

April 27, 2006
No. 17B

STATE OF NEW HAMPSHIRE

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Legislative

SENATE CALENDAR ADDENDUM

REPORTS, AMENDMENTS

**THE SENATE WILL MEET IN SESSION ON
WEDNESDAY, MAY 3, 2006 AT 10:00 A.M. AND
ON THURSDAY, MAY 4, 2006 AT 10:00 A.M.**

REPORTS

FINANCE

HB 76, (New Title) relative to distribution of state aid to charter schools.

Ought to pass with amendment, Vote 5-1

Senator Green for the committee.

HB 638-FN, (New Title) relative to county and state financing of nursing home services.

Ought to pass with amendment, Vote 4-0

Senator Morse for the committee.

HB 678-FN, relative to the insurance premium tax.

Ought to pass with amendment, Vote 6-0

Senator Clegg for the committee.

HB 1331, (New Title) relative to the New Hampshire Temporary Assistance to Needy Families (TANF) program.

Ought to pass with amendment, Vote 4-2

Senator Morse for the committee.

HB 1690, relative to renewable energy.

Ought to pass with amendment, Vote 5-1

Senator Morse for the committee.

HB 1767-FN-A, authorizing the state acquisition of real estate destroyed in the October 2005 floods, establishing a commission to determine the appropriate use of the property, and making an appropriation therefor.

Ought to pass with amendment, Vote 8-0

Senator Odell for the committee

AMENDMENTS

Senate Finance

May 2, 2006

2006-2126s

04/09

Amendment to HB 76

Amend the title of the bill by replacing it with the following:

AN ACT relative to distribution of state aid to charter schools; relative to establishing the 21st century scholars program and making an appropriation therefor; and relative to funding for charter schools.

Amend RSA 194-B:11, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) The source of funds for payments under this section shall be from moneys specifically set aside for charter schools from the education trust fund established in RSA 198:39.

Amend the bill by replacing all after section 4 with the following:

5 New Chapter; 21st Century Scholars Program. Amend RSA by inserting after chapter 193-H the following new chapter:

CHAPTER 193-I

21st CENTURY SCHOLARS PROGRAM

193-I:1 Definitions. In this chapter:

I. "Board" means the 21st century scholars fund board.

II. “Department” means the department of revenue administration.

III. “Educational scholarships” means grants to pupils to cover all or part of the tuition and fees at a private qualified school or all or part of the tuition and fees at a public school outside the school district in which a pupil resides.

IV. “Eligible pupil” means any pupil who is legally allowed to attend a public school in kindergarten through grade 12 and whose family income does not exceed 250 percent of the federal poverty income level.

V. “Parent” includes a guardian, custodian, or other person with authority to act on behalf of the child.

VI. “Program” means the 21st century scholars program.

VII. “Qualified school” means a public or nonpublic school in our state that complies with all of the requirements of the program.

VIII. “21st century scholars fund” or “fund” means an entity that is determined by the Internal Revenue Service to be a tax exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code, as that section now exists or may hereafter be amended, established by the state to collect and administer funds that are to be used for the purpose of providing and managing the delivery of scholarships to eligible pupils.

193-I:2 Corporation Established. There is hereby established a body politic and corporate having a distinct legal existence separate from the state and not constituting a department of state government, to be known as the 21st century scholars fund corporation to carry out the provisions of this chapter. The corporation shall be a public instrumentality which shall perform public and essential governmental functions of the state as provided in this chapter. The corporation shall be a private nonprofit corporation and shall have all the powers necessary to carry out the purposes of this chapter, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source, contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this chapter.

193-I:3 21st Century Scholars Fund Corporation; Board; Powers; Duties.

I. The powers of the corporation shall be vested in 12 members for 3-year terms of office as follows:

- (a) One member of the senate, appointed by the president of the senate.
- (b) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (c) Two public members, appointed by the president of the senate.
- (d) Two public members, appointed by the speaker of the house of representatives.
- (e) Five public members, appointed by the governor, of which:
 - (1) Two shall represent the business community.
 - (2) Two shall represent the private school community.
 - (3) One shall be an at-large member.
- (f) The commissioner of the department of education, or designee.

II. The initial terms of office shall be as follows: the member in subparagraph I(e)(3) shall serve for one year; the member in subparagraph I(e)(1) shall serve for 2 years; and the members in subparagraphs I(c), I(d) and I(e)(2) shall serve for 3 years. The members in subparagraphs I(a)-(b) shall serve terms which are coterminous with their terms in office.

III. The members shall elect annually from among their number a chairperson and such officers as they may determine. A member shall hold office until a successor has been appointed and qualified. Members shall receive no salary for the performance of their duties under this chapter, but each member shall be reimbursed for reasonable expenses incurred in carrying out duties under this chapter. Any such expenses by board members shall have prior approval by 6 members of the board of directors before reimbursement. Legislative members shall receive mileage at the legislative rate when attending to the duties of the board. A member of the board of directors may be removed for cause by the official who appointed that member.

IV. There shall be no liability on the part of, and no cause of action shall arise against, any member of the board, or its employees or agents, for any action taken in the performance of their powers and duties under this chapter.

V. The board shall have complete fiscal control over the corporation and shall be responsible for all corporate operations.

VI. Board meetings shall be held at the call of the chairperson or when 3 members so request. Six members of the board shall constitute a quorum and the affirmative vote of 6 members shall be necessary for any action taken by the authority. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the corporation.

VII. The 21st century scholars fund corporation board shall:

(a) Notify the department of education of the board's intent to provide educational scholarships to pupils attending qualified schools, and in which public school districts those pupils reside.

(b) Provide a receipt for contributions to the organization by an individual taxpayer or corporate taxpayer for support of educational scholarships to the department of revenue administration and the taxpayer.

(c) Create and provide to the public a procedure for applying to the program.

(d) Consult appropriate professional organizations and establish standards providing educational scholarships.

(e) Develop and implement a plan to publicize the program and the procedures for enrollment in the program and to maintain public awareness of the corporation and the program.

(f) Secure staff necessary to properly administer the corporation. Staff costs shall be funded from private or public funds. The board shall determine the number of staff members necessary to administer the corporation.

(g) Ensure that at least 90 percent of its expenditures are for educational scholarships.

(h) Require applicants to provide a tax return, proof of current residence in New Hampshire, and proof that the pupil was continuously enrolled in a public school during the prior school year.

(i) Make every effort to make the program easily accessible and usable by the public.

(j) Inform parents of educational scholarship recipients of their acceptance into the program no later than 30 days after receiving the application.

(k) Ensure that first-time recipients of educational scholarships were continuously enrolled in a public school during the previous year.

(l) In the case of oversubscription to the program, conduct a random lottery among scholarship applicants to determine who shall receive an educational scholarship.

(m) Provide scholarships for pupils attending qualified schools for any purpose approved by the board including, but not limited to:

(1) \$3,500 for families that have a family income of 200 percent or less of the federal poverty income level upon the initial application to the program.

(2) \$2,500 for families that have a family income between 201 percent and 250 percent of the federal poverty income level upon initial application to the program.

(n) Ensure that educational scholarship payments are made out to the parents of the pupil and sent to the qualifying school of choice for endorsement by the parent to the school.

(o) Conduct criminal background checks on all employees of the corporation, and shall exclude from employment any people that might reasonably pose a threat to the safety of children or a risk to the appropriate use of contributed funds.

(p) Ensure that pupils receiving an educational scholarship take either the state tests or nationally recognized norm-referenced tests in math and language arts, or both, and ensure that the pupils' scores are provided to their parents.

VIII. The program shall not provide educational scholarships for pupils to attend any school with paid staff or board members, or relatives thereof, in common with the staff members of the fund.

IX. Provide an annual report, the first on or before January 1, 2007, to the governor, senate president, speaker of the house of representatives, and commissioner of the department of education on the development of the program. This report shall include information prepared by a certified public accountant regarding grants made in the previous calendar year and shall include:

(a) The total number and total dollar amount of contributions received during the previous calendar year; and

(b) The total number and total dollar amount of educational scholarships awarded during the previous calendar year, the total number and total dollar amount of educational scholarships awarded during the previous year to pupils who are in families that are in each subgroup of qualifying income for the federal poverty income level; and

(c) A detailed listing of administrative and marketing expenses.

193-I:4 Responsibilities of the Parents.

I. In the first year of the program, parents shall apply for scholarships for their eligible pupils by August 31, 2006. In subsequent years, parents shall apply for scholarships for their eligible pupils by July 31.

II. Parents shall provide a copy of their income tax return, along with any application materials required by the program.

193-I:5 Responsibilities of Qualified Schools.

I. All qualified schools shall:

(a) Operate in New Hampshire;

(b) Comply with 42 U.S.C. section 2000d et seq.; and

(c) Be approved by the state of New Hampshire.

II. All nonpublic schools shall have nonprofit status under the Internal Revenue Code in order to be qualified under this chapter.

III. Schools shall not refund or rebate any portion of the scholarship to the parent. Any refund for rebate for any portion of the scholarship shall be made to the fund.

IV. Pupils receiving an educational scholarship from the fund shall take either the statewide education improvement and assessment tests pursuant to RSA 193-C, or a nationally recognized norm-referenced test in math and language arts, or both. Pupils' scores in such tests shall be provided to their parents.

V. No nonpublic school shall apply any funds received under this chapter to the cost of religious classes or other sectarian educational programs or services. The nonpublic school shall return any remaining payment to the pupil's resident school district.

193-I:6 Special Education Services. No pupil shall be considered an out-of-district placement for the purposes of receiving special education services while participating in the program. Participation in the program shall not affect a pupil's eligibility to receive special education services upon such pupil's return to the school district in which he or she resides

6 New Paragraph; School Money; Distribution Schedule of Equitable Education Grants. Amend RSA 198:42 by inserting after paragraph III the following new paragraph:

IV. For the fiscal year beginning July 1, 2006, and every fiscal year thereafter, the amount necessary to fund charter school tuition payments under RSA 194-B:11, I is hereby appropriated to the department from the education trust fund established under RSA 198:39. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this paragraph. Such warrant for payment shall be issued regardless of the balance of funds available in the education trust fund. If the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the commissioner of the department of administrative services shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of charter school tuition payments.

7 Charter Schools; Start-Up Grants. A charter school whose charter application was approved between September 1, 2005 and March 31, 2006 shall, upon application to the commissioner of the department of education (commissioner), receive a grant of \$100,000 to be used only for start-up costs and non-operational costs related to the initial opening of the charter school such as acquisition of classroom space, rent, cost of initial supplies, teacher salary and training, staffing costs, and utilities. Such funds shall not be used for tuition expenses. These grants shall be a charge against the education trust fund established in RSA 198:39, and the commissioner shall disburse the grants no later than 30 days from the date of the application. The commissioner shall develop a form suitable for the requirements of this section. The grants provided under this section shall not lapse.

8 Department of Education; Curriculum and Assessment. Amend PAU 06, 03, 02, 05, 01, for the 2007 fiscal year by inserting after class line 95 the following new class line:

96 Charter School Start-up Grants	*	400,000
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* THESE FUNDS SHALL NOT BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE AND SHALL NOT LAPSE.

9 Department of Education; Curriculum and Assessment. Amend the 2007 fiscal year totals and source of funds for PAU 06, 03, 02, 05, 01 as follows:

Strike out:

FISCAL YEAR 2007

TOTAL	2,498,373
ESTIMATED SOURCE OF FUNDS FOR	
CURRICULUM AND ASSESSMENT	
GENERAL FUND	2,498,373
TOTAL	2,498,373

Insert in place thereof:

FISCAL YEAR 2007

TOTAL	2,898,373
ESTIMATED SOURCE OF FUNDS FOR	
CURRICULUM AND ASSESSMENT	
GENERAL FUND	2,498,373
EDUCATION REVENUE	400,000
TOTAL	2,898,373

10 Appropriation. Notwithstanding the introductory paragraph to RSA 198:39, I, there is hereby appropriated the sum of \$250,000, for the biennium ending June 30, 2007, from the education trust fund established in RSA 198:39 to the 21st century scholars fund established in RSA 193-I. Such sum shall be a charge against the education trust fund.

11 Effective Date.

I. Sections 8-10 of this act shall take effect on July 1, 2006.

II. The remainder of this act shall take effect upon its passage.

2006-2126s

AMENDED ANALYSIS

This bill:

I. Requires the state to pay education aid directly to a charter school approved by the state board of education, and requires any member of a charter school board of trustees who also serves as an employee, agent, or board member of any for-profit entity with whom the charter school contracts for goods or services to make public disclosure of such fact and to recuse oneself from any business the charter school may have with the for-profit entity.

II. Establishes the 21st century scholars program, a non-profit, public and private partnership that will provide educational scholarships to eligible New Hampshire school children in kindergarten through grade 12 to attend a qualified school and appropriated \$250,000 from the education trust fund for the program.

III. Provides that moneys necessary to fund charter schools shall be appropriated from the education trust fund.

IV. Provides that the amount necessary to fund charter school tuition payments shall be appropriated from the education trust fund.

V. Provides for a one-time, \$100,000 start-up grant from the education trust fund for each charter school whose charter application was approved between September 1, 2005 and March 31, 2006, and amends the state operating budget for the 2007 fiscal year to provide funds for such grants.

Senate Finance

May 2, 2006

2006-2135s

10/04

Amendment to HB 638-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to county liability for payment of nursing home facility costs, long term care financing, and relative to the county-state finance commission.

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

1 Certificate of Need; Nursing Home Beds; Moratorium Extended. Amend RSA 151-C:4, III(a) to read as follows:

III.(a) No certificate of need shall be granted by the board for any nursing home, skilled nursing facility, intermediate care facility or rehabilitation facility from the effective date of chapter 310, laws of 1995, department of health and human services reorganization act, through the period ending [~~December 31, 2006~~] **June 30, 2009**, except that a certificate of need shall be issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act.

2 Rehabilitation Beds. Amend 2004, 260:27 to read as follows:

260:27 Health Services Planning and Review Board; Rehabilitation Beds and Services. Through the period ending [~~December 31, 2006~~] **June 30, 2009** unless sooner authorized by the general court, the health services planning and review board shall not authorize changes regarding the licensure or certification of any rehabilitation beds in any type of facility, shall not authorize the addition of any rehabilitation beds in any type of facility, and shall not grant any certificate of need related to the board's administrative standards for comprehensive physical rehabilitation services. This section shall not prohibit the voluntary transfer of rehabilitation beds between 2 licensed health care facilities; provided, that any such transaction does not result in an increase in the number of any type of rehabilitation beds in the state.

3 Reference Changed. Amend RSA 151-E:6-b to read as follows:

151-E:6-b Memorandum of Agreement. The department of health and human services shall establish, by means of a memorandum of agreement with the New Hampshire Association of Counties, a mechanism for the receipt of input from the Association of Counties regarding the type, cost, utilization, and procedures relative to payments which the counties are obligated to make pursuant to RSA [~~167:18-b~~] **167:18-a**. The memorandum of agreement shall be reviewed annually and amended as may be determined to be necessary by the parties.

4 Reference Changed. Amend RSA 151-E:15, IV to read as follows:

IV. Notwithstanding the provisions of RSA [~~167:18-b, f~~] **167:18-a**, no county shall be required to make any contribution to the distribution under this section.

5 County Reimbursements; Limitation on Payments. RSA 167:18-a is repealed and reenacted to read as follows:

167:18-a County Reimbursement of Funds; Limitations on Payments.

I. All expenditures in carrying out the purposes of this chapter and RSA 161 relative to recipients of old age assistance and aid to the permanently and totally disabled shall in the first instance be made by the state, but each county shall make monthly payments to the state for the amounts due under this section within 45 days from notice thereof.

(a) Counties shall reimburse the state for expenditures for recipients of old age assistance or aid to the permanently and totally disabled for whom such county is liable to the extent of 50 percent of state supplemental financial assistance.

(b) Counties shall reimburse the state for expenditures for recipients for whom such county is liable who are eligible for nursing home care and are receiving services from a New Hampshire licensed nursing home, or in another New Hampshire setting as an alternative to a nursing home placement and are supported under the Medicaid home and community-based care waiver for the elderly and chronically ill, as such waiver may be amended from time to time, to the extent of 60 percent of the non-federal share of such expenditures.

(c) Counties shall not be liable for Medicaid recipients in state institutions and intermediate care facilities for the mentally retarded (ICF-MR) approved by the department of health and human services and servicing developmentally impaired persons.

II. The total reimbursements by all counties made pursuant to this section and RSA 167:18-f shall not exceed the amounts set forth below for the state fiscal years 2007-2009:

(a) State fiscal year 2007	\$78,000,000.
(b) State fiscal year 2008	\$81,000,000.
(c) State fiscal year 2009	\$84,000,000.

III.(a) Any shortfall between the state audited Medicaid allowances incurred by the state's county operated ICF nursing homes and amounts otherwise reimbursed by federal 50 percent Medicaid matching funds or other income, shall be certified as a public expenditure and be eligible for additional federal funding match.

(b) The department of health and human services shall seek federal Medicaid assistance match for any state audited county nursing home Medicaid expense which is not fully reimbursed through rates. Any revenue realized through such a match shall be paid to the nursing homes which incurred the unreimbursed expense, provided, however, that no state general funds are expended directly or indirectly for this purpose.

6 Delinquent Payments. Amend RSA 167:18-e to read as follows:

167:18-e Delinquent Payments. Delinquent payments due under RSA 167:18-a[, 167:18-b] and 167:18-f, with interest at the rate of 12 per centum per annum, may be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the request of the state agency, be deducted from any other moneys payable to such subdivision by any department or agency of the state.

7 County Nursing Homes; Local Medical Assistance Contribution. Amend RSA 167:18-f to read as follows:

167:18-f Local Medical Assistance Contribution. In addition to any other reimbursement required by law, each county shall, within 60 days from notice thereof, reimburse the public assistance fund at the rate of [\$27] **\$6** per month for each recipient of old age assistance and [\$52] **\$23** per month for each recipient of aid to the permanently and totally disabled for whom the county would be liable under the provisions of RSA 166, except that no reimbursement shall be required for any recipient for whom the county has an obligation under RSA [167:18-b] **167:18-a**.

8 Appropriation; Health and Human Services. The sum of \$4,650,061 is hereby appropriated to the department of health and human services for the biennium ending June 30, 2007 for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

9 County Credit for Contributions. Any county reimbursement under RSA 167:18-f made from July 1, 2005 until June 30, 2006 which exceeds the rate for reimbursement provided in section 7 of this act shall be credited to the counties for the year ending June 30, 2006 for fulfilling the local medical assistance contribution.

10 Medical Parole. Amend RSA 651-A:10-a, VII to read as follows:

VII. Notwithstanding RSA [167:18-b] **167:18-a**, the state shall be responsible for all medicaid costs incurred, net of federal reimbursement, for any inmate granted medical parole under this section, until the earliest date on which parole could have been granted had the inmate not been granted medical parole.

11 County-State Long Term Care Commission. Amend RSA 28-B to read as follows:

CHAPTER 28-B

COUNTY-STATE [FINANCE] **LONG TERM CARE** COMMISSION

28-B:1 Commission Established. There is hereby established the county-state [finance] **long term care** commission which shall consist of the following members:

I. The commissioner of the department of health and human services.

II. The director of the division of elderly and adult services in the department of health and human services.

III. ~~[Three]~~ **Two** members appointed by the commissioner of the department of health and human services, and one member appointed by the governor and council, who shall serve 2-year terms, provided that the initial terms of 2 such members shall be for one year.

IV. ~~[Six]~~ **Four** members representing county government, ~~[all]~~ appointed by the **commissioner's council of the** New Hampshire Association of Counties, who shall serve 2-year terms, ~~[provided that the initial terms of 3 such members shall be for one year.]~~ **2 of whom shall represent counties with population of more than 100,000 and 2 of whom shall represent counties with population of less than 100,000.**

V. Four members of the general court, with 2 house of representatives members, one of whom shall be a member of the house finance committee appointed by the speaker of the house of representatives, and 2 senate members, one of whom shall be a member of the senate finance committee, appointed by the president of the senate. General court members shall serve for their elected term of office.

28-B:2 Chairperson; Meetings. The commission shall elect a chairperson from among its members, provided that the chair shall alternate between a state and a county representative in a manner determined by the commission. The commission shall meet at least quarterly and shall adopt rules for its procedures. **The department of health and human services shall provide staff assistance in support of the commission.**

28-B:3 Duties of the Commission. The county-state ~~[finance]~~ **long term care** commission shall oversee the financial relationship and the development of policy associated with programs for which the county and state governments share funding obligations. The commission shall have the following responsibilities:

I. Review and ~~[provide recommendations about]~~ **approve** the state's long-term care medicaid plan under RSA 151-E and related provisions which address programs for which counties have financial obligation prior to submission of such plans to the federal medicaid agency.

II. Review and provide recommendations regarding department of health and human services rate setting and adjustments ~~[including, but not limited to, those for]~~ **related to** long-term care services for elderly and adult clients by the division of elderly and adult services, court-ordered and volunteer services by the division for children, youth, and families, and the division of juvenile justice services, prior to any rate setting or adjustments.

III. Review and provide recommendations for refinement of county billing systems for all payments from the counties to the state.

IV. Pursue and evaluate funding options.

~~[V. Develop a process for managing individual county payment limits under RSA 167:18-b, IV. In no event shall the individual county payment limit reduce or alter the total county obligation under RSA 167:18-b, IV.]~~

12 Long-Term Care; Program Management. Amend RSA 151-E:11 to read as follows:

151-E:11 Program Management and Cost Controls.

I. The department shall designate in its operating budget requests specific class lines for nursing facility, mid-level, and home-based care provided for in this chapter. These class lines shall reflect, and the requesting documentation shall include, the anticipated number of persons to receive services. The department shall not increase expenditures in approved budgets for these class lines or the number of persons to receive mid-level or home care services without the **final** approval of the legislative fiscal committee, and the prior ~~[review]~~ **approval** of the county-state ~~[finance]~~ **long term care** commission. The medicaid rates paid for nursing facility services, mid-level care services, and home and community-based care services shall not be reduced below those levels in effect on the last day of the previous biennium. No transfers may be made from the nursing facility medicaid quality incentive program and all funding derived from that program shall be paid to nursing facilities.

II. For the fiscal year beginning July 1, 2003, and each fiscal year thereafter the average annual cost for the provision of services to persons in the mid-level of care shall not exceed 60 percent of the average

annual cost for the provision of services in a nursing facility. The average annual cost for the provision of services in home-based care shall not exceed 50 percent of the average annual cost for the provision of services to persons in a nursing facility. Average annual costs shall be the net medicaid costs exclusive of provider payments. No person whose costs would be in excess of 80 percent of the average annual cost for the provision of services to a person in a nursing facility shall be approved for home-based or mid-level services without the prior approval of the commissioner of health and human services. The department shall provide a report semi-annually on the utilization of non-nursing home services to the county-state ~~finance~~ **long term care** commission and the legislative fiscal committee.

13 Rulemaking; Public Assistance; County-State Long-Term Care Commission. Amend RSA 167:3-c, XIII to read as follows:

XIII. The administration of the payment of funds for persons eligible to receive nursing home services. Prior to the submission of proposed rules under RSA 541-A, such rules shall be submitted for review by the county-state ~~finance~~ **long term care** commission under RSA 28-B.

14 Repeal. The following are repealed:

I. RSA 167:18-b, relative to county reimbursement for nursing home services.

II. RSA 167:20, relative to establishing the public assistance fund.

III. 1998, 388:16, I and II, relative to the repeal of RSA 167:18-b and 18-f.

IV. 1998, 388:17, II, as amended by 2003, 223:8, 2004, 260:9, and 2005, 177:10 relative to the effective date of the repeal of RSA 167:18-b and 18-f.

15 Prospective Repeal; July 1, 2009. RSA 167:18-a, relative to county reimbursement of funds, is repealed.

16 Effective Date.

I. Section 7 of this act shall take effect July 1, 2005 at 12:01 a.m.

II. Sections 8 and 9 of this act shall take effect June 30, 2006.

III. Section 15 of this act shall take effect July 1, 2009.

IV. The remainder of this act shall take effect July 1, 2006.

2006-2135s

AMENDED ANALYSIS

This bill:

I. Establishes the liability of counties for nursing home costs and long term care costs.

II. Removes the increase in county payments for old age assistance and aid to the permanently and totally disabled.

III. Extends the moratoriums on nursing home and rehabilitation beds.

IV. Renames the county-state finance commission as the long term care commission, increases its membership, and changes the duties of the commission.

Sen. Gatsas, Dist. 16

May 2, 2006

2006-2116s

03/10

Amendment to HB 678-FN

Amend the bill by deleting section 2 and renumbering the original sections 3-4 to read as 2-3.

Amend the bill by replacing all after section 2 with the following:

3 Insurance Premium Tax; Collection. Amend RSA 400-A:32, II to read as follows:

II.(a) **For the calendar year ending December 31, 2006**, on or before March 15, June 15, September 15, and December 15 [~~of each year~~], every authorized insurer required to pay a tax in accordance with RSA 400-A:32, I shall pay to the insurance commissioner an amount equal to 1/4 of the previous calendar

year's tax paid pursuant to said paragraph; provided, however, any authorized insurer having an estimated liability of \$100 or less for each quarter shall make payment in full on March 15. These payments shall be considered as a partial payment of the tax upon the business done in the state during the calendar year in which the payment was received.

(b) For the calendar year ending December 31, 2007, and for every year thereafter, on or before March 15 of each year every authorized insurer required to pay a tax in accordance with RSA 400-A:32, I shall make payment in full to the insurance commissioner of an amount equal to 100 percent of the previous calendar year's taxes paid pursuant to said paragraph. The payments shall be considered as a partial payment of the tax upon the business done in the state during the calendar year in which the payment was received.

4 Insurer Retention Plan; Reporting.

I. The insurance commissioner and the commissioner of the department of resources and economic development shall mutually develop and implement a comprehensive plan to retain domestic insurers and recruit foreign insurers to redomesticate in New Hampshire with the goal of retaining and creating jobs and the economic activity associated therewith. The plan shall be jointly filed with the fiscal committee of the general court on or before September 30, 2006.

II. The insurance commissioner and the commissioner of the department of resources and economic development shall jointly file a report detailing the results of the implementation of their filed plan, including information on the number of redomestications and new jobs associated therewith with the fiscal committee of the general court on or before July 1, 2007, and every month thereafter, until such time as the fiscal committee shall certify that there is no longer a need to file such report.

5 Effective Date. This act shall take effect 60 days after its passage.

2006-2116s

AMENDED ANALYSIS

This bill:

I. Reduces the insurance premium tax.

II. Changes insurance premium tax payments from quarterly to annual.

III. Requires development and implementation of an insurer retention plan.

Senate Finance

May 2, 2006

2006-2157s

04/10

Amendment to HB 1331

Amend the title of the bill by replacing it with the following:

AN ACT relative to the New Hampshire Temporary Assistance to Needy Families (TANF) program and making an appropriation therefor.

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

1 New Hampshire Employment Program and Family Assistance Program; Statement of Purpose. Amend RSA 167:77 to read as follows:

167:77 Statement of Purpose.

I. The purpose of this subdivision is to reform welfare through the vehicle made available by the federal government[~~whether through block grants or by a federal waiver. If a waiver is necessary, it is the intent of the general court that the commissioner of the department of health and human services request such a waiver so that this subdivision may be implemented~~]. To the extent permitted by federal law, it is the intent of the general court to [replace the aid to families with dependent children program with] ***operate the Temporary Assistance to Needy Families (TANF) program through 2 subprograms:***

(a) The New Hampshire employment program which shall provide financial assistance for families with dependent children when the children are cared for by a parent or relative who is receiving assistance and is considered to be able-bodied for employment.

(b) The family assistance program which shall provide financial assistance for families with dependent children when the parent or other relative is considered unable to work due to a physical or mental disability or the children are cared for by a relative other than a parent who is not receiving assistance.

II. ~~[Such replacement establishes]~~ The New Hampshire employment program and the family assistance program ~~[as the cash]~~ **are the financial** assistance programs upon which Medicaid and Food Stamps are automatically granted ~~[in the same relationship as under the AFDC program]~~.

III. ~~[A waiver or a block grant may be phased in, at the discretion of the commissioner. If there is a phasing-in then the existing AFDC/JOBS program may be maintained in all or part of the state at the discretion of the commissioner. To the extent that some portions of the state are covered by the AFDC/JOBS program, the statutes and rules governing that program shall apply and be in effect.]~~ Notwithstanding any other laws to the contrary, the New Hampshire employment program and family assistance program shall be covered by this subdivision and the rules adopted under the authority of this section. All statutory provisions within RSA 161 and 167 which are not inconsistent with the provisions of this subdivision shall remain in full force and effect and shall apply to the New Hampshire employment program and the family assistance program.

IV. The New Hampshire employment program shall promote economic independence and help maintain and strengthen family life by enabling able-bodied persons with dependent children to assume responsibility for their families through the dignity of work. Work shall be promoted by:

(a) Offering employment services, support services, and transitional financial assistance with the expectation that participants move quickly towards employment.

(b) Developing long-term employment skills that lead to self-sufficiency.

(c) Recognizing the equal responsibility of both parents to provide economic support for their children.

V. The goals of the New Hampshire employment program shall be to:

(a) Eliminate or reduce the harmful effects of poverty on families and children by fostering employment and opportunity as a means to economic independence.

(b) Assist participants to gain employment as rapidly as possible, given due consideration to individual circumstances, labor market conditions, the needs of the dependent children for continuing care and protection, and the ultimate goal of long-term economic independence.

(c) Eliminate the stigma of welfare by promoting a philosophy and perception that the purpose of welfare is to eliminate or reduce the harmful effects of poverty on families and children by promoting work opportunities for all New Hampshire residents.

(d) Support and coordinate with activities that promote self-sufficiency and strengthen family life.

(e) Provide a comprehensive support service package that includes: medical assistance, food stamps, child care, transportation, child support, and other support services necessary to promote economic independence.

(f) Promote successful transition from public assistance through the provision of job readiness activities, training, and education activities concurrently with employment or seeking employment, family support skills, and follow-up services for problem resolution and job advancement.

(g) Develop partnerships with employers to create job opportunities and meet the needs of both employers and participants.

(h) Provide a program where it is more advantageous to work than not to work by rewarding self-sufficiency.

(i) Implement a program that is clear, focused, and simple to administer.

VI. The goals of the family assistance program shall be to:

(a) Eliminate or reduce the harmful effects of poverty on families and children by providing financial assistance and medical assistance only to families with children in a manner compatible with decency and health.

(b) Promote employment opportunities ~~[on a voluntary basis]~~.

2 Definition of Employment-Related Activities. RSA 167:78, IX is repealed and reenacted to read as follows:

IX. "Employment-related activities" mean activities that meet the federally defined work activities in The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), as amended by the Deficit Reduction Act (DRA), and federal regulations promulgated thereunder and further defined in rules adopted pursuant to RSA 541-A.

3 Definition of Job Search. RSA 167:78, XIII is repealed and reenacted to read as follows:

XIII. "Job search" means employment related activities that are outlined in the employment program.

4 Definition of On-the-Job Training. RSA 167:78, XVIII is repealed and reenacted to read as follows:

XVIII. "On-the-job training" means employment-related activities provided to a person, employed by a private or public employer, that provides knowledge or skills essential to the full and adequate performance of that job.

5 Definition of Specialized Services Replaced with Definition of Interim Activities. Amend 167:78, XXII is repealed and reenacted to read as follows:

XXII. "Interim activities" mean those activities intended to address individual or family barriers to employment or to enhance long-term success in the workplace.

6 Definitions of Suspension of Job Search and Work for Benefits Program Deleted. Amend RSA 167:78, XXIV - XXVI to read as follows:

~~XXIV. ["Suspension of job search" means the suspension of a job search by a participant for a predetermined period of time.~~

~~XXV.] "Temporary absence" means any assistance group member who is temporarily away from the home for, but not limited to, the following reasons: school attendance, vacation, illness, or work.~~

~~[XXVI. "Work for benefits program" means the activities connected with the second 26 weeks of the employment program.]~~

7 Employment Program Eligibility. RSA 167:79 is repealed and reenacted to read as follows:

167:79 Employment Program; Eligibility.

I. For purposes of this subdivision, a person shall be eligible for financial assistance under the employment program who is a needy child deprived of parental support or care by reason of death, continued absence from the home, physical or mental incapacity, and who lives with a parent or an able-bodied specified relative. If the child is living with both parents, one parent shall be able-bodied. The parent or parents of the dependent child or the able-bodied caretaker relative may also be eligible for assistance.

II. The following persons shall be included in the assistance group, unless such person receives state supplemental assistance or supplemental security benefits under Title XVI of the Social Security Act, foster care or adoption assistance, if living in the same household or temporarily absent from the household: any dependent child and all minor blood-related, step, or adoptive brothers and sisters, and all natural, step, or adoptive parents of such children, including cohabitating adults who share a minor child. In the case of a minor parent, the assistance unit may also include all natural, step, or adoptive parents of the minor parent and all minor blood-related, step or adoptive brothers and sisters. If the parents are not residing together a child shall be considered residing with the parent who has physical custody of the child the majority of the time.

III. The following requirements and conditions shall be necessary to establish eligibility for the entire assistance group:

(a) An applicant shall attend appointments necessary for entry into the employment program, including but not necessarily limited to the initial orientation interview.

(b) An applicant whose most recent case closure was the result of sanction for non-compliance in the employment program shall first participate fully in verifiable and approved employment-related activities for a period of 2 consecutive weeks.

(c) The parent or caretaker relative shall comply with the following with regard to any child for whom financial assistance is requested:

(1) Provide information and cooperate in all actions necessary to establish the child's paternity.

(2) Assign to the department the rights to any child or spousal support payments made by a person outside the assistance group to benefit any family member within the assistance group.

(3) In all other ways cooperate with efforts to obtain child or spousal support and identify and locate liable relatives, unless good cause exists.

(d) An applicant who voluntarily quits or refuses a job without good cause, as defined in RSA 167:82, III(c), while receiving financial assistance shall first participate fully in verifiable and approved employment-related activities for a period of 2 consecutive weeks.

(e) The assistance group's net income shall be less than the payment standard for the assistance group size.

(f) The assistance group's countable resources shall be less than the allowable resource limit established by the department pursuant to RSA 167:81, II.

(g) A written application, signed under a penalty of perjury, shall be completed by the person applying for assistance.

(h) A person shall provide such person's social security number, or apply for a social security number if the person does not have one.

(i) The identity of all applicants for assistance shall be verified.

(j) A parent or caretaker relative shall appear for an interview.

(k) Each person in the assistance group shall develop all potential sources of income for which such person may be eligible. Each person shall apply for such income, cooperate in applying for such income, and accept the income if eligible.

(l) No person in the assistance group shall be on strike, unless the person establishes to the satisfaction of the commissioner that:

(1) The unemployment results solely from a lockout; or

(2) That to attempt to or to cross the picket line would place the person in physical danger.

(m) An unwed minor parent shall reside with such person's parent, legal guardian, other adult relative, or in another adult supervised supported arrangement, unless:

(1) The minor parent resided separately from such person's parent or legal guardian for a period of at least one year before either the birth of the dependent child or the parent's application for assistance;

(2) The physical or emotional health or safety of the minor parent or dependent child would be jeopardized; or

(3) There is otherwise good cause for the minor parent and dependent child to receive assistance while residing separate from the minor parent's parent, legal guardian, or other adult relative; or outside of an adult supervised living arrangement.

(n) Any other requirements established by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

IV. Failure to meet the following requirements shall result in that person being ineligible for assistance:

(a) A person shall be a current resident of the state of New Hampshire.

(b) A person shall not be an inmate of a public or private institution.

(c) A person shall be a United States citizen, or shall meet the citizenship requirements established in PRWORA, as amended.

(d) Any other requirements established by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

V.(a) The following persons are not eligible for assistance:

(1) A person who is not a United States citizen, shall meet the citizenship requirements established in PRWORA, as amended.

(2) A spouse of a caretaker relative.

(3) Other persons as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

(b) The treatment of needs, income, and resources of such persons in the determination of eligibility and the amount of the financial assistance payment to other persons in the assistance group shall be determined by the department by rules adopted in accordance with RSA 541-A.

VI. Failure to meet the following requirements shall result in the imposition of sanctions and the reduction of benefits or case closure for the assistance group:

(a) A parent or caretaker relative shall comply with all of the following for any child for whom financial assistance is requested:

(1) Provide information and cooperate in all action necessary to establish the child's paternity.

(2) Assign to the department the rights to any child or spousal support payments made by a person outside the assistance group to benefit any family member within the assistance group.

(3) In all other ways cooperate with efforts to obtain child or spousal support and identify and locate liable relatives, unless good cause exists. Good cause exists if the conditions defined in RSA 167:82, III(b) are met.

(b) A parent or caretaker relative shall not voluntarily quit a job or refuse a job unless there is good cause as defined in RSA 167:82, III(c).

(c) A parent or caretaker relative and case members shall attend and cooperate with all required appointments and activities for entry into and participation in the employment program.

(d) Applicants and participants of the employment program shall participate in the development of an employment contract pursuant to RSA 167:88, shall agree to the terms of the employment contract, and shall cooperate fully with the steps established in the employment contract.

(e) Any other requirements established by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision

8 Employment Program Characteristics. Amend RSA 167:82 to read as follows:

167:82 Employment Program Characteristics.

I. The program shall provide financial assistance to assistance groups who meet and comply with all the eligibility **and employment program participation** requirements under RSA 167:79, 167:80, and 167:81.

II. The following persons shall be temporarily ~~[deferred]~~ **exempt** from ~~[the]~~ participation ~~[requirements in RSA 167:85, 167:90, and 167:91]~~ **in employment-related activities**:

(a) Dependent children under the age of 16.

(b) Dependent children age 16 or older who are full-time students in an elementary, secondary, vocational/technical school, or the equivalent.

(c) ~~[One]~~ A parent or caretaker relative ~~[per assistance group]~~ who is personally providing care for a child under ~~[the deferral age established by the department by rules adopted pursuant to RSA 541-A]~~ **one year of age, subject to a maximum exemption period for an individual of 12 months over their lifetime. A parent or caretaker relative who has exhausted the maximum allowable exemption and who subsequently gives birth to a child for whom financial assistance is requested, shall be permitted exemption immediately following the child's birth for a maximum period of 12 weeks.**

(d) A parent or caretaker relative who is 60 years of age or older.

(e) ~~[A pregnant woman as defined by the department by rules adopted pursuant to RSA 541-A:]~~ **A pregnant woman who is deemed medically unable to participate, as certified by a licensed physician. The physician shall certify, on a form provided by the department, the duration and limitations of the disability.**

(f) ~~[A person who is employed full-time as defined by the department by rules adopted pursuant to RSA 541-A:]~~

(g)] A person who is temporarily unable to participate in program requirements due to illness or incapacity as certified by a licensed physician or board certified psychologist. The physician or psychologist shall certify, on a form provided by the department, the duration and limitations of the disability.

~~[(h)]~~(g) A parent or caretaker relative required to be in the home to care for another relative or assistance group member who resides in the same household due to that member's illness, or incapacity or disability; and there are no other household members to provide the care; and required care is considered necessary by a licensed physician or board certified psychologist. The physician or psychologist shall certify, on a form provided by the department, the duration that care is required. ***The household shall meet participation and verification requirements in PRWORA, as amended by the DRA, and federal regulations promulgated thereunder.***

(h) Temporary exemptions shall remain in effect until the individual enters his or her 40th month of receipt of TANF financial assistance.

~~[(i)]~~(i) A person with significant employment-related barriers, as determined by the department by rules adopted pursuant to RSA 541-A, that prevent the person from accepting immediate employment.

~~[(j)]~~(j) Any other person as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

III. Financial assistance for an assistance group shall be reduced ***and can lead to case closure subject to the sanction policy as established under RSA 167:79, VI, 167:82, III, and 167:82, IV and by rules adopted pursuant to RSA 541-A,*** if a parent or caretaker relative of the assistance group:

(a) Fails to assign child support rights to the department.

(b) Fails to cooperate with child support requirements without good cause. A parent or caretaker relative shall have good cause for noncooperation with child support requirements when efforts to establish paternity or secure support are against the best interests of the child or parent or caretaker relative or when efforts to establish paternity or secure support can reasonably be anticipated to result in physical or emotional harm to the child or parent or caretaker relative. A parent or caretaker relative shall also have good cause for noncooperation with child support requirements when at least one of the following conditions exists:

(1) The child for whom support is sought was conceived as a result of incest or forcible rape;

(2) Proceedings for adoption of the child are pending in a court; or

(3) A social service agency is helping the parent or caretaker relative decide whether to relinquish the child for adoption, and the discussions have not occurred for more than 3 months.

(c) Voluntarily quits a job consisting of at least 20 hours of work per week without good cause 60 days or less prior to the date of application for financial assistance, and such parent or caretaker relative has not become reemployed at a level consisting of at least 20 hours of work per week. Good cause for leaving employment shall include any of the following:

(1) Discrimination by an employer based on age, race, sex, color, physical or mental disability, religious belief, national origin, or political beliefs;

(2) Work demands or conditions that render continued employment unreasonable, including but not limited to, employment in which the degree of risk to health or safety is unreasonable or employment yielding weekly earnings of less than the state or federal hourly minimum wage;

(3) Resignation by a person under the age of 60 which is recognized by the employer as retirement;

(4) Employment which becomes or is revealed to be unsuitable following acceptance of such employment, including, but not limited to, employment which the parent or caretaker relative is physically or mentally unfit to perform, or employment in which the distance from the parent or caretaker relative's home to the place of employment is unreasonable considering the wage and the time and cost of commuting;

(5) Acceptance by the parent or caretaker relative of ***new*** employment~~], or enrollment of at least half-time in any recognized school, training program or institution of higher education,~~ that requires the parent or caretaker relative to leave ***current*** employment;

(6) Leaving a job in order to accept a bona-fide job offer which job offer, because of subsequent circumstances beyond the control of the applicant, is withdrawn or results in employment of fewer than 20 hours per week or weekly earnings of less than the state or federal hourly minimum wage;

(7) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work, even though employment at the new site has not actually begun;

(8) Leaving a job because of circumstances beyond the control of the parent or caretaker relative which render continued employment impracticable, including but not limited to, lack of transportation or child care, or illness, incapacity or disability of the parent or caretaker relative, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the parent or caretaker relative, net loss of cash income, required court appearance, or mandated appointments; or

(9) Other good cause.

(d) Voluntarily quits or refuses a job without good cause as defined in RSA 167:82, III(c) while receiving financial assistance. A parent or caretaker relative shall be considered to have voluntarily quit a job while receiving financial assistance if such person fails to report for work without good cause as defined in RSA 167:82, III(c), resulting in the termination of the parent or caretaker relative's employment while receiving assistance. A parent or caretaker relative who is fired or resigns from a job at the request of the employer due to such person's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily quit the job.

(e) Fails to comply without good cause with ongoing participation requirements in RSA 167:85, 167:88, 167:90, or 167:91. Good cause shall exist when circumstances are beyond the participant's control, including, but not limited to, lack of transportation or child care, or illness, incapacity or disability of the participant, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the participant, net loss of cash income, required court appearance, mandated appointments, or unreasonable risk to the health or safety of any household member. ***The participant shall be allowed 7 days from the date of notification of non-compliance to present verifiable information supporting good cause.***

(f) Fails to comply with other eligibility requirements as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

(g) Fails to provide verification of their participation in required activities or other verification as established by PRWORA, as amended by DRA, and federal regulations promulgated thereunder.

IV. Financial assistance for an assistance group shall be reduced if a non-deferred dependent child of the assistance group:

(a) Fails to comply without good cause with ongoing participation requirements as required by RSA 167:85, 167:88, 167:90, or 167:91. Good cause shall exist when circumstances are beyond the participant's control, including, but not limited to, lack of transportation or child care, or illness, incapacity or disability of the participant, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the participant, net loss of cash income, required court appearance, mandated appointments, or unreasonable risk to the health or safety of any household member.

(b) Failure to comply with other eligibility requirements as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

V. ~~[The department shall establish reduction rates, and the duration of the reduction for reductions under RSA 167:79, VI, 167:82, III, and 167:82, IV by rules adopted pursuant to RSA 541-A. The initial reduction rate imposed on any household shall be determined by disregarding the needs of the participant who is out of compliance, but not the needs of the dependent children. If the participant remains out of compliance at the end of the initial reduction period, then a greater reduction may be imposed which partially disregards the needs of the dependent children. No reduction shall be imposed on a household unless the participant who is out of compliance has received prior written notice of the reason for the reduction of assistance and the specific actions which must be taken in order to reinstate full assistance. No reduction shall be imposed which disregards the needs of the children when the parent or caretaker relative who is out of compliance lacks the means necessary to immediately come into compliance.]~~ ***The department shall establish a sanction policy for participants who are non-compliant with program requirements. The sanction policy shall establish the timing and occurrence of benefit reduction and termination of the TANF financial assistance case for non-compliance as provided in this paragraph. The following progression of sanctions shall apply:***

(a) The initial sanction shall consist of reduction of financial assistance benefits representing the needs of the individual who is out of compliance. The second level of sanction shall consist of reduction of 1/3 of the adjusted payment standard for the assistance group. The third level of the sanction shall consist of reduction of 2/3 of the adjusted payment standard for the assistance group. At the end of the third level of sanction the TANF financial assistance case shall close. Each sanction shall apply for a 2-week period and progressive sanctions shall apply unless and until the participant demonstrates full compliance.

(b) For non-compliance in the employment program or for voluntarily quitting a job as defined in RSA 167:82, III(c), full compliance is demonstrated by completion of verifiable participation in approved employment-related activities for 2 consecutive weeks.

(c) For non-compliance in paternity identification or assignment of support, full compliance is demonstrated by fully cooperating in all action necessary to identify and establish paternity or to identify, locate, assign and obtain support.

(d) For non-compliance by a non-deferred dependent child in participation requirements, the initial sanction shall consist of reduction of financial assistance in the amount established to meet the needs of the dependent child. The benefit reduction shall continue for the duration of the non-compliance.

(e) For all sanctions, the reduction period shall apply to the period immediately following the determination of non-compliance. A determination of non-compliance shall be made within 10 days of an act of non-compliance, barring a finding of good cause. The participant shall be allowed 2 weeks from the date of benefit reduction to demonstrate full compliance. No sanction shall be imposed on a household unless the participant who is out of compliance has received prior written notice of the reason for the reduction of assistance and the specific actions which must be taken in order to reinstate full assistance.

(f) A participant, other than a non-deferred dependent child, who is in sanction status for a cumulative period of 3 months over a 12-month period shall have his or her TANF case closed.

(g) For a TANF financial assistance case that closes in sanction status, in the event of reapplication for financial assistance at a later time, the participant shall demonstrate full compliance before the TANF financial assistance case may be processed.

VI. Participants shall be eligible for medical assistance as categorically needy provided they receive financial assistance under this subdivision, or are otherwise eligible to receive such assistance but do not. An assistance group that becomes ineligible due to new or increased earnings shall remain eligible for medical assistance for 12 months from when the assistance group became ineligible ***pursuant to rules adopted under RSA 541-A.***

VII.(a) Financial assistance payments shall be based on the characteristics of the assistance group under this section and the standard of need and payment standard as authorized in RSA 167:7, II. The financial assistance grant is the difference between the assistance group's net income and the payment standard. The financial assistance payments may be contingent on the performance of program activities and may be made after the performance of such program activities. The following disregards and deductions shall be allowed in determining net income:

(1) An applicant earned income disregard.

(2) A participant earned income disregard.

(3) A deduction for all amounts actually paid by the assistance group for court-ordered payments.

(4) A deduction for amounts actually paid for child care expenses not to exceed the applicable rate as determined by the department by rules adopted pursuant to RSA 541-A.

(5) [Repealed.]

(6) Any other disregard or deduction established by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

(b) The department may establish the amount of the earned income disregard or any other disregard or deduction by rules adopted pursuant to RSA 541-A.

VIII. When the department has made a final determination that a parent or caretaker relative, without good cause, has failed to comply with employment program work requirements under RSA 167:85, and assistance to the household has been reduced **or closed** pursuant to RSA 167:82, III(c)-(e) or IV(a), the amount of reduction shall be a qualified state assistance reduction. The reduction **or closure** shall remain a qualified state assistance reduction for so long as the parent or caretaker relative is a New Hampshire employment program recipient and maintains the present ability to cure the reduction by complying with employment program work requirements. The department shall provide advance notice to the parent or caretaker relative of the amount and effective date of the qualified state assistance reduction **or closure** and that a city or town may consider the amount as deemed income for purposes of calculating eligibility for and the amount of general assistance. Upon request, the department, in a timely manner, shall make available to the welfare administrator of any city or town information as to the existence and amount of any qualified state assistance reduction **or closure** that has been imposed on any person applying for assistance from that municipality.

9 Infringement on Rights of Other Employees Prohibited. Amend RSA 167:82-a, I to read as follows:

I. The employment program shall not ~~[use participants]~~ **require individuals to participate in the employment program** in any way contrary to federal law under section 407(f) of the Social Security Act.

10 Rulemaking; Notice Requirements. Amend RSA 167:83, II(b) to read as follows:

(b) Notification of case decisions which affect the **type or** amount of benefits, ~~[or]~~ **the** level of eligibility ~~[to participants]~~, or changes in participation requirements.

11 Rulemaking. Amend RSA 167:83, II(o) to read as follows:

(o) **Operation of the employment program and employment-related activities as required by PRWORA, as amended by DRA, and federal regulations promulgated thereunder.**

(p) Any other matters necessary to implement the program in a manner that promotes the purpose and goals of this subdivision.

12 Right to Notice of Type and Amount of Benefits. Amend RSA 167:83, III(c) to read as follows:

(c) To be notified of the decision relative to eligibility, **benefit amounts**, and of any changes which affect the benefit amount, the level of eligibility, or changes in participation requirements.

13 Family Assistance Program. Amend RSA 167:84, I and II to read as follows:

I. The family assistance program shall provide financial assistance for dependent children who:

(a) Are deprived of parental support or care by reason of death, continued absence from the home, physical or mental incapacity~~[, or the unemployment or underemployment]~~ of a parent; and

(b) Reside with either their nonable-bodied specified relative or a caretaker relative who is not included in the assistance group. Financial assistance shall be provided to the parents of the dependent child **for the benefit of the child**. Financial assistance may be provided to the nonable-bodied caretaker relative **for the benefit of the child**.

II. An applicant shall meet all eligibility requirements under RSA 167:79, II, III, IV, V, VI(a), **RSA** 167:80 and **RSA** 167:81 to be eligible for financial assistance under this section, and shall be subject to applicable sanctions, **including case closure**, under RSA 167:82, III(a), III(b), and III(f).

14 Employment Program Work Component; Employment-Related Activities. RSA 167:85 is repealed and reenacted to read as follows:

167:85 Employment Program Work Component; Employment-Related Activities. All applicants and participants in the employment program shall attend and participate in required appointments, employment contract development, and employment-related activities for eligibility into, and while participating in, the program unless temporarily exempt from participation as authorized by RSA 167:82, II. Noncompliance with employment-related activities without good cause shall be subject to financial assistance reductions and case closure pursuant to RSA 167:82, III and IV.

I. Participants shall attend and participate in employment-related activities within the parameters specified by PRWORA, as amended by DRA, and federal regulations promulgated thereunder. An individual is participating in work and work activities for a month in a fiscal year if the individual is participating in

work activities for a minimum of 30 hours per week, except as noted in paragraph III, of which not fewer than 20 hours per week consist of participation in the following core activities and within the limitations specified:

- (a) Unsubsidized employment.
- (b) Subsidized private sector employment.
- (c) Subsidized public sector employment.
- (d) Work experience if sufficient private sector employment is not available.
- (e) On-the-job training.
- (f) Job search and job readiness assistance, limited to 4 consecutive weeks and 6 weeks total.
- (g) Community service programs.

(h) Vocational educational training which includes post-secondary education, within the following limitations:

(1) Participation shall not exceed 12 months.

(2) Not more than 30 percent of individuals may be determined to be engaged in such activity for the purposes of determining monthly participation rates.

(3) Within any other limitations established by PRWORA.

(4) An extension beyond the limitations outlined may be granted for a maximum of 3 months if deemed necessary in order to provide for successful transition to employment and approved by the department.

(i) The provision of child care services to an individual who is participating in a community service program.

II. Additionally, the individual may participate in the following secondary activities for 10 additional hours in order to combine with core activities and meet the 30-hour weekly minimum:

(a) Job skills training directly related to employment.

(b) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency.

(c) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate.

III. A recipient who is married or is a single head of household and has not attained 20 years of age shall be required to maintain satisfactory attendance at secondary school or the equivalent during the month or participate in education directly related to employment for at least 20 hours per week pursuant to federal regulations.

IV. A single parent with a child under 6 years of age shall be deemed to be meeting work participation requirements if participating in core work activities for 20 hours per week.

V. A person temporarily deferred under RSA 167:82, II may participate in the employment program on a voluntary basis to the extent that the program is available and funding and resources are sufficient as determined by the commissioner. If such a person participating in the employment program does not meet the requirements of this section without good cause pursuant to RSA 167:82, the person shall not re-enroll for 3 months.

VI. The commissioner shall waive requirements under this section if funding, resources, and support services are not available to administer this section.

15 Employment Assessment; Employment Contract. Amend RSA 167:88 to read as follows:

167:88 ~~[Initial]~~ Employment ~~[Appraisal and]~~ Assessment; Employment Contract.

I. The commissioner shall ~~[determine]~~**assess** a participant's ability for employment based on:

(a) Such person's work experience, skills, training, education, physical abilities, local labor market area conditions, and if appropriate, aptitude and vocational interests.

(b) Such person's child care, transportation, and other support service needs.

(c) Any other factors that the employment program considers relevant in accordance with rules adopted pursuant to RSA 541-A.

II. The commissioner may make the ~~[determination]~~ **assessment** in paragraph I through various methods, including, but not limited to, interviews, testing, counseling sessions, and self-assessment instruments. Participants identified as needing additional services not provided by the commissioner may be referred to community agencies, resources, and services.

III. The commissioner shall develop an employment contract in conjunction with the participant. To the extent that it is feasible and consistent with the purpose and goals of this subdivision, the employment contract shall reflect the preferences of the participant with respect to goals for employment, training or education. The employment contract shall:

(a) Indicate employment goals for achieving long-term economic independence, including goals for immediate employment in the labor market.

(b) Outline a planned series of action steps necessary to achieve employment goals.

(c) ***Include mandatory participation in interim activities as assessed by the employment program.***

(d) Describe the services to be provided by the employment program.

~~[(d)]~~(e) Identify the support service needs of the participant and indicate how those needs are being addressed.

IV. The commissioner shall make the final approval of the employment contract.

16 Interim Activities. RSA 167:91 is repealed and reenacted to read as follows:

167:91 Interim Activities. The following describes interim activities and associated participant requirements:

I. Each participant less than 20 years of age, who is not enrolled in school and who does not have a general education diploma (GED) or a high school diploma (HSD) shall:

(a) Actively pursue an education designed to prepare such person to qualify for a high school equivalency diploma; or

(b) Enroll in school to pursue a high school diploma.

(c) Each participant required to pursue an education under paragraph I and who is unable to obtain a GED or HSD in a specified period of time may participate in activities ~~[be offered services]~~ intended to enhance basic literacy and work skills.

(d) A participant shall be permitted to volunteer to participate under paragraphs I and II as funding and resources permit.

II. A participant shall be exempt from the requirements of paragraph I if:

(a) The participant is unable to successfully complete educational activities and is willing and able to participate in employment-related activities; or

(b) The participant's involvement in educational activities is inappropriate, based on assessment and the employment goals established in the employment contract, and such goals do not require a high school diploma or equivalent.

III. An individual may participate in interim activities when the activity has been determined to be reasonable and necessary for his or her entrance into or success in the work force. Participation in an interim activity may not count as an approved activity under PRWORA, as amended by the DRA and federal regulations promulgated thereunder. Interim activities include:

(a) Mental health counseling services.

(b) Homelessness services.

(c) Substance abuse services.

(d) Domestic violence services.

(e) DCYF services.

(f) Vocational educational training beyond that countable as an employment-related activity under PRWORA, as amended by DRA.

(g) Post-secondary education and vocational educational training beyond that countable as an employment-related activity under PRWORA, as amended by DRA.

(h) English as a second language services.

(i) Job search and job readiness beyond that which is countable as employment-related under PRWORA, as amended by DRA.

IV. The department shall be the payor of last resort for all expenses involved in any training and postsecondary educational activity, and participants shall be required to apply for any other available assistance, prior to receiving financial assistance from the department. Financial assistance for training and educational programs shall have monetary limits established by the department by rules adopted by the commissioner pursuant to RSA 541-A.

V. The duration of services under this section shall be determined by the commissioner by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

17 Alternative Employment Experience Program Renamed Work Experience and Community Service Program. Amend RSA 167:91-a and 167:91-b to read as follows:

167:91-a Infringement on Rights of Other Employees Prohibited.

I. The ~~[alternative employment experience]~~ ***work experience and community service*** program shall not ~~[use participants]~~ ***permit individuals in the employment program to participate*** in any way contrary to federal law under section 407(f) of the Social Security Act.

II. No participant in the ~~[alternative employment experience]~~ ***work experience and community service*** program shall be required to work for more hours than would be needed to produce an equivalent compensation if the participant were paid at the federal minimum wage level, unless a greater number of hours is necessary for the participant to meet federal work participation requirements.

III. Participants in the ~~[alternative employment experience]~~ ***work experience and community service*** program shall receive the protections regarding sexual harassment and work conditions, not related to compensation and benefits, which are available to regular employees in that workplace such as safe environment, non-discrimination, and adequate rest and meal periods.

IV. Participants in the ~~[alternative employment experience]~~ ***work experience and community service*** program administered by the state shall be considered employees of both the state and the sponsor for workers' compensation purposes only, and any claims for workers' compensation thereunder shall be charged to the temporary assistance to needy families program. The state and the sponsor shall both be entitled to the exclusivity of remedy provisions of RSA 281-A:8. For purposes other than workers' compensation, the state shall not be vicariously liable for the actions or omissions of the sponsor and the sponsor shall not be vicariously liable for the actions or omissions of the state. Nothing in this section shall prohibit any direct contractual liability between the state and the sponsor.

167:91-b ~~[Alternative Employment Experience]~~ ***Work Experience and Community Service*** Program Participants; Workers' Compensation Eligibility.

I. For the purposes of RSA 281-A, an employment program participant is an employee of both the state and the sponsor. In the event that it is determined that the participant has been subject to an injury or occupational disease producing a disability arising out of and in the course of participation in the employment program, the program shall not provide compensation pursuant to RSA 281-A:28, 281-A:28-a, 281-A:31, and 281-A:31-a, but the participant shall receive benefits from the employment program while otherwise eligible, or compensation equivalent to those benefits if the participant becomes ineligible for benefits under RSA 167. When determining the amount of compensation provided pursuant to RSA 281-A:32 for a scheduled permanent impairment award, the amount of compensation shall be calculated by using the minimum wage at the time of injury multiplied by the average number of hours worked per week or the number of hours agreed to by the program and the participant, whichever is higher.

II. The department of health and human services may provide this benefit by appropriate means including purchasing and serving as the master policyholder for any insurance, by self-insurance or by administrative services contract. Except as otherwise provided in this section, all other provisions of RSA 281-A apply.

18 New Sections; Pilot Performance Measurement System, TANF Advisory Council, and TANF Pilot Diversion Program and Study Established. Amend RSA 167 by inserting after section 93 the following new sections:

167:93-a Pilot Performance Measurement System.

I. The department of health and human services shall establish a performance measurement system designed to assist the department in meeting the goals of the TANF reauthorization program, including, but not limited to, a mission statement identifying values that focus on qualitative outcomes. The pilot system shall be adopted on or before January 1, 2007. The system shall include: measurement and tracking of individual employee performance; tracking and analysis of programmatic outcomes; and tracking of other data or information otherwise useful in establishing success in moving clients into work participation, as defined by federal law. The department shall, for each indicator, develop performance and benchmark scores that reflect normal or expected performance. In developing these indicators, the department shall consult with the oversight committee on health and human services, established in RSA 126-A:13.

II. The department shall report annually. The report shall include data and comparison with prior years and shall indicate normal or expected performance levels. Each annual report shall be made to the speaker of the house of representatives, the president of the senate, the governor, and the appropriate legislative policy committees. The first such report shall be submitted by December 15, 2007.

167:93-b TANF Advisory Council Established.

I. An advisory council on Temporary Assistance To Needy Families (TANF), hereinafter called the TANF advisory council, is hereby established. The advisory council shall consist of the following members:

- (a) The commissioner of health and human services, or designee.
- (b) The commissioner of employment security, or designee.
- (c) The commissioner of the department of resources and economic development, or designee.
- (d) The director of the division of family assistance, department of health and human services.
- (e) A member of the senate, appointed by the senate president.
- (f) A member of the house of representatives, appointed by the speaker of the house of representatives.
- (g) A representative of a child advocacy organization, appointed by the governor.
- (h) A member of the City and Town Welfare Association, appointed by the governor.

(i) A resident of the state and of the lay public, having no official connection with TANF, appointed by the governor.

II. The advisory council shall meet twice annually. The terms of appointed members shall be for 5 years, except that the terms of members appointed under subparagraphs I(a)-(f) shall be coterminous with their terms of public office of employment. Members of the council shall serve without compensation but shall be entitled to receive mileage and expenses when in performance of the duties required under this section.

167:93-c TANF Pilot Diversion Program and Study. The department of health and human services shall perform a pilot diversion program and study for a limited population of TANF applicants who receive assessment and benefits prior to entry into the TANF program. The study shall assess the feasibility, effectiveness and work participation rate impact of a diversion program. The department shall report its findings to the oversight committee on health and human services on December 31, 2006.

19 Financial Assistance Program for 2-Parent Need Families to be Established. By October 1, 2006, the department of health and human services shall establish a financial assistance program for 2-parent needy families with dependent children in which one parent is underemployed or unemployed. With the exception of parental underemployment or unemployment, client eligibility, program requirements and administration shall be in accordance with RSA 167 and the rules adopted under this chapter.

20 Legislative Oversight. The oversight committee established by RSA 126-A:13 shall monitor changes to the state TANF program made pursuant to this act and shall provide informational meetings on such changes to the general court.

21 Job Search Program. Amend RSA 167:90, I to read as follows:

I. The commissioner shall provide appropriate employment services as funding and resources permit, including, but not limited to, job referrals, job development, workshops, counseling, labor market information, vocational assessment and testing, and referral to appropriate community agencies and resources. ***The commissioner may operate structured job search activities, referred to as Job Club, in all employment program offices. Job Club shall be staffed by positions funded from the TANF reserve of 100 percent federal funds. These positions shall be in addition to the staffing of the employment program office.***

22 TANF Appropriation. The sum of \$500,000 is hereby appropriated, for the biennium ending June 30, 2007, to the department of health and human services for the purpose of supporting 2-parent families in the Temporary Assistance to Needy Families (TANF) program. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

23 Effective Date. This act shall take effect October 1, 2006.

2006-2157s

AMENDED ANALYSIS

This bill revises state laws relative to the Temporary Assistance to Needy Families (TANF) program. The changes to state law are in response to the federal reauthorization of TANF in the Deficit Reduction Act of 2005, Public Law 109-171. The bill also makes an appropriation to the department of health and human services for the purpose of supporting 2-parent families in the state TANF program.

**Senate Finance
May 2, 2006
2006-2159s
10/04**

Amendment to HB 1690

Amend the bill by replacing all after section 2 with the following:

3 New Section; Electric Utility Restructuring; Wood-Fired Generation Project. Amend RSA 374-F by inserting after section 8 the following new section:

374-F:9 Wood-Fired Generation Project. By July 1, 2006 the commission shall open a docket to determine whether it is in the public interest to provide power of up to 60 megawatts to standard default service customers of one or more electric utilities and/or to a renewable default service option available to customers of one or more electric utilities, from generators that employ renewable wood-fired energy, and that are proximate to or benefiting the northern forests of the state. The commission shall issue a request for proposals (RFP) not later than August 1, 2006. The commission and its staff may consult with the department of resources and economic development in developing an RFP and in the analysis of responses, with regard to the possible economic benefits of proposals. The commission may employ an independent consultant with relevant expertise to assist in the preparation, issuance, or evaluation of an RFP. The commission shall make a determination as to which, if any, proposal is approved as being in the greatest public interest. In determining the public interest the commission shall seek a sound balance between the interests of default service retail customers and the economic, energy, and environmental interests of the region and the state, including costs, benefits, and risks, provided the ratepayer's participation shall not exceed 50 percent for both the cost and benefit of a proposal. Within 30 days after a final determination by the commission of which, if any, proposal is approved, the fiscal committee of the general court may act to disapprove and cancel the commission determination. If no such action is taken with notice filed at the commission within such 30 days, the commission is authorized to issue such orders as are necessary to support implementation of the approved proposal. Recovery of costs for the selected proposal, if applicable, shall be limited to standard default service customers or renewable default service customers, or through bilateral agreements with the state or other customers, and not through transmission and distribution rates or stranded cost charges, or from any customers once they cease to take default service, provided that the entities providing the foregoing services shall have the obligation to purchase the power under the selected proposal or proposals. Any agreement with the state to purchase such power directly or through renewable default service shall be subject to prior approval of the fiscal committee of the general court. Notwithstanding other provisions of law to the contrary, any electric utility may build, acquire, or contract for energy and capacity for such wood-fired generation assets described in this section, subject to participation in the RFP, approval by the commission, and the cost recovery limitations stated herein.

4 Effective Date. This act shall take effect upon its passage.

2006-2159s**AMENDED ANALYSIS**

This bill:

- I. Authorizes electric utilities to offer a renewable energy default service option.
- II. Authorizes the use of energy efficiency system benefits charge funds for renewable energy programs.
- III. Requires the public utilities commission to open a docket relating to power from generators employing wood-fired energy.

Senate Finance**April 26, 2006****2006-2079s****04/10****Amendment to HB 1767-FN-A**

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

1 Acquisition of Real Estate Damaged or Destroyed in October 2005 Floods. Pursuant to RSA 124, the commissioner of the department of transportation with the advice and consent of the executive council, shall purchase, on behalf of the state, the property located in Alstead, Langdon, and Walpole that was severely damaged or destroyed in the October 2005 floods. Such property shall be purchased through the department of transportation in accordance with state law and at the pre-flood assessed value less the total amount of financial aid that the current property owner received from any other source, such as insurance payments or state or federal disaster assistance. Nothing in this section shall require a property owner to sell his or her property. The property owner also may elect to retain a life estate in any portion of the property.

2 Appropriation. The sum of \$2,800,000 for the biennium ending June 30, 2007, is hereby appropriated to the department of transportation for the purpose of purchasing property pursuant to section 1 of this act. Such moneys shall be nonlapsing and continually appropriated to the department of transportation for the purposes of section 1 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 October 2005 Flood Relief; Grants, Gifts, or Donations. The commissioner of the department of transportation is authorized to accept and expend public sector and private sector grants, gifts, or donations of any kind for the purpose of purchasing property pursuant to section 1 of this act. Any moneys collected shall be nonlapsing and continually appropriated to the department of transportation for the purposes of section 1 of this act.

4 Commission Established. A commission is established to determine the appropriate public use of flood-damaged property purchased by the state.

I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

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

(c) One member of the board of selectmen from each of the following towns, appointed by that town's board: Alstead, Langdon, and Walpole.

(d) One member appointed by the governor.

(e) The commissioner of the department of transportation, or designee.

II. Members of the commission shall serve without compensation, except that members shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission shall determine the appropriate public use of flood-damaged property purchased by the state with general funds appropriated by this act, including the possibility of creating a state park or memorial park, or using the property for other recreational or conservation purposes.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum.

V. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 31, 2006.

5 Effective Date. This act shall take effect upon its passage.

2006-2079s

AMENDED ANALYSIS

This bill:

I. Authorizes the state acquisition of real estate severely damaged or destroyed in the October 2005 floods and makes a general fund appropriation therefor.

II. Authorizes the commissioner of the department of transportation to accept and expend public and private gifts, grants, or donations for the purpose of purchasing property that was damaged or destroyed in the October 2005 floods.

III. Establishes a commission to determine the appropriate use of the property.