be known as the cost of care fund which shall be kept distinct and separate from all funds.
3 The cost of care fund is established to assist municipalities in covering the costs of care incurred
4 from caring for animals pending the resolution of any action brought for animal cruelty under RSA
5 644:8 or RSA 644:8-a.

6 II. The treasurer shall deposit in the cost of care fund court-ordered restitution for care in
7 animal cruelty cases under RSA 644:8 or RSA 644:8-a as specified in paragraph VI.

8 III. The arresting officer or his or her designee may apply to the commissioner of the
9 department of agriculture, markets, and food for a grant from the cost of care fund to reimburse
10 costs incurred caring for animals in animal cruelty cases brought under RSA 644:8 or RSA 644:8-a
11 during pretrial care, for the period between when the animals are seized and until the final
12 disposition of the case. The commissioner of the department of agriculture, markets, and food and
13 the state veterinarian shall review such applications, respond to such applications within 15 days,
14 and distribute no more than \$500,000 per application.

15 IV. The commissioner shall establish rules under RSA 541-A relative to:

16 (a) The administration and disbursement of the cost of care fund, including guidelines
17 to ensure that multiple applicants would have equitable access to grants.

18 (b) The application process by an arresting officer or his or her designee for financial
19 assistance to cover the cost of emergency veterinary treatment.

20 V. The commissioner may accept private gifts and donations of any kind for the purpose of
21 supporting the cost of animal care which shall be deposited into the cost of care fund.

22 VI. If a person is convicted of animal cruelty and is ordered by the court to make
23 restitution, the municipality shall report such restitution to the department of agriculture, markets,
24 and food. If the restitution exceeds the costs incurred by the municipality in caring for the seized
25 animals, that excess shall be remitted to the department and shall be deposited into the cost of care
26 fund.

27 324 Department of Agriculture, Markets, and Food; Cost of Care Fund. The sum of \$100,000
28 for the fiscal year ending June 30, 2020, and the sum of \$100,000 for the fiscal year ending June 30,
29 2021 are hereby appropriated to the department of agriculture, markets, and food to fund the cost of
30 care fund established in RSA 437-B:1. The governor is authorized to draw a warrant for said sums
31 out of any money in the treasury not otherwise appropriated.

32 325 Repeal. RSA 437:1, II, relative to the definition of commercial kennel, is repealed.

33 326 New Paragraph; Cemetery Operations. Amend RSA 110-B:77 by inserting after paragraph
34 III the following new paragraph:

35 IV. All federal funds received and income earned from internment fees shall be nonlapsing
36 and continually appropriated for the sole purpose of supporting the New Hampshire state veterans
37 cemetery.

1 327 New Subparagraph; Application of Receipts; Sunny Day Fund. Amend RSA 6:12, I(b) by
2 inserting after subparagraph (343) the following new subparagraph:

3 (344) Moneys credited to the sunny day fund established in RSA 12-O:21-a.

4 328 General Fund Surplus Account; Transfer to Sunny Day Fund. On June 30, 2019, the state
5 treasurer shall transfer the sum of \$1,000,000 from the general fund surplus account to the sunny
6 day fund established in RSA 12-O:21-a.

7 329 New Section; Department of Business and Economic Affairs; Sunny Day Fund. Amend
8 RSA 12-O by inserting after section 21 the following new section:

9 12-O:21-a Sunny Day Fund Established.

10 I. There is hereby established in the office of the state treasurer a fund to be known as the
11 sunny day fund, which shall be kept distinct and separate from all other funds. The commissioner
12 shall administer the fund. The fund shall be nonlapsing and continually appropriated to the
13 commissioner for the purpose of obtaining and disbursing grants for research and development,
14 including any preliminary funding necessary to obtain grant funding, supporting the infrastructure
15 necessary to address critical gaps in the state's ability to attract research and development projects,
16 increasing commercialization of new technologies, leveraging federal funds, and supporting
17 business development and expansion. Grants may be from federal, private, or other sources.

18 II. The New Hampshire Research and Industry Council ("council"), with the support of the
19 New Hampshire Established Program to Stimulate Competitive Research (NH EPSCoR), shall
20 administer the grant program application and approval process in consultation with the
21 commissioner, manage the annual investment portfolio, and evaluate investment performance. An
22 organization may apply for funding under this section pursuant to the procedures established by
23 the council. The council shall assign preference to grant applications that:

24 (a) Increase New Hampshire's competitiveness through innovation.

25 (b) Attract talent to New Hampshire.

26 (c) Target existing industrial-cluster strength, potential growth, and research capacity.

27 (d) Target areas of strategic priority as determined by NH EPSCoR and the department
28 of business and economic affairs.

29 (e) Qualify for available matching funds from federal, private, or other sources.

30 III. Beginning July 1, 2021, and annually thereafter, the council shall conduct a survey of
31 all organizations which receive grants under this section to evaluate the return on investment from
32 the state's funding support and to permit the general court to consider legislation for continued
33 funding. The council shall, no sooner than 18 months after the effective date of this section, develop
34 and distribute a survey instrument to all organizations that have received grant funding under this
35 section. The survey shall, at a minimum, collect the following information for each organization
36 that receives grant funds under this section:

37 (a) Number of grants obtained.

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- 1 (b) Total funding from grants and other investments.
- 2 (c) Amount of federal funds obtained.
- 3 (d) Number of employees.
- 4 (e) Number of jobs created as a result of funding received under this section.
- 5 (f) Number of licensing agreements secured.
- 6 (g) Number of patents filed.

7 IV. An organization shall submit the completed survey to the council within 6 weeks of
8 receipt. The council shall collect the completed surveys and submit them to the commissioner of the
9 department of business and economic affairs. Any organization which fails to timely submit a
10 completed survey shall not be eligible to obtain additional funding under this section.

11 V. Administrative costs shall not exceed 8 percent of annual fund expenditures.

12 330 Appropriation; Department of Environmental Services; Report Required.

13 I. The sum of \$6,000,000 for the fiscal year ending June 30, 2019 is hereby appropriated to
14 the department of environmental services for the purpose of studying, investigating, and testing for
15 contamination caused by perfluorinated chemicals, and the preliminary design for a treatment
16 system for such contamination. This appropriation shall not lapse until June 30, 2021. Such
17 appropriation shall be a charge against the drinking water and groundwater trust fund established
18 in RSA 6-D:1.

19 II. The department of environmental services, in coordination with the attorney general,
20 shall report to the fiscal committee of the general court upon any significant developments relative
21 to the state's lawsuit against companies for the manufacturing and dissemination of perfluorinated
22 chemicals in New Hampshire.

23 331 New Paragraph; Organization of Executive Branch; Purpose. Amend RSA 21-G:2 by
24 inserting after paragraph III the following new paragraph:

25 IV. The various scopes in the mission of the executive branch departments, agencies, and
26 commissions require a delineation of their organization within the executive branch.

27 332 Organization of Executive Branch; Definitions. RSA 21-G:5 is repealed and reenacted to
28 read as follows:

29 21-G:5 Definitions. In this chapter:

30 I. "Administratively attached agency" means an independent agency linked to a department
31 for purposes of reporting and sharing support services.

32 II. "Administrative head of the agency" means the individual, by whatever title conferred
33 upon them by the relevant statute, who is in charge of operations of an executive agency, executive
34 commission, or administratively attached agency.

35 III. "Advisory committee" means a committee established pursuant to RSA 21-G:11 which
36 shall furnish advice, gather information, make recommendations and perform such other activities
37 as may be instructed or as may be necessary to fulfill advisory functions or to comply with federal

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1 funding requirements, but which shall not administer a program or function or set policy.

2 IV. "Agency" means any department, commission, board, institution, bureau, office, or other
3 entity, by whatever name called, other than the legislative and judicial branches of state
4 government, established in the state constitution, statute, session law, or executive order.

5 V. "Bureau" means the principal unit within a division, which is directly responsible to the
6 division level and is concerned with individual program management.

7 VI. "Commissioner" means the individual in charge of the operations of an executive
8 department, who is directly responsible to the governor.

9 VII. "Constitutional office" means an executive department that also comprises a
10 constitutional office established by the state constitution and common law practice.

11 VIII. "Division" means the principal unit within a department, which is directly responsible
12 to the department level and is concerned with related major functional programs and activities.

13 IX. "Executive agency" means an administrative unit within the executive branch of state
14 government, which is concerned with a specific objective or administrative function.

15 X. "Executive commission" means an administrative unit within the executive branch of
16 state government established to provide a specific enterprise or regulatory function.

17 XI. "Executive department" means the principal administrative unit within the executive
18 branch of state government, which is concerned with broad functional responsibilities.

19 XII. "Field operations" means district or area offices which may combine division, bureau,
20 and section functions.

21 XIII. "Section" means the principal unit of a bureau, which is directly responsible to the
22 bureau level and is concerned with direct provision of services to the public or other state agencies.

23 333 Structure of Executive Branch. Amend the section heading in RSA 21-G:6 to read as
24 follows:

25 21-G:6 Structure of Executive Branch *Departments*.

26 334 Repeal. RSA 21-G:6, II(d), relative to division into subsections, is repealed.

27 335 New Section; Organization of Executive Branch. Amend RSA 21-G by inserting after
28 section 6-a the following new section:

29 21-G:6-b Organization of the Executive Branch.

30 I. Constitutional offices are as follows:

- 31 (a) The executive department, comprising the office of the governor.
32 (b) The department of state, comprising the office of the secretary of state.
33 (c) The state treasury, comprising the office of the state treasurer.
34 (d) The department of justice, comprising the office of the attorney general.

35 II. The executive departments are as follows:

- 36 (a) The department of administrative services.
37 (b) The department of agriculture, markets, and food.

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- 1 (c) The department of banking.
- 2 (d) The department of business and economic affairs.
- 3 (e) The department of corrections.
- 4 (f) The department of education.
- 5 (g) The department of employment security.
- 6 (h) The department of environmental services.
- 7 (i) The department of health and human services.
- 8 (j) The department of information technology.
- 9 (k) The department of insurance.
- 10 (l) The department of labor.
- 11 (m) The department of military affairs and veteran services.
- 12 (n) The department of natural and cultural resources.
- 13 (o) The department of revenue administration.
- 14 (p) The department of safety.
- 15 (q) The department of transportation.

16 III. The executive agencies are as follows:

- 17 (a) Council on developmental disabilities.
- 18 (b) Veterans' home.
- 19 (c) The office of professional licensure and certification.
- 20 (d) The police standards and training council.
- 21 (e) The public employee labor relations board.
- 22 (f) The board of tax and land appeals.
- 23 (g) The judicial council.

24 IV. The executive commissions are as follows:

- 25 (a) The fish and game commission.
- 26 (b) The public utilities commission.
- 27 (c) The state liquor commission.
- 28 (d) The state lottery commission.

29 336 New Subdivision; Component Units of State Government. Amend RSA 6 by inserting after
30 section 43 the following new subdivision:

Component Units of State Government

32 6:44 Component Units of State Government.

33 I. All systems, authorities, and organizations established by the state which are not part of
34 the executive, legislative, or judicial branches shall be considered component units of the state
35 government. For the purpose of this section, the following shall be considered component units:

- 36 (a) Community college system of New Hampshire.
- 37 (b) Community development finance authority.

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- 1 (c) Judicial retirement plan.
- 2 (d) Land and community heritage authority.
- 3 (e) Business finance authority.
- 4 (f) Health and educational facilities authority.
- 5 (g) Housing finance authority.
- 6 (h) Municipal bond bank.
- 7 (i) Pease development authority.
- 8 (j) Retirement system of New Hampshire.
- 9 (k) University system of New Hampshire.

10 II. All component units shall report to the state treasurer, in a manner determined by the
11 treasurer, on a quarterly basis. These quarterly reports shall include interim financial information,
12 performance metrics, and all relevant information on the component unit's activities. The state
13 treasurer shall provide the governor, president of the senate, and speaker of the house of
14 representatives the compiled quarterly reports on an ongoing basis.

15 337 General Fund Transfer to Highway Fund. The sum of \$6,463,000 for the fiscal year ending
16 June 30, 2019 is hereby appropriated to the highway fund. The governor is authorized to draw a
17 warrant for said sum out of any money in the treasury not otherwise appropriated.

18 338 Administration of Motor Vehicle Laws; Road Tolls; Exception. Amend RSA 260:60 to read
19 as follows:

20 260:60 Exception. Notwithstanding all other laws and rules to the contrary, annually, on or
21 before June 1, the road toll administrator shall compare the number of gallons on which refunds
22 have been made for the preceding calendar year for motor fuel used in the propulsion of boats on
23 inland public waters of the state, with the number of gallons of such motor fuel sold and delivered
24 directly into the fuel tanks, or supplementary fuel tanks, of boats or outboard motors upon the
25 inland public waters for use in such boats or outboards, based on the number of boats registered in
26 the state at 100 gallons usage per boat, and if there is any balance of unrefunded tolls so collected,
27 the administrator shall report the same to the comptroller who shall, on July 1, next following,
28 credit 1/2 of said balance to the general fund and credit 1/2 of said balance to the fish and game
29 department. The funds credited to the fish and game department shall be used by said department
30 to carry out its program and be accounted for as **unrestricted revenue** to the fish and game fund
31 [~~is accounted for~~]. Any funds credited to the fish and game department as above provided shall not
32 lapse at the end of the fiscal year. The department shall pay monthly to the state treasurer all
33 revenue from the aircraft landing area toll.

34 339 Administration of Motor Vehicle Laws; Road Tolls; Credit Provided. Amend RSA 260:61, I
35 to read as follows:

36 I. Annually, on or before June 30, the comptroller shall transfer, from road tolls collected,
37 an amount equal to the number of licensed OHRVs and snowmobiles for the previous year times the

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1 average number of gallons consumed per year per OHRV and snowmobile times the gasoline road
2 toll imposed under RSA 260:32, less any amount refunded for OHRV and snowmobile use for the
3 previous year, to the fish and game department and the bureau of trails as follows. The road toll
4 administrator shall report to the comptroller if there is a balance of unrefunded road tolls collected.
5 The administrator shall certify the amount to the comptroller who shall credit 1/2 of such balance to
6 the bureau of trails for use as provided in paragraph I-a, and 1/2 of such balance to the fish and
7 game department *as unrestricted revenue to the fish and game fund*. For the purposes of this
8 section, "the average number of gallons consumed per year per OHRV or snowmobile" is 100.

9 340 Department of Safety Appropriations; Revenue from Motor Vehicle Fines; Exemption. For
10 the fiscal year ending June 30, 2019, department of safety appropriations funded with agency
11 income from restricted revenue collected under RSA 262:44, I, shall be exempt from 2017,
12 155:1.08(I).

13 341 Department of Safety; Fund Transfer; Authorization. Notwithstanding the provisions of
14 RSA 9:16-a, for the biennium ending June 30, 2021, the department of safety may transfer funds
15 between accounting units in classes 027-transfers to the department of information technology, 028-
16 transfers to general services, 064-retiree pension benefit-health insurance compensation, and 211-
17 property and casualty insurance, upon approval of the department of administrative services'
18 budget office.

19 342 Substance Abuse Enforcement Program; Appropriations.

20 I. The sum of \$587,700 for the fiscal year ending June 30, 2019 is hereby appropriated to
21 the department of safety. This sum shall be expended as follows:

22 (a) \$171,600 shall be expended for the purpose of funding overtime at the state forensic
23 laboratory as a result of increased caseloads attributable to narcotics related enforcement and
24 investigations with no more than 50 percent of the appropriation expended in each fiscal year of the
25 biennium ending June 30, 2021.

26 (b) \$416,100 shall be expended for the purpose of funding overtime at the state police
27 for narcotics related enforcement and investigations with no more than 50 percent of the
28 appropriation expended in each fiscal year of the biennium ending June 30, 2021.

29 II. The sum of \$2,400,000 for the fiscal year ending June 30, 2019 is hereby appropriated to
30 the department of safety to disburse grants to county and local law enforcement agencies for the
31 purpose of funding overtime costs for county and local law enforcement officers performing law
32 enforcement activities attributable to the substance abuse enforcement program established in RSA
33 21-P:66. No more than 50 percent of the appropriation shall be expended in each fiscal year of the
34 biennium ending June 30, 2021.

35 III. The governor is authorized to draw a warrant for said sums out of any money in the
36 treasury not otherwise appropriated.

37 IV. No appropriation made in this section shall lapse until July 1, 2021.

1 343 Department of Safety; Appropriation. There is hereby appropriated to the department of
2 safety the sum of \$195,000 for the fiscal year ending June 30, 2019, for the purpose of providing
3 administrative support to the state building code review board. The governor is authorized to draw
4 a warrant for said sums out of any money in the treasury not otherwise appropriated and said sums
5 shall not lapse until June 30, 2021.

6 344 Public School Infrastructure Fund. Amend RSA 198:15-y, II to read as follows:

7 II. There is hereby established in the office of the state treasurer the public school
8 infrastructure fund which shall be kept distinct and separate from all other funds and which shall
9 be administered by the department of education. After transferring sufficient funds to the revenue
10 stabilization reserve account to bring the balance of that account to \$100,000,000, the state
11 treasurer shall transfer the remainder of the general fund surplus for fiscal year 2017, as
12 determined by the official audit performed pursuant to RSA 21-I:8, II(a), to the fund. Any earnings
13 on fund moneys shall be added to the fund. All moneys in the fund shall be nonlapsing and
14 continually appropriated. *The department of education may retain up to 3 percent of the*
15 *total annual appropriation of the public school infrastructure fund on or after July 1,*
16 *2019, to be used to administer the public school infrastructure program.* Any unexpended
17 or unencumbered balance as of June 30, 2021 shall be transferred to the general fund.

18 345 Public School Infrastructure Fund. Amend RSA 198:15-y, III(e) to read as follows:

19 (e) *A school building or infrastructure proposal which is necessary to comply*
20 *with Americans with Disabilities Act (ADA) regulations.*

21 (f) Other school building or infrastructure needs the governor, in consultation with the
22 public school infrastructure commission, may identify, except for school building aid projects that
23 are otherwise prohibited by law.

24 346 Department of Education; Vocational Rehabilitation Programs or Services. For the
25 biennium ending June 30, 2021, the department of education may request funds not otherwise
26 appropriated for the purpose of funding unanticipated costs relative to vocational rehabilitation
27 programs or services, with review and approval of the joint fiscal committee of the general court.

28 347 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, I to read as follows:

29 I. Each school board shall make [a] *at least one* meal available during school hours to
30 every pupil under its jurisdiction. Such meals shall be served without cost or at a reduced cost to
31 any [needy] child who [~~is unable to pay the full cost of said meals~~] *meets federal income*
32 *eligibility guidelines.* The state board of education shall [~~insure~~] *ensure* compliance with this
33 section and shall establish minimum nutritional standards for such meals [~~and shall further~~
34 ~~establish~~] *as well as* income guidelines [~~setting forth~~] *set for* the [~~minimum~~] family size [~~annual~~
35 ~~income levels to be~~] used in determining eligibility for free and reduced price meals. Nothing in this
36 section shall prohibit the operation of both a breakfast and lunch program in the same school.
37 [~~Further any requirement of this section which conflicts with any federal statute or regulation may~~

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1 ~~be waived by the state board of education.]~~

2 348 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, VII(b) to read as
3 follows:

4 (b) Such school which demonstrates to the department of education that an approved
5 school wellness policy, as required under the [~~Child Nutrition and WIC Reauthorization Act of 2004~~]
6 ***Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296, and the Richard B. Russell***
7 ***National School Lunch Act, 42 U.S.C. section 1758b*** is in effect, and that such school is
8 providing breakfast meals to pupils that meet or exceed the United States Department of
9 Agriculture's child nutrition criteria may apply for and receive a 3 cent reimbursement for each
10 breakfast meal served to a pupil ***and an additional 27 cent reimbursement for each meal***
11 ***served to students eligible for a reduced price meal.*** The department of education shall
12 request biennial appropriations in an amount sufficient to meet projected school breakfast
13 reimbursements ***to ensure students eligible for reduced price meals are offered breakfast at***
14 ***no cost.*** The department of education shall prescribe forms as necessary under this paragraph.

15 349 New Section; Department of Education; New Position; School Nurse Coordinator. Amend
16 RSA 21-N by inserting after section 6 the following new section:

17 21-N:6-a School Nurse Coordinator. There is established within the division of learner support
18 the position of school nurse coordinator who shall be a classified employee. The school nurse
19 coordinator shall be a licensed RN eligible for New Hampshire school nurse certification under RSA
20 200:29 and shall be qualified to hold such position by reason of education and experience. The
21 position shall be subject to any other employment requirements as determined by the department.
22 The school nurse coordinator shall coordinate and provide technical assistance to guide school
23 nurses and other school personnel responsible for student health care in the areas of student health
24 and wellness, safety, behavioral and mental health, and alcohol and substance use disorder. The
25 school nurse coordinator shall also be a resource for administrators, educators, families, and
26 policymakers across the state.

27 350 New Subdivision; Family and Medical Leave Coverage. Amend RSA 189 by inserting after
28 section 72 the following new subdivision:

29 Family and Medical Leave Coverage

30 189:73 Family and Medical Leave Coverage. A school district employee who has been employed
31 by the school district for at least 12 months and who has worked at least 900 hours in the previous
32 12-month period shall be eligible for family and medical leave under the same terms and conditions
33 as leave provided to eligible employees under the federal Family and Medical Leave Act of 1993
34 (Pub. L. 103-3), 29 U.S.C. section 2611, et seq., as amended.

35 351 Heat and Hot Water System Purchase and Replacement; Appropriation. The sum of
36 \$1,000,000 for the fiscal year ending June 30, 2020 is hereby appropriated to the department of
37 administrative services to be disbursed to the Concord school district no later than September 1,

1 2019, which shall be used for the purchase and replacement of all systems providing heat to those
2 buildings in the Concord school district which previously obtained steam from the former Concord
3 Steam corporation. The Concord school district is authorized to expend such appropriation for the
4 purpose set forth in this section. The Concord school district shall advise the commissioner of the
5 department of administrative services of cost and expenditure estimates relating to the project. The
6 governor is authorized to draw a warrant for said sum out of any money in the treasury not
7 otherwise appropriated.

8 352 Appropriation; Community College System of New Hampshire. In addition to funds
9 otherwise appropriated, there is hereby appropriated to the community college system of New
10 Hampshire the sum of \$3,200,000 in the fiscal year ending June 30, 2019, which shall not lapse.
11 The governor is authorized to draw a warrant for said sum out of any money in the treasury not
12 otherwise appropriated.

13 353 Appropriation; Department of Education. The sum of \$500,000 for the fiscal year ending
14 June 30, 2019 is hereby appropriated to the department of education for the purpose of providing
15 funding to Granite State Independent Living to support the IMPACCT (Inspiring the Mastery of
16 Post-Secondary Achievement in College, Career, and Training) program. This appropriation shall
17 be in addition to any other funds appropriated to the department of education and shall not lapse.
18 The governor is authorized to draw a warrant for said sum out of any money in the treasury not
19 otherwise appropriated.

20 354 Department of Safety Position Reallocation; Appropriation.

21 I. The sum of \$1,450,000 is hereby appropriated, upon approval of the fiscal committee of
22 the general court by June 30, 2020, to the department of safety for the biennium ending June 30,
23 2021 for the purpose of funding reallocation of all sworn police troopers from the rank of
24 probationary trooper through the rank of executive major for the last 6 months of the biennium
25 ending June 30, 2021. The department of administrative services shall conduct an assessment
26 review of the reallocation request and shall report its findings to the fiscal committee prior to the
27 fiscal committee vote. Reallocated pay shall take effect January 1, 2021.

28 II. The sum of \$50,000 for the biennium ending June 30, 2021 is hereby appropriated to the
29 department of administrative services for the purpose of retaining a consultant to assist with the
30 assessment review conducted pursuant to paragraph I.

31 III. The governor is authorized to draw a warrant for said sums in this section out of any
32 money in the treasury not otherwise appropriated. Such funds shall not lapse until June 30, 2021.

33 355 Statement of Findings.

34 I. The general court hereby finds that:

35 (a) The ongoing mental health, substance misuse, and child protection crises have taken
36 a significant toll on New Hampshire's children and families, impacting all child-serving systems and
37 placing increased pressure on the children's behavioral health system;

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1 (b) The New Hampshire department of health and human services recently released an
2 Adequacy and Enhancement Assessment of New Hampshire's child welfare system, which called for
3 sweeping reforms including further integration of services with the children's behavioral health
4 system; immediate enhancements to the service array for children with significant emotional,
5 behavioral and mental health needs; and transformation of New Hampshire's child-serving system
6 to one that is based on early intervention, evidence-based services, and accountability for outcomes;

7 (c) Recent changes to child welfare funding at the federal level with the passage of the
8 federal Family First Prevention Services Act also drive the need to transform New Hampshire's
9 child-serving system;

10 (d) The state of New Hampshire faces a significant shortage in its capacity to provide
11 children with early and effective home and community-based services and therefore must rely on
12 expensive, residential and inpatient treatment that drain the state resources;

13 (e) Adoption of interventions that are proven to be effective such as mobile crisis and
14 stabilization services will provide support and treatment to families in crisis and will in many cases
15 avoid costly, restrictive, and often unnecessary institutional care;

16 (f) Increasing access to mobile crisis response and stabilization services for children can
17 also help the state meet its legal obligations under the Early and Periodic Screening, Diagnostic and
18 Treatment ("EPSDT") provisions of the federal Medicaid Act and the integration mandate of the
19 federal Americans with Disabilities Act. EPSDT is a federally mandated robust benefit for Medicaid-
20 eligible children under age 21, designed to address children's health concerns before they become
21 advanced and treatment is more difficult and costlier;

22 II. Therefore, the department of health and human services shall expand home and
23 community-based behavioral health services for children to include mobile crisis response and
24 stabilization services and make the following improvements to the child-serving system as
25 recommended by the Adequacy and Enhancement Assessment and in alignment with the federal
26 Family First Prevention Services Act and EPSDT.

27 356 System of Care for Children's Mental Health. Amend RSA 135-F:3, III(e) to read as
28 follows:

29 (e) Services that are family-driven, youth-guided, community-based, *trauma-*
30 *informed*, and culturally and linguistically competent.

31 357 New Paragraph; System of Care for Children's Mental Health; Duties of the Department of
32 Health and Human Services; Care Management Entities. Amend RSA 135-F:4 by inserting after
33 paragraph II the following new paragraph:

34 III. Establish and maintain at least one care management entity to oversee and coordinate
35 the care for children with complex behavioral health needs who are at risk for residential, hospital,
36 or corrections placement or involved in multiple service systems. In this section, "care management
37 entity" means an organizational entity that serves as a centralized entity to coordinate all care for

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1 youth with complex behavioral health challenges who are involved in multiple systems and their
2 families.

3 (a) The care management entity shall oversee and manage residential treatment,
4 psychiatric hospitalization, and the development of a continuum of community-based services and
5 supports for children and youth with more complex needs.

6 (b) Beginning January 1, 2020, the care management entity shall coordinate behavioral
7 health services in no less than 25 percent of cases involving referrals for residential treatment.
8 Beginning January 1, 2021, the care management entity shall coordinate services in no less than 50
9 percent of such cases, and, beginning January 1, 2022 and thereafter, the care management entity
10 shall coordinate services in no less than 75 percent of such cases.

11 358 New Sections; Family Support Clearinghouse; System of Care Advisory Committee.
12 Amend RSA 135-F by inserting after section 7 the following new sections:

13 135-F:8 Family Support Clearinghouse.

14 I. The department of health and human services shall establish and maintain an
15 information clearinghouse for families seeking information regarding children's behavioral health
16 services. The clearinghouse functions required by this section may be assigned to an entity that has
17 responsibilities in addition to those required by this section.

18 II. The information provided shall be available on the department of health and human
19 services website and shall include:

20 (a) Access to mobile crisis and stabilization services.

21 (b) Insurance coverage and other reimbursement sources.

22 (c) The results of assessments of the quality of service providers and whether they
23 utilize evidence-based practices.

24 (d) Referral information for legal service organizations.

25 (e) Referral information, including links to websites and contact telephone numbers, for
26 behavioral health service providers, organized by region.

27 (f) Advice and guidance regarding family navigation of the behavioral health system.

28 135-F:9 System of Care Advisory Committee. The department of education and the department
29 of health and human services shall create a system of care advisory committee to improve the well-
30 being of children and families; promote coordination across state agencies; identify cost-savings,
31 opportunities to increase efficiency, and improvements to the service array and service delivery
32 system and effectiveness; and assist and advise the commissioners of the department of education
33 and the department of health and human services on the system of care principles and values and
34 implementation of RSA 135-F. The committee shall include youth and families with relevant
35 experience and members of child-serving public and private agencies, including experts in
36 education, community-based and facility-based behavioral health services, and effective
37 administration of private and public educational and health services. The committee shall meet at

1 least 6 times per year and at such other times as the chairperson deems necessary.

2 359 Home and Community-Based Behavioral Health Services for Children; Mobile Crisis
3 Response and Stabilization Services Included. Amend RSA 167:3-1 to read as follows:

4 167:3-1 Home and Community-Based Behavioral Health Services for Children.

5 I. The department shall establish a Medicaid home and community-based behavioral health
6 services program for children with severe emotional disturbances whose service needs cannot be
7 met through traditional behavioral health services. The department may establish such services
8 through a state plan amendment as provided in Section 1915(i) of the Social Security Act or a
9 waiver under other provisions of the Act, *as needed*. If the department proceeds with a waiver, it
10 shall not limit the geographic availability of services.

11 II. Such services shall include the following services or their functional equivalent:

- 12 (a) Wraparound care coordination.
- 13 (b) Wraparound participation.
- 14 (c) In-home respite care.
- 15 (d) Out-of-home respite care.
- 16 (e) Customizable goods and services.
- 17 (f) Family peer support.
- 18 (g) Youth peer support.

19 III. *Mobile crisis response and stabilization services for children under 21 shall be*
20 *provided and delivered using system of care values and principles in compliance with RSA*
21 *135-F.*

22 (a) *The department shall contract with one or more third-party entities to*
23 *ensure that all children in the state under 21 years of age have access to mobile crisis*
24 *response and stabilization services, that such services are available with a response time*
25 *of no more than one hour, and that such services are available in every part of the state.*

26 (b) *The department shall ensure the development of a performance*
27 *measurement system for monitoring quality and access to mobile crisis response and*
28 *stabilization services.*

29 (c) *All providers of mobile crisis response and stabilization services shall*
30 *coordinate with the child's wraparound care coordinator, primary care physician, and*
31 *any other care management program or other behavioral health providers providing*
32 *services to the youth throughout the delivery of the service.*

33 (d) *Development and procurement of the mobile crises and stabilization*
34 *services required under this section shall begin on the effective date of this section;*
35 *implementation shall occur upon completion of the procurement process and approval by*
36 *the governor and council.*

37 360 Delinquent Children; Arraignment. Amend RSA 169-B:13, I(f)(1)(C) to read as follows:

1 (C) Identified as eligible for special education services[-]; or

2 (D) *Previously referred to a care management entity as defined in RSA*
3 *135-F:4, III.*

4 361 New Paragraph; Delinquent Children; Court Referrals; Referral to Care Management
5 Entity. Amend RSA 169-B:13 by inserting after paragraph II the following new paragraph:

6 II-a. The court may, at the arraignment or at any time thereafter, with the consent of the
7 minor and the minor's family, refer the minor and family to a care management entity, as defined in
8 RSA 135-F:4, III, for evaluation and/or behavioral health services to be coordinated and supervised
9 by that entity.

10 362 New Subparagraph; Delinquent Children; Disposition; Referral to Care Management
11 Entity. Amend RSA 169-B:19, I by inserting after subparagraph (k) the following new
12 subparagraph:

13 (l) With the consent of the minor and the minor's family, refer the minor and family to a
14 care management entity, as defined in RSA 135-F:4, III, for behavioral health services to be
15 coordinated and supervised by that entity. Such referral may be accompanied by one or more other
16 dispositions in this section, if otherwise authorized and appropriate.

17 363 New Paragraph; Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19 by
18 inserting after paragraph I the following new paragraph:

19 I-a. In the case of a child for whom behavioral health services are being coordinated by a
20 care management entity as defined in RSA 135-F:4, III, the court shall solicit and consider
21 treatment and service recommendations from the entity. If the court orders a disposition which is
22 not consistent with the care management entity's recommendations, it shall make written findings
23 regarding the basis for the disposition and the reasons for its determination not to follow the
24 recommendations.

25 364 Children in Need of Services; Initial Appearance. Amend RSA 169-D:11, II(e)(2) and (3) to
26 read as follows:

27 (2) Determined to have a mental illness, emotional or behavioral disorder, or
28 another disorder that may impede the child's decision-making abilities; [~~or~~]

29 (3) Identified as eligible for special education services[-]; or

30 (4) *Previously referred to a care management entity as defined in RSA 135-*
31 *F:4, III.*

32 365 New Paragraph; Children in Need of Services; Initial Appearance; Referral to Case
33 Management Entity. Amend RSA 169-D:11 by inserting after paragraph II-a the following new
34 paragraph:

35 II-b. The court may, at the initial appearance or at any time thereafter, with the consent of
36 the minor and the minor's family, refer the minor and family to a care management entity as
37 defined in RSA 135-F:4 III for evaluation and/or behavioral health services to be coordinated and

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1 supervised by that entity.

2 366 New Paragraph; Children in Need of Services; Dispositional Hearing; Recommendations of
3 Care Management Entity. Amend RSA 169-D:17 by inserting after paragraph I the following new
4 paragraph:

5 I-a. In the case of a child for whom behavioral health services are being coordinated by a
6 care management entity as defined in RSA 135-F:4, the court shall solicit and consider treatment
7 and service recommendations from the entity. If the court orders a disposition which is not
8 consistent with the entity's recommendations, it shall make written findings regarding the basis for
9 the disposition and the reasons for its determination not to follow the recommendations.

10 367 New Paragraph; Children in Need of Services; Dispositional Hearing; Referral to Care
11 Management Entity. Amend RSA 169-D:17 by inserting after paragraph III the following new
12 paragraph:

13 III-a. In addition to any other disposition, the court may, with the consent of the minor and
14 the minor's family, refer the minor and family to a care management entity as defined in RSA 135-
15 F:4 III for behavioral health services to be coordinated and supervised by that entity. Such a
16 referral may be accompanied by one or more other dispositions in this section, if otherwise
17 authorized and appropriate.

18 368 New Paragraph; Services for Children Youth and Families; Definition of Evidence-Based
19 Practice. Amend RSA 170-G:1 by inserting after paragraph V the following new paragraph:

20 V-a. "Evidence-based practice" means a practice that has been recognized as supported by
21 research evidence by an evidence-based clearinghouse, such as the California Evidence-Based
22 Clearinghouse for Child Welfare and the Title IV-E Prevention Services Clearinghouse. Other
23 acceptable evidence-based practices shall include practices and programs evaluated using research
24 which utilizes methods that meet high scientific standards. Acceptable methods shall include:

25 (a) Systematic, empirical techniques that draw on observation or experiment.

26 (b) Rigorous data analyses that are adequate to test stated hypotheses and justify
27 general conclusions.

28 (c) Measurements or observational methods that provide reliable and valid data across
29 evaluators and observers, across multiple measurements and observations, and across studies by
30 the same or different investigators.

31 (d) Randomized controlled trials when possible and appropriate.

32 369 New Paragraph; Services for Children, Youth, and Families; Duties of the Department of
33 Health and Human Services. Amend RSA 170-G:4 by inserting after paragraph XX the following
34 new paragraph:

35 XXI. Utilize, to the fullest permissible extent, available public reimbursement for
36 behavioral health and other services provided pursuant to this chapter and RSA 169-B, 169-C, and
37 169-D, in settings including the home, schools, and treatment facilities. Such reimbursement

1 includes, but is not limited to, the federal Early and Periodic Screening, Diagnosis and Treatment
2 Program under 42 U.S.C. section 1396d.

3 370 New Sections; Services for Children Youth and Families. Amend RSA 170-G by inserting
4 after section 4-a the following new sections:

5 170-G:4-b Evidence-Based Practices.

6 I. On or before July 1, 2020, at least 10 percent of state funds received by the department
7 for children's behavioral health services, whether or not they are subject to this chapter, shall be
8 expended for evidence-based practices. Beginning July 1, 2022, the percentage of state funds
9 expended for evidence-based practices shall be at least 25 percent; and beginning July 1, 2025, the
10 percentage expended for evidence-based practices shall be at least 50 percent.

11 II. The department shall submit a biennial report containing:

12 (a) An assessment of each service provider on which the department expends funds,
13 including but not limited to whether each service provided is an evidence-based practice, and
14 whether the service provider is in compliance with the contract accountability requirements of RSA
15 170-G:4-d.

16 (b) The percentage of state funds the department receives for behavioral health services
17 that is being expended on evidence-based practices.

18 (c) The percentage of federal and other funds the department receives for behavioral
19 health services that is being expended on evidence-based practices.

20 (d) A description of the efforts the department is making to increase the use of evidence-
21 based practices for children's behavioral health and other services.

22 III. The department shall submit the report required under paragraph II no later than
23 January 15 of each odd-numbered year to the governor, the administrative justice of the circuit
24 court, and the house and senate finance committees. The report shall also be posted on the
25 department's website.

26 170-G:4-c Establishment of Resource Center for Children's Behavioral Health. The department
27 shall establish and maintain a resource center for children's behavioral health, which shall:

28 I. Provide technical assistance to the department and to service providers to support the
29 implementation and operation of evidence-based practices, along with the provision of services
30 according to the system of care characteristics described in RSA 135-F:3.

31 II. Provide training on a statewide basis to persons employed in the children's behavioral
32 health system, relating to:

33 (a) The use of evidence-based practices.

34 (b) The analysis of quality assurance protocols to determine whether service providers
35 are utilizing evidence-based practices with fidelity.

36 III. Act as a clearinghouse for information and statewide resources on evidence-based
37 practices for children receiving services pursuant to RSA 169-B, 169-C, 169-D, and 170-G.

1 IV. Facilitate collaboration among state and local agencies and service providers to increase
2 access to such providers.

3 V. Provide support for the assessment of the implementation of evidence-based practices by
4 such state and local agencies.

5 170-G:4-d Content of Provider Contracts.

6 I. All contracts between the department and providers of services under this chapter, or
7 any behavior health service to children, shall include provisions addressing outcome measurement,
8 incentives for the use of evidence-based practices, and accountability for high-quality services.
9 Such provisions shall, at minimum, include the following:

10 (a) Required use of a uniform assessment instrument developed and/or approved by the
11 department pursuant to RSA 170-G:4-e.

12 (b) In the case of providers of services to children pursuant to the dispositional
13 authority of the circuit court under RSA 169-B and 169-D, outcome measurement which includes
14 recidivism as measured by post-service arrests, violations of parole, conditional release, or other
15 conditional liberty, and behavior meeting the definition of a child in need of service under RSA 169-
16 D:2. Contracts with such providers shall also include incentives for recidivism reduction.

17 (c) Reporting to the department changes in assessment results following provision of
18 the contracted service for each child served.

19 II. The department shall include substantially similar requirements in its standards for
20 provider certification and other processes administered by the department to qualify providers to
21 deliver services pursuant to this chapter.

22 170-G:4-e Assessment, Treatment, and Discharge Planning.

23 I. In every case in which a placement outside the home is being considered, the department
24 shall require the completion of a written clinical assessment of the behavioral health and other
25 treatment needs of the child.

26 II. A written treatment plan shall be required upon a child's placement in a residential or
27 other treatment program. The plan shall have definable goals and strategies to achieve those goals
28 and include concrete, outcome-oriented interventions with the objective of restoring, rehabilitating,
29 or maintaining the child's capacity to successfully function in the community and diminish the need
30 for a more intensive level of care.

31 III. The development of a written discharge plan for each child shall begin upon admission
32 to any treatment program, and shall be available to the parents or guardians of the child no later
33 than 10 days following admission to the program. Treatment and discharge plans shall be updated
34 on an ongoing basis as treatment proceeds and a child's condition changes.

35 IV. All assessments conducted pursuant to this section shall include the use of a universal,
36 strengths-based assessment tool which is adopted by the department and used throughout the
37 system of care for children's mental health as defined in RSA 135-F.

1 V. The assessment of the child's behavioral health and other treatment needs shall be
2 repeated upon discharge from any residential treatment program or commitment pursuant to RSA
3 169-B:19, I(j).

4 VI. Assessments required by this section may not be conducted by employees of a
5 residential treatment provider or commitment pursuant to RSA 169-B:19, I(j).

6 170-G:4-f Medical Assistance Screening. The department of health and human services shall
7 establish a procedure to assess court-involved children for eligibility for private and public medical
8 insurance, including the medical assistance program under RSA 167. This procedure shall apply to
9 any child who is subject to proceedings under RSA 169-B or 169-D, or receives services pursuant to
10 RSA 169-C. Children who may be eligible and their families shall be provided assistance by the
11 department in making application for such assistance. The circuit court shall make any necessary
12 adjustments to its arraignment and other procedures to facilitate such assessments.

13 371 Establishment of Resource Center for Children's Behavioral Health; RFP Required. On or
14 before January 1, 2020, the department of health and human services shall issue a request for
15 proposals to establish the resource center for children's behavioral health pursuant to RSA 170-G:4-
16 c, as inserted by this act, and shall establish the resource center no later than July 1, 2020.

17 372 New Paragraph; Release and Discharge from the Youth Services Center. Amend RSA
18 621:19 by inserting after paragraph III the following new paragraph:

19 III-a. In every case in which there is a diagnosis or other evidence that a minor at the
20 center may have a serious emotional disturbance or other behavioral health disorder, the center
21 shall, with the consent of the minor and the minor's family, refer the minor to a care management
22 entity, as defined in RSA 135-F:4, III, for evaluation and recommendations for behavioral health
23 services to be coordinated and supervised by that entity before and after discharge from the facility.
24 Discharge plans shall incorporate the recommendations of the care management entity whenever
25 appropriate. In any case where the recommendations of the care management entity are not
26 incorporated into the discharge planning process, the minor, the minor's family, and counsel for the
27 minor shall be notified in writing of the decision and of the basis for the decision.

28 373 Appropriation; Department of Health and Human Services; Child Welfare Behavioral
29 Health Services. The sum of \$6,084,000 for the fiscal year ending June 30, 2020, and the sum of
30 \$13,164,000 for the fiscal year ending June 30, 2021, are hereby appropriated to the department of
31 health and human services for the purposes of sections 356-372 of this act. Notwithstanding RSA
32 14:30-a, VI, the department may accept and expend any federal fund match to the appropriation in
33 this section without prior approval of this fiscal committee of the general court. The governor is
34 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
35 appropriated.

36 374 Department of Health and Human Services; Medicaid Rate Increases.

37 I. The commissioner of the department of health and human services shall increase all

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1 Medicaid provider rates, including all state plan services and waiver programs, excluding any
2 provider rate increases for inpatient-only substance use disorder treatment services, by 3.1 percent
3 in the fiscal year ending June 30, 2020 and an additional 3.1 percent in the fiscal year ending June
4 30, 2021. The commissioner shall apply the rate increases to the Medicaid fee-for-service fee
5 schedule for the purpose of determining payments for all services not delivered through managed
6 care, and shall require the department's actuary to incorporate the rate increases into the
7 capitation payment for all services provided in the care management program. Nothing in this
8 section shall be construed to alter the traditional method of establishing the county contribution for
9 the Medicaid federal medical assistance percentage.

10 II. The department of health and human services shall, beginning on October 1, 2019 and
11 every 3 months thereafter, provide a report to the fiscal committee of the general court on the
12 status of the rate increases described in paragraph I. Such reports shall include, but not be limited
13 to, year-to-date expenditures compiled by funding source and provider type.

14 375 Department of Health and Human Services; Appropriation.

15 I. The sum of \$60,000,000 for the biennium ending June 30, 2021 is hereby appropriated to
16 the department of health and human services for the purposes of section 374 of this act. Said sums
17 shall be charged as follows:

18 (a) The sum of \$51,238,000 shall be a charge against the state general fund, and the
19 governor is authorized to draw a warrant for said sum out of any money in the treasury not
20 otherwise appropriated;

21 (b) The sums of \$3,753,000 in the fiscal year ending June 30, 2020 and \$3,966,000 in the
22 fiscal year ending June 30, 2021 shall be a charge against state general funds appropriated in
23 account 05-95-93-930010-7100;

24 (c) The sums of \$74,000 in the fiscal year ending June 30, 2020 and \$79,000 in the fiscal
25 year ending June 30, 2021 shall be a charge against state general funds appropriated in account 05-
26 95-48-482010-2152;

27 (d) The sums of \$92,000 in the fiscal year ending June 30, 2020 and \$92,000 in the fiscal
28 year ending June 30, 2021 shall be a charge against state general funds appropriated in account 05-
29 95-93-930010-7110; and

30 (e) The sums of \$353,000 in the fiscal year ending June 30, 2020 and \$353,000 in the
31 fiscal year ending June 30, 2021 shall be a charge against state general funds appropriated in
32 account 05-95-93-930010-7016.

33 II. Notwithstanding RSA 14:30-a, VI, in addition to the amounts appropriated in paragraph
34 I, the department of health and human services may accept and expend any matching federal funds
35 available for the purposes of this section without the prior approval of the fiscal committee of the
36 general court.

37 III. Nothing in this section shall be construed to provide a rate increase of an amount other

1 than 3.1 percent in each fiscal year to providers funded in accounts 05-95-93-930010-7100, 05-95-48-
2 482010-2152, 05-95-93-930010-7110, and 05-95-93-930010-7016.

3 376 New Hampshire Granite Advantage Health Care Program. Amend RSA 126-AA:2, I(a) to
4 read as follows:

5 I.(a) The commissioner shall apply for any necessary waivers and state plan amendments to
6 implement a 5-year demonstration program beginning on January 1, 2019 to create the New
7 Hampshire granite advantage health care program [~~which shall be funded exclusively from non-~~
8 ~~general fund sources, including federal funds~~]. The commissioner shall include in an application for
9 the necessary waivers submitted to the Centers for Medicare and Medicaid Services (CMS) a waiver
10 of the requirement to provide 90-day retroactive coverage and a state plan amendment allowing
11 state and county correctional facilities to conduct presumptive eligibility determinations for
12 incarcerated inmates to the extent provided under federal law. To receive coverage under the
13 program, those individuals in the new adult group who are eligible for benefits shall choose
14 coverage offered by one of the managed care organizations (MCOs) awarded contracts as vendors
15 under Medicaid managed care, pursuant to RSA 126-A:5, XIX(a). The program shall make coverage
16 available in a cost-effective manner and shall provide cost transparency measures, and ensure that
17 patients are utilizing the most appropriate level of care. Cost effectiveness shall be achieved by
18 offering cash incentives and other forms of incentives to the insured by choosing preferred lower
19 cost medical providers. Loss of incentives shall also be employed. MCOs shall employ reference-
20 based pricing, cost transparency, and the use of incentives and loss of incentives to the Medicaid
21 and newly eligible population. For the purposes of this subparagraph, "reference-based pricing"
22 means setting a maximum amount payable for certain medical procedures.

23 377 New Hampshire Granite Advantage Health Care Program; Trust Fund. Amend RSA 126-
24 AA:3, I to read as follows:

25 I. There is hereby established the New Hampshire granite advantage health care trust fund
26 which shall be accounted for distinctly and separately from all other funds and shall be non-interest
27 bearing. The fund shall be administered by the commissioner and shall be used solely to provide
28 coverage for the newly eligible Medicaid population as provided for under RSA 126-AA:2, to pay for
29 the administrative costs for the program, and reimburse the federal government for any over
30 payments of federal funds. All moneys in the fund shall be nonlapsing and shall be continually
31 appropriated to the commissioner for the purposes of the fund. The fund shall be authorized to pay
32 and/or reimburse the cost of medical services and cost-effective related services, including without
33 limitation, capitation payments to MCOs. No state general funds shall be deposited into the fund
34 *unless the commissioner has certified that a deficit is projected in the fund and the*
35 *federal match rate is at least 90 percent. If those conditions have been met, the*
36 *commissioner may seek approval from the fiscal committee of the general court to transfer*
37 *general funds from the department's budget into the trust fund to cover the amount of the*

1 **projected deficit.** Deposits into the fund shall be limited exclusively to the following:

2 (a) Revenue transferred from the alcohol abuse prevention and treatment fund
3 pursuant to RSA 176-A:1, IV;

4 (b) Federal Medicaid reimbursement for program costs and administrative costs
5 attributable to the program;

6 (c) Surplus funds generated as a result of MCOs managing the cost of their services
7 below the medical loss ratio established by the commissioner for the managed care program
8 beginning on July 1, 2019;

9 (d) Taxes attributable to premiums written for medical and other medical related
10 services for the newly eligible Medicaid population as provided for under this chapter, consistent
11 with RSA 400-A:32, III(b);

12 (e) Funds received from the assessment under RSA 404-G;

13 (f) Funds recovered or returnable to the fund that were originally spent on the cost of
14 coverage of the granite advantage health care program; ~~and~~

15 (g) Gifts, grants, and donations[-];

16 (h) **Medicaid enhancement tax moneys necessary to pay for the portion of**
17 **provider rate increases pursuant to RSA 167:64, I(a)(2)(C) that is attributable to services**
18 **provided under this chapter; and**

19 (i) **General funds.**

20 378 Appropriation; Department of Health and Human Services; Safe Stations. The sum of
21 \$375,000 for the fiscal year ending June 30, 2020 and the sum of \$375,000 for the fiscal year ending
22 June 30, 2021 is hereby appropriated to the department of health and human services for the
23 purpose of funding existing Safe Stations located in Manchester and Nashua. The governor is
24 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
25 appropriated.

26 379 Supported Housing. Amend 2017, 156:186, I as amended by 2018, 343:14 to read as
27 follows:

28 I. The commissioner of the department of health and human services shall contract with
29 programs that enable individuals with serious mental illness to attain and maintain integrated,
30 affordable, supported housing. The department shall use funding not to exceed \$500,000 from
31 existing appropriations for the biennium ending June 30, 2019. **Such funds, not to exceed**
32 **\$500,000 from accounting unit 05-95-92-922010-4117, shall not lapse until June 30, 2021.**
33 Eligibility for such funding shall include persons who are not eligible for existing housing subsidy
34 programs. The department shall submit a monthly report to the fiscal committee of the general
35 court regarding implementation of this section.

36 380 Department of Health and Human Services; Appropriation. Notwithstanding RSA 126-
37 AA:2, I(a) and RSA 126-AA:3, the sum of \$8,000,000 for the fiscal year ending June 30, 2019 is

1 hereby appropriated to the department of health and human services, which shall be nonlapsing,
2 for the purpose of enhancing provider rates for mental health and substance use disorder inpatient
3 and outpatient services consistent with 2018, 342. The governor is authorized to draw a warrant
4 for said sum out of any money in the treasury not otherwise appropriated. The commissioner of the
5 department of health and human services shall, within 21 days of the effective date of this section,
6 issue a report to the finance committees of the senate and the house of representatives stating how
7 he intends to expend the appropriation. Notwithstanding RSA 14:30-a,VI, the department may
8 accept and expend any federal fund match to the appropriation in this section without prior
9 approval of the fiscal committee of the general court.

10 381 Repeal. 2019, 41:1, relative to an appropriation to the department of health and human
11 services for increasing diagnosis-related group (DRG) rates for designated receiving facilities (DRF)
12 beds, is repealed.

13 382 Department of Health and Human Services; Designated Receiving Facilities Beds. 2019,
14 41:3 is repealed and reenacted to read as follows:

15 41:3 Department of Health and Human Services; Designated Receiving Facilities; Community
16 Residential Beds.

17 I.(a) The commissioner of the department of health and human services is authorized to
18 enter into a contract with an acute care hospital to establish no fewer than 8 and no more than 10
19 new designated receiving facility (DRF) beds to be operational no later than October 1, 2019. If the
20 contract is approved by the governor and executive council by September 15, 2019, the department
21 shall be appropriated the amounts specified in paragraph II to increase the diagnosis related group
22 (DRG) base rate reimbursement of all existing and newly established DRF beds. If a contract is not
23 approved by the governor and executive council by September 15, 2019, then no funds in paragraph
24 II shall be appropriated to increase the DRG base rate for all existing and new DRF beds.

25 (b) A hospital that establishes between 8 and 10 new DRF beds shall allocate the beds
26 based on the statewide need. The commissioner shall report monthly to the oversight committee on
27 health and human services established in RSA 126-A:13 commencing on November 1, 2019, relative
28 to the county of residence of all community DRF admissions for all community DRF beds. The new
29 beds shall be awarded based on a procurement process conducted by the department.

30 II. The sum of \$732,000 in the fiscal year ending June 30, 2020 and the sum of \$976,000 for
31 the fiscal year ending June 30, 2021 are hereby appropriated for the purpose of increasing the DRG
32 rates for all community based DRF beds in New Hampshire. Of the amounts appropriated, 50
33 percent shall be general funds and 50 percent shall be federal funds. Such funds shall be
34 nonlapsing. The governor is authorized to draw a warrant for the general fund portion of said sums
35 in the treasury not otherwise appropriated.

36 383 Appropriation; Secure Psychiatric Unit Facility. The sum of \$17,500,000 for the fiscal year
37 ending June 30, 2019 is hereby appropriated to the department of health and human services and

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1 shall be expended for the purpose of constructing a new 25-bed secure psychiatric unit facility on
2 the New Hampshire Hospital grounds. The sum appropriated shall be nonlapsing, provided that
3 any unexpended amount following construction shall lapse to the general fund. The facility shall be
4 built to house such persons that do not require continued joint commission accreditation. The
5 department of administrative services shall prioritize this project in its workload. The department
6 of administrative services and the department of health and human shall provide reports each
7 quarter to the fiscal committee of the general court and the senate finance and house finance
8 committees concerning the progress of the project. Appropriate persons housed in the secure
9 psychiatric unit of the state prison shall be safely transferred to this facility no later than 2 weeks
10 after it is operational. This facility shall be operated and managed by the department of health and
11 human services. The state shall not enter into a contract with a private or for-profit prison
12 company for the construction or operation of the secure psychiatric facility unit. The governor is
13 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
14 appropriated.

15 384 Repeal. The following are repealed:

16 I. RSA 84-D, relative to the ICF quality assessment.

17 II. RSA 151-E:15-a, relative to expenditure of funds from ICF quality assessment.

18 385 Department of Health and Human Services; State Plan Amendment; Medicaid for Older
19 Employed Adults with Disabilities (MOAD) Work Incentive Program. On or before January 15,
20 2020, the commissioner of the department of health and human services shall apply to the Centers
21 for Medicare and Medicaid Services for an amendment to the state Medicaid plan pursuant to 42
22 C.F.R. section 430.12 to allow working persons with disabilities who are age 65 and older to receive
23 medical assistance pursuant to 42 U.S.C. section 1396a(a)(10)(A)(ii)(XIII) and as permitted under
24 the Balanced Budget Act of 1997, to be known as Medicaid for Older Employed Adults with
25 Disabilities (MOAD). The state plan amendment shall be used to create a program similar to the
26 state's Medicaid for Employed Adults with Disabilities (MEAD) program, established pursuant to
27 RSA 167:3-i, which is currently limited to individuals between 18 and 64 years of age. Program
28 eligibility under the state plan amendment shall be structured to provide the broadest range of
29 Medicaid coverage consistent with federal eligibility criteria, and to utilize available income and
30 asset disregards so that, to the extent possible, persons eligible for the MEAD program shall also be
31 eligible for the MOAD program when they reach age 65.

32 386 New Paragraph; Definitions; MOAD Program. Amend RSA 167:6 by inserting after
33 paragraph IX the following new paragraph:

34 IX-a. A person with a disability age 65 and older who is eligible to participate in the work
35 incentive program, known as Medicaid for employed older adults with disabilities (MOAD), shall be
36 eligible for medical assistance as medically needy or categorically needy but not to exclude Medicare
37 coverage. The department of health and human services shall establish a sliding fee scale for

1 participants to contribute to the cost of such medical assistance. Participants in the MOAD
2 program shall be employed at the time of enrollment, and may remain enrolled during temporary
3 unemployment for medical reasons or other good cause.

4 387 New Section; MOAD Work Incentive Program. Amend RSA 167 by inserting after section
5 3-1 the following new section:

6 167:3-m MOAD Work Incentive Program.

7 I. Pursuant to section 1902(a)(10)(A)(ii)(XIII) of the Social Security Act, 42 U.S.C. section
8 1396a(a)(10)(A)(ii)(XIII), the department of health and human services shall establish and
9 administer a work incentive program, known as Medicaid for employed older adults with disabilities
10 (MOAD). The purpose of the program shall be to ensure the availability of long-term supports to
11 workers age 65 and older with disabilities who are medically eligible for Medicaid, enabling them to
12 maximize their employment potential and financial independence and prevent impoverishment and
13 dependence upon cash assistance programs.

14 II. In addition to the requirements of RSA 167:6, IX-a, the MOAD program shall:

15 (a) Exclude from consideration resources accumulated from earnings, including interest
16 earned by the resource; by a MOAD-eligible individual beginning on or after the date of eligibility
17 through the period of MOAD eligibility and kept in a separate account from other resources, when
18 determining future eligibility for other medical assistance programs.

19 (b) Provide continued eligibility during periods of temporary unemployment provided
20 that the individual is unable to work for medical reasons but is likely to return to work, or the
21 individual becomes unemployed for other good cause and is actively seeking employment.

22 (c) Define employment for eligibility purposes in a manner that permits a self-employed
23 individual to earn less than the federal minimum wage.

24 (d) Permit individuals who are eligible for home and community-based care waiver
25 services and who qualify for a special income limit, to receive medical assistance through the MOAD
26 program, if they so choose.

27 (e) Provide notice and an opportunity for a fair hearing in the event of any adverse
28 action affecting eligibility for or enrollment in the MOAD program.

29 (f) Establish oversight and enforcement procedures to prevent fraud and to assure that
30 participants are consistently engaging in gainful employment.

31 III. Pursuant to section 1902(a)(10)(A)(ii)(XIII) of the Social Security Act, 42 U.S.C. section
32 1396a(a)(10)(A)(ii)(XIII), individuals shall be eligible for MOAD if their income does not exceed 250
33 percent of the federal poverty level, and they meet all criteria for receiving benefits under the
34 Supplemental Security Income (SSI) program.

35 388 New Paragraph; Rulemaking; MOAD Program. Amend RSA 167:3-c by inserting after
36 paragraph XII the following new paragraph:

37 XII-a. Administration of the MOAD work incentive program established pursuant to RSA

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1 167:6, IX-a and RSA 167:3-m.

2 389 Applicability; MOAD. Sections 386-388 of this act shall take effect on the date that the
3 commissioner of the department of health and human services certifies to the secretary of state and
4 the director of legislative services that the state plan amendment submitted under section 385 of
5 this act has been approved by the Centers for Medicare and Medicaid Services.

6 390 Appropriation; Department of Health and Human Services; Child Protective Service
7 Workers and Supervisors. Amend 2019, 43:1 and 43:2 to read as follows:

8 43:1 Appropriation; Department of Health and Human Services; Child Protective Service
9 Workers. The sum of \$1,998,005 for the fiscal year ending June 30, 2020, and the sum of \$4,119,845
10 for the fiscal year ending June 30, 2021, are hereby appropriated to the department of health and
11 human services for the purpose of hiring 27 child protective service workers in fiscal year 2020 and
12 an additional 30 child protective service workers in fiscal year 2021. Of these amounts, \$1,398,604
13 for the fiscal year ending June 30, 2020 and \$2,888,892 for the fiscal year ending June 30, 2021
14 shall be state general funds, and the remainder shall be federal funds. ***The funds appropriated***
15 ***in this section shall only be used for the purposes of this section, and shall not be***
16 ***transferred or used for any other purpose.*** The governor is authorized to draw a warrant for
17 the general fund share of said sums out of any money in the treasury not otherwise appropriated.

18 43:2 Appropriation; Department of Health and Human Services; Child Protective Service
19 Supervisors. The sum of \$773,552 for the fiscal year ending June 30, 2020, and the sum of
20 \$1,703,152 for the fiscal year ending June 30, 2021, are hereby appropriated to the department of
21 health and human services for the purpose of hiring 9 child protective service supervisors in fiscal
22 year 2020 and an additional 11 supervisors in fiscal year 2021. Of these amounts, \$541,487 for the
23 fiscal year ending June 30, 2020 and \$1,192,207 for the fiscal year ending June 30, 2021 shall be
24 state general funds, and the remainder shall be federal funds. ***The funds appropriated in this***
25 ***section shall only be used for the purposes of this section, and shall not be transferred or***
26 ***used for any other purpose.*** The governor is authorized to draw a warrant for the general fund
27 share of said sums out of any money in the treasury not otherwise appropriated.

28 391 Statement of Purpose. The purpose of sections 392-393 of this act is to set minimum
29 training requirements for staff members working in facilities or programs regulated by the health
30 facilities administration, department of health and human services which include persons with
31 Alzheimer's disease or other dementias in the populations they serve. The dementia-specific
32 training curriculum shall incorporate principles of person-centered dementia care including:
33 thorough knowledge of the person and the person's abilities and needs; advancement of optimal
34 functioning and a high quality of life; and use of problem-solving approaches to care. Staff members
35 shall be trained adequately and appropriately to best address the needs of the population of care
36 recipients they serve. Training shall be culturally competent both for the staff member and the care
37 recipient.

1 392 New Subdivision; Dementia Training for Direct Care Staff in Residential Facilities and
2 Community-Based Services. Amend RSA 151 by inserting after section 46 the following new
3 subdivision:

4 Dementia Training for Direct Care Staff in Residential Facilities
5 and Community-Based Services

6 151:47 Definitions. In this subdivision:

7 I. "Covered administrative staff member" means the senior manager of the facility or
8 program, including administrators, as well as managerial staff members that directly supervise
9 covered direct service staff members.

10 II. "Covered direct service staff member" means a staff member whose work involves
11 extensive contact with residents or program participants. Such staff members include: certified
12 nursing assistants, nurse aides, personal care assistants, home health or personal care aides,
13 licensed practical nurses, licensed vocational nurses, registered nurses, social workers, activity
14 directors, and dietary staff.

15 III. "Department" means the department of health and human services.

16 IV. "Facilities or programs" means residential facilities or home and community-based
17 programs, serving an adult population, licensed as appropriate under this chapter, that provide
18 supportive services including, but not limited to, skilled care facilities, intermediate care facilities,
19 assisted living facilities, residential care for the elderly, adult day programs, home health, in-home
20 services, or adult family care homes or programs that advertise specialty memory care that have
21 residents or program participants with Alzheimer's disease or other dementias.

22 V. "Other covered staff member" means a staff member who has incidental contact on a
23 recurring basis with residents or program participants, including housekeeping staff, front desk
24 staff, maintenance staff, other administrative staff, and other individuals who have such incidental
25 contact.

26 VI. "Staff member" includes full and part-time employees, independent consultants, and
27 staff of contractors and subcontractors.

28 151:48 Initial and Continuing Training in Dementia Required.

29 I. Facilities and programs shall provide initial training to:

30 (a) All covered staff members hired on or after July 1, 2019, who shall complete initial
31 training within 6 months of the commencement of employment.

32 (b) All covered staff members who were employed prior to the date under subparagraph
33 (a) and who have not received equivalent training; such training shall be completed within 6
34 months of that date.

35 II. Each facility or program shall establish a system for ongoing onsite support, supervision,
36 and mentoring for its staff with regard to the treatment and care of persons with dementia.

37 III. For covered direct service staff members and covered administrative staff members, at

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1 a minimum, the curriculum used for the initial training shall adhere to the latest nationwide
2 Alzheimer's Association Dementia Care Practice Recommendations and, at a minimum, cover the
3 following topics:

- 4 (a) Alzheimer's disease and dementia;
- 5 (b) Person-centered care;
- 6 (c) Assessment and care planning;
- 7 (d) Activities of daily living; and
- 8 (e) Dementia-related behaviors and communication.

9 IV. For other covered staff members, training shall include, at a minimum, communication
10 issues related to dementia.

11 V. Initial dementia training shall be considered complete only after the staff member has
12 taken and passed an evaluation.

13 151:49 Portability.

14 I. The facility or staff shall issue a certificate to covered staff members upon completion of
15 initial training, which shall be portable between settings. Provided that the covered staff member
16 does not have a lapse of dementia related direct service or administration employment for 24
17 consecutive months or more, the covered staff member shall not be required to repeat the initial
18 dementia training.

19 II. Covered staff members shall be responsible for maintaining records of certificates
20 received.

21 151:50 Continuing Education. In addition to initial training, the commissioner shall adopt
22 rules to determine when and how often continuing education on dementia shall be required. Such
23 continuing education shall include new information on best practices in the treatment and care of
24 persons with dementia. The department shall require at least a minimum of 6 hours of initial
25 continuing education for covered administrative staff members and covered direct service staff
26 members and shall require at least a minimum of 4 hours of ongoing training each calendar year.
27 Such continuing education shall include new information on best practices in the treatment and
28 care of persons with dementia.

29 151:51 Requirements for Trainers; Training Costs. Persons responsible for conducting in-
30 person dementia trainings shall meet minimum criteria including: 2 years of work experience
31 related to Alzheimer's disease or other dementias or in health care, gerontology, or other related
32 field; and have completed training equivalent to the requirements provided herein. Covered staff
33 members shall not be required to bear any of the cost of training or to attend trainings and shall
34 receive their normal compensation when attending required trainings.

35 151:52 Departmental Oversight.

36 I. The department shall exercise oversight of a facility's or program's dementia training
37 program as part of its comprehensive regulatory responsibilities. Such oversight shall:

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1 (a) Ensure that the facility or program provides continuing education opportunities.

2 (b) Ensure that the facility or program uses designated online training programs or
3 facility-based training that meets the requirements for dementia training in the state.

4 (c) Ensure compliance with any other requirements specified in this subdivision.

5 II. The department may use all of its enforcement tools to ensure that facilities and
6 programs comply with paragraph I.

7 393 Applicability; Dementia Training. Section 392 of this act is intended to address gaps in
8 current dementia training requirements for covered staff and improve the quality of training. If
9 prior-enacted laws or rules contain more rigorous training requirements for some covered staff
10 members, those laws or rules shall apply. Where there is overlap between these provisions and
11 other laws and rules, the department shall interpret this statute to avoid duplication of
12 requirements while ensuring that the minimum requirements set forth in this act are met.

13 394 Repeal. 2017, 156:211, prohibiting reproductive health facilities from using state funds to
14 provide abortion services, is repealed.

15 395 County Nursing Homes; Proportionate Share Payments. Amend RSA 167:18-h to read as
16 follows:

17 167:18-h County Nursing Homes; Proportionate Share Payments.

18 I. Proportionate share payments to county nursing homes shall be made each state fiscal
19 year in an amount equal to the maximum permissible by federal regulations. All payments shall be
20 ~~[apportioned]~~ **specific** to each facility in ~~[a percentage equal to that facility's proportion of total~~
21 ~~county nursing home medicaid utilization]~~ **accordance with the methodology in the approved**
22 **Medicaid state plan amendment.** If the federal government makes adjustments to any
23 proportionate share payments that have been made by the state, the amounts due under this
24 section shall be amended accordingly and adjusted payments shall be made to or from the state as
25 necessary.

26 II. ~~[Notwithstanding any provision of law to the contrary, each county government shall~~
27 ~~reimburse the state for 50 percent of the total cost of proportionate share payments made to the~~
28 ~~county pursuant to paragraph I.]~~

29 (a) **The certified public expenditure (CPE) nursing facilities group shall be**
30 **financed on the basis of a CPE methodology and shall not require a transfer of funds from**
31 **the respective county to the state to effectuate the federal match.**

32 (b) **Any intergovernmental transfers (IGT) specific to the IGT**
33 **nursing facilities group that serve as the basis for generating the federal match shall be**
34 **in accordance with the approved Medicaid state plan amendment.**

35 396 New Paragraph; Services for Children, Youth and Families; Department of Health and
36 Human Services Funding for Juvenile Diversion Programs. Amend RSA 170-G:4 by inserting after
37 paragraph XX the following new paragraph:

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1 XXI. Encourage cities, towns, counties, and non-governmental organizations to develop and
2 maintain court-approved diversion programs for juveniles. The amount to be distributed to the
3 diversion programs shall be not more than \$600,000 for the biennium ending June 30, 2021, from
4 which the sum of \$30,000 in each year of the biennium shall be reserved for newly approved
5 programs, with the remainder divided equally among existing, approved programs that make
6 application for such funding. The judicial branch family division shall establish requirements for
7 court-approved diversion programs under this section and RSA 169-B:10.

8 397 Appropriation; Department of Health and Human Services; Juvenile Diversion Programs.
9 The sum of \$300,000 annually, for the biennium ending June 30, 2021, is hereby appropriated to
10 the department of health and human services for distribution to juvenile diversion programs
11 developed and maintained by municipalities, counties, and non-governmental organizations
12 pursuant to RSA 170-G:4, XXI, as inserted by this act. The governor is authorized to draw a
13 warrant for said sum out of any money in the treasury not otherwise appropriated.

14 398 Department of Health and Human Services; Appropriation. The sum of \$450,000 in the
15 fiscal year ending June 30, 2020 and the sum of \$450,000 in the fiscal year ending June 30, 2021
16 are hereby appropriated to the department of health and human services for the purpose of funding
17 existing supervised visitation centers in New Hampshire. The governor is authorized to draw a
18 warrant for said sums out of any money in the treasury not otherwise appropriated.

19 399 Department of Health and Human Services; Rural Health and Primary Care Section;
20 Positions Established. There is established within the department of health and human services,
21 division of public health services, rural health and primary care section, 2 full-time, unclassified
22 positions. The salary for such positions shall be as set forth in RSA 94:1-a, provided that the salary
23 for such positions shall be determined after assessment and review of the appropriate temporary
24 letter grade allocation in RSA 94:1-a, I(b) for the positions which shall be conducted pursuant to
25 RSA 94:1-d and RSA 14:14-c.

26 400 Appropriations; Department of Health and Human Services; Rural Health and Primary
27 Care Section.

28 I. State Loan Repayment Program. The sum of \$3,250,000 for the fiscal year ending June
29 30, 2020 and the sum of \$3,250,000 for the fiscal year ending June 30, 2021 are hereby appropriated
30 to the department of health and human services, division of public health services, rural health and
31 primary care section to accounting unit 05-95-90-901010-7965, line 103, Contracts for Op Services,
32 and to fund one of the positions established in section 399 of this act. This appropriation shall be
33 nonlapsing. Of this appropriation, the sums of \$750,000 for the fiscal year ending June 30, 2020
34 and \$750,000 for the fiscal year ending June 30, 2021 shall be expended by clinicians solely to
35 deliver mental health and substance use disorder treatment services in Carroll, Cheshire, and Coos
36 counties. The governor is authorized to draw a warrant for said sums out of any money in the
37 treasury not otherwise appropriated.

1 II. Primary Care Workforce Program. The sum of \$120,000 for the fiscal year ending June
2 30, 2020 and the sum of \$120,000 for the fiscal year ending June 30, 2021 are hereby appropriated
3 to the department of health and human services, division of public health services, rural health and
4 primary care section, for the purpose of funding one of the positions established in section 399 of
5 this act. The commissioner of the department of health and human services may use up to \$20,000
6 of the appropriation in each fiscal year towards the upgrade of an existing position in the rural
7 health and primary care section. The governor is authorized to draw a warrant for said sums out of
8 any money in the treasury not otherwise appropriated.

9 401 Appropriation; Department of Business and Economic Affairs. The sum of \$100,000 for the
10 fiscal year ending June 30, 2020 and the sum of \$100,000 for the fiscal year ending June 30, 2021
11 are hereby appropriated to the department of business and economic affairs for the purpose of
12 supporting the education and acceleration programs within New Hampshire's non-profit business
13 technology incubators. The governor is authorized to draw a warrant for said sum out of any money
14 in the treasury not otherwise appropriated.

15 402 New Subdivision; Lead Paint Hazard Remediation Fund. Amend RSA 204-C by inserting
16 after section 87 the following new subdivision:

17 Lead Paint Hazard Remediation Fund

18 204-C:88 Definitions. In this subdivision:

19 I. "Multi-unit" means more than one dwelling unit.

20 II. "Property" means a rental or owner-occupied residential property, or a child care facility
21 licensed under RSA 170-E.

22 III. "Unit" means a single dwelling unit within a structure that contains more than one
23 dwelling unit. "Unit" may also include any dwelling unit within a structure that is otherwise used
24 for non-residential purposes.

25 204-C:89 Lead Paint Hazard Remediation Fund Established.

26 I. There is hereby established within the authority a fund to be used for the purposes of
27 remediating lead paint hazards in housing, to be known as the lead paint hazard remediation fund.
28 The lead paint hazard remediation fund shall be composed of appropriations, gifts, grants,
29 donations, bequests, or other moneys from any public or private source, but such revenues shall not
30 be deemed to be money received from the state, and nothing in this subdivision shall be construed
31 as pledging the faith and credit of the state.

32 II. The authority may use the lead paint hazard remediation fund to make loans to owners
33 of properties for the costs of remediation of lead paint hazards. The authority may also make loans
34 to owners of licensed child care facilities for remediation of lead in water. Loans may be made
35 provided that such remediation is conducted in accordance with lead-safe practices under applicable
36 laws and regulations.

37 III. The authority may use up to 5 percent of any funds deposited in the lead paint hazard

1 remediation fund for program administration.

2 204-C:90 Eligibility. For a property to be eligible to use the funding under this subdivision, the
3 property shall be:

4 I. An owner-occupied single family home occupied by a household with a child under 6
5 years or a pregnant woman and where household income is no more than 100 percent of the median
6 income adjusted for household size for the metropolitan area or county in which the housing is
7 located as published annually by the United States Department of Housing and Urban
8 Development;

9 II. A unit in a multi-unit residential property or a renter-occupied single family home
10 where household income is no more than 90 percent of the median income adjusted for household
11 size for the metropolitan area or county in which the housing is located as published annually by
12 the United States Department of Housing and Urban Development; or

13 III. A child care facility licensed under RSA 170-E.

14 204-C:91 Use of Federal Funds. The lead paint hazard remediation fund shall only be used to
15 supplement, but not supplant, existing federal resources. If a property or unit is eligible for federal
16 funding from a program in operation by the authority, or by any state agency or political
17 subdivision, the owner of the property shall first apply to that program before applying to the lead
18 paint hazard remediation fund.

19 204-C:92 Rulemaking. Pursuant to RSA 204-C:53, the authority shall adopt rules governing
20 the distribution the lead paint hazard remediation fund.

21 403 Repeal. Loans for Lead Hazard Remediation Projects. RSA 130-A:15-a, relative to loans
22 for lead hazard remediation projects, is repealed.

23 404 Appropriation; Lead Paint Hazard Remediation Fund. The sum of \$3,000,000 for the fiscal
24 year ending June 30, 2020 is hereby appropriated to the lead paint hazard remediation fund
25 established in RSA 204-C:89. The governor is authorized to draw a warrant for said sum out of any
26 money in the treasury not otherwise appropriated.

27 405 Appropriation; Division of Public Health Services. Notwithstanding the provisions of RSA
28 485-F, \$500,000 in fiscal year 2020 shall be appropriated from the drinking water and groundwater
29 trust fund established in RSA 6-D:1 to the department of health and human services, division of
30 public health services to fund a study to determine the causes of high levels of pediatric cancer in
31 New Hampshire. These funds shall not lapse until June 30, 2021.

32 406 New Hampshire Veterans' Home; Transfer Among Accounts and Classes. Notwithstanding
33 any provision of law to the contrary, for the biennium ending June 30, 2021, the commandant of the
34 New Hampshire veterans' home is authorized to transfer funds within and among all accounting
35 units within the home and to create accounting units and expenditure classes as required and as
36 the commandant deems necessary and appropriate to address present or projected budget deficits,
37 or to respond to changes in federal law, regulations, or programs, and otherwise as necessary for

1 the efficient management of the home, including funding of unfunded positions, provided that if a
2 transfer does not include new accounting units or expenditure classes, only such transfers of
3 \$100,000 or more shall require prior approval of the fiscal committee of the general court and the
4 governor and council. The New Hampshire veterans' home shall be exempt from RSA 9:17-a, I and
5 RSA 9:17-c, subject to approval by the fiscal committee of the general court of any transfer of
6 appropriations from permanent personal services or employee benefits to any other use or purpose

7 407 Committee Established. There is established a committee to study the disparity in
8 reimbursement among organizations that provide case management under Social Security Act
9 Section 1915(c) waiver programs.

10 I. The members of the committee shall be as follows:

11 (a) Two members of the senate finance committee, one of whom shall be from the
12 majority party and one of whom shall be from the minority party, appointed by the president of the
13 senate.

14 (b) Two members of the house of representatives finance committee, one of whom shall
15 from the majority party and one of whom shall be from the minority party, appointed by the speaker
16 of the house of representatives.

17 II. Members of the committee shall receive mileage at the legislative rate when attending to
18 the duties of the committee.

19 III.(a) The committee shall examine the extent of any disparity in reimbursement among
20 organizations that provide case management under Section 1915(c) waiver programs and the
21 potential causes of and solutions to such disparity.

22 (b) The study shall include a comparison between all Section 1915(c) waiver case
23 management reimbursements, including reimbursement for providers in the following
24 programmatic areas: developmental services, choices for independence, in-home support, and
25 acquired brain disorder services.

26 IV. The committee shall meet in duly noticed public meetings, take testimony when the
27 committee feels it is appropriate, and may accept and solicit information from any person or entity
28 the committee deems relevant to its study.

29 V. The members of the study committee shall elect a chairperson from among the members.
30 The first meeting of the committee shall be called by the first-named senate member. The first
31 meeting of the committee shall be held within 45 days of the effective date of this section. Three
32 members of the committee shall constitute a quorum.

33 VI. The committee shall report its findings and any recommendations for proposed
34 legislation to the president of the senate, the speaker of the house of representatives, the senate
35 clerk, the house clerk, the governor, and the state library on or before November 15, 2019.

36 408 Statement of Purpose. The purpose of sections 409 and 410 this act is to assist lower
37 income seniors with prescription drug costs when they reach the coverage limit for prescription

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1 drugs under the Medicare Part D program. Since most Medicare drug plans have a coverage gap,
2 often called the “donut hole,” the general court finds that there is a need for a state assistance plan
3 to supplement or wrap around the benefit available under the federal program to ensure that low
4 income seniors retain access to necessary medication during this gap in coverage.

5 409 New Subdivision; Department of Health and Human Services; New Hampshire
6 Pharmaceutical Assistance Pilot Program for Seniors. Amend RSA 126-A by inserting after section
7 77 the following new subdivision:

8 New Hampshire Pharmaceutical Assistance Pilot Program for Seniors
9 126-A:78 New Hampshire Pharmaceutical Assistance Pilot Program for Seniors.

10 I. The commissioner of the department of health and human services shall establish a
11 prescription drug assistance pilot program for seniors. The purpose of the pilot program shall be to
12 wraparound or supplement the federal prescription drug benefit under Medicare Part D by paying
13 the out-of-pocket costs for prescription drugs for eligible individuals who have reached the coverage
14 gap, known as the donut hole, under Medicare Part D. The pilot program shall be the payer of last
15 resort and shall cover all out-of-pocket prescription drug costs for which assistance is not otherwise
16 available in the coverage gap, known as the donut hole. The pilot program shall be available to the
17 first 1,000 individuals age 65 or older who apply for such assistance, who have a gross annual
18 household income of 250 percent or less of the federal poverty level, and who otherwise meet the
19 eligibility criteria established by the department. Assistance shall be available under the pilot
20 program from January 1, 2020 to January 1, 2021. The commissioner shall make available an
21 online application, a telephone number for applications and questions, and shall provide written
22 applications upon request. Applications shall include information on income, household size,
23 Medicare Part D enrollment and coverage information, the prescription drugs for which assistance
24 is sought, the age of the applicant, and the location of the applicant. On or before November 1,
25 2019, the commissioner shall adopt rules, under RSA 541-A, relative to pilot program enrollment,
26 administration, and evaluation.

27 II. On or before March 1, 2021, the commissioner of the department of health and human
28 services shall submit an evaluation report of the pilot program to the senate president, the speaker
29 of the house of representatives, the governor, the senate finance committee, the house finance
30 committee, the senate health and human services committee, and the house health, human services
31 and elderly affairs committee. The report shall include information regarding the number of
32 applications, age and location of applicants, prescription drugs for which assistance was provided,
33 costs per eligible applicant, likely costs per non-eligible applicant, and descriptions regarding
34 applicant ineligibility.

35 410 Appropriation; Department of Health and Human Services. For the purpose of funding the
36 prescription drug assistance pilot program for seniors established in this act, the sum of \$2,000,000
37 for fiscal year ending June 30, 2019, is hereby appropriated to the department of health and human

1 services. Such appropriation shall not lapse. The governor is authorized to draw a warrant for said
2 sum out of any money in the treasury not otherwise appropriated.

3 411 Appropriation. The sum of \$1,000,000 for the fiscal year ending June 30, 2019 is hereby
4 appropriated to the department of health and human services for the purposes of upgrading
5 existing substance use disorder treatment and recovery housing facilities and creating new
6 substance use disorder treatment and recovery housing facilities. Funds appropriated under this
7 section shall be used for upgrading or renovating existing facilities to ensure compliance with fire
8 code and safety standards; expanding existing facilities to increase service capacity; and developing
9 new substance use disorder treatment and recovery housing facilities. Facilities receiving funds
10 under this section shall be in compliance with any state rules associated with the operation of such
11 programs. The governor is authorized to draw a warrant for said sum out of any money in the
12 treasury not otherwise appropriated. Funds appropriated in this section shall be nonlapsing.

13 412 Appropriation; Education Trust Fund. The sum of \$43,300,000 for the fiscal year ending
14 June 30, 2019 is hereby appropriated to the education trust fund. The governor is authorized to
15 draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

16 413 Board of Trustees, Community College System of New Hampshire. Amend RSA 188-F:4,
17 II(j) to read as follows:

18 (j) Two members who shall be New Hampshire residents and who are ~~[full-time]~~
19 students enrolled in **a credit program at** one of the colleges within the community college system.
20 The student trustees shall be voted from the colleges within the community college system of New
21 Hampshire locations proceeding in alphabetical order and shall be elected by the student body of
22 the campus responsible for providing the student trustee. The student trustees shall serve a one-
23 year term commencing June 1 of the year for which the student was elected and ending May 31 of
24 the next year. In the event that a student trustee ceases for any reason to attend the school from
25 which the student was elected, the chancellor of the community college system of New Hampshire
26 shall declare a vacancy in that student trustee position, and the next school in order shall elect the
27 student trustee who shall serve for the remainder of the predecessor's term and an additional one-
28 year term immediately.

29 414 Energy Infrastructure Development and Corridors; RSA 162-R; Contingency Revised.
30 Amend 2016, 218:3 and 4 to read as follows:

31 218:3 Updated and Revised Utility Accommodation Manual. The department of transportation
32 shall update and revise its utility accommodation manual in order to provide for the optional use of
33 the energy infrastructure corridors designated pursuant to RSA 162-R:2. The updated and revised
34 manual shall be approved by the Federal Highway Administration no later than ~~[June 1, 2017]~~
35 **April 1, 2018**.

36 218:4 Contingency. If the updated and revised utility accommodation manual required by
37 section 3 of this act is adopted and approved by ~~[June 1, 2017]~~ **April 1, 2018**, sections 1 and 2 of

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1 this act shall take effect [~~July 1, 2017~~] **April 15, 2018**. If the updated and revised utility
2 accommodation manual is not adopted and approved by [~~June 1, 2017~~] **April 1, 2018**, sections 1 and
3 2 of this act shall not take effect. The commissioner of the department of transportation shall
4 certify the date of approval of the manual to the secretary of state and the director of legislative
5 services.

6 415 Attorney General; Criminal Justice Bureau. Amend 2018, 127:3, III(b) to read as follows:

7 (b) There is established within the department of justice an unclassified full-time
8 attorney position for the purpose of implementing and establishing a training program for regional,
9 county, and state prosecutors as required in this paragraph. The salary for the full-time attorney
10 position shall be [~~determined after assessment and review of the appropriate temporary letter grade~~
11 ~~allocation in RSA 94:1-a, I(b) for the position which shall be conducted pursuant to RSA 94:1-d and~~
12 ~~RSA 14:14-e~~] **established as provided for in RSA 94:1-a, I(c)**.

13 416 Department of Health and Human Services; Emergency Shelter and Stabilization Services.

14 I. The sum of \$450,000 in general funds is hereby appropriated to the department of health
15 and human services for the fiscal year ending June 30, 2019, which shall be nonlapsing, for the
16 purpose of emergency shelter and stabilization services for persons experiencing substance use
17 disorder. The governor is authorized to draw a warrant for said sum out of any money in the
18 treasury not otherwise appropriated. Notwithstanding RSA 14:30-a, VI, the department is hereby
19 authorized to accept and expend any federal fund match to the appropriation in this section without
20 prior approval of the fiscal committee of the general court.

21 II. The commissioner of the department of health and human services shall allocate and
22 disburse such funds through a sole source contract or contracts and shall prioritize the use of the
23 funds to high need areas within the state of New Hampshire that are in immediate need for those
24 services. The contracted services shall be operational on or before December 30, 2019.

25 417 Health and Human Services; Amendment, Waiver; Supportive Housing Services. The
26 commissioner of the department of health and human services shall submit a state plan amendment
27 as provided in Section 1915(i) of the Social Security Act or a waiver under other provisions of the
28 Act to the Centers for Medicare and Medicaid Services to create a state Medicaid benefit for
29 supportive housing services.

30 418 Parental Assistance Programs. Amend 2018, 337:14 to read as follows:

31 337:14 Department of Health and Human Services; Parental Assistance Programs; Funding
32 Source. The department of health and human services may use up to [~~\$500,000 in the fiscal year~~]
33 **\$400,000 for the biennium** ending June 30, [~~2019~~] **2021**, for the purpose of funding parental
34 assistance programs under RSA 170-G:4 XX. This amount shall be a charge against the department
35 of health and human services excess appropriation allocation account established in RSA 126-A:75.

36 419 Notice of Leased Interests in Public Property; Applicability to the Department of
37 Transportation Temporarily Suspended. RSA 72:23, I(b)(1)(B), requiring lessors of public property

1 to provide notice to assessing officials of the municipality in which the property is located, shall not
2 apply to the department of transportation until January 1, 2021.

3 420 Seasonal Workers; Exempt from Work Search Requirements for Unemployment; SB 62.
4 RSA 282-A:31, I(d)(4) is repealed and reenacted to read as follows:

5 (4) If availability is limited to part-time work, the claim for unemployment benefits
6 is based on wages earned in part-time work; and

7 (5) If the individual furnishes evidence satisfactory to the commissioner that such
8 individual has a definite date for returning to work which is within 11 weeks of the last day of
9 work, such person shall be exempt from the work search requirements in subparagraph (d).

10 421 Contingency. If SB 62 of the 2019 regular legislative session becomes law, then section 420
11 of this act shall take effect one minute after the effective date of SB 62.

12 422 Adequate Representation for Indigent Defendants in Criminal Cases; Appointment of
13 Counsel. Amend RSA 604-A:2, I to read as follows:

14 I. In every criminal case in which the defendant is charged with a felony or a class A
15 misdemeanor and appears without counsel, the court before which he or she appears shall advise
16 the defendant that he or she has a right to be represented by counsel and that counsel will be
17 appointed to represent him or her if he or she is financially unable to obtain counsel. Unless the
18 defendant waives the appointment of counsel, if the defendant indicates to the court that he or she
19 is financially unable to obtain counsel, the court shall instruct the defendant to complete a financial
20 ~~[affidavit]~~ **statement under oath** in such form as designated by the unit of cost containment. If
21 after review of the financial ~~[affidavit]~~ **statement under oath** and application of the rules
22 established pursuant to RSA 604-A:10, IV the court is satisfied that the defendant is financially
23 unable to obtain counsel, the court shall appoint counsel to represent him or her; provided,
24 however, that in any case in which the defendant is charged with a capital offense, the court may
25 appoint 2 counsel to represent him or her. Whenever defendants have such conflicting interests
26 that they cannot be properly represented by the same counsel, or when other good cause is shown,
27 the court shall appoint separate counsel for each of them. In a post-conviction proceeding in which
28 a defendant seeks to attack the validity of an underlying conviction, the court shall appoint counsel
29 or approve a request for services other than counsel when the interests of justice or judicial
30 economy require.

31 423 Appointment of Counsel for nonpayment or Nonperformance; Statement Under Oath.
32 Amend RSA 604-A:2-f, II(a) to read as follows:

33 (a) Provide the defendant with a financial ~~[affidavit]~~ **statement under oath** and direct
34 the defendant to complete the ~~[affidavit]~~ **financial statement under oath**;

35 424 New Subdivision; Statewide Threat Notification System for Schools. Amend RSA 21-P by
36 inserting after section 52 the following new subdivision:

37 Statewide Threat Notification System for Schools

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1 21-P:52-a Statewide Threat Notification System for Schools.

2 I. The department of safety, in conjunction with the United States Department of
3 Homeland Security, shall commence a process of due diligence in anticipation of future deployment
4 of a statewide, real-time threat notification system for schools, the purpose of which shall be to link
5 school personnel directly to law enforcement in the event of a direct threat against the school
6 community or a general emergency situation in which law enforcement would respond.

7 II. The department of safety shall solicit requests for information (RFI) for a statewide,
8 real-time threat notification system based on the following criteria:

9 (a) The system would be activated by authorized school personnel using classroom
10 desktop computers, laptop computers, mobile phones, fobs, and other suitable devices.

11 (b) Upon activation, the system would determine the location of the nearest law
12 enforcement officers, regardless of jurisdiction, and directly notifies them of the activation.

13 (c) The system would notify the following state and local agencies of the activation:

14 (1) The bureau of emergency communications, or state 911 center.

15 (2) The New Hampshire state police.

16 (3) The New Hampshire information and analysis center.

17 (4) The department of safety, division of homeland security and emergency
18 management.

19 (5) The appropriate local or regional dispatch center for the school.

20 (d) The system would provide electronic school floor plans and related documents to
21 responding officers.

22 (e) The system would provide a communication method for responding officers to
23 communicate with school personnel.

24 III. The threat notification system for schools shall be a state-funded program, available to
25 all school districts and law enforcement agencies in the state. However, participation in the
26 program by local school districts and local law enforcement agencies shall be voluntary.

27 IV. No state funds are appropriated for the due diligence process.

28 V. Deployment of a statewide real-time threat alert system is contingent on an
29 appropriation of funds from surplus revenues received by the state during the 2020-2021 biennium.

30 VI. The commissioner of the department of safety shall adopt rules, under RSA 541-A,
31 relative to implementation and operation of the real-time threat notification system for schools.

32 425 Statement of Purpose. The purpose of sections 426-447 of this act is to provide legislative
33 authorization for initiatives to improve the health coverage available through this state's individual
34 and small employer markets, including authorizing new forms of multiple employer welfare
35 arrangements contingent on the establishment of the legal validity of the United States Department
36 of Labor's Association Health Plan Rule codified at 29 C.F.R. section 2510.3-5(b), authorizing the
37 insurance commissioner to apply for a waiver on an expedited basis under section 1332 of the

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1 Affordable Care Act to create a market stabilization mechanism for the individual market, and
2 creating a legislative commission on the status of health coverage markets for individuals and small
3 employers. The general court hereby seeks to help individuals and small businesses obtain more
4 affordable health care coverage and new coverage options while preserving protections for higher
5 risk individuals and groups and while protecting against adverse impacts on New Hampshire's
6 existing individual and small group health insurance markets.

7 426 Title. Sections 426-447 of act shall be known as the Individual and Small Business Health
8 Care Reform Act of 2019.

9 427 Multiple-Employer Welfare Arrangements; Definitions. RSA 415-E:1 is repealed and
10 reenacted to read as follows:

11 415-E:1 Definitions. In this chapter:

12 I. "Bona fide association" means a bona fide pathway I association or a bona fide pathway II
13 association.

14 II. "Bona fide pathway I association" means a group or association that satisfies the criteria
15 established by the United States Department of Labor prior to the adoption in 2018 of 29 C.F.R.
16 section 2510.3-5, including the guidance provided in the United States Department of Labor
17 publication entitled "MEWAS, Multiple-Employer Welfare Arrangements under the Employee
18 Retirement Income Security Act (ERISA): A Guide to Federal and State Regulation, Revised August
19 2013" and including published United States Department of Labor ERISA Advisory Opinion Letters.

20 III. "Bona fide pathway II association" means a group or association that meets the
21 requirements of 29 C.F.R. section 2510.3-5(b).

22 IV. "Commissioner" means the insurance commissioner of the state of New Hampshire.

23 V. "Eligible employee" means a full-time or part-time employee who meets the requirements
24 for eligibility for group coverage set forth in RSA 415:18, I(q).

25 VI. "Employee welfare benefit plan" has the same meaning as in 29 U.S.C. section 1002(1).

26 VII. "Fully insured health benefit plan" means a policy, contract, certificate, or agreement
27 to provide, deliver, arrange for, pay for, or reimburse any of the costs of health services, that is
28 offered or issued to bona fide association by a health insurer licensed to do business in New
29 Hampshire and that bears the risk under the plan.

30 VIII. "Fund balance" means the total assets in excess of total liabilities, except that assets
31 pledged to secure debts not reflected on the books of the multiple-employer welfare arrangement
32 shall not be included in the fund balance. Fund balance shall include other contributed capital,
33 retained earnings, and surplus notes.

34 IX. "Insolvency termination" means the termination of an arrangement where the fund
35 balance as of the termination date is inadequate.

36 X. "Insurer" means any insurer, nonprofit hospital or medical service corporation, health
37 maintenance organization, or managed care organization, including but not limited to an insurer

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1 offering health coverage as defined in RSA 420-G:2, IX.

2 XI. "Multiple-employer welfare arrangement (MEWA)" or "association" means an employee
3 welfare benefit plan or any other arrangement which is established or maintained for the purpose of
4 offering or providing health benefits to the eligible employees of 2 or more employers, or to their
5 beneficiaries, and shall include a MEWA as defined in the Employee Retirement Income Security
6 Act of 1974, 29 U.S.C. section 1001 et seq. (ERISA). This shall include plans established by any
7 political subdivision of the state or religious organization, but shall not include any plan or
8 arrangement established or maintained under or pursuant to one or more agreements deemed
9 collective bargaining agreements under section 3(40)(A)(i) of (ERISA). For the purposes of this
10 chapter, 2 or more trades or businesses, whether or not incorporated, shall be deemed a single
11 employer if such trades or businesses are under common ownership or within the same control
12 group as defined under section 3(40)(B) of ERISA.

13 428 Multiple-Employer Welfare Arrangements; Applicability; General Eligibility. Amend RSA
14 415-E:2, I and II to read as follows:

15 I. No person shall ~~after April 1, 1992,~~ operate a multiple-employer welfare arrangement
16 unless such arrangement is approved by the commissioner. ~~[No person shall, after April 1, 1992,~~
17 ~~operate a multiple-employer welfare arrangement in existence prior to April 1, 1992, unless such~~
18 ~~arrangement has submitted for approval in compliance with RSA 415-E:4, or otherwise meets the~~
19 ~~special requirements of paragraph III of this section.]~~ ***A foreign or domestic MEWA or***
20 ***association shall be subject to the jurisdiction of this state if it provides a health benefit***
21 ***plan that covers the employees of at least one employer that maintains a work location in***
22 ***New Hampshire, which is the primary workplace of at least one New Hampshire resident,***
23 ***including any self-employed New Hampshire resident who is qualified to enroll in the***
24 ***plan.***

25 II. This chapter shall not apply to a multiple-employer welfare arrangement ***that is a bona***
26 ***fide pathway I association*** which offers or provides benefits which are fully insured by an
27 authorized insurer or under the provisions of RSA 5-B.

28 429 Multiple-Employer Welfare Arrangements. RSA 415-E:3 is repealed and reenacted to read
29 as follows:

30 415-E:3 General Eligibility; Pathway I and Pathway II. To meet the requirements for approval
31 and to maintain a multiple employer welfare arrangement, an association not exempted under RSA
32 415-E:2, II shall be approved either as a self-insured bona fide pathway I association or as a bona
33 fide pathway II association as follows:

- 34 I. An association seeking approval as a self-insured bona fide pathway I association shall:
- 35 (a) Meet the definition in RSA 415-E:1, II of a bona fide pathway I association.
 - 36 (b) Sponsor health coverage that is self-insured.
 - 37 (c) Be nonprofit.

1 (d) Be established by a trade association, industry association, political subdivision of
2 the state, religious organization, or professional association of employers or professionals which has
3 a constitution or bylaws and which has been organized and maintained in good faith for a
4 continuous period of one year for purposes other than that of obtaining or providing insurance.

5 (e) Be operated pursuant to a trust agreement by a board of trustees which shall have
6 complete fiscal control over the arrangement and which shall be responsible for all operations of the
7 arrangement. The trustees selected shall be owners, partners, officers, directors, or employees of
8 one or more employers in the arrangement. A trustee may not be an owner, officer, or employee of
9 the administrator or service company of the arrangement. The trustees shall have the authority to
10 approve applications of association members for participation in the arrangement and to contract
11 with an authorized administrator or service company to administer the day-to-day affairs of the
12 arrangement.

13 (f) Be neither offered nor advertised to the public generally.

14 (g) Be operated in accordance with sound actuarial principles.

15 II. An association seeking approval as a bona fide pathway II association shall:

16 (a) Meet the definition in RSA 415-E:1, III of a bona fide pathway II association.

17 (b) Have a formal organizational structure with a governing body, bylaws, and other
18 similar indications of formality, and complies with RSA 415-E:3, I-a(e) and with all other
19 organizational requirements under this chapter and, if the association offers fully insured coverage,
20 under RSA 420-M.

21 (c) Have its functions and activities controlled by its employer members, and the
22 association's employer members that participate in the group health plan shall control the plan,
23 both in form and in substance.

24 (d) Have a commonality of interest with its employer members, such that one or both of
25 the following standards are met, in a manner that is not a subterfuge for discrimination as
26 prohibited under RSA 415-E:1-e:

27 (1) The employers are in the same trade, industry, line of business, or profession; or

28 (2) Each employer has a principal place of business in the same region.

29 (e) Have at least one substantial business purpose unrelated to offering and providing
30 health coverage or other employee benefits to its employer members and their employees.

31 (f) Have each employer member of the association participating in the group health
32 plan who is a person acting directly as an employer of at least one employee who is a participant
33 covered under the plan.

34 (g) Not make health coverage through the association's group health plan available
35 other than to:

36 (1) An employee of a current employer member of the association; and

37 (2) A beneficiary of an individual eligible under subparagraph (1).

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1 (h) Not be a health insurance issuer, or owned or controlled by a health insurance
2 issuer, or by a subsidiary or affiliate of a health insurance issuer, other than to the extent such
3 entities participate in the association in their capacity as employer members of the association.

4 430 New Sections; Multiple-Employer Welfare Arrangements. Amend RSA 415-E by inserting
5 after section 3 the following new sections:

6 415-E:3-a Bona Fide Pathway I and II Association Coverage; General Authorization. Bona fide
7 pathway association coverage as set forth in the United States Department of Labor's June 21, 2018
8 amendment to 29 C.F.R. section 2510, 83 Fed. Reg. 28,961 (codified at 29 C.F.R. section 2510.3-5)
9 shall be permissible in New Hampshire provided it conforms with this chapter and all of the
10 provisions of Title XXXVII concerning this coverage.

11 415-E:3-b Bona Fide Pathway I and II Association Coverage: Option to Offer Fully-Insured
12 Coverage.

13 I. A bona fide pathway I association may offer coverage on a fully insured basis if it is a
14 qualified association trust as defined in RSA 420-G:2, XV.

15 II. A bona fide pathway II association may offer coverage on a fully insured basis if it is
16 licensed as a qualified purchasing alliance under RSA 420-M and meets all of the pathway II
17 requirements under this chapter.

18 III. No insurer shall issue a fully-insured health benefit plan to an association or MEWA
19 with covered lives in New Hampshire unless the association or MEWA meets the requirements of
20 either paragraphs I or II.

21 IV. A fully-insured association or MEWA that is a qualified association trust or that has
22 been licensed by the department as a qualified purchasing alliance shall not be subject to the
23 financial reporting and solvency requirements of this chapter that are applicable only to self-funded
24 associations.

25 V. An insurer issuing a fully insured health benefit plan to an association or MEWA shall
26 ensure that the terms of the plan conform with all applicable requirements of this chapter with
27 respect to bona fide association coverage and that the coverage has received all required approvals
28 from the department.

29 415-E:3-c Bona Fide Pathway II Association Coverage; Benefit Requirements.

30 I. Each health benefit plan offered to or by a bona fide pathway II association, whether on a
31 fully insured or self-funded basis, shall, at a minimum, provide the following benefits:

32 (a) Coverage for each of the 10 essential health benefits as defined in 42 U.S.C. section
33 18022(b)(1), subject to approval of the commissioner based on the New Hampshire benchmark plan;

34 (b) Cost sharing requirements of 42 U.S.C. section 18022(c)(1)-(c)(3);

35 (c) Lifetime and annual limits as prescribed in 29 C.F.R. section 2590.715-2711;

36 (d) A level of coverage equal to or greater than that designed to provide benefits that
37 are actuarially equivalent to 60 percent of the full actuarial value of the benefits provided under the

1 plan; and

2 (e) All other benefits required to comply with applicable federal laws and regulations
3 and with any provision of title XXXVII that applies to large group health insurance coverage.

4 II. Every health benefit plan offered by any bona fide pathway II association, whether
5 offering coverage on a self-funded basis or fully insured basis, and any insurer contracting with an
6 offering association, shall comply with the following:

7 (a) Except as otherwise specifically provided herein, all requirements of RSA 420-G,
8 including claims data and other reporting requirements;

9 (b) Requirements contained in RSA 420-J, and any rules adopted thereunder by the
10 commissioner including, but not limited to, network adequacy, balance billing protections, and
11 appeal and grievance processes;

12 (c) Payment of premium tax as provided in RSA 400-A:31-35 and administrative
13 assessment under RSA 400-A:39;

14 (d) Requirements pertaining to examinations under RSA 400-A:37;

15 (e) Requirements pertaining to unfair insurance trade practices under RSA 417;

16 (f) Vaccine association assessment under RSA 126-Q; and

17 (g) Individual market assessment under RSA 404-G.

18 III. No health benefit plan or related policy, contract, certificate, or agreement offered or
19 issued in this state to a bona fide pathway II association, whether offering coverage on a self-funded
20 basis or fully insured basis, shall reserve discretion to the insurer or sponsoring association to
21 interpret the terms of the contract or to provide standards of interpretation or review that are
22 inconsistent with the laws of this state. Any such policy, contract, certificate, or agreement shall be
23 void and unenforceable to the extent it conflicts with this section.

24 IV. A bona fide pathway II association, whether offering coverage on a self-funded basis or
25 fully insured basis, shall not offer, and an insurer shall not deliver or issue for delivery to such
26 association, a health benefit plan covering lives located in this state that contains an exclusion or
27 limitation for pre-existing conditions or a waiting period on the coverage of pre-existing conditions.

28 V. For any bona fide pathway II association, whether offering coverage on a self-funded
29 basis or fully insured basis, if coverage is issued to a sole proprietor, the association sponsoring the
30 coverage shall be responsible for monitoring and ensuring that the sole proprietor meets the
31 requirements to qualify as an employer under 29 C.F.R. section 2510.3-5(b) and meets the per
32 month hourly work requirement contained in RSA 126-AA:2, III. Failure to ensure compliance with
33 this provision shall be a violation of this chapter.

34 415-E:3-d Rating Requirements for Bona Fide Pathway I Fully Insured Coverage and all
35 Pathway II Coverage; Rating Requirements.

36 I. Any fully insured bona fide pathway I association and any pathway II association,
37 whether self-funded or fully insured, or any insurer contracting with such bona fide pathway I or II

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1 association to provide a health benefit plan, shall comply with all requirements of RSA 420-G,
2 except that, for any such association with 250 or more New Hampshire covered lives, the
3 association as a whole may be rated as a single risk pool separately from the small employer
4 market.

5 II. Coverage for a fully insured bona fide pathway I association with 250 or more New
6 Hampshire covered lives and any bona fide pathway II association with 250 or more New
7 Hampshire covered lives may be rated as a single large group based on the association's group
8 experience and in accordance with all standards applicable to large employer groups under RSA
9 420-G. The following additional requirements shall apply to such coverage:

10 (a) All premium rates charged shall be guaranteed for a rating period of at least 12
11 months, and shall not be changed for any reason, including, but not limited to, a change in the
12 group's case characteristics.

13 (b) For fully insured bona fide pathway I associations, the association may vary rates
14 among member small employers only in accordance with the provisions in RSA 420-G:10 applying to
15 qualified association trusts.

16 (c) For any pathway II association, whether self funded or fully insured, the association
17 may vary rates among member small employers, including participating self-employed New
18 Hampshire members, as follows:

19 (1) Variation associated with age shall not exceed 5:1.

20 (2) Variation associated with tobacco use shall not exceed 1.5 to 1.

21 (3) No other variation shall be permitted.

22 (d) The same rating methodology shall apply to newly covered member employer groups
23 and employee members renewing at each annual renewal date or anniversary date. The rating
24 methodology shall not be construed to include health carrier incentives to individual subscribers or
25 members to participate in wellness and fitness programs provided such incentives are approved by
26 the insurance department.

27 (e) Nothing in this chapter shall be construed to allow a member small employer group
28 within any association to be rated separately under large group rating standards.

29 415-E:3-e Bona Fide Pathway II Association Coverage; Nondiscrimination Requirements. In
30 accordance with 29 C.F.R. section 2590.702, bona fide pathway II association coverage shall comply
31 with the following:

32 I. The group or association shall not condition employer membership in the group or
33 association on any health factor of any individual who is or may become eligible to participate in the
34 group health plan sponsored by the group or association.

35 II. The group health plan sponsored by the group or association shall comply with 29 C.F.R.
36 section 2590.702(b) with respect to nondiscrimination in rules for eligibility of benefits.

37 III. The group health plan sponsored by the group or association shall comply with 29

1 C.F.R. section 2590.702(c) with respect to nondiscrimination in premiums or contributions required
2 by any participant or beneficiary for coverage under the plan.

3 IV. In applying the nondiscrimination provisions of paragraphs II and III, the group or
4 association shall not treat the employees of different employer members of the group or association
5 as distinct groups of similarly-situated individuals based on a health factor of one or more
6 individuals.

7 415-E:3-f Free Movement Between Bona Fide Association Coverage and Small Group Coverage.
8 A small employer that leaves the small group market for bona fide pathway I or II association
9 coverage or that leaves pathway I or II association coverage for the small group market shall not be
10 subjected to a waiting period before being permitted to return to the original market, nor shall an
11 insurer or administrator be permitted to impose such a waiting period.

12 415-E:3-g Bona Fide Pathway II Association Coverage; Mitigation of Small Group Market
13 Impacts of Pathway II Association Coverage.

14 I. In order to mitigate potential adverse effects of pathway II association coverage on the
15 existing small group markets, the commissioner shall retain an independent actuarial firm to model
16 and quantify the impacts of pathway II coverage on the existing small group markets and to
17 perform the actuarial review necessary to support the small group risk adjustment program
18 required under RSA 420-K. The plan of operation for the small group risk adjustment program
19 required under RSA 420-K shall be approved and in place before any pathway II association
20 coverage may be issued.

21 II. Upon the recommendation of the commission on the status of health coverage markets
22 for individuals and small employers established under RSA 404-J, or upon the commissioner's own
23 initiative, the commissioner may limit pathway II associations to the writing of existing business
24 only and may adjust the risk score differential amount in RSA 420-K:4, I(d) as necessary to prevent
25 the pathway II association market from having an adverse impact on the availability and choice of
26 coverage in the small group market and as necessary to prevent average premiums for small groups
27 from increasing at a rate that is significantly higher than the trend in claims costs.

28 431 Multiple-Employer Welfare Arrangements; Filing of Application. Amend the section
29 heading and the introductory paragraph of RSA 415-E:4 to read as follows:

30 415-E:4 **Self-Funded Arrangements; Filing of Application.** *For self-funded arrangements,*
31 the sponsoring association shall file with the commissioner an application for approval of the
32 arrangement upon a form to be furnished by the commissioner, which shall include or have
33 attached the following:

34 432 Multiple-Employer Welfare Arrangements; Termination Liability Fund. RSA 415-E:5 is
35 repealed and reenacted to read as follows:

36 415-E:5 **Self-Funded Arrangements: Termination Liability Fund.**

37 I. Each self-funded multiple-employer welfare arrangement shall maintain a termination

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1 liability fund wherein the fund balance of the multiple-employer welfare arrangement shall at no
2 time, for a consecutive 90-day period, be less than \$750,000 or 33 percent of the aggregate
3 premiums billed during the 12 prior months, whichever is greater. For purposes of this paragraph,
4 that surety amount, if any, deposited with the commissioner pursuant to RSA 415-E:7, I, may be
5 credited as a fund balance asset toward the termination liability fund amount.

6 II. Each self-funded multiple-employer welfare arrangement shall file with the
7 commissioner, not later than 4 months following the end of each fiscal year, a report on the
8 financial status of the termination liability fund, which report is filed under oath by a member of its
9 board of trustees, or by an administrative executive duly appointed by the board, and further
10 certified to by an independent certified public accountant.

11 433 Multiple-Employer Arrangements, Financial Condition, Loss Reserves. Amend RSA 415-
12 E:6 to read as follows:

13 415-E:6 *Self-Funded Arrangements*; Financial Condition, Loss Reserves, Reinsurance, or
14 Working Capital; Determination of Inadequacy.

15 I. *Each self-funded arrangement shall maintain specific excess insurance with a*
16 *retention level determined in accordance with sound actuarial principles and approved*
17 *by the commissioner.*

18 II. *Each self-funded arrangement shall establish and maintain appropriate loss*
19 *reserves determined in accordance with sound actuarial principles and approved by the*
20 *commissioner.*

21 ~~III.~~ III. The commissioner may, upon reasonable notice, conduct an examination of the loss
22 reserves, financial condition, specific excess insurance, and working capital of a multiple-employer
23 welfare arrangement *the costs of which shall be borne by the arrangement.* If the
24 commissioner preliminarily finds that the reserves, specific excess insurance, or financial condition
25 may be inadequate, or that the arrangement does not have a combined working capital in an
26 amount establishing the financial strength and liquidity of the arrangement to pay claims promptly
27 and showing evidence of the financial ability of the arrangement to meet its obligations to covered
28 employees, the commissioner shall notify the arrangement of such inadequacy. Upon being so
29 notified, the arrangement shall within 30 days file with the commissioner all information which, in
30 the belief of the arrangement, proves the reasonableness and adequacy of the condition noted as
31 being inadequate.

32 ~~IV.~~ IV. If the commissioner determines, after reviewing the information filed, that an
33 inadequate condition exists, the arrangement shall implement, within 30 days, a plan to correct the
34 inadequacy and shall file proof of reasonable improvement or adequate condition with the
35 commissioner within 6 months of the implementation of the plan. If the commissioner is satisfied
36 that the plan submitted to improve the inadequate condition of the arrangement is sufficient, he
37 shall so notify the arrangement. The arrangement shall report quarterly to the commissioner until

1 the causes of the inadequate condition have been corrected.

2 ~~[III]~~ V. The commissioner may suspend or revoke the approval of an arrangement if he
3 finds that the arrangement has failed to correct or reasonably improve an inadequate condition
4 within the time authorized by paragraph ~~[II]~~ IV.

5 434 Multiple-Employer Arrangements; Insolvency Protection. Amend RSA 415-E:7, I to read as
6 follows:

7 I. To assure the faithful performance of its obligations to its member employers and covered
8 employees *who are New Hampshire residents* and their dependents, every arrangement shall,
9 within 30 days after the close of the arrangement's fiscal year, deposit with the commissioner cash,
10 securities, or any combination of these or other measures acceptable to the commissioner, in an
11 amount equal to ~~[25 percent of the preceding 12 months' health care claims expenditures or 5~~
12 ~~percent of gross annual premiums for the succeeding year], \$100,000 or 25 percent of the~~
13 *aggregate premiums billed during the 12 prior months attributable to New Hampshire*
14 *residents*, whichever is greater~~[- however, in no case shall the amount of the deposit exceed~~
15 ~~\$100,000]. All income from deposits shall belong to the depositing arrangement and shall be paid to~~
16 ~~it as it becomes available. An arrangement that has made a securities deposit may withdraw that~~
17 ~~deposit, or any part of such deposit, after making a substitute deposit of cash, securities, or any~~
18 ~~combination of these or other measures of equal amount and value, upon approval by the~~
19 ~~commissioner. No judgment creditor or other claimant of a multiple-employer welfare association~~
20 ~~shall have the right to levy upon any of the assets or securities held in this state as a deposit under~~
21 ~~this section.~~

22 435 Multiple-Employer Arrangements. Amend RSA 415-E:8 through RSA 415-E:13 to read as
23 follows:

24 415-E:8 Policy Forms.

25 I. *Whether an arrangement is self-funded or fully insured*, no policy or contract form,
26 application form, certificate, rider, endorsement, summary plan description, or other evidence of
27 coverage shall be *sponsored or* issued by an arrangement unless the form and all changes to it
28 have been filed with the commissioner by or on behalf of the arrangement which proposed to use
29 such form and have been approved by the commissioner.

30 II. The commissioner shall disapprove any form filed under this section, or withdraw any
31 previous approval, only if the form:

32 (a) Is in any respect in violation of, or does not comply with, this chapter.

33 (b) Contains or incorporates by reference, where such incorporation is otherwise
34 permissible, any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions which
35 deceptively affect the risk purported to be assumed in the general coverage of the contract.

36 (c) Has any title, heading, or other indication of its provisions which is misleading.

37 (d) Is printed or otherwise reproduced in such manner as to render any material

1 provision of the form substantially illegible.

2 (e) Contains provisions which are unfair or inequitable, or contrary to the public policy
3 of this state or which encourage misrepresentation.

4 **III. Each self-funded arrangement shall issue to each covered employee a policy**
5 **contract, certificate, summary plan description, or other evidence of the benefits and**
6 **coverages provided. The evidence of the benefits and coverages provided shall contain in**
7 **boldfaced print in a conspicuous location, the following statement: "The benefits and**
8 **coverages described herein are provided through a trust fund established and funded by a**
9 **group of employers."**

10 **IV. Each self-funded arrangement shall provide to each covered employee, on**
11 **request, a written statement of the dollar amount of allowable benefit for any procedure**
12 **which is requested by the appropriate procedure code.**

13 415-E:9 **Self-Funded Arrangements; Employer Participants' Liability. For self-funded**
14 **arrangements:**

15 I. The liability of each employer participant for the obligations of the multiple-employer
16 welfare arrangement shall be individual, several, and proportionate, but not joint.

17 II. Each employer participant shall have a contingent assessment liability pursuant to 415-
18 E:10 for payment of actual losses and expenses incurred while the policy was in force.

19 III. Each policy issued by the arrangement shall contain a statement of the contingent
20 liability. Both the application for insurance and policy shall contain, in contrasting color and not
21 less than 10-point type, the following statement: "This is a fully assessable policy. In the event the
22 arrangement is unable to pay its obligations, policyholders (employers) shall be required to
23 contribute on a pro rata earned premium basis the money necessary to meet any unfulfilled
24 obligations."

25 415-E:10 **Self-Funded Arrangements; Termination of Arrangement. For self-funded**
26 **arrangements, if an arrangement is terminated for any reason, it shall pay all outstanding claims,**
27 **debts, and obligations. The arrangement may retain sufficient funds to provide coverage for such**
28 **additional period as the trustees of the arrangement consider prudent. In addition, the trustees**
29 **may purchase such additional insurance as they consider necessary for protection against potential**
30 **future claims. Any funds remaining in the arrangement after satisfaction of all obligations upon**
31 **termination shall be paid to participating employers and/or covered employees as of the termination**
32 **date in some equitable manner meeting with the approval of the commissioner, including, without**
33 **ruling out other alternatives, equally on a per capita basis to each participating employer and/or**
34 **employee who is covered under the arrangement as of the effective date of termination.**

35 415-E:11 **Self-Funded Arrangements; Annual Reports and Triennial Actuarial Reports. For**
36 **self-funded arrangements:**

37 I. Every *such* arrangement shall, annually within 4 months of the end of the fiscal year or

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1 within such extension of time as the commissioner for good cause may grant, file a report with the
2 commissioner, verified by the oath of a member of the board of trustees or by an administrative
3 executive appointed by the board, showing its condition on the last day of the preceding fiscal year.
4 The report shall contain a financial statement of the arrangement, including its balance sheet and a
5 statement of operations for the preceding year certified by an independent certified public
6 accountant. The report shall also include an analysis of the adequacy of reserves and contributions
7 or premiums charged, based on a review of past and projected claims and expenses.

8 II. In addition to information called for and furnished in connection with the annual report,
9 if reasonable grounds exist, the commissioner may request information which summarizes paid and
10 incurred expenses, and contributions or premiums received, and may request evidence satisfactory
11 to the commissioner that the arrangement is actuarially sound. Such information and evidence
12 shall be furnished to the commissioner by the arrangement as soon as reasonably possible after
13 requested by the commissioner, but no later than 30 days after such request, unless the
14 commissioner, for good cause, grants an extension.

15 III. At least once every 3 years, each *such* arrangement shall have a report prepared by an
16 actuary who is a member of the Society of Actuaries of the American Academy of Actuaries as to the
17 actuarial soundness of the arrangement. The report shall be made available to the commissioner
18 upon request. The report shall consist of, but shall not be limited to, the following:

19 (a) Adequacy of contribution rate in meeting the level of benefits provided and changes,
20 if any, needed in the contribution rates to achieve or preserve a level of funding deemed adequate to
21 enable payment of the benefit amounts provided under the arrangement, which shall include a
22 valuation of present assets, based on statement value, and prospective assets and liabilities of the
23 plan and the extent of any unfunded accrued liabilities.

24 (b) A plan to amortize any unfunded liabilities and a description of actions taken to
25 reduce unfunded liabilities.

26 (c) A description and explanation of actuarial assumptions.

27 (d) A schedule illustrating the amortization of any unfunded liabilities.

28 (e) A comparative review illustrating the level of funds available to the arrangement
29 from rates, investment income, and other sources realized over the period covered by the report,
30 indicating the assumptions used.

31 (f) A statement by the actuary that the report is complete and accurate and that in his
32 opinion the techniques and assumptions used are reasonable and meet the requirements and intent
33 of this chapter.

34 (g) Other factors or statements as may be reasonably required by the commissioner in
35 order to determine the actuarial soundness of the plan.

36 415-E:12 [~~Place of Business;~~] Maintenance of Records. Each arrangement shall [~~have and~~
37 ~~maintain its principal place of business in this state and shall~~] make available to the commissioner

1 complete records of its assets, transactions, and affairs in accordance with such methods and
2 systems as are customary for, or suitable to, the kind or kinds of business transacted.

3 415-E:13 ***Qualification for Approval and Suspension[?] or Revocation of Approval.***

4 I. Subject to other provisions in this chapter, the commissioner shall deny, suspend, or
5 revoke an arrangement's approval if it finds that the arrangement:

6 (a) Has failed to meet the financial requirements of this chapter, RSA 420-G, or has
7 violated any lawful order or rules.

8 (b) Has refused to be examined or to produce its accounts, records and files for
9 examination, or if any of its officers has refused to give information with respect to its affairs or to
10 perform any other legal obligation as to such examination, when required by the commissioner.

11 (c) Has failed to pay any final judgment rendered against it in this state within 60 days
12 after the judgment became final.

13 (d) No longer meets the requirements for the authority originally granted.

14 II. The commissioner may, in his discretion, deny, suspend, or revoke the approval of any
15 arrangement if it finds that the arrangement:

16 (a) Has violated any lawful order or rule of the commissioner, provision of this chapter,
17 RSA 420-J, or relevant provision of RSA 161-H.

18 (b) Has refused to be examined or to produce its accounts, records, and files for
19 examination, or if any of its officers have refused to give information with respect to its affairs or to
20 perform any other legal obligation as to such examination, when required by the commissioner.

21 ***III. The commissioner shall not grant or continue approval until such time as the***
22 ***arrangement replaces any trustee found by the commissioner, upon the presentation of***
23 ***sufficient evidence:***

24 (a) ***To be incompetent;***

25 (b) ***To be guilty of, or to have pled guilty or no contest to a felony, or a crime***
26 ***involving moral turpitude;***

27 (c) ***To have had any type of insurance license revoked in this or any other state;***

28 ***or***

29 (d) ***To have improperly manipulated assets, accounts, or specific excess***
30 ***insurance or to have otherwise acted in bad faith.***

31 ***IV. To qualify for and retain approval to transact business, an arrangement shall***
32 ***make all contracts with administrators or service companies available for inspection by***
33 ***the department initially, and thereafter upon reasonable notice.***

34 ***V. Failure to maintain compliance with applicable eligibility or filing***
35 ***requirements established by this section shall be grounds for suspension or revocation of***
36 ***approval of an arrangement, provided, however, that such arrangement shall have 60***
37 ***days after notification by the commissioner to take such action necessary to correct the***

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1 *deficiency.*

2 436 Multiple Employer Arrangements; Rehabilitation; Rulemaking. Amend RSA 415-E:15 and
3 RSA 415-E:16 to read as follows:

4 415-E:15 Rehabilitation, Dissolution. Any rehabilitation, liquidation, conservation,
5 *supervision*, or dissolution of a multiple-employer welfare arrangement shall be conducted under
6 the supervision of the commissioner, who shall have all power with respect thereto granted to it
7 under the laws governing the rehabilitation, liquidation, conservation, *supervision*, or dissolution
8 of insurers.

9 415-E:16 Rulemaking. The commissioner may adopt such rules, pursuant to RSA 541-A, as [~~he~~
10 ~~deems~~] *are* reasonable and necessary in order to carry out properly the functions and
11 responsibilities assigned the insurance department under [~~the laws of the state~~] *this chapter*.
12 [~~This rulemaking authority shall expire on January 1, 1993, at which time this section, unless~~
13 ~~replaced by a later legislative enactment, shall be deemed repealed. Any rules adopted under this~~
14 ~~section shall be drafted in as narrow a manner as possible, consistent with the authority granted~~
15 ~~the department under the laws of this state.~~]

16 437 Health Coverage; Definitions. Amend RSA 420-G:2, XVI(a) to read as follows:

17 XVI.(a) "Small employer" means a business or organization which employed on average, one
18 and up to 50 employees, including owners and self-employed persons, on business days during the
19 previous calendar year. A small employer is subject to this chapter whether or not it becomes part
20 of an association, multi-employer plan, trust, or any other entity cited in RSA 420-G:3 provided it
21 meets this definition. *However, with respect to coverage written under RSA 415-E to a bona*
22 *fide pathway II association, whether self funded or fully insured, if such association has*
23 *at least 250 New Hampshire covered lives and meets all applicable standards under RSA*
24 *415-E and all large group standards under this chapter, coverage offered by such*
25 *association may be offered to sole proprietors or self-employed persons.*

26 438 Purchasing Alliances; Definitions. Amend RSA 420-M:2, X to read as follows:

27 X. "Qualified purchasing alliance" means a purchasing alliance that has obtained
28 certification from the commissioner under RSA 420-M:13 as a qualified purchasing alliance with
29 authority to [~~operate in the same manner as a qualified association trust pursuant to RSA 420-G:10~~]
30 *sponsor fully-insured bona fide pathway II association coverage under RSA 415-E.*

31 439 Purchasing Alliances. RSA 420-M:13 is repealed and reenacted to read as follows:

32 420-M:13 Qualified Purchasing Alliance. A purchasing alliance that has a minimum of 500
33 enrollees may elect to obtain certification from the commissioner as a qualified purchasing alliance.
34 To obtain certification, a purchasing alliance shall demonstrate:

35 I. That the purchasing alliance meets all requirements under RSA 415-E to operate as a
36 bona fide pathway II association; and

37 II. That certification of the applicant as a qualified purchasing alliance will promote the

1 purposes set out in RSA 420-M:1; and

2 III. That the purchasing alliance has the capacity to monitor and screen sole proprietor
3 members purchasing pathway II association coverage to ensure that they meet all requirements to
4 qualify as an "employee" under 29 C.F.R. section 2510.3-5(b) and meets the per month hourly work
5 requirement contained in RSA 126-AA:2, III.

6 440 Definition of Qualified Association Trust. Amend the introductory paragraph of RSA 420-
7 G:2, XV to read as follows:

8 XV. "Qualified association trust or other entity" means an association established trust or
9 other entity in existence on January 1, 1995, and providing health coverage within the state of New
10 Hampshire to at least [~~1,000~~] 250 employees and/or the dependents of association members, which
11 association:

12 441 Health Coverage; Qualified Association Trust. Amend RSA 420-G:10 to read as follows:

13 420-G:10 Qualified Association Trust [~~and Qualified Purchasing Alliance~~].

14 I. A qualified association trust or other entity, as defined in RSA 420-G:2, XV, ~~and a~~
15 ~~qualified purchasing alliance, as defined in RSA 420-M:2, X,~~ shall:

16 (a) Comply with the rating restrictions outlined in RSA 420-G:4 for all small employer
17 members with 50 or fewer employees based upon the association's or alliance's group experience,
18 except that [~~for a qualified association trust,~~] no rating factor shall be utilized without the express
19 written consent of the association.

20 (b) Offer all eligible members, as defined under the applicable trust or other documents,
21 coverage and rates on a guaranteed issue and renewable basis.

22 (c) Comply with the regulations concerning medical underwriting in RSA 420-G:5.

23 (d) Comply with the preexisting conditions provision of RSA 420-G:7.

24 [~~(e) Prohibit any employer that voluntarily discontinues participation in either a~~
25 ~~qualified association trust or a qualified purchasing alliance from rejoining for a period of at least 24~~
26 ~~months.~~]

27 II. Nothing in this chapter shall be interpreted to limit the size of employers who may
28 participate in coverage with a qualified association trust [~~or a qualified purchasing alliance~~].

29 442 Small Employer Health Reinsurance Pool. Amend the chapter heading of RSA 420-K to
30 read as follows:

31 **SMALL EMPLOYER HEALTH [REINSURANCE POOL]**

32 ***RISK ADJUSTMENT PROGRAM***

33 443 Small Employer Health Reinsurance Pool; Definitions. RSA 420-K:1 is repealed and
34 reenacted to read as follows:

35 420-K:1 Definitions. In this chapter:

36 I. "Assessment" means the liability of the member insurer to the reinsurance pool.

37 II. "Board" means the board of directors of the small employer health reinsurance pool.

1 III. "Bona fide pathway II association coverage" means coverage, whether self-funded or
2 fully insured, that constitutes an employee welfare benefit plan sponsored by a bona fide pathway II
3 association as defined in RSA 415-E:1.

4 IV. "Commissioner" means the insurance commissioner.

5 V. "Covered lives" shall include all persons who have health insurance via a health carrier
6 and who are employees or dependents of employees of a small employer, including sole proprietors
7 covered under bona fide pathway II association coverage.

8 VI. "Health insurance" means "health insurance" as defined in RSA 404-G:2, VII.

9 VII. "Plan of operation" means the plan of operation of the small employer health risk
10 adjustment program, including articles, bylaws and operating rules, procedures and policies
11 approved by the commissioner and adopted by the pool.

12 VIII. "Small employer" means "small employer" as defined in RSA 420-G:2, XVI.

13 IX. "Small employer health carrier" means any entity licensed pursuant to RSA 402, RSA
14 420-A, or RSA 420-B that delivers, issues for delivery or maintains in force policies of health
15 insurance in New Hampshire to any small employer. For purposes of this chapter, health carrier
16 shall include any association, organization or arrangement offering or sponsoring bona fide pathway
17 II association coverage.

18 444 Establishment of the Risk Adjustment Program. Amend RSA 420-K:2 to read as follows:

19 420-K:2 Establishment of the ~~[Pool]~~ **Risk Adjustment Program.**

20 I. There is established a nonprofit entity to be known as the "New Hampshire small
21 employer health ~~[reinsurance pool]~~ **risk adjustment program.**" All **small employer** health
22 carriers~~[-writers of health insurance, and other insurers]~~ issuing or maintaining health insurance
23 in this state shall be members of the ~~[pool]~~ **program.**

24 II. ~~[On or before July 1, 2005,]~~ The commissioner shall give notice to all members of the
25 ~~[pool]~~ **program** of the time and place for the initial organizational meeting~~[-which shall take place~~
26 ~~by July 15, 2005]~~. The members shall select the initial board at the organizational meeting and
27 such initial board shall be subject to approval by the commissioner. The members shall elect each
28 subsequent board at the annual meeting of members and each such subsequent board shall be
29 subject to approval by the commissioner. The initial board and each subsequent board shall consist
30 of at least 5 and not more than 9 representatives of members. There shall be no more than one
31 board member on the initial board and each subsequent board representing any one member
32 company. In determining voting rights at the organizational meeting and all subsequent meetings
33 of members, each member shall be entitled to vote in person or by proxy. All such votes shall be
34 proportional to the member's covered lives. To the extent possible, at least 2/3 of members of each
35 board shall be small employer health carriers. ~~[At least one member of each board shall be a small~~
36 ~~employer health carrier with less than \$100,000,000 in net small employer health insurance~~
37 ~~premium in this state.]~~ The commissioner, or designee, shall be an ex-officio voting member of the

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1 board. In approving selection of each board, the commissioner shall assure that all members are
2 fairly represented.

3 III. If the initial board is not elected at the organizational meeting, the commissioner shall
4 appoint the initial board within 15 days of the organizational meeting.

5 IV. Within 60 days after the appointment of such initial board, the board shall submit to
6 the commissioner a plan of operation and thereafter any amendments to the plan necessary or
7 suitable to assure the fair, reasonable, and equitable administration of the ~~[pool]~~ **program**. The
8 commissioner shall, after notice and hearing, approve the plan of operation provided he or she
9 determines it to be suitable to assure the fair, reasonable, and equitable administration of the ~~[pool,~~
10 ~~and provides for the sharing of pool gains or losses on an equitable proportionate basis in~~
11 ~~accordance with the provisions of paragraph VI of this section]~~ **program**. The plan of operation
12 shall become effective upon approval in writing by the commissioner consistent with the date on
13 which the coverage under this section shall be made available. If the board fails to submit a
14 suitable plan of operation within 60 days after its appointment, or at any time thereafter fails to
15 submit suitable amendments to the plan of operation, the commissioner shall, after notice and
16 hearing, adopt and promulgate a plan of operation or amendments ~~[no later than October 1, 2005]~~.
17 The commissioner shall amend any plan adopted by him or her, as necessary at the time a plan of
18 operation is submitted by the board and approved by the commissioner.

19 V. The board shall select ~~[reinsurance pool]~~ **risk adjustment program** administrators
20 through a competitive bidding process to administer the ~~[pool]~~ **program**. The board shall evaluate
21 bids submitted based on criteria established by the board. ~~[Each month, total payments to~~
22 ~~administrators shall not exceed the larger of \$2,500 or an amount equal to \$10 per life for which the~~
23 ~~reinsurance pool has any potential claims liability.]~~

24 VI. The plan of operation shall establish procedures for:

25 (a) Handling and accounting of assets and moneys of the pool, and for annual fiscal
26 reporting to the commissioner.

27 (b) Filling vacancies on the board, subject to the approval of the commissioner.

28 (c) Selecting an administrator and setting forth the powers and duties of the
29 administrator.

30 (d) ~~[Reinsuring risks in accordance with the provisions of this chapter]~~ **Establishing**
31 **risk adjustment parameters.**

32 (e) Collecting assessments from all members to provide for ~~[claims reinsured]~~ **risk**
33 **adjustment payments** by the ~~[pool]~~ **program** and for administrative expenses incurred or
34 estimated to be incurred during the period for which the assessment is made.

35 (f) Any additional matters at the discretion of the board.

36 445 Powers of the Program. RSA 420-K:3 and RSA 420-K:4 are repealed and reenacted to read
37 as follows:

1 420-K:3 Powers of the Program. The program may:

2 I. Enter into contracts as are necessary or proper to carry out the provisions and purposes
3 of this chapter, including the authority, with the approval of the commissioner, to enter into
4 contracts with programs of other states for the joint performance of common functions, or with
5 persons or other organizations for the performance of administrative functions.

6 II. Sue or be sued, including taking any legal actions necessary or proper for recovery of
7 any assessments for, on behalf of, or against members.

8 III. Take such legal action as necessary to avoid the payment of improper claims against
9 the program.

10 IV. Define the array of health coverage products for which risk adjustment will be applied
11 in accordance with the requirements of this chapter.

12 V. Establish rules, conditions, and procedures pertaining to the risk adjustment
13 mechanism, including implementation and measurement time frames and the permitted risk
14 corridor where no transfer of risk adjustment funds shall take place.

15 VI. Establish appropriate rates, rate schedules, rate adjustments, rate classifications, and
16 any other actuarial functions appropriate to the operation of the program.

17 VII. Assess members in accordance with the provisions of this chapter, and to make
18 advance interim assessments as may be reasonable and necessary for organizational and interim
19 operating expenses and to pay claims by the program. Any such interim assessments shall be
20 credited as offsets against any regular assessments due following the close of the fiscal year.

21 VIII. Appoint from among the members appropriate legal, actuarial, and other committees
22 as necessary to provide technical assistance in the operation of the program, policy, and other
23 contract design, and any other function within the authority of the program.

24 IX. Borrow money to effectuate the purposes of the program. Any notes or other evidence
25 of indebtedness of the program not in default shall be legal investments for insurers and may be
26 carried as admitted assets.

27 420-K:4 Risk Adjustment Program.

28 I. The board shall:

29 (a) Develop and monitor a measure of risk to be used in comparing populations covered
30 by small employer health insurance coverage and bona fide pathway II association coverage. The
31 population covered by qualified association trust coverage or by bona fide pathway I association
32 coverage, whether self-funded or fully insured, shall not be a part of the risk adjustment program
33 and, for the purposes of this chapter, shall not be considered to be small group coverage.

34 (b) Access from the New Hampshire comprehensive health care information system
35 (CHIS), as described under RSA 420-G:11-a, member level information, including length of
36 coverage, gender, age, and diagnosis, sufficient to measure and monitor risk for carriers issuing or
37 administering small employer health insurance.

1 (c) Perform risk adjustment analysis which may include the use of data from the CHIS,
2 including calculating New Hampshire specific relative weights as necessary, to analyze the
3 difference in the medical care resources expected to be necessary to treat the 2 different
4 populations, one covered in the small group insurance risk pool and the other covered by bona fide
5 pathway II association coverage.

6 (d) Subject to the limitation in paragraph II, establish risk adjustment payments
7 between carriers that are triggered whenever the average risk over any calendar year between bona
8 fide pathway II association coverage and all other small group coverage differs by more than the
9 maximum allowed amount, and that serve to create a net effect of reducing future expected risk
10 score differences after payments to approximately the target amount. The commissioner shall
11 establish the maximum allowed amount and the target amount by retaining actuarial experts. The
12 standard that the actuarial experts shall use in recommending values for the maximum allowed
13 amount and the target amount is that such amounts should be so determined as to prevent the
14 pathway II association market from having an adverse impact on the availability and choice of
15 coverage in the small group market and to prevent adverse selection against the small group
16 market that is sufficient to cause the average premiums for small groups to increase at a rate that
17 is significantly higher than the trend in claims costs.

18 (e) Provide a report to the insurance commissioner in a form and format acceptable to
19 the commissioner.

20 II. The board shall not implement any adjustments until the number of lives covered by
21 bona fide pathway II association coverage exceeds 2,000 member months for 3 consecutive months.

22 446 Immunity and Indemnification. Amend RSA 420-K:7 to read as follows:

23 420-K:7 Immunity and Indemnification.

24 I. Neither the participation in the ~~[pool]~~ **program** as members, the establishment of rates,
25 forms, or procedures, nor any other joint or collective action required by this chapter shall be the
26 basis of any legal action against the ~~[pool]~~ **program** or any of its members.

27 II. Any person or member made a party to any action, suit, or proceeding because the
28 person or member served on the board or on a committee or was an officer or employee of the ~~[pool]~~
29 **program** shall be held harmless and be indemnified by the ~~[pool]~~ **program** against all liability and
30 costs, including the amounts of judgments, settlements, fines or penalties, and expenses and
31 reasonable attorney's fees incurred in connection with the action, suit, or proceeding. The
32 indemnification shall not be provided on any matter in which the person or member is finally
33 adjudged in the action, suit, or proceeding to have committed a breach of duty involving gross
34 negligence, dishonesty, willful misfeasance, or reckless disregard of the responsibilities of office.
35 Costs and expenses of the indemnification shall be prorated and paid for by all members. The right
36 of indemnification shall not be exclusive of other rights or defenses to which such person or the
37 legal representative or successors of such person, may be entitled to as a matter of law. The

1 commissioner may retain actuarial consultants necessary to carry out his or her responsibilities
2 pursuant to this chapter and such expenses shall be paid by the ~~[pool]~~ **program** established in this
3 chapter.

4 447 New Chapter; Commission on the Status of Health Coverage Markets for Individuals and
5 Small Employers. Amend RSA by inserting after chapter 404-I the following new chapter:

6 CHAPTER 404-J

7 COMMISSION ON THE STATUS OF HEALTH COVERAGE MARKETS

8 FOR INDIVIDUALS AND SMALL EMPLOYERS

9 404-J:1 Commission Established.

10 I. There is hereby established a commission on the status of health coverage markets for
11 individuals and small employers.

12 (a) The members of the commission shall be as follows:

13 (1) Three members of the senate, one of whom shall be a member of the minority
14 party, appointed by the president of the senate.

15 (2) Three members of the house of representatives, one of whom shall be a member
16 of the minority party, appointed by the speaker of the house of representatives.

17 (3) The insurance commissioner, or designee.

18 (4) Three persons representing health carriers, appointed by the insurance
19 commissioner, as follows:

20 (A) One person representing a health carrier with a significant presence in the
21 individual market;

22 (B) One person representing a health carrier with a significant presence in the
23 small employer market; and

24 (C) One person representing a health carrier with an interest in providing or
25 administering health coverage in the pathway II association market.

26 (5) Two producers, appointed by the insurance commissioner, one of whom shall be
27 a producer with a significant clientele in the individual market and the other a producer with a
28 significant clientele in the small employer market.

29 (6) A public member from an academic institution or charitable foundation who has
30 health care and health insurance expertise, appointed by the senate president.

31 (7) A public member who shall represent the interests of persons who obtain their
32 coverage through that market, appointed by the speaker of the house of representatives.

33 (8) A public member who shall represent the interests of persons who obtain their
34 coverage through the individual market, appointed by the president of the senate.

35 (9) Two public members from organizations that represent the interests of the
36 medically underserved, persons with pre-existing conditions, or persons with chronic health
37 conditions, including mental health or substance use disorders, appointed by the governor.

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1 (10) A public member who shall represent the interests of small employers
2 sponsoring health coverage for their employees, appointed by the governor.

3 (11) A public member from the Business and Industry Association of New
4 Hampshire or a New Hampshire chamber of commerce, appointed by the governor.

5 (12) A public member from a national organization with a New Hampshire chapter
6 that is interested in qualifying as a bone fide pathway II association, as defined in RSA 415-E:1, III,
7 appointed by the governor.

8 (b) Of the commission members listed under subparagraph (a), only the 6 legislative
9 members shall be voting members. All other members shall serve in an advisory capacity only.

10 (c) Legislative members of the commission shall receive mileage at the legislative rate
11 when attending to the duties of the commission.

12 (d) The commission shall be a public body subject to RSA 91-A, and its meetings shall be
13 considered public proceedings.

14 II.(a) The commission shall evaluate the status of health coverage markets for individuals
15 and small employers. This shall include the individual market, the small employer market, and
16 alternative sources of coverage that may be available to individuals and small employers, including
17 pathway II association coverage, transitional coverage, and short-term limited duration coverage.
18 These markets shall be evaluated in terms of their performance in making available to individuals
19 and small employers affordable coverage that provides access to medically necessary care on
20 affordable terms. Consideration shall be given to market competitiveness, price, choice of plans,
21 market size, market segmentation, the risk profile of the covered population in each market,
22 adverse selection against specific markets, migration between markets, the rate of growth or
23 diminution in the overall number of covered lives, and other similar factors that may affect the
24 coverage available to individuals and small employers. Specifically, the commission shall evaluate
25 markets and make recommendations on the following:

26 (1) The performance and effectiveness of the small group market in itself and in
27 conjunction with other markets that may be available to small employers and their employees,
28 including, if applicable, pathway II association coverage. This shall include consideration of
29 coverage for pre-existing conditions and essential health benefits, premium rates and product
30 offerings, impact on premiums, the availability and choice of plans, the number of covered lives, and
31 the overall impact on the availability and affordability of coverage for higher risk individuals and
32 small employer groups. Based on this evaluation, the commission shall make recommendations in
33 its annual report for future program or legislative modifications, including, if applicable,
34 modifications to the risk adjustment program authorized under RSA 420-K, as well as a final
35 recommendation as to whether the general court should allow the continuation or should phase out
36 the market for pathway II association coverage.

37 (2) The performance and effectiveness of the individual market in itself and in

1 conjunction with other markets that may be available to individuals and sole proprietors, including,
2 if applicable, pathway II association coverage. This shall include consideration of the migration of
3 sole proprietors to the pathway II market and the effectiveness of screening procedures in
4 validating sole proprietorship status, the price and availability of coverage for individuals who do
5 not qualify for an advanced premium tax credit or cost sharing reduction assistance through the
6 marketplace exchange, and the design and effectiveness of the risk sharing mechanism and 1332
7 waiver for the individual market authorized under RSA 420-N:6-a. Based on this evaluation, the
8 commission shall make recommendations concerning the individual market risk sharing mechanism
9 under the 1332 waiver, any changes that are needed to screening and monitoring procedures for
10 compliance with the hourly work standard to qualify as a sole proprietor under pathway II
11 association coverage, and any other legislative or regulatory measures that would promote market
12 stability and growth in the individual market.

13 (b) The commission shall not make any recommendation that includes the use of new
14 general funds.

15 (c) The commission shall solicit information from any person or entity the commission
16 deems relevant to its study.

17 III. The insurance commissioner shall provide information and reports to the commission
18 on a biannual basis concerning the status of the individual, small employer and, if applicable,
19 pathway II association markets as necessary to allow the commission to carry out its duties. The
20 commission shall have the authority, at any time, upon a finding that pathway II association
21 coverage is having an adverse impact on the availability and choice of coverage in the individual or
22 small employer markets or is causing average premiums for individuals or small groups to increase
23 at a rate that is significantly higher than the trend in claims costs, to recommend that the
24 commissioner limit pathway II associations to the writing of existing business only or adjust the
25 risk score differential amount in RSA 420-K:4, I(d), and the commissioner shall have authority to
26 implement this recommendation by order pursuant to RSA 400-A:14 and this paragraph.

27 IV. The members of the commission shall elect a chairperson from among the members.
28 The first meeting of the commission shall be called by the first-named senate member. The first
29 meeting of the commission shall be held within 45 days of the effective date of this section. Four of
30 the 6 voting members of the commission shall constitute a quorum.

31 V. The commission shall submit an annual report on or before November 1 of each year
32 with its findings and any recommendations for proposed legislation, and a final report on December
33 1, 2024 to the president of the senate, the speaker of the house of representatives, the senate clerk,
34 the house clerk, the governor, and the state library. If applicable, the commission's reports shall
35 contain the commission's recommendation regarding whether the market for pathway II association
36 coverage should continue or be phased out.

37 448 Individual Health Insurance; Market; Contingency. RSA 404-G:12, I and II are repealed

1 and reenacted to read as follows:

2 I. Notwithstanding RSA 404-G:11, and if supported by the recommendations of actuarial
3 experts retained by the department, the commissioner may request that the board of directors of the
4 association develop a plan of operation to support the affordability and accessibility of health
5 insurance in the state's individual health insurance market. The proposal may include resumption
6 of a risk sharing program similar to that referenced in RSA 404-G:5, creation and operation of a
7 reinsurance program, or such other program as the board finds will best support the availability
8 and affordability of health insurance in the state and may also include the development of a waiver
9 application under the Act. The commissioner shall approve the revised plan of operations if the
10 commissioner finds that the plan will further the purpose of this chapter as stated in RSA 404-G:1,
11 I, and is otherwise consistent with New Hampshire and federal law.

12 II. The board's proposal may include a recommendation that the state apply for a waiver
13 under the Act, or any successor to the Act. If the approved plan includes an application for a
14 waiver, the commissioner and the board shall proceed in accordance with RSA 420-N:6-a. If the
15 waiver is approved by the federal government, the board shall prepare a revised plan of operations
16 consistent with the terms of the waiver, and shall implement it upon approval by the commissioner.

17 449 Federal Health Care Reform 2010; Waiver. RSA 420-N:6-a is repealed and reenacted to
18 read as follows:

19 420-N:6-a Waiver. If such action is supported by the recommendations of actuarial experts
20 retained by the department as being consistent with the purposes of RSA 404-G:1, I, the
21 commissioner shall, at the earliest practicable date, submit an application on behalf of the state to
22 the United States Secretary of the Treasury, and if required, to the United States Secretary of
23 Health and Human Services, to waive certain provisions of the Act, as provided in section 1332 of
24 the Act, or any other applicable waiver provision in order to create a risk sharing or reinsurance
25 mechanism for the individual market under RSA 404-G which is eligible to draw down federal pass-
26 through funding to support such mechanism. The commissioner shall publish and accept public
27 comment on the 1332 waiver application and the plan of operation for the individual market
28 mechanism prior to approving such plans. Upon approval of the joint health care reform oversight
29 committee, the commissioner shall implement any federally approved waiver, including but not
30 limited to overseeing the implementation of a revised plan of operations under RSA 404-G:12.

31 450 Repeal. The following are repealed:

32 I. RSA 404-J, relative to the commission on the status of health insurance markets for
33 individuals and small employers.

34 II. 2017, 221:8, relative to the 2020 repeal of RSA 404-G:12.

35 III. 2017, 221:11, relative to the 2020 repeal of RSA 420-N:6-a.

36 451 Applicability. Sections 426-447 of this act shall take effect 60 days after the insurance
37 commissioner, with the advice of the department of justice, certifies to the secretary of state and the

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1 director of legislative services that the federal rule codified at 29 C.F.R. section 2510.3-5(b) is legally
2 valid and the issues raised by the opinion issued on March 28, 2019 in *State of New York v. United*
3 *States Department of Labor*, United States District Court of the District of Columbia, Civil Action
4 No. 18-1747 have been resolved. However, in no event shall sections 426-447 of this act take effect
5 at a date later than December 1, 2021.

6 452 Business Profits Tax; Apportionment; 2021. Amend RSA 77-A:3, I(c) to read as follows:

7 (c) The percentage of the total sales, including charges for services, made by the
8 business organization everywhere as is made by it within this state[-] :

9 (1) Sales of tangible personal property are made in this state if the property is
10 delivered or shipped to a purchaser, other than the United States government, within this state
11 regardless of f.o.b. point or other conditions of sale, or the property is shipped from an office, store,
12 warehouse, factory or other place of storage in this state and [~~(1)~~] (A) the purchaser is the United
13 States government, or [~~(2)~~] (B) the business organization is not taxable in the state of the
14 purchaser.

15 (2) Sales other than sales of tangible personal property are in this state if the
16 [~~income producing activity is performed in this state, or the income producing activity is performed~~
17 ~~both in and outside this state and a greater proportion of the income producing activity is~~
18 ~~performed in this state than in any other state, based on costs of performance]~~ **business**
19 **organization's market for the sales is in this state, as follows:**

20 (A) ***In the case of sale, rental, lease, or license of real property, if and to***
21 ***the extent the property is located in this state;***

22 (B) ***In the case of rental, lease, or license of tangible personal property,***
23 ***if and to the extent the property is located in this state;***

24 (C) ***In the case of sale of a service, if and to the extent the service is***
25 ***delivered to a location in this state;***

26 (D) ***In the case of sale, rental, lease, or license of intangible property, if***
27 ***and to the extent the property is used in this state;***

28 (E) ***In the case of interest income, if and to the extent the debtor or***
29 ***encumbered property is located in this state;***

30 (F) ***In the case of dividend income, if and to the extent the business***
31 ***organization's commercial domicile is in this state; and***

32 (G) ***In the case of other income, if and to the extent the income is derived***
33 ***from sources in this state.***

34 (3) ***In the case of sales other than sales of tangible personal property, if the***
35 ***state or states of assignment cannot be determined, the state or states of assignment shall***
36 ***be reasonably approximated.***

37 (4) ***In the case of sales other than sales of tangible personal property, if the***

1 *taxpayer is not taxable in a state to which a sale is assigned, or if the state of assignment*
2 *cannot be determined or reasonably approximated, such sale shall be excluded from the*
3 *denominator of the sales factor.*

4 453 Business Enterprise Tax; Apportionment of Dividends; 2021. Amend RSA 77-E:4, I(c)(3) to
5 read as follows:

6 (3) The percentage of the total sales, including charges for services, made by the
7 business enterprise everywhere as is made by it within this state~~[-]~~:

8 (A) Sales of tangible personal property are made in this state if the property is
9 delivered or shipped to a purchaser, other than the United States government, within this state
10 regardless of free on board point or other conditions of sale, or the property is shipped from an
11 office, store, warehouse, factory or other place of storage in this state and ~~[(A)]~~ (i) the purchaser is
12 the United States government, or ~~[(B)]~~ (ii) the business enterprise is not taxable in the state of the
13 purchaser.

14 (B) Sales other than sales of tangible personal property are in this state if the
15 ~~[revenue producing activity is performed in this state, or the revenue producing activity is~~
16 ~~performed both in and outside this state and a greater proportion of the revenue producing activity~~
17 ~~is performed in this state than in any other state, based on costs of performance]~~ *business*
18 *enterprise's market for the sales is in this state, as follows:*

19 (i) *In the case of sale, rental, lease, or license of real property, if and*
20 *to the extent the property is located in this state;*

21 (ii) *In the case of rental, lease, or license of tangible personal*
22 *property, if and to the extent the property is located in this state;*

23 (iii) *In the case of sale of a service, if and to the extent the service is*
24 *delivered to a location in this state;*

25 (iv) *In the case of sale, rental, lease, or license of intangible property,*
26 *if and to the extent the property is used in this state;*

27 (v) *In the case of interest income, if and to the extent the debtor or*
28 *encumbered property is located in this state;*

29 (vi) *In the case of dividend income, if and to the extent the business*
30 *enterprise's commercial domicile is in this state; and*

31 (vii) *In the case of other income, if and to the extent the income is*
32 *derived from sources in this state.*

33 (C) *In the case of sales other than sales of tangible personal property, if*
34 *the state or states of assignment cannot be determined, the state or states of assignment*
35 *shall be reasonably approximated.*

36 (D) *In the case of sales other than sales of tangible personal property, if*
37 *the taxpayer is not taxable in a state to which a sale is assigned, or if the state of*

1 *assignment cannot be determined or reasonably approximated, such sale shall be*
2 *excluded from the denominator of the sales factor.*

3 454 Business Profits Tax; Apportionment; 2022. Amend RSA 77-A:3, I-III to read as follows:

4 I. A business organization which derives gross business profits from business activity both
5 within and without this state, and which is subject to a net income tax, a franchise tax measured by
6 net income, or a capital stock tax in another state or is subject to the jurisdiction of another state to
7 impose a net income tax or capital stock tax upon it, whether or not such tax is actually imposed,
8 shall apportion its gross business profits so as to allocate to this state a fair and equitable proportion
9 of such business profits. Except as provided in this section, such apportionment shall be made ~~on~~
10 ~~the basis of the following 3 factors~~ *in the following manner:*

11 *(a) For taxable periods ending before December 31, 2022:*

12 *(1) The business organization's gross business profits shall be apportioned*
13 *on the basis of the following 3 factors:*

14 ~~[(a)]~~ *(A)* The percentage of value of the total real and tangible personal property owned,
15 rented and employed by the business organization everywhere as is owned, rented and employed by
16 it in the operation of its business in this state. Property owned by the business organization shall
17 be valued at its original cost. Property rented by the business organization shall be valued at 8
18 times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the
19 business organization less any annual rental rate received by the business organization from
20 subrentals.

21 ~~[(b)]~~ *(B)* The percentage of total compensation paid by the business organization to
22 employees everywhere as is paid by the business organization to employees for services rendered
23 within this state. Such compensation is deemed to be disbursed for services in this state if the
24 service is performed entirely within this state, or if the service is performed both within and
25 without this state and the service performed without this state is incidental to the service within
26 this state, or some of the service is performed in this state and ~~[(1)]~~ *(i)* the base of operations or, if
27 there is no base of operations, the place from which the service is directed or controlled is in this
28 state, or ~~[(2)]~~ *(ii)* the base of operations or the place from which the service is directed or controlled
29 is not in any state in which some part of the service is performed, but the individual performing
30 such service resides within this state.

31 ~~[(c)]~~ *(C)* The percentage of the total sales, including charges for services, made by the
32 business organization everywhere as is made by it within this state:

33 ~~[(1)]~~ *(i)* Sales of tangible personal property are made in this state if the property is
34 delivered or shipped to a purchaser, other than the United States government, within this state
35 regardless of f.o.b. point or other conditions of sale, or the property is shipped from an office, store,
36 warehouse, factory or other place of storage in this state and ~~[(A)]~~ the purchaser is the United
37 States government, or ~~[(B)]~~ the business organization is not taxable in the state of the purchaser.

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1 ~~[(2)]~~ *(ii)* Sales other than sales of tangible personal property are in this state if the
2 business organization's market for the sales is in this state, as follows:

3 ~~[(A)]~~ *1.* In the case of sale, rental, lease, or license of real property, if and to the
4 extent the property is located in this state;

5 ~~[(B)]~~ *2.* In the case of rental, lease, or license of tangible personal property, if
6 and to the extent the property is located in this state;

7 ~~[(C)]~~ *3.* In the case of sale of a service, if and to the extent the service is
8 delivered to a location in this state;

9 ~~[(D)]~~ *4.* In the case of sale, rental, lease, or license of intangible property, if and
10 to the extent the property is used in this state;

11 ~~[(E)]~~ *5.* In the case of interest income, if and to the extent the debtor or
12 encumbered property is located in this state;

13 ~~[(F)]~~ *6.* In the case of dividend income, if and to the extent the business
14 organization's commercial domicile is in this state; and

15 ~~[(G)]~~ *7.* In the case of other income, if and to the extent the income is derived
16 from sources in this state.

17 ~~[(3)]~~ *(iii)* In the case of sales other than sales of tangible personal property, if the
18 state or states of assignment cannot be determined, the state or states of assignment shall be
19 reasonably approximated.

20 ~~[(4)]~~ *(iv)* In the case of sales other than sales of tangible personal property, if the
21 taxpayer is not taxable in a state to which a sale is assigned, or if the state of assignment cannot be
22 determined or reasonably approximated, such sale shall be excluded from the denominator of the
23 sales factor.

24 ~~[(H)-(a)]~~ *(2)* A fraction, the numerator of which shall be the property factor in subparagraph
25 ~~[(a)]~~ *I(a)(1)(A)* plus the compensation factor in subparagraph ~~[(b)]~~ *I(a)(1)(B)* plus 2 multiplied by
26 the sales factor in subparagraph ~~[(c)]~~ *I(a)(1)(C)* and the denominator of which is 4, shall be
27 applied to the total gross business profits (less foreign dividends) of the business organization to
28 ascertain its gross business profits in this state.

29 ***(b) For taxable periods ending on or after December 31, 2022, the business***
30 ***organization's gross business profits shall be apportioned by multiplying the total gross***
31 ***business profits (less foreign dividends) of the business organization by the sales factor in***
32 ***subparagraph I(a)(1)(C).***

33 ***II.(a)*** If ~~[this]~~ ***the applicable*** method of apportionment ***in paragraph I*** does not fairly
34 represent the business organization's business activity in this state, the business organization may
35 petition for, or the commissioner may require, in respect to all or any part of the business
36 organization's business activity, if reasonable[?],

37 ~~[(1) The exclusion of any one or more of the apportionment factors;~~

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1 ~~(2) The inclusion of one or more additional apportionment factors which will fairly~~
2 ~~represent the business organization's business activity in the state; or~~

3 ~~(3)] the employment of any other method to effect an equitable apportionment of the~~
4 ~~business organization's gross business profits.~~

5 (b) For foreign dividends from unitary sources, the following formula shall be used to
6 modify factors relating to included dividends:

7 (1) Determine a percentage for each dividend payor consisting of dividends paid
8 divided by taxable income which has been computed using United States standards.

9 (2) Apply this percentage to the dividend payor's foreign property, payroll, and sales
10 *for taxable periods ending before December 31, 2022, or to the dividend payor's foreign*
11 *sales for taxable periods ending on or after December 31, 2022.*

12 (3) Sum the results in subparagraph (2) for all dividend payors.

13 (4) Add the result in subparagraph (3) to the denominators of the combined water's
14 edge group. The numerator will remain the New Hampshire numerator.

15 (5) Apply the resulting percentage to the foreign dividends.

16 (6) Add this amount to the amount of New Hampshire taxable business profits
17 computed pursuant to RSA 77-A:3, I ~~[and II(a)]~~.

18 III. When 2 or more related business organizations are engaged in a unitary business, as
19 defined in RSA 77-A:1, XIV, a part of which is conducted in this state by one or more members of
20 the group, the income attributable to this state shall be determined by means of the *applicable*
21 combined apportionment factors of the unitary business group in accordance with paragraphs I and
22 II.

23 455 Business Profits Tax; Qualified Manufacturing Research and Development Expenditures.
24 Amend the introductory paragraph of RSA 77-A:5, XIII(b)(1) to read as follows:

25 (1) The term "qualified manufacturing research and development expenditures"
26 shall mean solely any wages paid or incurred to an employee of the business organization for
27 services rendered by such employee within this state within the meaning of RSA ~~[77-A:3, I(b)]~~ *77-*
28 *A:3, I(a)(1)(B)*, provided that:

29 456 Business Enterprise Tax; Application of Credit for Business Enterprise Tax Against
30 Business Profits Tax. Amend RSA 77-E:13, I and II to read as follows:

31 I. Determine a combined nexus group denominator for the ~~[property, payroll and sales]~~
32 *applicable apportionment* factors by adding the ~~[property, payroll and sales]~~ *apportionment*
33 factor numerators of the individual members of the combined group subject to tax under RSA 77-A.

34 II. Determine an individual apportionment percentage for each member of the combined
35 group subject to tax under RSA 77-A by dividing such member's *applicable* individual New
36 Hampshire ~~[property, payroll and sales]~~ *apportionment* factor numerators by the combined nexus
37 group denominators determined in paragraph I.

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1 457 New Paragraph; Business Profits Tax; Definition. Amend RSA 77-A:1 by inserting after
2 paragraph XVIII the following new paragraph:

3 XVIII-a. "Foreign sales" as used in RSA 77-A:3, II means the sales data of overseas business
4 organizations which have paid dividends to a member of the water's edge combined group.

5 458 Applicability. Sections 452 and 453 of this act shall apply to taxable periods ending on or
6 after December 31, 2021.

7 459 Legislative Committee on Apportionment; Enactment of Single Sales Factor. Amend RSA
8 77-A by inserting after section 23 the following new section:

9 77-A:23-a Legislative Committee on Apportionment. There is established a committee to
10 study the apportionment of gross business profits under the business profits tax, and to authorize
11 the enactment of the single sales factor for the business profits tax and business enterprise tax.

12 I. The members of the committee shall be as follows:

13 (a) Three members of the senate, appointed by the president of the senate.

14 (b) Four members of the house of representatives, appointed by the speaker of the house
15 of representatives.

16 II. Members of the committee shall receive mileage at the legislative rate when attending to
17 the duties of the committee.

18 III.(a) The committee shall study apportionment among states pursuant to RSA 77-A:3 of
19 gross business profits under the business profits tax. The committee shall also monitor the laws
20 and legislation of other states concerning market-based sourcing and may study any other related
21 issues. The committee may solicit input or testimony from any person or organization the
22 committee deems relevant to the study.

23 (b) The committee shall conduct meetings and on or before November 1, 2020, shall hold
24 at least 2 public hearings on the enactment of the single sales tax provisions contained in sections
25 454-457 of HB 2-FN-A of the 2019 regular legislative session. In November 2020, the committee
26 shall, by majority vote of the committee, vote on whether to rescind the enactment of the
27 amendments contained in sections 454-457 of HB 2-FN-A of the 2019 regular legislative session. If
28 the majority of the committee rescinds the enactment of sections 454-457 of HB 2-FN-A of the 2019
29 regular legislative session, such sections shall not take effect. The committee shall report on its
30 actions to the chairpersons of the senate and house finance committees, the chairpersons of the
31 senate and house ways and means committees, the secretary of state, and the director of the office
32 of legislative services.

33 IV. The members of the committee shall elect a chairperson from among the members. The
34 first meeting shall be called by the first-named senate member. The first meeting of the committee
35 shall be held within 45 days of the effective date of this section. Four members of the committee
36 shall constitute a quorum.

37 V. The committee shall report its findings and any recommendations for proposed

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1 legislation to the president of the senate, the speaker of the house of representatives, the senate
2 clerk, the house clerk, the governor, and the state library on or before December 1, 2020.

3 460 Enactment of Single Sales Factor. Sections 454-457 of this act shall take effect January 1,
4 2022 unless upon the report of the committee established in RSA 77-A:23-a as inserted in this act,
5 that by majority vote of the committee, sections 454-457 are rescinded.

6 461 Repeal. RSA 77-A:23-a, relative to the legislative committee on apportionment, is repealed.

7 462 Effective Date.

8 I. Sections 1, 36, 37, 63, 66, 72, 73, 91, 92, 197, 203, 238, 242-244, 260, 263-264, 266,
9 paragraph I of section 312, 313, 327-330, 337, 340, 342-343, 350, 352-353, 379-383, 408-412, 416, and
10 418 of this act shall take effect June 30, 2019.

11 II. Sections 292-294 of this act shall take effect 60 days after its passage.

12 III. Section 415 of this act shall take effect July 1, 2019 at 12:01 a.m.

13 IV. Sections 106-118, 140-147, 235, 272, 273, 274-279, and 391-393, RSA 170-G:4-d, as
14 inserted by section 370 shall take effect January 1, 2020.

15 V. Sections 256-258, 270, 281-287, and RSA 170-G:4-b, as inserted by section 370 of this act
16 shall take effect July 1, 2020.

17 VI. Sections 315-317 of this act shall take effect as provided in section 318 of this act.

18 VII. Section 5 of this act shall take effect as provided in section 6 of this act.

19 VIII. Sections 96-101 of this act shall take effect as provided in section 102 of this act.

20 IX. Section 104 of this act shall take effect as provided in section 105 of this act.

21 X. Section 420 of this act shall take effect as provided in section 421 of this act.

22 XI. Sections 426-447 of this act shall take effect as provided in section 451 of this act.

23 XII. Paragraph I of section 450 of this act shall take effect December 1, 2024.

24 XIII. Sections 209-215 of this act shall take effect as provided in section 216 of this act.

25 XIV. Section 216 of this act shall take effect as provided in section 217 of this act.

26 XV. Sections 386-388 of this act shall take effect as provided in section 389 of this act.

27 XVI. Section 461 of this shall take effect December 1, 2020.

28 XVII. Sections 452 and 453 of this act shall take effect January 1, 2021.

29 XVIII. Sections 454-457 of this act shall take effect as provided in section 460 of this act.

30 XIX. The remainder of this act shall take effect July 1, 2019.

AMENDED ANALYSIS

1. Repeals 2017, 155:7, which directed the commissioner of administrative services to eliminate appropriations to class 027 transfers to OIT in all agencies and departments.
2. Establishes the unclassified position of director of plant and property within the department of administrative services.
3. Converts managers in the department of administrative services to directors, and renames divisions and units accordingly.
4. Authorizes the department of administrative services to consolidate state agency human resources, payroll, and business processing functions.
5. Provides that cost sharing and plan design for unrepresented active state employees who participate in the health plans offered by the state shall be the same as those for individuals covered by the collective bargaining agreement.
6. Extends the state heating systems savings account.
7. Establishes an additional surplus fund within the department of administrative services.
8. Establishes the building maintenance fund within the department of administrative services and assesses charge to state agencies.
9. Permits the supreme court to transfer funds among judicial branch accounts.
10. Provides the department of corrections with additional transfer authority for the biennium ending June 30, 2021 and establishes the cost of care reimbursement account and the unclassified position of director of nursing in the department of corrections.
11. Provides that chartered school lease aid shall not exceed more than \$30,000 per school in any fiscal year.
12. Directs the department of health and human services to raise the income eligibility for elderly and adult clients under the social services block grant program each January.
13. Increases the limit for county reimbursements under RSA 167:18-a.
14. Extends the prospective repeal for eligibility of state mental health services under 2011, 209:6, I.
15. Suspends direct and indirect graduate medical education payments to hospitals for the biennium ending June 30, 2021.
16. Suspends catastrophic aid to hospitals for the biennium ending June 30, 2021.
17. Makes an appropriation to the department of safety, division of fire standards and training and emergency medical services, for the purpose of providing grants to local firefighters for medical examinations conducted pursuant to RSA 281-A:17.
18. Requires the commissioner of the department of health and human services to make

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quarterly reports to the governor, speaker of the house of representatives, and president of the senate on the status of estimated Medicaid payments in relation to actual costs.

19. Permits the department of health and human services to fill unfunded positions during the biennium ending June 30, 2021.

20. Suspends RSA 151-E:18, relative to presumptive eligibility for home and community based services, for the biennium ending June 30, 2021.

21. Establishes certain revolving funds within the department of health and human services.

22. Directs that the Laconia state school trust shall be dissolved upon final distribution of the funds pursuant to court order.

23. Establishes a committee to study outdated non-regulatory boards.

24. Requires the department of health and human services to develop a plan to close the cliff effect for individuals and families who receive public benefits.

25. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2021.

26. Adds requirements for uses of system benefits charges for energy efficiency programs.

27. Suspends provisions of the RSAs that credit a portion of meals and rooms tax revenue to the division of travel and tourism development for the biennium ending June 30, 2021.

28. Suspends the integrated land development permit procedure for the biennium ending June 30, 2021.

29. Suspends certain environmental state aid grants.

30. Provides for reimbursement for sheriff's offices for court security.

31. Adds a representative from the New Hampshire Hospital Association and a representative from the state's faith-based community to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery.

32. Makes an appropriation to the department of employment security for the fiscal year ending June 30, 2019 for the purpose of funding start-up costs of family and medical leave insurance with a third party administrator.

33. Makes an appropriation to the education trust fund for the fiscal year ending June 30, 2019.

34. Modifies the provision of civil legal services funds for low-income persons to New Hampshire legal assistance and eliminates the dedicated civil services legal fund.

35. Requires Keno revenue to be deposited in the education trust fund.

36. Defines and regulates the sale of electronic cigarettes or e-cigarettes; and increases the minimum age for sales and possession of tobacco products.

37. Modifies the duties of the board of veterinary medicine.

38. Modifies the procedure for certified application preparers for minimum environmental impact projects.

39. Regulates public bathing facilities.
40. Moves recreational camp licensing to the department of health and human services.
41. Combines the adjutant general's department, the office of veterans services, and the bureau of community based military programs into the department of military affairs and veterans services and makes the adjutant general the commissioner of the department of military affairs and veterans services.
42. Transfers the bureau of visitor services within the department of business and economic affairs to the office of the commissioner of business and economic affairs.
43. Permits the community college system to establish the finish line New Hampshire program to support eligible students completing postsecondary credentials in areas of high demand.
44. Transfers administration of the existing governor's scholarship program and fund to the college tuition savings plan advisory commission.
45. Provides funding for forgivable loans under the regenerative manufacturing workforce development program.
46. Authorizes the business finance authority to provide funding from bonds issued and repaid for regenerative manufacturing worker educational debt relief.
47. Authorizes the commissioner of the department of transportation to recommend the bulk disposal of real estate purchased with state or federal highway funds or both, or turnpike funds.
48. Repeals the Maine-New Hampshire interstate bridge authority.
49. Repeals witness fees for witnesses summoned before certain boards and commissions.
50. Amends the granite workforce program.
51. Exempts certain accounting units within the department of natural and cultural resources from transfer restrictions.
52. Requires payment of any transaction costs assessed for credit card payments on motor vehicle fines to be paid out of the fine amount which is credited to the highway fund.
53. Deletes obsolete limits on total bonds issued by the business finance authority.
54. Repeals the requirement for the Pease development authority to submit a comprehensive development plan.
55. Requires moneys in the office of professional licensure and certification fund to lapse each fiscal year.
56. Authorizes the attorney general, subject to the approval of the governor and council, to appoint a director of the office of victim/witness assistance and a director of communications.
57. Establishes an unclassified full-time investigator position in the department of justice for the purpose of working on officer-involved use of deadly force investigations and to provide training to local law enforcement officers.

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58. Abolishes a position in the department of justice to fund the director of communication position and establishes the position of assistant attorney general.

59. Provides for the rehiring of laid-off classified state employees, if possible.

60. Makes an appropriation to the state treasurer for the fiscal year ending June 30, 2019 for the purpose of providing municipal aid grants to each city, town, and unincorporated place in the state by October 1 of the fiscal years ending in June 30, 2020 and June 30, 2021.

61. Establishes the community development fund for New Hampshire, which shall be administered by the community development finance authority, and makes an appropriation to the fund.

62. Makes appropriations to the department of environmental services for the purpose of funding state aid grant programs.

63. Establishes victim/witness specialist positions in the department of justice.

64. Establishes an unclassified, full-time elections attorney position within the department of justice.

65. Permits the department of natural and cultural resources to suspend curatorial responsibilities for the biennium ending June 30, 2021.

66. Allows for statewide public boat access funds to be used for payment of the cost of bonds for the Mount Sunapee state park beach boat ramp project of the department of natural and cultural resources.

67. Clarifies the qualifications of the director of the division of archives and records management.

68. Modifies the election fund to include monies received by the state pursuant to the 2018 Election Reform Program, and expands the list of authorized uses of monies deposited into the fund.

69. Makes changes to unemployment compensation contribution rates.

70. Transfers the job training program for economic growth from the department of business and economic affairs to the department of employment security and nullifies the provisions of SB 2 of the 2019 regular legislative session.

71. Makes an appropriation to the housing finance authority for affordable housing.

72. Establishes a separate account for funds acquired to provide financial and technical assistance associated with agricultural restricted covenants, funding developmental rights, or for farmland preservation and makes an appropriation therefor.

73. Suspends the position of state demographer for the biennium.

74. Changes the number of review appraisers the staff of the board of tax and land appeals is required to have.

75. Extends the Coos county job creation tax credit until 2027.

76. Establishes the rates of the business profits tax and the business enterprise tax for taxpayer tax years ending on or after December 31, 2019 and for subsequent tax years, and repeals rate

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reductions effective in 2021.

77. Directs the governor to submit a document to be known as the trailer bill to the legislature as part of the budget process and clarifies that the document shall not be considered a budget bill under the New Hampshire constitution.

78. Establishes the position of deputy director of administration in the department of safety, division of administration.

79. Provides that the current assistant director of the division of fire standards and training and emergency medical services, department of safety, shall be considered to have been properly enrolled as a member in group II of the New Hampshire retirement system as of his original date of hire.

80. Raises the fee for email or other computer-generated motor vehicle record requests by insurance companies or other authorized agents.

81. Establishes the fee for a Real ID Act compliant driver's license.

82. Permits the department of transportation to access certain federal funding for the purpose of completing the project development phase of the capital corridor rail project in the 2019-2028 Ten Year Transportation Improvement Plan and permits the department of transportation to use toll credits for this project.

83. Makes an appropriation to the department of transportation for the purpose of demolition and environmental mitigation of structures on state-owned property.

84. Exempts certain rules on the Medicaid rate of reimbursement methodology for nursing facilities from the administrative procedures act, RSA 541-A.

85. Clarifies disbursements of community benefit contributions from the alcohol abuse prevention and treatment fund.

86. Makes an appropriation to the department of health and human services for the purpose of operating a new treatment facility for children in need of inpatient psychiatric treatment.

87. Makes an appropriation to the department of health and human services for the purpose of repurposing the children's unit of New Hampshire hospital for adult beds.

88. Makes an appropriation to the department of health and human services for the purpose of constructing transitional housing beds.

89. Makes an appropriation to the department of health and human services for the purpose of providing due process for patients residing in emergency rooms in hospitals.

90. Requires fiscal committee approval for any transfer of funds required for operation of the Sununu youth services center.

91. Requires the Medicaid managed care program to provide dental benefits to covered persons beginning in 2021.

92. Establishes a child abuse specialized medical evaluation program in the department of health and human services.

93. Requires evaluation of a minor committed to the youth development center to determine

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whether an alternative placement in a safe, therapeutic, and cost-effective, residential treatment facility is feasible.

94. Provides for the availability of certain federal family planning funds.
95. Establishes a commission to study school funding.
96. Calculates kindergarten pupils as full day attendance for the purpose of adequate education grants.
97. Repeals distribution of kindergarten grants based on Keno revenue.
98. Permits additional education-related expenditures from the education trust fund for the biennium ending June 30, 2021, and revises the formula for fiscal disparity aid and stabilization grants.
99. Provides that any budget surplus in excess of \$5,000,000 at the close of the biennium ending June 30, 2019, shall not be deposited in the revenue stabilization reserve account but shall remain in the general fund.
100. Makes an appropriation to the Internet crimes against children fund.
101. Requires the governor's commission on disability to analyze the state's system of support for individuals with developmental disabilities and recommend reforms and improvements.
102. Requires the commissioner of the department of administrative services to conduct a study of the state's personnel system and makes an appropriation therefor.
103. Makes an appropriation to the department of administrative services for scheduling software.
104. Increases the annual appropriation to the joint legislative historical committee.
105. Provides that unexpended and unencumbered funds in the legislative branch special account shall not lapse.
106. Establishes the director of the division of technical professions and director of the division of health professions in the office of professional licensure and certification as unclassified officials.
107. Modifies the membership qualifications for the board of nursing.
108. Requires a portion of the revenue collected from the imposition of the real estate transfer tax to be transferred to the affordable housing fund.
109. Updates provisions and adjustments of the United States Internal Revenue Code applicable to the business profits tax.
110. Clarifies the applicability of the communications services tax to voice over Internet protocol (VoIP) and prepaid wireless telecommunications service.
111. Establishes a housing appeals board to hear appeals of decisions of municipal boards, committees, and commissions regarding questions of housing and housing development, and makes an appropriation to the housing appeals board for the administration of the board's duties.
112. Amends the procedure for determining an indigent defendant's ability to pay for services

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rendered by court appointed counsel in a criminal case, provides that a repayment obligation shall only apply to a defendant who has been convicted or a juvenile who has been found delinquent, and establishes a committee to study the cost to the state for the appointment of counsel to represent indigent defendants in criminal cases.

113. Prohibits off highway recreational vehicles from traveling on Hoit Road Marsh in the city of Concord.

114. Establishes the office of outdoor recreation industry development in the department of business and economic affairs and also establishes the position of director of the office.

115. Makes an appropriation to the department of business and economic affairs to support the small business development center and its programs.

116. Renames the wetlands and shoreland review fund as the water resources fund; clarifies that certain application and permit fees are non-refundable; and repeals the terrain alteration fund.

117. Makes a supplemental appropriation to the department of environmental services for the Ossipee Lake Dam reconstruction.

118. Adds an exception to the real estate transfer tax for any lease involving the Pease development authority.

119. Requires costs that are recovered from damages awarded in cases of hazardous waste clean up after expenditures from the drinking water and groundwater trust fund be deposited in such fund, contingent on SB 169 of the 2019 regular legislative session.

120. Repeals a provision relative to liquor commission revenue shortfalls.

121. Repeals the definition of commercial kennel and revises the definition of pet vendor; authorizes the department of agriculture, markets, and food to make rules relative to the number of amphibians, reptiles, fish, or small mammals a person may sell and qualify as a pet vendor; requires dogs, cats, and ferrets offered for transfer to be accompanied by a health certificate; and establishes and makes an appropriation to the cost of care fund.

122. Makes federal funds and internment fees received by the state veterans cemetery nonlapsing.

123. Establishes the sunny day fund and grant program in the department of business and economic affairs to obtain and disburse grants for research and development, support the infrastructure necessary to address critical gaps in the state's ability to attract research and development projects, increase commercialization of new technologies, leverage federal funds, and support business development and expansion. The bill also transfers funds from the general fund surplus account to fund the program.

124. Makes an appropriation to the department of environmental services to study, investigate, and test for contamination caused by perfluorinated chemicals and design a system to treat such contamination, and requires reporting on developments.

125. Defines terms for executive branch departments, agencies, commissions, and units, and provides for delegation of a departmental commissioner's authority.

126. Makes a transfer from the general fund to the highway fund.

127. Converts certain funds credited to the fish and game department to unrestricted revenue

in the fish and game fund.

128. Exempts department of safety appropriations funded with income from motor vehicle fines from certain reductions for the fiscal year ending June 30, 2019.

129. Authorizes the department of safety to transfer funds between certain accounting units as necessary and upon approval of the department of administrative services budget office.

130. Makes appropriations to the department of safety for narcotics related law enforcement activities.

131. Makes an appropriation to the department of safety for the purpose of providing administrative support to the building code review board.

132. Authorizes the department of education to retain a certain percentage of public school infrastructure funds to administer the public school infrastructure program.

133. Permits the department of education to request funds for vocational rehabilitation programs and services.

134. Requires schools to make at least one free or reduced cost meal available to children who meet federal eligibility guidelines and increases reimbursement to schools offering breakfast at no cost to eligible students.

135. Establishes the position of school nurse coordinator in the division of learner support, department of education.

136. Provides family and medical leave to certain school district employees who are not otherwise eligible for leave under the federal Family and Medical Leave Act.

137. Makes an appropriation to the department of administrative services for the purchase and replacement of the heat and hot water systems in the Concord school district.

138. Makes an appropriation to the community college system of New Hampshire for the fiscal year ending June 30, 2019.

139. Makes an appropriation to the department of education to support the Granite State Independent Living IMPACCT program.

140. Makes an appropriation to the department of safety to fund the reallocation of certain state police troopers, and makes an appropriation to the department of administrative services to fund an assessment review for such reallocation.

141. Expands home and community-based behavioral health services for children and makes an appropriation to the department of health and human services for this purpose.

142. Requires the commissioner of the department of health and human services to increase Medicaid provider rates and makes an appropriation therefor.

143. Allows general funds to be used for the New Hampshire granite advantage health care program. Also allows moneys from the Medicaid enhancement tax to be used if necessary to pay for certain provider rate increases.

144. Makes an appropriation to the department of health and human services for safe stations in Manchester and Nashua.

145. Extends the funding for supported housing.
146. Makes an appropriation to the department of health and human services for the purpose of enhancing provider rates for mental health and substance use disorder inpatient and outpatient services.
147. Modifies appropriations and provisions for new designated receiving facilities (DRF) beds and diagnosis-related group (DRG) rates.
148. Makes an appropriation to the department of health and human services for the purpose of constructing a new secure psychiatric facility on the New Hampshire hospital grounds.
149. Repeals the ICF quality assessment imposed on intermediate care facilities for the intellectually disabled.
150. Expands eligibility for Medicaid for employed adults with disabilities age 65 and over.
151. Restricts the use of appropriations to the department of health and human services to hiring additional child protective service workers and child protective service supervisors.
152. Requires dementia training for direct care staff in residential facilities and community-based settings and grants rulemaking authority to the commissioner.
153. Repeals a prohibition on the use of state funds for abortion services.
154. Clarifies proportionate share payments to county nursing homes.
155. Provides for the transfer of funds from the department of health and human services to municipalities, counties, and nongovernmental organizations to encourage the development of local juvenile diversion programs and makes an appropriation to the department for this purpose.
156. Makes appropriations to the department of health and human services for the purpose of funding existing supervised visitation centers in New Hampshire.
157. Makes appropriations to the department of health and human services for the purpose of funding existing supervised visitation centers in New Hampshire.
158. Makes appropriations to the department of health and human services, rural health and primary care section to establish new positions and to fund the state loan repayment program.
159. Makes an appropriation to the department of business and economic affairs to support education programs with non-profit business incubators.
160. Establishes the lead paint hazard remediation fund in RSA 204-C and makes an appropriation for the purposes of the fund.
161. Makes an appropriation to the department of health and human services, division of public health services to fund a study to determine the causes of high levels of pediatric cancer in New Hampshire.
162. Grants authority to the New Hampshire Veterans' Home to transfer funds among accounts and classes for the biennium ending June 30, 2021.
163. Establishes a committee to study the disparity in reimbursement among organizations

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that provide case management under Social Security Act Section 1915(c) waiver programs.

164. Establishes the New Hampshire pharmaceutical assistance pilot program for seniors and makes an appropriation therefor.

165. Makes an appropriation to the department of health and human services for the purposes of upgrades to substance use disorder treatment facilities.

166. Makes an appropriation to the education trust fund for the fiscal year ending June 30, 2019.

167. Permits either full or part-time students to serve as student members of the community college system board of trustees.

168. Revises the contingency provision of 2016, 218 (HB 626-FN-A) to give effect to RSA 162-R, relative to energy infrastructure development and corridors.

169. Makes an appropriation to the department of health and human services for emergency shelter and stabilization services.

170. Requires the commissioner of health and human services to submit a state plan amendment or waiver to create a state Medicaid benefit for supportive housing services.

171. Modifies an allocation to the department of health and human services for parental assistance programs.

172. Provides that the department of transportation shall not be required to comply with the notice of lease provisions in RSA 72:73, I(b)(1)(B) until January 1, 2021.

173. Modifies exemptions for certain seasonal workers who are temporarily laid off from the requirement to search for work to qualify for unemployment compensation.

174. Requires indigent defendants to complete a financial statement under oath, rather than a financial affidavit, prior to appointment of counsel in criminal cases.

175. Directs the department of safety to solicit requests for information regarding the future deployment of a statewide, real-time threat notification system for schools.

176. Makes changes to the law governing multiple-employer welfare arrangements.

177. Revises the method of apportionment of gross business profits in this state under the business profits tax and the apportionment of dividends under the business enterprise tax. The bill also establishes a committee to study the apportionment of gross business profits under the business profits tax, and to hold hearings and vote on rescinding the enactment of the single sales factor for business taxes.

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The signatures below attest to the authenticity of this Report on HB 2-FN-A-LOCAL, relative to state fees, funds, revenues, and expenditures.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. D'Allesandro, Dist. 20

Rep. Wallner, Merr. 10

Sen. Feltes, Dist. 15

Rep. Ley, Ches. 9

Sen. Rosenwald, Dist. 13

Rep. Lovejoy, Rock. 36

Sen. Kahn, Dist. 10

Rep. Nordgren, Graf. 12

Rep. Ford, Graf. 3

June 27, 2019
2019-2652-EBA
10/01

Enrolled Bill Amendment to HB 2-FN-A-LOCAL

The Committee on Enrolled Bills to which was referred HB 2-FN-A-LOCAL

AN ACT relative to state fees, funds, revenues, and expenditures.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 2-FN-A-LOCAL

This enrolled bill amendment makes grammatical and technical changes.

Enrolled Bill Amendment to HB 2-FN-A-LOCAL

Amend section 2 of the bill by replacing line 2 with the following:

paragraph of RSA 21-I:11-c, I(a) to read as follows:

Amend RSA 374-F:3, VI as inserted by section 79 of the bill by replacing line 15 with the following:

Efficiency Resource Standard framework established by commission Order No. 25,932

Amend the bill by replacing section 105 with the following:

105 Contingency; Youth Access to and Use of Tobacco Products; HB 511; Definitions. If HB 511-FN of the 2019 regular legislative session becomes law, then sections 103 and 104 of this act shall not take effect. If HB 511-FN of the 2019 regular legislative session does not become law, section 103 of this act shall take effect July 1, 2019 and section 104 of this act shall not take effect.

Amend RSA 178:19-a, III as inserted by section 116 of the bill by replacing line 3 with the following:

tobacco products or e-cigarettes to persons under age [18] 21. Warning: violators of these

ENROLLED BILL AMENDMENT TO HB 2-FN-A-LOCAL

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provisions may be

Amend RSA 170-E:59, I(j) as inserted by section 142 of the bill by replacing line 2 with the following:

epinephrine auto-injector is not prescribed, should such a child receive a dose of the medication.

Amend section 147 of the bill by replacing line 1 with the following:

147 Cross Reference Changed; Safety Regulations for Camps. Amend RSA 275:35, IX to read as

Amend RSA 110-B:87 as inserted by section 152 of the bill by replacing line 2 with the following:

the state, all donations and bequests that may be made to support the delivery of state

Amend section 203 of the bill by replacing line 2 with the following:

Specialist Positions Established. Amend RSA 21-M:8-b by inserting after paragraph IV the following

Amend RSA 541-A:21, III-a as inserted by section 239 of the bill by replacing lines 2 and 3 with the following:

rate of reimbursement methodology for nursing facilities shall be exempt from the provisions of RSA 541-A:5 through RSA 541-A:14 provided that the budget adjustment factor applied to the reimbursement

Amend RSA 193-E:2-e, IV(h) as inserted by section 252 of the bill by replacing line 1 with the following:

(h) Consider other policy issues as the commission deems necessary. The commission

Amend RSA 604-A:9, II as inserted by section 286 of the bill by replacing line 3 with the following:

BY COURT APPOINTED COUNSEL *IF I AM CONVICTED* UNLESS THE COURT FINDS THAT

I

ENROLLED BILL AMENDMENT TO HB 2-FN-A-LOCAL

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Amend RSA 437:1, IV as inserted by section 320 of the bill by replacing lines 2 and 3 with the following:

~~business of transferring live animals or birds]~~ **that transfers 25 or more dogs, 25 or more cats, 30 or more ferrets, or 50 or more birds,** customarily used as household pets to the public, with or

Amend section 396 of the bill by replacing lines 3-4 with the following:

paragraph XXI the following new paragraph:

XXII. Encourage cities, towns, counties, and non-governmental organizations to develop and

Amend section 397 of the bill by replacing line 5 with the following:

pursuant to RSA 170-G:4, XXII, as inserted by this act. The governor is authorized to draw a

Amend section 409 of the bill by replacing lines 2-5 to read as follows:

Pharmaceutical Assistance Pilot Program for Seniors. Amend RSA 126-A by inserting after section 79 the following new subdivision:

New Hampshire Pharmaceutical Assistance Pilot Program for Seniors
126-A:80 New Hampshire Pharmaceutical Assistance Pilot Program for Seniors.

Amend RSA 420-K:2, VI(a), as inserted by section 444 of the bill, by replacing line 1 with the following:

(a) Handling and accounting of assets and moneys of the ~~[peel]~~ **program**, and for annual fiscal

Amend paragraph II of section 450 of the bill by replacing it with the following:

II. 2017, 221:8, relative to the 2020 amendment of RSA 404-G:12.

Amend the bill by inserting after section 461 the following new sections and renumbering the original section 462 as section 463:

462 Contingencies.

ENROLLED BILL AMENDMENT TO HB-2-FN-A-LOCAL

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I. Department of Environmental Services; Ossipee Lake Dam Reconstruction. If HB 600 of the 2019 regular legislative session becomes law, then RSA 78-B:2, XXIII as inserted by section 314 of this act shall be renumbered as RSA 78-B:2, XXIV.

II. Deposits to Drinking Water and Groundwater Trust Fund. If HB 495 of the 2019 regular legislative session becomes law, then RSA 485-F:6 as inserted by section 316 of this act shall be renumbered as RSA 485-F:7.

III. Department of Military Affairs and Veterans Services. If SB 208 of the 2019 regular legislative session becomes law, then sections 148-155 of this act shall not take effect. If SB 208 of the 2019 regular legislative session does not become law, sections 148-155 of this act shall take effect July 1, 2019.

Amend paragraph III of section 463 of the bill by replacing it with the following:

III. Sections 246-248 and 415 of this act shall take effect July 1, 2019 at 12:01 a.m.

Amend paragraph IX of section 463 of the bill by replacing it with the following:

IX. Sections 103 and 104 of this act shall take effect as provided in section 105 of this act.

Amend paragraph XIX of section 463 of the bill by replacing it with the following:

XIX. Sections 148-155 of this act shall take effect as provided in paragraph III of section 462 of this act.

XX. The remainder of this act shall take effect July 1, 2019.