

**March 1, 2018
No. 10A**

STATE OF NEW HAMPSHIRE

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**Second Year of the 165th Session of the
New Hampshire General Court**

SENATE CALENDAR

**THE SENATE WILL MEET IN SESSION ON
THURSDAY, MARCH 8, 2018 RESCHEDULED TO 1:00 P.M.**

CONSENT CALENDAR REPORTS

EDUCATION

HB 1370, relative to a school's emergency management plan.

Ought to Pass with Amendment, Vote 5-0.

Senator Giuda for the committee.

This bill requires the department of education to provide a copy of a school's emergency management plan, as updated, to the director of homeland security and emergency management, department of safety. This bill makes an important change based on legislation passed last year to ensure that these emergency plans are given to all who may need them. These emergency plans include those that deal with active shooters. The committee amended the bill to clarify language that these plans will also be provided to local emergency authorities.

ENERGY AND NATURAL RESOURCES

SB 446, relative to net energy metering limits for customer-generators.

Ought to Pass with Amendment, Vote 5-0.

Senator Bradley for the committee.

This bill, as amended, increases the electric generating capacity of customer generators who may participate in net energy metering from a current cap of 1 MW to 5 MWs. The bill also requires the Public Utilities Commission to initiate a proceeding to determine an interim rate for customer generators with a generating capacity between 1 MW to 5 MWs and a final rate within three years for those customer generators. In developing the rates, the Public Utilities Commission shall consider various aspects, such as the costs and benefits of customer generated facilities, the avoidance of cost shifting, the rate effects on all customers, and the effects on electric distribution utilities.

HEALTH AND HUMAN SERVICES

SB 478, establishing an advisory council on lactation.

Ought to Pass with Amendment, Vote 5-0.

Senator Fuller Clark for the committee.

This bill would amend and reauthorize the advisory council on pregnancy and lactation. This council has made large strides in providing information and services to pregnant and lactating women as well as employers. It is important that the work of the council continues in order to ensure that our state becomes a more welcoming place for young people to start and raise a family.

SB 548-FN, relative to therapeutic intervention needs of infants diagnosed with neonatal abstinence syndrome (NAS).

Ought to Pass with Amendment, Vote 5-0.

Senator Hennessey for the committee.

This bill as amended would create a pilot program in four geographically dispersed locations to help in creating services for Neonatal Abstinence Syndrome. This is a debilitating condition that infants born to mothers with substance use disorders suffer from. This problem is on the rise in New Hampshire and we need to make sure there are services available for some of the most vulnerable people in our society.

SB 572-FN, relative to the individual health insurance market.

Interim Study, Vote 5-0.

Senator Bradley for the committee.

This bill would have sought to remove the Medicaid expansion population out of the individual market and into their own risk pool. Currently there is legislation in the process that would remove the Medicaid expansion population from the individual market and into the managed care population making this bill no longer necessary.

SB 581-FN, relative to pharmacy benefit managers under the managed care law.

Ought to Pass with Amendment, Vote 5-0.

Senator Avard for the committee.

This bill as amended would clarify that the definition of compounding for the purpose medication preparation would not include, the simple addition of flavoring, nor shall it include the preparation of a single dose of a non-hazardous commercially available drug or licensed biologic for immediate administration to an individual patient when done in accordance with the manufacturer's approved labeling or instructions consistent with that labeling. It is important that this exemption exists in order to ensure that patients across the state continue to have access to affordable treatment for many different medical conditions.

SB 583-FN, establishing a pilot program to eliminate employment barriers for certain parents.

Ought to Pass, Vote 5-0.

Senator Bradley for the committee.

This bill establishes a 2-year pilot program for case management and employment counseling for certain parents enrolled in the New Hampshire employment program or otherwise eligible for TANF. Having a criminal record is a clearly identified barrier to employment. This pilot program would provide services to individuals, eligible for TANF, to help annul their criminal record with the goal of them obtaining full time employment. This bill does not change the annulment statutes or process but simply helps individuals get the services needed to work through the annulment process. This program would be funded completely with TANF reserve dollars.

JUDICIARY

SB 388, relative to satellite dispensaries for therapeutic cannabis.

Ought to Pass with Amendment, Vote 5-0.

Senator Carson for the committee.

This bill as amended allows the Department of Health and Human Services to establish an additional location for an alternative treatment center within the geographic area of Carroll, Coos, and Grafton counties. By allowing for an additional location, some of the overly onerous driving times that individuals in the North Country are faced with when retrieving their cannabis medications will be reduced.

SB 391-FN, relative to sexual assault survivors' rights.

Ought to Pass with Amendment, Vote 5-0.

Senator Lasky for the committee.

This bill will establish a sexual assault survivors' commission tasked with consulting on policy with law enforcement, prosecution, forensic examiners, health care providers, and representatives of sexual assault survivor advocacy organizations. The commission will work with stakeholders to disseminate and implement best practices in dealing with cases of sexual assault and work in development, outreach, engagement, and training associated with victim-centered care for sexual-assault survivors.

SB 497-FN, relative to breast-feeding.

Ought to Pass with Amendment, Vote 5-0.

Senator Gannon for the committee.

This bill will allow an individual who has been discriminated against in employment or housing due to pregnancy or a medical condition which results from pregnancy to file a discrimination claim with the State Commission for Human Rights or seek an immediate injunction in superior court. Under this bill, individuals will have an avenue to pursue discrimination claims through superior court, as a claim with the State Commission for Human Rights can take an extended amount of time.

SB 498-FN, relative to information on property seized pursuant to a criminal proceeding.

Ought to Pass with Amendment, Vote 5-0.

Senator French for the committee.

This bill requires the Attorney General to post an annual report on the Department of Justice's website detailing forfeiture activity in the state. The information required is already compiled by the Attorney General's Office and this bill will simply adjust the manner of posting to create improved transparency within the State.

SB 500, amending references to firearms terminology.

Ought to Pass with Amendment, Vote 5-0.

Senator French for the committee.

This bill will amend current state statutes by condensing and clarifying firearm terminology and the Fish and Game statute. The bill further removes the prohibition of carrying a loaded rifle or shotgun in or on a stationary motor vehicle, OHRV, snowmobile, or aircraft for the purposes of protecting livestock and crops.

SB 555-FN-A, establishing a citizens' right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor.

Ought to Pass with Amendment, Vote 5-0.

Senator French for the committee.

This bill establishes procedures to streamline the resolution of complaints under RSA 91-A, establishes the citizens' right-to-know appeals commission and the office of the right-to-know ombudsman, and establishes an alternative process to resolve right-to-know complaints. The Committee amended the bill in order to clarify appropriate oversight parameters for the Commission and to implement workable deadlines for public bodies to respond to complaints.

SB 556-FN, relative to changes in bail procedures and procedures for annulment of a criminal record.

Ought to Pass with Amendment, Vote 5-0.

Senator French for the committee.

This bill revises the procedures for the granting of bail, amends the procedure for annulment of violations and class B misdemeanors depending on the date of conviction, and amends the requirements for demonstrating indigency for the purpose of annulment of a criminal record. The Committee amended the bill to clarify the language and to ensure that the appropriate procedures are in place.

SB 557-FN, establishing a board of housing development appeals.

Ought to Pass with Amendment, Vote 5-0.

Senator Gannon for the committee.

This bill establishes a board with concurrent, appellate jurisdiction with the superior court regarding municipal decisions on housing and housing developments. This will give housing developers the opportunity to challenge adverse local land use decisions outside of costly trial court. The Committee amended the bill to clarify the jurisdiction.

SB 584-FN, prohibiting electroconvulsive therapy on children 16 years of age or under.

Inexpedient to Legislate, Vote 5-0.

Senator Hennessey for the committee.

This bill would have prohibited children under the age of 16 from receiving electroconvulsive therapy as treatment for medical conditions. The Committee heard testimony that this treatment is rarely used on children and only in situations where the individual has not responded to other neurological treatments. Electroconvulsive therapy is widely accepted evidence based practice and it should continue to be allowed in medically necessary cases.

TRANSPORTATION

HB 1278, naming the rest area in Colebrook after Frederick W. King, Sr.

Ought to Pass, Vote 5-0.

Senator Ward for the committee.

This legislation would name the rest area in Colebrook after Frederick W. King, Sr. He spent 20 years on the Colebrook School Board and Colebrook Board of Selectmen, served in the New Hampshire Legislature and has been a consistent, strong voice for the North Country. Mr. King's life has been dedicated to public service for over 60 years and he is certainly deserving of this honor.

HB 1334, establishing a commission to review the structure of motor vehicle laws.

Ought to Pass, Vote 5-0.

Senator Gannon for the committee.

At the request of the Department of Safety, this bill establishes a commission to review the structure of motor vehicle laws. Since these laws have not been reviewed or updated since 1980, this commission is important in order to ensure that laws are up to date and as effective as possible.

REGULAR CALENDAR REPORTS

COMMERCE

SB 317-FN, relative to veterans' preference in public employment.

Interim Study, Vote 3-1.

Senator Sanborn for the committee.

SB 318, amending the prohibitions on youth employment.

Ought to Pass with Amendment, Vote 4-0.

Senator French for the committee.

SB 351, relative to managed care programs under workers' compensation.

Ought to Pass with Amendment, Vote 4-0.

Senator Innis for the committee.

SB 422, relative to advance notice of work schedules.

Inexpedient to Legislate, Vote 2-2.

Senator Innis for the committee.

SB 423, relative to noncompete clauses for low-wage employees.

Inexpedient to Legislate, Vote 3-1.

Senator Sanborn for the committee.

SB 426, relative to the commission on primary care workforce issues.

Inexpedient to Legislate, Vote 3-1.

Senator Sanborn for the committee.

SB 427, limiting the liability of successor corporations for asbestos-related claims.

Ought to Pass, Vote 4-0.

Senator French for the committee.

SB 553-FN, relative to mental health parity for workers' compensation.

Interim Study, Vote 4-0.

Senator Innis for the committee.

SB 566-FN, relative to unemployment compensation for school bus drivers and monitors.

Ought to Pass with Amendment, Vote 3-1.

Senator Lasky for the committee.

SB 567-FN, relative to workforce development and job training.

Interim Study, Vote 3-1.

Senator French for the committee.

EDUCATION

SB 526-FN, relative to school breakfast programs.

Ought to Pass with Amendment, Vote 4-1.

Senator Kahn for the committee.

SB 568-FN, relative to criminal history record checks for school employees and certain volunteers.

Ought to Pass with Amendment, Vote 4-1.

Senator Reagan for the committee.

ENERGY AND NATURAL RESOURCES

SB 309-FN, relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water.

Ought to Pass with Amendment, Vote 5-0.

Senator Innis for the committee.

SB 530-FN, relative to high voltage electric transmission lines in highway rights-of-ways.

Interim Study, Vote 4-0.

Senator Fuller Clark for the committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 370-FN, adopting the emergency medical services personnel licensure interstate compact.

Ought to Pass with Amendment, Vote 4-0.

Senator Reagan for the committee.

SB 462-FN, relative to occupational licensure, certification, or registration for persons with criminal records, and relative to license applicants for barbering, cosmetology, esthetics, and manicuring.

Inexpedient to Legislate, Vote 4-0.

Senator Reagan for the committee.

SB 463-FN, establishing an architectural paint can recycling program.

Inexpedient to Legislate, Vote 3-1.

Senator Gannon for the committee.

SB 532-FN, relative to group II status of certain department of corrections officials.

Ought to Pass with Amendment, Vote 4-0.

Senator Cavanaugh for the committee.

SB 571-FN, requiring the department of health and human services to perform an efficiency audit.

Inexpedient to Legislate, Vote 4-0.

Senator Reagan for the committee.

SB 588-FN, relative to inspections of laboratories.

Ought to Pass with Amendment, Vote 4-0.

Senator Reagan for the committee.

SB 589-FN, relative to regulation of certified recovery support workers.

Ought to Pass, Vote 4-0.

Senator Reagan for the committee.

FINANCE

SB 301-FN, temporarily reducing the real estate transfer tax for first-time home buyers.

Ought to Pass, Vote 5-0.

Senator Feltes for the committee.

SB 313-FN, reforming New Hampshire's Medicaid and Premium Assistance Program.

Ought to Pass with Amendment, Vote 10-1.

Senator Bradley for the committee.

SB 408-FN, licensing historic racing.

Ought to Pass, Vote 5-0.

Senator Daniels for the committee.

SB 432-FN-L, establishing a commission to study whether it is in the best interest of students to require schools to offer an SAT preparation course as an elective.

Inexpedient to Legislate, Vote 4-1.

Senator Reagan for the committee.

SB 533-FN, relative to the composition and compensation of the personnel appeals board.

Ought to Pass with Amendment, Vote 6-0.

Senator Feltes for the committee.

SB 540-FN, relative to funding full day kindergarten.

Ought to Pass with Amendment, Vote 6-0.

Senator Daniels for the committee.

SB 565-FN, relative to aircraft registration fees and airways tolls.

Ought to Pass, Vote 5-1.

Senator Giuda for the committee.

HEALTH AND HUMAN SERVICES

SB 475, relative to testing for Lyme disease.

Ought to Pass with Amendment, Vote 4-1.

Senator Bradley for the committee.

SB 546-FN, relative to purchasing alliances.

Ought to Pass with Amendment, Vote 3-2.

Senator Avard for the committee.

SB 582-FN, relative to caseload standards for child protective service workers in the department of health and human services.

Ought to Pass with Amendment, Vote 5-0.

Senator Avard for the committee.

SB 590-FN-A, making a supplemental appropriation to the state loan repayment program, relative to emergency involuntary admissions, and relative to the child protection act and making appropriations therefor.

Ought to Pass with Amendment, Vote 5-0.

Senator Bradley for the committee.

SB 592-FN-A, relative to the child welfare system.

Ought to Pass with Amendment, Vote 5-0.

Senator Gray for the committee.

JUDICIARY

SB 499, relative to the applicability of certain DWI prohibitions.

Ought to Pass with Amendment, Vote 4-1.

Senator French for the committee.

HB 287, establishing a committee to study decriminalizing sex work.

Inexpedient to Legislate, Vote 4-1.

Senator Gannon for the committee.

WAYS AND MEANS

SB 410-FN, establishing a registration fee for canoes and kayaks.

Ought to Pass with Amendment, Vote 5-0.

Senator D'Allesandro for the committee.

SB 411-FN-A, eliminating the cap on the research and development tax credit.

Ought to Pass with Amendment, Vote 5-0.

Senator Feltes for the committee.

SB 564-FN-A, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses.

Ought to Pass with Amendment, Vote 4-1.

Senator Sanborn for the committee.

AMENDMENTS

Energy and Natural Resources

March 6, 2018

2018-0973s

08/03

Amendment to SB 309-FN

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

1 New Subdivision; Contaminants in Drinking Water. Amend RSA 485 by inserting after section 16-d the following new subdivision:

Perfluorochemicals

485:16-e Perfluorochemicals. The commissioner shall, in consultation with the commissioner of the department of health and human services and stakeholders, and no later than January 1, 2019, initiate rulemaking to adopt a maximum contaminant limit (MCL) for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) for public water systems regulated by this chapter. The commissioner shall consider the standards of other states, including the science considered by states with standards lower than those contained in health advisories from the United States Environmental Protection Agency. The commissioner shall adopt MCLs that reasonably protect public health, particularly prenatal and early childhood health, and that are reasonably supported by peer reviewed science and independent or government agency studies, provided no MCL shall exceed that contained in any MCL promulgated by the United States Environmental Protection Agency. The commissioner shall annually review the newest peer reviewed science and independent or government agency studies and undertake rulemaking in order to comply with this paragraph, if necessary.

2 New Paragraph; Ambient Groundwater Quality Standards. Amend RSA 485-C:6 by inserting after paragraph III the following new paragraph:

IV. The commissioner shall, in consultation with the commissioner of the department of health and human services and stakeholders, and no later than January 1, 2019, determine whether to revise the ambient groundwater quality standards for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) established in rule in order to comply with this paragraph and shall make public his or her determination. The commissioner shall consider the standards of other states, including the science considered by states with standards lower than those contained in the lifetime health advisory promulgated by the United States Environmental Protection Agency. The commissioner shall adopt standards that reasonably protect public health, particularly prenatal and early childhood health, and that are reasonably supported by peer reviewed science and independent or government agency studies, provided no standard shall exceed that contained in any standard promulgated by the United States Environmental Protection Agency. If the commissioner determines that the standard should be changed, the commissioner shall initiate rulemaking within 60 days of making the determination. The commissioner shall annually review the newest peer reviewed science and independent or government agency studies and undertake rulemaking in order to comply with this paragraph, if necessary.

3 New Paragraph; Surface Water Quality Standards. Amend RSA 485-A:8 by inserting after paragraph II-a the following new paragraph:

II-b. The commissioner shall, in consultation with stakeholders, and no later than January 1, 2020, establish a surface water quality standard for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) in Class A and Class B waters, if scientifically feasible. The commissioner shall consider the standards of other states. The commissioner shall adopt standards that reasonably protect public health, particularly prenatal and early childhood health, and that are reasonably supported by peer-reviewed science and independent or government agency studies, provided no standard shall exceed that contained in any standard promulgated by the United States Environmental Protection Agency. If the commissioner determines that the standard should be changed, the commissioner shall initiate rulemaking within 60 days of making the determination. The commissioner shall annually review the newest peer-reviewed science and independent or government agency studies and undertake rulemaking in order to comply with this paragraph, if necessary.

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

Senate Finance
March 6, 2018
2018-0984s
01/03

Amendment to SB 313-FN

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

AN ACT reforming New Hampshire's Medicaid and Premium Assistance Program, establishing the granite workforce pilot program, and relative to certain liquor funds.

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

1 New Chapter; New Hampshire Granite Advantage Health Care Program. Amend RSA by inserting after chapter 126-Z the following new chapter:

CHAPTER 126-AA

NEW HAMPSHIRE GRANITE ADVANTAGE HEALTH CARE PROGRAM

126-AA:1 Definitions. In this chapter:

- I. "Commissioner" means the commissioner of the department of health and human services.
- II. "Department" means the department of health and human services.
- III. "Fund" means the New Hampshire granite advantage health care trust fund.
- IV. "Program" means the New Hampshire granite advantage health care program.

V. "Remainder amount" means, for the 6-month period between January 1, 2019 and June 30, 2019 and for each single identified fiscal year thereafter for any authorized period of the granite advantage health care program, the cost of the program, including administrative costs attributable to the program, less the amount of revenue transferred from the alcohol abuse prevention and treatment fund pursuant to RSA 176-A:1, IV, less all federal reimbursement for the program that period or fiscal year, including federal reimbursement for administrative costs attributable to the program, and taxes attributable to premiums written for medical and other medical related services for the newly eligible Medicaid population as provided for under this chapter, consistent with RSA 400-A:32, III(b).

126-AA:2 New Hampshire Granite Advantage Health Care Program Established.

I.(a) The commissioner shall apply for any necessary waivers and state plan amendments to implement a 5-year demonstration program beginning on January 1, 2019 to create the New Hampshire granite advantage health care program which shall be funded exclusively from non-general fund sources, including federal funds. The commissioner shall include in an application for the necessary waivers submitted to the Centers for Medicare and Medicaid Services (CMS) a waiver of the requirement to provide 90-day retroactive coverage. To receive coverage under the program, those individuals in the new adult group who are eligible for benefits shall choose coverage offered by one of the managed care organizations (MCOs) awarded contracts as vendors under Medicaid managed care, pursuant to RSA 126-A:5, XIX(a). The program shall make coverage available in a cost-effective manner and shall provide cost transparency measures, and ensure that patients are utilizing the most appropriate level of care. Cost effectiveness shall be achieved by offering cash incentives

and other forms of incentives to be offered to the insured by choosing preferred lower cost medical providers. Loss of incentives shall also be employed. MCOs shall employ reference-based pricing, cost transparency, and the use of incentives and loss of incentives to the Medicaid and newly eligible population. For the purposes of this subparagraph, “reference-based pricing” means setting a maximum amount payable for certain medical procedures.

(b) The department shall ensure through managed care contracts that MCOs incorporate measures to promote continuity of coverage, including, but not limited to, assisting over income participants in applying for coverage on the federal marketplace in New Hampshire and maintaining care and case management during the pendency of such application.

(c) The MCOs shall promote personal responsibility through the use of incentives, loss of incentives, and case management to the greatest extent practicable.

(d) Prior to submitting the waiver or state plan amendment to CMS, the commissioner shall present the waiver or state plan amendment to the governor and the fiscal committee of the general court for approval. The program shall not commence operation until such waivers or state plan amendments have been approved by CMS. All necessary waivers and state plan amendments shall be submitted by June 30, 2018. If all waivers necessary for the program are not approved by December 1, 2018, the commissioner shall immediately notify all program participants that the program will be terminated in accordance with the federally required Special Terms and Conditions No. 11-W-003298/1.

(e) In order to combat the opioid and heroin crisis facing New Hampshire, the department shall establish behavioral health rates sufficient to ensure access to, and provider capacity for all behavioral health services including, as appropriate, establishing specific substance use disorder services rate cells for inclusion into capitated rates for managed care.

(f) Any person transitioning from the premium assistance program to the program shall not lose coverage due solely to the transition, which shall be for a period of at least 90 days. All MCOs shall honor all pre-existing authorizations for care plans and treatments for all program participants for a period of not less than 90 days after enrollment.

(g)(1) The commissioner shall include in MCO contracts with the state clinically and actuarially sound incentives designed to improve care quality and utilization and to lower the total cost of care within the Medicaid managed care program. The commissioner shall also include in the MCO contract provisions an obligation for the MCO to include provider alignment incentives to leverage the combined efforts of the parties to achieve the purposes of the incentives. Preferential auto-assignment of newly eligible members, shared incentive pools, and differential capitation rates are among the options for incentives the commissioner may employ to achieve improved performance. Initial areas to improve care quality and utilization and to lower the total cost of care may include, but are not limited to:

- (A) Appropriate use of emergency departments relative to low acuity non-emergent visits.
- (B) Reduction in preventable admissions and 30-day hospital readmission for all causes.
- (C) Timeliness of prenatal care and reductions in neonatal abstinence births.
- (D) Timeliness of follow-up after a mental illness or substance use disorder admission.
- (E) Reduction of polypharmacy resulting in drug interaction harm.

(2) The commissioner shall include in MCO contracts actuarial appropriate rebate provisions for failure to implement contractually agreed upon incentive measures.

(h) Savings generated as a result of individuals disenrolled from the program for failing to meet the work and community engagement requirement shall not be included in any calculation submitted to CMS to establish federal budget neutrality of any waiver issued for the program.

(i) Consistent with the state plan amendment submitted by the department and approved by CMS, all contracts between a Medicaid managed care organization and a federally qualified health care center, as defined in section 1905(1)(2)(B) of the Social Security Act, 42 U.S.C. section 1396d(1)(2)(B), providing services in geographic areas served by the plan, shall reimburse each such center for such services as provided in 42 U.S.C. section 18022(g).

II.(a) To receive benefits under this section and to the extent allowed by federal law, the individual shall:

(1) Provide all necessary information regarding financial eligibility, assets, residency, citizenship or immigration status, and insurance coverage to the department in accordance with rules, or interim rules, including those adopted under RSA 541-A;

(2) Inform the department of any changes in financial eligibility, residency, citizenship or immigration status, and insurance coverage within 10 days of such change; and

(3) At the time of enrollment acknowledge that the program is subject to cancellation upon notice.

(b) If allowed by federal law, all resources which the individual and his or her family own shall be considered to determine eligibility under this paragraph, including cash, bank accounts, stocks, bonds, permanently unoccupied real estate, and trusts. The home in which the individual resides in, furniture, and one vehicle owned by the individual applying for benefits shall be excluded from the eligibility requirements for benefits under this paragraph. If, after counting or excluding the individual's household's resources, the total countable resources equal or fall below \$25,000, he or she shall be considered asset eligible.

III.(a) Newly eligible adults who are unemployed shall be eligible to receive benefits under this paragraph if the commissioner finds that the individual is engaging in at least 100 hours per month based on an average of 25 hours per week in one or more work or other community engagement activities, as follows:

(1) Unsubsidized employment, including nonprofit organizations.

(2) Subsidized private sector employment.

(3) Subsidized public sector employment.

(4) On-the-job training.

(5) Job skills training related to employment, including credit hours earned from an accredited college or university in New Hampshire. Academic credit hours shall be credited against this requirement on an hourly basis.

(6) Job search and job readiness assistance, including, but not limited to, persons receiving unemployment benefits and other job training related services, such as job training workshops and time spent with employment counselors, offered by the department of employment security. Job search and job readiness assistance under this section shall be credited against this requirement on an hourly basis.

(7) Vocational educational training not to exceed 12 months with respect to any individual.

(8) 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.

(9) 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.

(10) Community service or public service.

(11) Caregiver services for a nondependent relative or other person with a disabling medical or developmental condition.

(12) Participation in substance use disorder treatment.

(b) If an individual in a family receiving benefits under this paragraph refuses to engage in work or community engagement activities required in accordance with this subparagraph, the assistance shall be terminated. The commissioner shall adopt rules under RSA 541-A to determine good cause and other exceptions to termination. An individual may apply for good cause exemptions which shall include, at a minimum, the following verified circumstances:

(1) The beneficiary experiences the birth, or death, of a family member living with the beneficiary.

(2) The beneficiary experiences severe inclement weather, including a natural disaster, and therefore was unable to meet the requirement.

(3) The beneficiary has a family emergency or other life-changing event such as divorce.

(4) The beneficiary is a victim of domestic violence, dating violence, sexual assault, or stalking consistent with definitions and documentation required under the Violence Against Women Reauthorization Act of 2013 under 24 C.F.R. section 5.2005 and 24 C.F.R. section 5.2009, as determined by the commissioner pursuant to rulemaking under RSA 541-A.

(c) This subparagraph shall only apply to those considered, able-bodied adults as described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act of 1935, as amended, 42 U.S.C. section 1396a(a)(10)(A)(i). In this subparagraph, “childless” means an adult who does not live with a dependent child which includes a child under 19 years of age or under 20 years of age if the child is a full-time student in a secondary school or the equivalent.

(d) This subparagraph shall not apply to:

(1) A person who is temporarily unable to participate in the requirements under subparagraph (a) due to illness, incapacity, or treatment, including inpatient treatment, as certified by a licensed physician, an advanced practice registered nurse (APRN), a licensed behavioral health professional, a licensed physician assistant, a licensed drug and alcohol counselor (LADAC), or a board-certified psychologist. The physician, APRN, licensed behavioral health professional, licensed physician assistant, LADAC, or psychologist shall certify, on a form provided by the department, the duration and limitations of the disability.

(2) A person participating in a state-certified drug court program, as certified by the administrative office of the superior court.

(3) A parent or caretaker as identified in RSA 167:82, II(g) where the required care is considered necessary by a licensed physician, APRN, board-certified psychologist, physician assistant, or licensed behavioral health professional who shall certify the duration that such care is required.

(4) A parent or caretaker of a dependent child under 13 years of age or a child with developmental disabilities who is residing with the parent or caretaker.

(5) Pregnant women.

(6) A beneficiary who has a disability as defined by the Americans with Disabilities Act (ADA), section 504 of the Rehabilitation Act, or section 1557 of the Patient Protection and Affordable Care Act and is unable to meet the requirement for reasons related to that disability; or who has an immediate family member in the home with a disability under federal disability rights laws and who is unable to meet the requirement for reasons related to the disability of that family member, or the beneficiary or an immediate family member who is living in the home or the beneficiary experiences a hospitalization or serious illness.

(7) Beneficiaries who are identified as medically frail, under 42 C.F.R section 440.315(f), and as defined in the alternative benefit plan in the state plan.

(8) Any beneficiary who is in compliance with the requirement of the Supplemental Nutritional Assistance Program (SNAP) and/or Temporary Assistance to Needy Families (TANF) employment initiatives.

(e) The commissioner shall adopt rules under RSA 541-A pertaining to the community engagement requirement. Those rules shall be consistent with the terms and conditions of any waiver issued by the Centers for Medicare and Medicaid Services for the program and shall address, at a minimum, the following:

(1) Enrollment, suspension, and disenrollment procedures in the program.

(2) Verification of compliance with community engagement activities.

(3) Verification of exemptions from participation.

(4) Opportunity to cure and re-activation following noncompliance, including not being barred from re-enrollment.

(5) Good cause exemptions.

(6) Education and training of enrollees.

IV. The commissioner shall implement the work and community engagement requirement under paragraph III beginning January 1, 2019 in accordance with the terms and conditions of any waiver approved by CMS. Verification of qualifying activities, exemptions, and enrollee status shall be accomplished in the following manner:

(a) MCOs under contract with the department shall share enrollee reported information regarding the work and community engagement requirement status obtained through standard contract activities including enrollment, outreach activities, and enrollee care management.

(b) For the period of January 1, 2019 through June 30, 2020 only, the department shall verify enrollee status to the greatest extent practicable through the verification of enrollee and MCO reported status and

information, including information from the eligibility file. Enrollees shall be required to report information regarding their qualifying activities, exemptions, enrollee status, and changes in their status to the department in accordance with the department's rules.

(c) No later than January 1, 2019, the commissioner shall submit to the governor, president of the senate, and speaker of the house of representatives a plan for the implementation of a fully automated verification system that utilizes state and commercial data sources to assess compliance with all work and community engagement activities beginning on July 1, 2020. The plan shall provide an option to hire a third party vendor to manage the automated verification system.

V. A person shall not be eligible to enroll or participate in the program, unless such person verifies his or her United States citizenship by 2 forms of identification and proof of New Hampshire residency by either a New Hampshire driver's license or a nondriver's picture identification card issued pursuant to RSA 260:21.

VI. No person, organization, department, or agency shall submit the name of any person to the National Instant Criminal Background Check System (NICS) on the basis that the person has been adjudicated a "mental defective" or has been committed to a mental institution, except pursuant to a court order issued following a hearing in which the person participated and was represented by an attorney.

VII. For any person determined to be eligible and who is enrolled in the program, the MCO shall support the individual to arrange a wellness visit with his or her primary care provider, either previously identified or selected by the individual from a list of available primary care physicians. The wellness visit shall include appropriate assessments of both physical and mental health, including screening for depression, mood, suicidality, and unhealthy substance use, for the purpose of developing a health wellness and care plan.

VIII. Any person receiving benefits from the program shall be responsible for providing information regarding his or her change in status or eligibility, including current contact information. The commissioner shall adopt rules, under RSA 541-A, pertaining to the opportunity to cure and for re-activation following noncompliance.

126-AA:3 The New Hampshire Granite Advantage Health Care Trust Fund.

I. There is hereby established the New Hampshire granite advantage health care trust fund which shall be accounted for distinctly and separately from all other funds and shall be non-interest bearing. The fund shall be administered by the commissioner and shall be used solely to provide coverage for the newly eligible Medicaid population as provided for under RSA 126-AA:2, and to pay for the administrative costs for the program. The commissioner may accept any gifts, grants, donations, or other funding from any source and shall deposit all such revenue received into the fund. No state general fund appropriations shall be deposited into the fund. All moneys in the fund shall be nonlapsing and shall be continually appropriated to the commissioner for the purposes of the fund. The fund shall be authorized to pay and/or reimburse the cost of medical services and cost-effective related services, including without limitation, capitation payments to managed care organizations.

II. The commissioner, as the administrator of the fund, shall have the sole authority to:

(a) Apply for federal funds to support the program.

(b) Notwithstanding any provision of law to the contrary, accept and expend federal funds as may be available for the program and the commissioner shall notify the bureau of accounting services, by letter, with a copy to the fiscal committee of the general court and the legislative budget assistant.

(c) Make payments and reimbursements from the fund as outlined in this section.

III. The commissioner shall submit a report to the governor and the fiscal committee of the general court detailing the activities and operation of the trust fund annually within 90 days of the close of each state fiscal year.

IV. On or before August 15, 2018, the commissioner, in consultation with the insurance commissioner, shall estimate the remainder amounts for the period of January 1, 2019 to June 30, 2019 and for state fiscal year 2020. The commissioner shall report the estimated annual remainder amount to the insurance commissioner, the New Hampshire Health Plan, the governor, the speaker of the house of representatives, and the president of the senate. Thereafter, on or before August 15 of each fiscal year, the commissioner, in consultation with the insurance commissioner, shall estimate the remainder amounts for both the current and next fiscal year. The commissioner shall report the estimated remainder amount to the insurance commissioner, the New Hampshire Health Plan, the governor, the speaker of the house of representatives, and the president of the senate.

V. On or before September 30, the commissioner shall calculate the estimated final remainder amount for the 6-month period between January 1, 2019 and June 30, 2019. On or before September 30 of each subsequent year, the commissioner shall calculate the estimated final remainder amount for the prior fiscal year. If the actual remainder amount is greater than the prior calculated estimated remainder for any fiscal year, the difference shall be retained in the trust fund and shall be used in the calculation of future estimated remainder amounts.

VI. The commissioner of the department of health and human services, in accordance with the most current available information, shall be responsible for determining, every 6 months commencing no later than December 31, 2018, whether there is sufficient funding in the fund, to cover projected program costs for the nonfederal share for the next 6-month period. If at any time the commissioner determines that a projected shortfall exists, he or she shall terminate the program in accordance with the federally approved terms and conditions issued by CMS.

126-AA:4 Commission to Evaluate the Effectiveness and Future of the New Hampshire Granite Advantage Health Care Program.

I. There is hereby established a commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program.

(a) The members of the commission shall be as follows:

(1) Three members of the senate, appointed by the president of the senate, one of whom shall be a member of the minority party.

(2) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the minority party.

(3) The commissioner of the department of health and human services, or designee.

(4) The commissioner of the department of insurance, or designee.

(5) A representative of each managed care organization awarded contracts as vendors under the Medicaid managed care program, appointed by the governor.

(6) A representative of a hospital that operates in New Hampshire, appointed by the speaker of the house of representatives.

(7) A public member, who has health care expertise, appointed by the senate president.

(8) A public member, who currently receives coverage through the program, appointed by the speaker of the house of representatives.

(9) A public member representing the interests of taxpayers in New Hampshire, appointed by the president of the senate.

(10) A representative of the medical care advisory committee, department of health and human services, appointed by the chairperson of the committee.

(11) A licensed physician, appointed by the governor.

(12) A licensed mental health professional, appointed by the governor.

(13) A licensed substance use disorder professional, appointed by the governor.

(14) An advanced practice registered nurse (APRN), appointed by the New Hampshire Nurse Practitioner Association.

(15) The chairperson of the governor's commission on alcohol and drug abuse prevention, treatment, and recovery, or designee.

(b) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

II.(a) The commission shall evaluate the effectiveness and future of the program. Specifically the commission shall:

(1) Review the program's financial metrics.

(2) Review the program's product offerings.

(3) Review the program's impact on insurance premiums for individuals and small businesses.

(4) Make recommendations for future program modifications, including, but not limited to whether the program is the most cost-effective model for the long term versus a return to private market managed care.

(5) Evaluate non-general fund funding options for longer term continuation of the program, including options to accept funding from the federal government allowing a self-administered program.

(6) Review up-to-date information regarding changes in the level of uncompensated care through shared information from the department, the department of revenue administration, the insurance department, and provider organizations and the program's impact on insurance premium tax revenues and Medicaid enhancement tax revenue.

(7) Review the granite workforce pilot program.

(8) Evaluate reimbursement rates to determine if they are sufficient to ensure access to and provider capacity for all behavioral health services.

(9) Review the number of people who are found ineligible or who are dropped from the rolls of the program because of the work requirement.

(10) Review the program's provider reimbursement rates and overall financing structure to ensure it is able to provide a stable provider network and sustainable funding mechanism that serves patients, communities, and the state of New Hampshire.

(b) Any funding solutions recommended by the commission shall not include the use of new general funds.

(c) The commission shall solicit information from any person or entity the commission deems relevant to its study.

(d) The commission shall make a recommendation on or by February 1, 2019 to the commissioner concerning recommended monitoring and evaluation requirements for work and community engagement requirements, including a draft of proposed metrics for quarterly and annual reporting, including suggested costs and benefits evaluations.

III. 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 senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Ten members of the commission shall constitute a quorum.

IV. The commission shall make an interim report on or before December 1, 2020 and a final report together with its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2022.

126-AA:5 Evaluation Report Required.

I. The program shall employ an outcome-based evaluation of its Medicaid program annually to:

(a) Provide accountability to patients and the overall program.

(b) Ensure that patients are making informed decisions in carrying out health care choices and utilizing the most appropriate level of care.

(c) Ensure that the use of incentives, the loss of incentives, cost transparency, and reference based pricing have been effective in lowering costs.

II. The results of the evaluation conducted under this section shall be in the form of a report to be provided to CMS, the president of the senate, the speaker of the house of representatives, the governor, and the fiscal committee of the general court by December 31 of each year beginning in 2019.

2 Purpose Statement. The purpose of sections 3-9 of this act is to establish a pilot program by using allowable federal funds available from the Temporary Assistance to Needy Families (TANF) program to end the dependence of needy parents and low income childless adults ages 18 through 24 on governmental programs by promoting job and work preparation and placing them into high labor need jobs based on the goals set forth in 45 C.F.R. section 260.20. The long-term goal of this program is to place low-income individuals into unsubsidized jobs in high labor need areas, transition them to self-sufficiency through providing career

pathways with specific skills, and assist in eliminating barriers to work such as transportation and childcare. Taken together, these measures are designed to help low-income participants break the cycle of poverty and move them from living on the margin to the middle class and beyond.

3 Granite Workforce; Pilot Program Established.

I. The commissioner of the department of health and human services shall use allowable funds from the Temporary Assistance to Needy Families (TANF) program to provide subsidies to employers in high need areas, as determined by the department of employment security based upon workforce shortages, and to create a network of assistance to remove barriers to work for low-income families. The funds shall be used to establish a pilot program, referred to as Granite Workforce, a TANF nonassistance program, which shall accept enrollments by applicants for an initial period of 6 months. The program shall be jointly administered by the department of health and human services and the department of employment security. No cash assistance shall be provided to eligible participants through Granite Workforce. The total cost of the pilot program shall not exceed \$3,000,000 in federal TANF funds for the biennium ending June 30, 2019.

II. To be eligible for Granite Workforce, applicants shall be:

- (a) In a household with an income up to 138 percent of the federal poverty level; and
- (b) Parents aged 18 through 64 with a child under age 18 in the household;
- (c) Noncustodial parents aged 18 through 64 with a child under the age of 18; or
- (d) Childless adults between 18 and less than 25 years of age.

III. The department of employment security shall determine eligibility and entry into the program, using nationally recognized assessment tools for vocational and job readiness assessments. Vocational assessments shall include educational needs, vocational interest, personal values, and aptitude. The department shall use the assessment results to work with the participant to produce a long-term career plan for moving into the middle class and beyond.

IV. Except as otherwise provided in paragraph II regarding program eligibility, administrative rules governing the New Hampshire employment program, adopted under RSA 541-A as chapter He-W 600, shall apply to the Granite Workforce pilot program.

4 Granite Workforce; Subsidies for Employers.

I. Upon placement of a participant into a paying job and receiving verification of employment and wages from the employer, the department of employment security shall pay the employer a subsidy of \$2,000.

II. After at least 3 full months of the continued employment of the participant and receiving verification of the continued employment and wages from the employer, the department of employment security shall pay the employer a second subsidy of \$2,000.

III. If an overpayment is made, the employer shall reimburse the department that amount upon being notified by the department.

5 Referral for Barriers to Employment. The department of health and human services, in consultation with the department of employment security, shall issue a request for applications (RFAs) for community providers interested in offering case management services to participants with barriers to employment. Participants shall be identified by the department of employment security using an assessment process that screens for barriers to employment including, but not limited to, transportation, child care, substance use, mental health, and domestic violence. Thereafter, the department of employment security shall refer to community providers those individuals deemed needing assistance with removing barriers to employment. When child care is identified as a barrier to employment, the department of employment security or the community provider shall refer the individual to available child care service programs, including, specifically the child care scholarship program administered by the department of health and human services. In addition to employer subsidies authorized under this section, TANF funds allocated to the Granite Workforce program shall be used to pay for other services that eliminate barriers to work in accordance with all TANF guidelines.

6 Network of Education and Training.

I. If after the assessment conducted by the department of employment security additional job training, education, or skills development is necessary prior to job placement, the department of employment security shall address those needs by:

(a) Referring individuals to training and apprenticeship opportunities offered by the community college system of New Hampshire;

(b) Referring individuals to the department of business and economic affairs to utilize available training funds and support services;

(c) Referring individuals to education and employment programs for youth available through the department of education; or

(d) Referring individuals to training available through other colleges and training programs.

II. All industry specific skills and training will be provided for jobs in high need areas, as determined by the department of employment security based upon workforce shortages.

7 Job Placement. Upon determining the participant is job ready, the department of employment security shall place individuals into jobs with employers in high need areas, as determined by the department of employment security based upon workforce shortages. This includes, but is not limited to, high labor need jobs in the fields of healthcare, advanced manufacturing, construction/building trades, information technology, and hospitality. Training and job placement shall focus on:

I. Supporting health care/safety issues: training/jobs to combat the opioid crisis, including nurses, nursing assistants, clinicians, social workers, and treatment providers at the licensed alcohol and drug addictions counselor and licensed mental health counselor levels. Additionally, jobs to address long-term care needs, home healthcare services, and expanding mental/behavioral health services.

II. Advanced manufacturing to meet employer needs: training/jobs that include computer-aided drafting and design, electronic and mechanical engineering, precision welding, computer numerical controlled precision machining, robotics, and automation.

III. Construction/building trades to address critical infrastructure needs: training/jobs for building roads, bridges, municipality infrastructure, and ensuring safe drinking water.

IV. Information technology: training/jobs to allow businesses to excel in an ever-increasing network dependent business environment.

V. Hospitality-training/jobs to address the workforce shortage and support New Hampshire's tourism industry, to include but not be limited to hotel workers, restaurant workers, campground workers, lift operators, state park workers, and amusement park workers.

8 Reporting Requirement; Measurement of Outcomes.

I. The department of health and human services shall prepare a report on the outcomes of the Granite Workforce program using appropriate standard common performance measures. Program partners, as a condition of participation, shall be required to provide the department with the relevant data. Metrics to be measured shall include, but are not limited to:

(a) Degree of participation.

(b) Progress with overcoming barriers.

(c) Entry into employment.

(d) Job retention.

(e) Earnings gain.

(f) Movement within established federal poverty level measurements, including the Supplemental Nutrition Assistance Program (SNAP) and the New Hampshire granite advantage health care program under RSA 126-AA.

(g) Health insurance coverage provider.

(h) Attainment of education or training, including credentials.

II. The report shall be issued to the speaker of the house of representatives, president of the senate, the governor, the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program established under RSA 126-AA:4, and the state library on or before December 1, 2019.

9 Insurance Premium Tax; New Hampshire Granite Advantage Health Care Program. Amend RSA 400-A:32, III to read as follows:

III.(a) Except as provided in subparagraph (b), the taxes imposed in paragraphs I and II of this section shall be promptly forwarded by the commissioner to the state treasurer for deposit to the general fund.

(b) Taxes imposed attributable to premiums written for medical and other medical related services for the newly eligible Medicaid population as provided for under RSA ~~[126-A:5, XXIV-XXVI]~~ **126-AA** shall be deposited into the New Hampshire ~~[health protection trust fund, established in RSA 126-A:5-b]~~ **granite advantage health care trust fund established in RSA 126-AA:3**. The commissioner shall notify the state treasurer of sums for deposit into the New Hampshire ~~[health protection]~~ **granite advantage health care trust fund** no later than 30 days after receipt of said taxes. ***The moneys in the trust fund may be used for the administration of the New Hampshire granite advantage health care program, established in RSA 126-AA.***

10 Plan of Operation for the High Risk Pool. Amend RSA 404-G:5-a, IV(d) to read as follows:

(d) ~~[For the period of January 1, 2017 through December 31, 2018,]~~ An amount not to exceed [50 percent of the remainder amount, as defined in RSA 126-A:5-c, I(b), less the amount made available to the program pursuant to RSA 404-G:11, VI. The association shall transfer all amounts collected pursuant to this subparagraph and the amount made available to the program pursuant to RSA 404-G:11, VI to the New Hampshire health protection trust fund, established pursuant to RSA 126-A:5-b] ***the lesser of the remainder amount or the amount of revenue transferred from the alcohol abuse prevention and treatment fund pursuant to RSA 176-A:1, IV and taxes attributable to premiums written for medical and other medical-related services for the newly eligible Medicaid population, as defined in RSA 126-AA:1, V.***

11 New Hampshire Granite Advantage Health Care Program; Federal Match. Amend 2014, 3:10, I as amended by 2016,13:13 to read as follows:

I. If at any time the federal match rate applied to medical assistance for newly eligible adults under ~~[RSA 126-A:5, XXIV-XXV between July 1, 2014 – December 31, 2016 is less than 100 percent, less than 95 percent in 2017 and less than 94 percent in 2018, of the amount as set forth in 42 U.S.C. section 1396d(y) (1), then RSA 126-A:5, XXIV and XXV shall be]~~ ***RSA 126-AA is less than 94 percent in 2018, less than 93 percent in 2019, and less than 90 percent in 2020 and any year thereafter in which the program is authorized, then the program is hereby*** repealed 180 days after the event under this ~~[subparagraph]~~ ***paragraph*** occurs upon notification by the commissioner of the department of health and human services to the secretary of state and the director of legislative services. The commissioner shall immediately issue notice to program participants of the program's pending repeal ***consistent with the terms and conditions of any waiver approved by the Centers for Medicare and Medicaid Services for the program.***

12 Liquor Commission; Funds. Amend RSA 176:16, III to read as follows:

III. ~~[3:4]~~ ***Five*** percent of the previous fiscal year gross profits derived by the commission from the sale of liquor shall be deposited into the alcohol abuse prevention and treatment fund established by RSA 176-A:1. For the purpose of this section, gross profit shall be defined as total operating revenue minus the cost of sales and services as presented in the state of New Hampshire comprehensive annual financial report, statement of revenues, expenses, and changes in net position for proprietary funds.

III-a. In order to facilitate the initial funding of the granite advantage health care trust fund, established under RSA 126-AA:3, for the period of January 1 to June 30, 2019, an amount no less than 1/2 of the 5 percent of such gross profits based on the state comprehensive annual financial report for the state fiscal year 2017 shall be deposited into the alcohol abuse prevention and treatment fund no later than November 30, 2018.

13 Alcohol Abuse Prevention and Treatment Fund. Amend RSA 176-A:1, II and III to read as follows:

II. The fund shall be nonlapsing and continually appropriated for the purposes of funding alcohol education and abuse prevention and treatment programs. ***The commissioner of the department of health and human services may accept gifts, grants, donations, or other funding from any source and shall deposit all such revenue received into the fund.*** The state treasurer shall invest the moneys deposited in the fund as provided by law. Interest earned on moneys deposited in the fund shall be deposited into the fund.

III. Moneys *received from all other sources other than the liquor commission pursuant to RSA 176:16, III* shall be disbursed from the fund upon the authorization of the governor's commission on alcohol and drug abuse prevention, treatment, and recovery established pursuant to RSA 12-J:1. Funds disbursed shall be used for alcohol and other drug abuse prevention, treatment, and recovery services, and other purposes related to the duties of the commission under RSA 12-J:3.

IV. *Moneys received from the liquor commission pursuant to RSA 176:16, III and deposited into the fund shall be transferred to the New Hampshire granite advantage health care trust fund, established under RSA 126-AA:3, for use in ensuring the delivery of substance use disorder prevention, treatment, and recovery and other behavioral health services for persons enrolled in the New Hampshire granite advantage health care program; provided, however, that any program or service approved by the governor's commission on alcohol and drug abuse prevention, treatment, and recovery that would have been funded from moneys transferred from the fund shall be paid for with federal or other funds available from within the department of health and human services. For this purpose and no later than December 1, 2018, the sum of \$5,100,000 from the alcohol abuse and prevention treatment fund shall be transferred to the granite advantage health care trust fund for use in the period of January 1 to June 30, 2019. Beginning July 1, 2019 the funds deposited into the fund shall be transferred to the granite advantage health care trust fund established under RSA 126-AA:3 annually no later than June 1 for use during the forthcoming fiscal year based upon the most recently issued comprehensive annual financial report of the state.*

14 Individual Health Insurance Market; Purpose. Amend RSA 404-G:1, II to read as follows:

II. Create a nonprofit, voluntary organization to facilitate the availability of affordable individual non-group health insurance by establishing an assessment mechanism and an individual health insurance market mandatory risk sharing plan as a mechanism to distribute the risks associated within the individual nongroup market and to support the ~~[marketplace premium assistance program established in RSA 126-A:5, XXV]~~ ***New Hampshire granite advantage health care program established in RSA 126-AA.***

15 Individual Health Insurance Market; Definitions. Amend RSA 404-G:2, X-a to read as follows:

X-a. "Plan of operation" means the plan of operation of the risk sharing mechanism, the high risk pool, support for the program established in RSA ~~[126-A:5, XXV]~~ ***126-AA***, and the federally qualified high risk pool, including articles, bylaws and operating rules, procedures and policies adopted by the association.

16 Managed Care Law; Right to External Review. Amend RSA 420-J:5-a, II(a) to read as follows:

(a) Health care services provided through Medicaid, the state Children's Health Insurance Program (Title XXI of the Social Security Act), Medicare or services provided under these programs but through a contracted health carrier, except where those services are provided through private insurance coverage pursuant to the ~~[marketplace premium assistance program under RSA 126-A:5, XXV]~~ ***New Hampshire granite advantage health care program under RSA 126-AA*** in which case all provisions of this chapter shall apply.

17 Insurance Department; Administration Fund. Amend RSA 400-A:39, VI(a) to read as follows:

(a) Based on the annual statement filed in such year by each insurer under RSA 400-A:31, RSA 420-A:20, RSA 420-B:9, RSA 420-F:9, or other financial statement filed under RSA 415-E:11, the commissioner shall ascertain each insurer's amount of gross direct premiums written, including policy, membership and other fees, service charges, policy dividends applied in payment for insurance, and all other considerations for insurance originating from policies covering property, subjects, or risks located, resident or to be performed in New Hampshire after deducting return premiums and dividends actually returned or credited to policyholders. The premium for Medicaid managed care coverage provided by a health carrier contracting with the department of health and human services under RSA 126-A:5, XIX shall not be included in an insurer's assessable premium, except where that coverage is provided through the purchase of insurance coverage pursuant to the ~~[marketplace premium assistance program under RSA 126-A:5, XXV, or through the health insurance premium payment program under RSA 126-A:5, XXIII]~~ ***New Hampshire granite advantage health care program under RSA 126-AA***. If any such insurer does not otherwise timely provide the commissioner with the information necessary for such ascertainment, it shall do so on or before May 1 of each year.

18 New Subparagraph; Application of Receipts; New Hampshire Advantage Health Care Program. Amend RSA 6:12, I(b) by inserting after subparagraph (339) the following new subparagraph:

(340) Moneys deposited in the New Hampshire granite advantage health care trust fund under RSA 126-AA:3.

19 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

20 Contingency. RSA 126-AA:2, II(b) as inserted by section 1 of this act shall take effect on the date of certification by the commissioner of the department of health and human services to the director of legislative services and the secretary of state that 42 U.S.C. section 1396a(e)(14)(c) has been repealed or amended to permit the application of an asset test.

21 Funding; New Hampshire Granite Advantage Health Care Program. If the federal government amends 42 U.S.C. section 1396d (y)(1) to eliminate the state's share of funding for the New Hampshire granite advantage health care program, or if the federal government allows the use of savings within the Medicaid program to apply to the state's share of funding the program, or if any other state is permitted to receive funds from the federal government to allow a solely federally funded program, the commissioner of health and human services shall send a letter of notification regarding this change to the governor, the president of the senate, the speaker of the house of representatives, the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program established in RSA 126-AA, and the chairperson of the appropriate standing committee of the house and senate. The commissioner shall apply for the necessary waivers to similarly fund the New Hampshire granite advantage health care program.

22 Repeals. The following are repealed:

- I. RSA 404-G:2, X-c, relative to the marketplace premium assistance program.
- II. RSA 126-AA:4, relative to the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program.
- III. RSA 126-AA, relative to the New Hampshire granite advantage health care program.
- IV. RSA 126-A:5-c, relative to funding the state share of the New Hampshire health protection program.
- V. RSA 126-A:5-d, relative to voluntary contribution.
- VI. RSA 126-A:5, XXX, relative to the New Hampshire health protection program.
- VII. RSA 6:12, I(b)(340), relative to the moneys deposited in the New Hampshire granite advantage health care trust fund.

23 Effective Date.

- I. Paragraph II of section 22 of this act shall take effect December 1, 2022.
- II. Paragraphs III and VII of section 22 of this act shall take effect December 31, 2023.
- III. Section 1 of this act shall take effect upon its passage.
- IV. RSA 126-AA:2, II(b) as inserted by section 1 of this act shall take effect as provided in section 20 of this act.
- V. Section 3-8 of this act shall take effect January 1, 2019.
- VI. The remainder of this act shall take effect December 31, 2018.

2018-0984s

AMENDED ANALYSIS

This bill:

I. Establishes the New Hampshire granite advantage health care program which shall replace the current New Hampshire health protection program. Under this program, those individuals eligible to receive benefits under the Medicaid program and newly eligible adults shall choose coverage offered by one of the managed care organizations contracted as vendors under the Medicaid program.

II. Establishes the granite workforce pilot program.

III. Increases the amount of liquor revenues to be deposited into the alcohol abuse prevention and treatment fund and provides that moneys deposited into the fund shall be transferred to the New Hampshire granite advantage health care trust fund for substance use disorder prevention, treatment, and recovery.

Commerce
 March 6, 2018
 2018-0981s
 08/05

Amendment to SB 318

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

AN ACT amending the prohibitions on youth employment and relative to documentation requirements for the department of labor.

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

1 Legislative Findings and Purpose. The general court finds that:

I. There is a significant and ongoing need in this state to encourage businesses to grow and hire here, particularly small businesses which are the backbone of New Hampshire's economy.

II. Our current laws relating to employment tend to discourage employers from hiring with heavy handed enforcement of excessive and unnecessary laws and with costly, time consuming audits and fines.

III. The overall purpose of the legislation is to significantly reduce the excessive and unnecessary documentation and regulatory (red tape) burdens, both in laws and in rules, that are inhibiting employers from hiring and growing, and preventing people from working.

IV. It is time to change the culture of state government from one of enforcement, fees, fines, assessments, and delays, to one that encourages responsible business activity and hiring with a "how can I help you succeed?" customer service approach instead. This legislation is necessary to move us in the right direction and reset the tone and actions of government.

V. Making our state significantly more attractive and friendly to employers with passage of this Red Tape Reduction Act will enable our economy to flourish.

VI. The goals of this Red Tape Reduction Act shall include the following:

(a) Written documentation is not required to meet the intent of the law and paperwork discrepancies will not be fined.

(b) Reduce limitations and allow flexibility on working hours for individuals 16 and 17 years of age (if parents approve, then any hours are okay).

(c) Allow employees to buy company clothing.

(d) No need for employee signing/documenting when leaving before 2 hour minimum on their own, when correcting hours to be paid due to their clock-in errors, when receiving pay increases, etc. (verbal is okay).

(e) No random or targeted industry/employer audits (burden of proof on department of labor to show need for audit/investigation due to a pattern of documented complaints or known problems for that specific location of multi-site business).

(f) Expand flexibility with unpaid internships for people of all ages if both parties agree with express understanding that there is no workers' compensation, unemployment, or other benefits provided.

(g) Reduce record keeping requirement from 4 to 3 years.

(h) No fines for not posting laws in "conspicuous" place.

2 Labor Commissioner; Inspections. RSA 273:9 is repealed and reenacted to read as follows:

273:9 Inspections. The commissioner may visit a specific location of a manufacturing, mechanical, or mercantile establishment in the state at a reasonable time for the purpose of ascertaining whether the laws with reference to employment are complied with after a pattern of documented complaints to the department or known problems for that specific location of the business has been identified within the prior 12 months.

3 Protective Legislation; Definition of Terms. Amend the introductory paragraph in RSA 275:4, II to read as follows:

II. In this subdivision, "employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment,

but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VI(b) (2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, **or a person who volunteers to work for an employer for a learning or charitable opportunity and who explicitly agrees in writing to the absence of wages and benefits for a specified period of time not to exceed 6 months**, or any person who meets all of the following criteria:

4 Protective Legislation; Day of Rest. Amend RSA 275:33 to read as follows:

275:33 Day of Rest. No employer shall operate any such business on Sunday unless he or she has ~~posted in a conspicuous place on the premises~~ **made available to employees** a schedule containing a list of employees who are required or allowed to work on Sunday and designating the day of rest for each ~~and shall promptly file a copy of such schedule and every change therein with the labor commissioner~~. No employee shall be required ~~or allowed~~ to work on the day of rest designated for him **or her**. ~~Whoever violates this section shall be fined \$50.~~

5 Required Pay. Amend RSA 275:43-a to read as follows:

275:43-a Required Pay.

I. On any day an employee reports to work at an employer's request, he or she shall be paid not less than 2 hours' pay at his or her regular rate of pay ~~provided, however, that~~. **If the employee chooses to leave work after reporting, the employer may, without penalty, elect not to pay the employee.**

II. This section shall not apply to employees of counties or municipalities or ski and snowboard instructional employees at ski resorts, provided that these employees receive other compensation that is at least equal to their rate of pay, and provided further that no employer who makes a good faith effort to notify an employee not to report to work shall be liable to pay wages under this section. However, if the employee reports to work after the employer's attempt to notify him or her has been unsuccessful or if the employer is prevented from making notification for any reason, the employee shall perform whatever duties are assigned by the employer at the time the employee reports to work.

6 Protective Legislation; Payment of Wages. Amend RSA 275:48, V(b) to read as follows:

(b) "Uniform" means a garment with a company logo or fashion of distinctive design, worn by one or more employees, and serving as a means of identification or distinction. **No employer shall require an employee to wear a uniform unless the employer provides each employee with a uniform at no cost to the employee. An employee may purchase any other company garments or items if the employee chooses.**

7 Protective Legislation; Notification, Posting and Records. Amend RSA 275:49, I-II to read as follows:

I. Verbally or in writing notify the employees, at the time of hiring of the rate of pay, and of the day and place of payment;

II. Verbally or in writing notify his or her employees of any changes in the arrangements specified above prior to the time of such changes;

8 Protective Legislation; Notification, Posting, and Records. Amend RSA 275:49, VI-VII to read as follows:

VI. Make such records of the persons employed by him or her, including wage and hour records, preserve such records for ~~such periods of time~~ **3 years**, and make such reports therefrom to the commissioner, as ~~the commissioner shall prescribe by regulation as necessary or appropriate~~ **are required in statute** for the enforcement of the provisions of this subdivision; and

VII. ~~Keep posted in a place accessible to his or her~~ **Make available to** employees the following **information**: "It is illegal in New Hampshire under both state and federal law to pay employees different wages for the same work based solely on sex. If you think that your employer has violated this provision, please contact the New Hampshire Department of Labor." This notice shall also include the address, phone number, and email address of department personnel to be contacted with complaints under this subdivision, as well as an Internet link to RSA 275:37.

9 Youth Employment Law; Prohibitions. RSA 276-A:4 is repealed and reenacted to read as follows:

276-A:4 Prohibitions.

I. No youth shall be employed or permitted to work in any hazardous occupation, except in an apprenticeship, vocational rehabilitation, or training program approved by the commissioner.

II. No youth under 16 years of age shall be employed or permitted to work without a certificate except:

- (a) For his or her parents, grandparents, or guardian;
- (b) At work defined in this chapter as casual;
- (c) As farm labor; or
- (d) With the permission of a parent or legal guardian.

III. No youth under 16 years of age shall be employed or permitted to work in a dangerous area in manufacturing, construction, and mining and quarrying occupations, or in woods and logging.

IV. No youth under 12 years of age may be employed or permitted to work except for his parents, grandparents, or guardian, or at work defined in this chapter as casual, or in the door-to-door delivery of newspapers.

10 Youth Employment Law; Enforcement. Amend RSA 276-A:6 to read as follows:

276-A:6 Enforcement. The commissioner shall have the responsibility for enforcing the provisions of this chapter. ~~[Investigators and truant officers shall visit and inspect all places of employment and cause the provisions of this chapter to be enforced as directed by the commissioner. For this purpose they shall have the power to serve warrants.]~~

11 Youth Employment Law; Certain Labor. Amend RSA 276-A:11 to read as follows:

276-A:11 Certain Labor. In addition to the prohibitions listed in RSA 276-A:4, ~~[II, IV, V, VI, and VII]~~ no youth shall be employed or permitted to work at manual or mechanical labor in any manufacturing establishment more than 10 hours in any one day, or more than 48 hours in any one week. No youth shall be employed or be permitted to work at manual or mechanical labor in any other employment, except household labor and nursing, domestic, hotel and cabin including dining and restaurant service operated in connection with such service, and boarding house labor, operating in telegraph and telephone offices and farm labor, or canning of perishable vegetables and fruit, or as a laboratory technician, more than 10- 1/4 hours in any one day, or more than 54 hours in any one week.

12 Youth Employment Law; Additional Prohibitions. Amend RSA 276-A:21 to read as follows:

276-A:21 Additional Prohibitions. The prohibitions under this subdivision shall be in addition to those prohibitions listed in RSA 276-A:4 ~~[, II, IV, V and VI]~~.

13 Youth Training and Employment in Firefighting; Limitations on Youth Training and Employment. Amend RSA 276-A:23, V to read as follows:

V. Fire organizations shall follow the requirements of ~~[RSA 276-A:4, VII and]~~ RSA 276-A:24 and rules adopted by the commissioner when employing or permitting 16 or 17 year old youths to work in support of firefighting.

14 Employer's Records; Records of Hours and Wages. Amend RSA 279:27 to read as follows:

279:27 Records of Hours and Wages. Every employer of employees shall keep a true and accurate record of the hours worked by each, wages paid to each, and classification of employment when necessary, and shall furnish to the commissioner or the commissioner's authorized representative upon demand a sworn statement of the same. ***Employers shall retain employee records for 3 years and such*** records ~~[shall]~~ ***may*** be open to inspection by the commissioner or the authorized representative at any reasonable time, ***provided that a pattern of documented complaints to the department of labor for the employees of a specific location of the business has been identified within the prior 12 months.*** ~~[Every employer subject to a statutory minimum wage shall keep a copy of such statutory minimum wage posted in a conspicuous place in every establishment in which employees are employed. Employers shall be furnished copies of posters on request without charge.]~~

15 Repeal. The following are repealed:

- I. RSA 276-A:5, relative to youth employment certificates.
- II. RSA 276-A:13, relative to youth night work.
- III. RSA 276-A:14, relative to a special agreement for youth night work.

IV. RSA 276-A:20, relative to posting of notice of meal breaks permitted to youth employees and maximum allowed hours for youth employment.

V. RSA 276-A:22, relative to evidence of violations of youth employment in certain jobs.

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

2018-0981s

AMENDED ANALYSIS

This bill repeals certain provisions of the youth employment law governing the employment of youths 16 and 17 years of age. This bill also modifies notification requirements regarding work schedules and payment of wages, and deletes the requirement that investigators visit places of employment.

Commerce
March 6, 2018
2018-0975s
01/06

Amendment to SB 351

Amend the bill by replacing section 1 with the following:

1 Workers' Compensation; Managed Care Programs. Amend RSA 281-A:23-a, V to read as follows:

V. Every managed care program shall include a sufficient number of injury management facilitators, including resident injury management facilitators, who shall be qualified by reason of education, training, and experience to manage the injured employee's medical, hospital and remedial care, vocational rehabilitation, modified duty, and return to work plans. An injury management facilitator shall work with the injured employee, employer, and medical, hospital and other providers to ensure that the injured employee receives effective, timely, and appropriate services in order to achieve maximum medical improvement and an expeditious return to work. Any person ~~[employed]~~ **operating** as an injury management facilitator ~~[by]~~ **in conjunction with** a managed care program **under this section** shall be approved by the commissioner with ratification by the workers' compensation advisory council. The commissioner shall, in consultation with the advisory council, by rule determine the number of facilitators which shall be sufficient.

2018-0975s

AMENDED ANALYSIS

This bill clarifies the qualifications of an injury management facilitator affiliated with managed care programs under workers' compensation.

Senate Executive Departments and Administration
February 12, 2018
2018-0552s
10/08

Amendment to SB 370-FN

Amend RSA 153-A:35 as inserted by section 1 of the bill by inserting after the section heading the following new introductory paragraph:

The emergency medical services compact is adopted and entered into with all other jurisdictions that legally join the compact, which is substantially as follows:

Amend RSA 153-A:35, X(e)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states, but New Hampshire shall not be assessed more than \$6,000 annually. This limitation is not intended to suggest that such amount has been appropriated.

Amend RSA 153-A:35, X(f)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

Amend RSA 153-A:35, XV as inserted by section 1 of the bill by replacing it with the following:

XV. Construction and Severability.

(a) This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining member states. Nothing in this compact supersedes state law or rules related to licensure of EMS agencies.

(b) The director of the division of fire standards and training and emergency medical services shall review decisions of the interstate commission for EMS personnel practice established pursuant to paragraph X of this compact and, upon approval by the commission of any action that will have the result of increasing the cost to the state of New Hampshire of its membership in the compact, may recommend to the general court that the state withdraw from the compact.

Senate Judiciary
March 6, 2018
2018-0952s
01/04

Amendment to SB 388

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

AN ACT relative to dispensary locations for therapeutic cannabis.

Amend the bill by replacing sections 1 and 2 with the following:

1 New Paragraph; Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6 by inserting after paragraph III the following new paragraph:

IV. The department may adopt rules regarding the establishment of a second dispensary location by the alternative treatment center described in RSA 126-X:7, X including, but not limited to, fees, operational requirements, and geographic location.

2 New Paragraph; Use of Cannabis for Therapeutic Purposes; Dispensary Locations. Amend RSA 126-X:7 by inserting after paragraph IX the following new paragraph:

X. If the department determines that having additional locations for the dispensing of therapeutic cannabis is necessary to adequately and effectively meet the needs of qualifying patients and designated caregivers, the department may authorize the alternative treatment center allowed to operate in the geographic area that includes Carroll, Coos, and Grafton counties, not including the town of Hanover and the city of Lebanon in Grafton county, to establish a second dispensary location within that same geographic area. A second dispensary location shall only be established in a geographic location approved by the department, shall be limited solely to the dispensing of cannabis and educational efforts, and shall not be used for cultivation or other activities relative to the production of cannabis. A second dispensary location shall be subject to rules adopted by the department under RSA 126-X:6, III, and any additional rules adopted by the department relative to a second dispensary location under RSA 126-X:6, IV, and all applicable provisions of this chapter relative to alternative treatment centers including, but not limited to, compliance with local zoning laws. The department shall, in conjunction with the local governing body of the town or city where the second dispensary location would be located, solicit input from qualifying patients, designated caregivers, and residents of the town or city in which the second dispensary location would be located.

2018-0952s

AMENDED ANALYSIS

This bill authorizes the department of health and human services to establish a second dispensary location in the geographic area that includes Carroll, Coos, and Grafton counties, for therapeutic cannabis.

Senate Judiciary
 March 6, 2018
 2018-0956s
 04/10

Amendment to SB 391-FN

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

AN ACT establishing a sexual assault survivors' rights commission.

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

1 New Subdivision; Department of Justice; Sexual Assault Survivors' Rights Commission. Amend RSA 21-M by inserting after section 17 the following new subdivision:

Sexual Assault Survivors' Rights Commission

21-M:18 Sexual Assault Survivors' Commission.

I. There is established a sexual assault survivors' rights commission to develop, coordinate, and disseminate best practices regarding the care and treatment of sexual assault survivors and the preservation of forensic evidence. The commission shall consist of the following members:

- (a) Four members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) One senator, appointed by the president of the senate.
- (c) The attorney general, or designee.
- (d) The commissioner of the department of health and human services, or designee.

II. The commission shall consult with and solicit advice and testimony from law enforcement personnel, prosecution, forensic laboratory personnel, counseling, forensic examiners, health care providers and representatives from not less than 3 national organizations and state coalitions with demonstrated expertise in sexual assault prevention, sexual assault advocacy, or representation of sexual assault victims, particularly representatives of underserved or ethnic minority communities.

III. The commission shall:

- (a) Improve the coordination of the dissemination and implementation of best practices and protocols regarding the care and treatment of sexual assault survivors and the preservation of evidence to hospital administrators, physicians, forensic examiners, medical associations, and health care professionals.
- (b) Develop and implement, where appropriate, clinical guidelines and other incentives to encourage the adoption and implementation of best practices and protocols regarding the care and treatment of sexual assault survivors and the preservation of evidence among hospital administrators, physicians, forensic examiners, and other medical associations and health care professionals.
- (c) Improve the coordination of the dissemination and implementation of best practices regarding the care and treatment of sexual assault survivors and the preservation of evidence to state and county attorneys, state and local law enforcement agencies, health care facilities, and forensic laboratory directors and managers.
- (d) Develop and implement, where appropriate, incentives to encourage the adoption or implementation of best practices regarding the care and treatment of sexual assault survivors and the preservation of evidence among state and county attorneys, state and local law enforcement agencies, health care facilities, and forensic laboratory directors and managers.
- (e) Collect feedback from state and local law enforcement agencies, victim services, forensic science practitioners, and health care professionals to inform development of future best practices clinical guidelines regarding the care and treatment of sexual assault survivors.
- (f) Perform other activities, such as activities relating to development, dissemination, outreach, engagement, or training associated with advancing victim-centered care for sexual assault survivors.

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 senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. The commission shall meet not fewer than 2 times and not more than 5 times each year. Four members of the commission shall constitute a quorum.

V. Not later than one year after the effective date of this section, and annually thereafter, the commission shall submit a report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library.

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

2018-0956s

AMENDED ANALYSIS

This bill establishes a sexual assault survivors' right commission.

Senate Ways and Means

March 7, 2018

2018-1004s

04/10

Amendment to SB 410-FN

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

AN ACT establishing a commission to study creating a boat safe card.

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

1 New Subdivision; Commission to Study Creating a Boat Safe Card. Amend RSA 270-D by inserting after section 20 the following new subdivision:

Commission to Study Creating a Boat Safe Card

270-D:21 Commission Established.

I. There is established a commission to study creating a boat safe card. The commission shall be comprised of the following members:

- (a) One member 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 representing the fish and game department, search and rescue program, appointed by the executive director of the fish and game department.
- (d) One member representing the lakes management and protection program in the department of environmental services, appointed by the commissioner of the department of environmental services.
- (e) The captain of marine patrol, department of safety, or designee.
- (f) The chairperson of the exotic aquatic weeds and species committee established in RSA 487:30, or designee.
- (g) A representative of the Appalachian Mountain Club-New Hampshire, appointed by the organization.
- (h) A representative of American Whitewater, appointed by the organization.
- (i) A representative of the New Hampshire Campground Owners' Association, appointed by the association.
- (j) A representative of the New Hampshire Lakes Association, appointed by the association.
- (k) A representative of the New Hampshire Rivers Council, appointed by the organization.

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

III. The commission shall:

- (a) Evaluate potential mechanisms of funding for the search and rescue fund and the lake restoration and preservation fund, including equitability of charges or costs.
- (b) Evaluate a target level of funding needed for the various programs.
- (c) Explore the feasibility of a boat safe card using the hike safe card as a model, including:

(1) Studying the revenues of the hike safe card, its implementation, number of purchases per year, cost to implement, and measured benefits since implementation.

(2) Studying who would administer and implement a boat safe card program, how revenues would be split, and the possible costs and revenues of implementing such a program.

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

V. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2018.

2 Repeal. RSA 270-D:21, relative to the commission to study creating a boat safe card, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2018.

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

2018-1004s

AMENDED ANALYSIS

This bill establishes a commission to study creating a boat safe card.

Senate Ways and Means

March 7, 2018

2018-1006s

10/05

Amendment to SB 411-FN-A

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

AN ACT relative to the research and development tax credit.

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

1 Business Profits Tax; Credit for Research and Development; Survey. Amend RSA 77-A:5, XIII to read as follows:

XIII.(a) There shall be allowed a research and development tax credit for qualified manufacturing research and development expenditures made or incurred during the fiscal year, as follows:

(1) The aggregate of tax credits issued by the commissioner to all taxpayers claiming the credit shall not exceed \$7,000,000 for any fiscal year.

(2) Each credit shall be used to offset the taxpayer's tax liability within the subsequent 5 tax years. The amount of the credit shall be the lesser of:

(A) Ten percent of the excess of the qualified manufacturing research and development expenses for the taxable year over the base amount;

(B) The proportional share of the maximum aggregate credit amount allowed in subparagraph (1);

(C) \$50,000.

(3) Taxpayers shall apply for the tax credit on forms provided by the commissioner and shall be accompanied by information or records required by the commissioner, ***including but not limited to the survey described in subparagraph (d)***. Such application shall be postmarked no later than June 30 following the tax year during which research and development occurred.

(4) A determination on the final amount of the credit awarded by the commissioner to each taxpayer claiming the credit shall be made no later than September 30 of each year.

(5) Wages for which a credit is taken under this paragraph shall not also be eligible for a credit under RSA 162-N.

(b) For purposes of this paragraph:

(1) The term “qualified manufacturing research and development expenditures” shall mean solely any wages paid or incurred to an employee of the business organization for services rendered by such employee within this state within the meaning of RSA 77-A:3; I(b), provided that:

(A) Such wages shall be treated as wages for qualified research expenses under section 41(b) of the United States Internal Revenue Code.

(B) Such services are undertaken for the purpose of discovering information which constitutes qualified research and development of a new or improved manufacturing process or business component of the business organization.

(C) The wages qualify and are reported as a credit by the business organization under section 41 of the United States Internal Revenue Code as defined in RSA 77-A:1, XX.

(D) The wages are reported by the business organization in the enterprise value tax base under RSA 77-E.

(2) “Base amount” shall mean the base amount of expenditure as defined under section 41 of the United States Internal Revenue Code as defined by RSA 77-A:1, XX, except that the minimum base amount may be 0.

(c) A unitary business or an enterprise consisting of one or more taxpayers under this chapter shall be considered a single taxpayer for purposes of claiming the credit under this paragraph.

(d) Applications for the research and development tax credit shall be accompanied by a completed survey, upon such form as the commissioner may direct, providing information describing the impact of the expenditures upon which the tax credit is based as follows:

(1) The types of research and development projects supported by the expenditures;

(2) Whether the projects supported by the expenditures resulted in products being brought to market;

(3) An estimate of the number of jobs created or supported as a result of the expenditures;

(4) The total prior year business profits tax liability of the taxpayer, before consideration of any credits provided for in this section;

(5) The number of times the taxpayer has received the research and development tax credit in the past;

(6) The total amount of research and development tax credits that the taxpayer had outstanding at the end of the prior tax year, and

(7) Any other question helpful to evaluating the costs and benefits of the research and development tax credit.

(e) On or before December 31 2019, and each December 31 thereafter, the commissioner shall provide the president of the senate, the speaker of the house of representatives, and members of the senate ways and means committee and house ways and means committee a report detailing, consistent with RSA 21-J:14, the aggregated results of the survey described in subparagraph (d).

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

2018-1006s

AMENDED ANALYSIS

This bill requires applicants for the research and development tax credit against business profits taxes to complete a survey.

Energy and Natural Resources

March 6, 2018

2018-0972s

10/08

Amendment to SB 446

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

1 Net Energy Metering; Definition of Eligible Customer-generator. Amend RSA 362-A:1-a, II-b to read as follows:

II-b. “Eligible customer-generator” or “customer-generator” means an electric utility customer who owns, operates, or purchases power from an electrical generating facility either powered by renewable energy or which employs a heat led combined heat and power system, with a total peak generating capacity of up to and including ~~[one megawatt]~~ **5 megawatts, or from a qualifying facility larger than 5 megawatts but less than 25 megawatts if the facility’s output allocated for net energy metering participation is limited to not more than 5 megawatts,** and that is located behind a retail meter on the customer’s premises, is interconnected and operates in parallel with the electric grid, and is used to offset the customer’s own electricity requirements. Incremental generation added to an existing generation facility, that does not itself qualify for net metering, shall qualify if such incremental generation meets the qualifications of this paragraph and is metered separately from the nonqualifying facility.

2 Net Energy Metering; Billing. Amend RSA 362-A:9, IV(b) to read as follows:

(b) For facilities with a total peak generating capacity of more than 100 kilowatts **and up to 5 megawatts**, the customer-generator shall pay all applicable charges on all kilowatt hours supplied to the customer over the electric distribution system~~[-less a credit on default service charges]~~ equal to the metered energy generated by the customer-generator and fed into the electric distribution system over a billing period.

3 Net Energy Metering; Crediting. Amend RSA 362-A:9, V(b) to read as follows:

(b) Except as provided in paragraph VI, the customer-generator **with a total peak generating capacity of more than 1 megawatt and not exceeding 5 megawatts** may elect to be paid or credited by the electric distribution utility for its excess generation at rates ~~[that are equal to the utility’s avoided costs for energy and capacity to provide default service as determined by the commission consistent with the requirements of the Public Utilities Regulatory Policy Act of 1978 (PURPA)]~~ **as determined by the public utilities commission. The public utilities commission shall initiate a proceeding to determine an interim rate as expeditiously as possible and issue its order within 6 months of the effective date of this paragraph at which time a customer generator could generate more than 1 megawatt and not exceed 5 megawatts. Projects that receive the interim rate shall be grandfathered for a period of 12 years from the time at which the project becomes operational. The PUC shall determine a final rate within 3 years based upon the results of the alternative net metering tariff proceedings in Docket DE-16-576. In developing such rates the commission shall consider costs and benefits of customer generated facilities, avoidance of unjust and unreasonable cost shifting, rate effects on all customers, timely recovery of lost revenue by the utility using an automatic rate adjustment mechanism and electric distribution utilities administrative processes required to implement such rates.** The commission shall determine reasonable conditions for such an election, including the frequency of payment and how often a customer-generator may choose this option versus the option in subparagraph (a).

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

2018-0972s

AMENDED ANALYSIS

This bill increases the electric generating capacity of customer generators who may participate in net energy metering, and requires the public utilities commission to determine the rates for crediting the electric generation.

Health and Human Services

March 6, 2018

2018-0978s

01/03

Amendment to SB 475

Amend RSA 141-K:2, I as inserted by section 2 of the bill by replacing it with the following:

I. Every health care provider who orders a laboratory test for the presence of Lyme disease shall provide to the patient or his or her legal representative the following written information:

“Your health care provider has ordered a laboratory test for the presence of Lyme disease for you. Current laboratory testing for Lyme disease can be problematic and standard laboratory tests often result in false nega-

tive and false positive results. If you are tested for Lyme disease, and the results are negative, this does not necessarily mean you do not have Lyme disease. If you continue to experience symptoms, you should contact your health care provider and inquire about the appropriateness of retesting or additional treatment.”

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

3 Repeal. RSA 141-K, relative to Lyme disease, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect July 1, 2023.

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

2018-0978s

AMENDED ANALYSIS

This bill requires health care providers to provide certain information to persons being tested for Lyme disease for 5 years.

Health and Human Services

March 6, 2018

2018-0977s

08/03

Amendment to SB 478

Amend the bill by replacing sections 1 and 2 with the following:

1 New Section; Advisory Council on Lactation. Amend RSA 275 by inserting after section 76 the following new section:

275:77 Advisory Council on Lactation.

I. There is hereby established an advisory council on pregnancy and lactation. The advisory council shall be comprised of:

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

(b) Two members of the house of representatives, one from the majority party and one from the minority party, appointed by the speaker of the house of representatives.

(c) The commissioner of the department of labor, or designee.

(d) The commissioner of the department of transportation, or a designee from the division of aeronautics, rail, and transit.

(e) Two members from the business community, one from a business with 50 or more employees and one from a business with less than 50 employees, both appointed by the governor.

(f) A member of the New Hampshire Business and Industry Association, appointed by the president of that association.

(g) One individual representing women of color regarding health equity, appointed by the president of the New Hampshire chapter of the American Civil Liberties Union.

(h) One member from the New Hampshire Medical Society representing obstetrics and gynecology, appointed by the president of that association.

(i) The executive director of the human rights commission, or a member of the commission's board.

(j) One member from National Education Association for New Hampshire, appointed by the president of that association

(k) One member from the department of health and human services, division of public health, appointed by the director of that division.

(l) A representative from the Women, Infants, and Children program (WIC), appointed by the commissioner of the department of health and human services.

(m) A certified midwife, appointed by the midwifery council established in RSA 326-D:3.

(n) The president of the New Hampshire Breastfeeding Rights Coalition and the Rustik Baby Project, or designee.

- (o) The chairperson of the New Hampshire breastfeeding task force, or designee.
- (p) A hospital administrator from a certified baby-friendly hospital, appointed by the governor.
- (q) A mother who is breastfeeding a child or children, appointed by the governor.
- (r) An attorney with experience in human rights issues, appointed by the New Hampshire commission for human rights.

II. The advisory council shall:

- (a) Examine best practices on behalf of pregnant women and lactating mothers in New Hampshire.
- (b) Research availability of accommodations and support for lactating mothers in the public arena, including but not limited to transportation hubs, educational institutions, government buildings, and courts and correctional facilities.
- (c) Review definition of sex discrimination and disparate treatment related to pregnancy and lactation on federal and state levels in order to consider amendments to existing statutes.
- (d) Review federal and state definitions of reasonable accommodations and clarify definitions for state laws as it related to pregnancy and lactation accommodations.
- (e) Clarify that lactation is a medical condition related to pregnancy.
- (f) Review the history of pregnancy and lactation legislation in New Hampshire.

III. Legislative members shall receive mileage at the legislative rate while attending to the duties of the advisory council.

IV. The advisory council may meet as often as necessary to accomplish its goals and meetings may be held by conference call. A minimum of 3 meetings per year shall be open to the public.

V. The advisory council shall submit an interim report on November 1, 2018, and a final report on November 1, 2019, detailing its activities and findings, together with any recommendations for proposed legislation, to the president of the senate, the speaker of the house of representatives, and the governor.

2 Transition. The advisory council on pregnancy and lactation established in RSA 275:77 shall continue the work of the advisory council on lactation established in RSA 275:76, but repealed by 2016, 232:3, I.

Senate Judiciary
February 13, 2018
2018-0586s
08/04

Amendment to SB 497-FN

Amend RSA 132:10-d as inserted by section 1 of the bill by replacing it with the following:

132:10-d Breast-feeding. Breast-feeding a child does not constitute an act of indecent exposure and to restrict or limit the right of a mother to breast-feed her child is discriminatory. *A person who has been discriminated against in employment or housing due to pregnancy or a medical condition which results from pregnancy may file a discrimination claim with the state commission for human rights under RSA 354-A or may seek immediate injunctive relief in superior court.*

2018-0586s

AMENDED ANALYSIS

This bill creates a cause of action for a person who has been discriminated against in employment or housing due to pregnancy or a medical condition which results from pregnancy.

Senate Judiciary
March 2, 2018
2018-0899s
04/06

Amendment to SB 498-FN

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

AN ACT requiring an annual report detailing activity related to forfeiture of personal property.

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

1 New Section; Forfeitures of Personal Property; Report. Amend RSA 617 by inserting after section 11 the following new section:

617:12 Report.

I. The attorney general, no later than 120 days after the close of the fiscal year, shall post a report on the department of justice website detailing forfeiture activity in the state, for the preceding fiscal year, including the type, approximate value, and disposition of the property seized, and the amount of any proceeds received or expended at the state and local levels. The report shall provide a categorized accounting of all proceeds expended. Summary data on seizures, forfeitures, and expenditures of forfeiture proceeds shall be provided by the law enforcement agency in disaggregated form to the attorney general.

II. The attorney general may include proposed legislative recommendations to improve policies to ensure that seizures and forfeitures are undertaken and reported in a manner that is fair to crime victims, innocent property owners, secured interest holders, citizens, and law enforcement officers.

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

2018-0899s

AMENDED ANALYSIS

This bill requires the attorney general to post an annual report on the department's website detailing activity related to forfeiture of personal property.

Senate Judiciary

March 6, 2018

2018-0957s

03/06

Amendment to SB 499

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Alcohol or Drug Impairment; Definitions. Amend RSA 265-A:1 by inserting after paragraph V the following new paragraph:

VI. "Drive or attempt to drive" shall not include sleeping, resting, or sheltering in place by a person in a passenger automobile parked in any place where parking is permitted, or any action or activity with respect to a passenger automobile by a person who is outside of the automobile.

Senate Judiciary

March 6, 2018

2018-0966s

04/10

Amendment to SB 500

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

1 Pistols and Revolvers. Amend RSA 159:12, II(a) to read as follows:

(a) Fathers, mothers, grandparents, guardians, administrators or executors who give a **pistol or** revolver to their children or wards or to heirs to an estate.

2 Protection of Persons From Domestic Violence; Definitions. Amend RSA 173-B:1, XI to read as follows:

XI. "Firearm" means any weapon, including a starter gun, which will [or], is designed to, or may readily be converted to expel a projectile by [~~force of gunpowder~~] **the action of an explosive**.

3 General Provisions as to Fish and Game; Definitions. Amend RSA 207:1, I to read as follows:

I. **Air Rifle: A gun operated by a compressed air or nonflammable gas cylinder by which a projectile of any size or kind can be discharged or propelled.**

I-a. Angling: The taking of fish by line in hand, or rod in hand to which is attached a cast of artificial flies, or an artificial bait, or hooks or other devices for the attachment of bait. A person may have in use not more than 2 such lines at one time. Nothing in this title shall prohibit the use of a rod-holder in a boat.

4 New Paragraph; General Provisions as to Fish and Game; Definitions. Amend RSA 207:1 by inserting after paragraph V the following new paragraph:

V-a. “Firearm” means any weapon, including a starter gun, which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.

5 New Paragraph; General Provisions as to Fish and Game; Definitions. Amend RSA 207:1 by inserting after paragraph XIV the following new paragraph:

XIV-a. “Loaded” shall mean a round in the chamber fully dischargeable by pulling the trigger.

6 General Provisions as to Fish and Game; Lawful Methods of Taking. Amend RSA 207:3, I to read as follows:

I. Wildlife shall be taken in the daytime between 1/2 hour before sunrise and 1/2 hour after sunset with a gun, **firearm, muzzleloader, or air rifle**, fired at arm’s length, or bow and arrow **or crossbow**, unless otherwise specifically permitted.

7 Hunting From Motor Vehicle, OHRV, Snowmobile, Boat, or Aircraft. Amend RSA 207:7, II-IV to read as follows:

II. No person shall ~~have or~~ carry, in or on a motor vehicle, OHRV, snowmobile, or aircraft, ~~whether when moving or stationary~~, a cocked crossbow, a loaded rifle or loaded shotgun, ~~or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun~~ **except a person or a person’s agent while in the act of protecting his or her interest in their livestock or crops. Such person or the person’s agent may carry a loaded rifle or shotgun while traveling through or between farming or agricultural areas while in the course of protecting his or her interest in their livestock or crops.**

III. No person shall have in or on a boat or other craft while being propelled by mechanical power, or in a boat or other craft being towed by a boat or other craft propelled by mechanical power, a cocked crossbow, a loaded rifle or loaded shotgun~~, or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun~~.

IV. The provisions of this section shall not apply to law enforcement officers carrying guns **or firearms** in the line of duty.

8 Game Animals; Bow and Arrow. Amend RSA 208:5, V to read as follows:

V. The licensee shall ~~not~~ be entitled to carry ~~any~~ firearms while hunting under the provisions of this section, unless such licensee ~~also possesses a valid firearms hunting license or a valid license to carry firearms issued pursuant to RSA 159~~ **is prohibited by state or federal law from carrying a firearm.**

9 Hunting, Fishing, Trapping; Refusing Licenses. Amend RSA 214:17 to read as follows:

214:17 Refusing Licenses; Appeal. The executive director and his agents shall refuse to issue any license to hunt if it appears that the applicant is ~~not a suitable person to carry firearms~~ **prohibited by state or federal law from carrying a firearm**. Any person who has been refused a license by an agent shall have the right of appeal to the executive director, whose decision, given after hearing, shall ~~be final~~ **not be reviewable for a period of one year from the date of the refusal**. Any attempt to secure a license from another agency, after having been refused by an agency and before appealing to the executive director, and any attempt to secure a license from any source in the same year that the executive director, on appeal, has decided that the applicant is ~~not a suitable person to carry firearms~~ **prohibited by state or federal law from carrying a firearm**, shall be a violation of the provisions of this chapter.

10 Obstructing Governmental Operations; Taking a Firearm From a Law Enforcement Officer. Amend RSA 642:3-a, V(a) to read as follows:

(a) “Firearm” ~~has the meaning given that term in section 921 of Title 18 of the United States Code~~ **means any weapon, including a starter gun, which will, is designed to, or may be readily converted to expel a projectile by the action of an explosive.**

11 Repeal. RSA 214:18, relative to the executive director’s authority to suspend or revoke the license of a physically or mentally improper or incompetent person, is repealed.

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

2018-0966s

AMENDED ANALYSIS

This bill amends the definition of firearm in certain statutes. The bill also removes the prohibition on carrying a loaded rifle or shotgun in or on a stationary motor vehicle, OHRV, snowmobile, or aircraft. The bill also defines air rifle for the purpose of the fish and game laws.

The bill also allows the taking of wildlife with a muzzleloader, crossbow, or air rifle.

Senate Education
 March 6, 2018
 2018-0962s
 05/06

Amendment to SB 526-FN

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

AN ACT relative to school food and nutrition programs.

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

1 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, I to read as follows:

I. Each school board shall make [a] **at least one** meal available during school hours to every pupil under its jurisdiction. Such meals shall be served without cost or at a reduced cost to any ~~[needy]~~ child who ~~[is unable to pay the full cost of said meals]~~ **meets federal income eligibility guidelines**. The state board of education shall insure compliance with this section and shall establish minimum nutritional standards for such meals and shall further establish income guidelines setting forth the minimum family size annual income levels to be used in determining eligibility for free and reduced price meals. Nothing in this section shall prohibit the operation of both a breakfast and lunch program in the same school. Further any requirement of this section which conflicts with any federal statute or regulation may be waived by the state board of education.

2 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, VII(b) to read as follows:

(b) Such school which demonstrates to the department of education that an approved school wellness policy, as required under the Child Nutrition and WIC Reauthorization Act of 2004, is in effect, and that such school is providing breakfast meals to pupils that meet or exceed the United States Department of Agriculture's child nutrition criteria may apply for and receive a 3 cent reimbursement for each breakfast meal served to a pupil. The department of education shall request biennial appropriations in an amount sufficient to meet projected school breakfast reimbursements. The department of education shall prescribe forms as necessary under this paragraph. ***In addition to the \$.03 state reimbursement for each breakfast served to all pupils, the department of education shall request biennial appropriations equal to the difference between the reduced and free federal reimbursement rate for breakfast so that pupils otherwise eligible for reduced price meals have access to breakfast at no cost.***

3 Applicability. For the fiscal year ending June 30, 2019, the amount required under section 2 of this act to provide breakfast at no cost to pupils otherwise eligible for reduced price meals shall be drawn from funds appropriated to the department of education in 2017, 155.

4 Effective Date. This act shall take effect July 1, 2018.

2018-0962s

AMENDED ANALYSIS

This bill requires schools to make at least one free or reduced cost meal available to children who meet federal eligibility guidelines. The bill also directs the department of education to request an appropriation sufficient to provide a free breakfast to students eligible for reduced cost meals.

Senate Executive Departments and Administration
 March 7, 2018
 2018-0997s
 10/08

Amendment to SB 532-FN

Amend the bill by replacing section 1 with the following:

1 New Section; Department of Corrections; Officials; Status in Retirement System. Amend RSA 21-H by inserting after section 8-a the following new section:

21-H:8-b Status in Retirement System. For purposes of classification under RSA 100-A, any person who is or becomes the director of professional standards, the director of community corrections, the director of security and training, the director of field services, or the director of medical and psychiatric services, shall be included in the definition of correctional line personnel, as defined in RSA 100-A:1, VII under the retirement system, if such person was a group II member for at least 10 years prior to appointment in his or her position and shall remain in group II status for the duration of service in that position with the department.

Senate Finance
 March 6, 2018
 2018-0979s
 05/03

Amendment to SB 533-FN

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 2019.

Senate Finance
 March 6, 2018
 2018-0980s
 06/10

Amendment to SB 540-FN

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

1 Definitions; Average Daily Membership in Attendance. Amend RSA 198:38, I(a) to read as follows:

I.(a) "Average daily membership in attendance" or "ADMA" means the average daily membership in attendance, as defined in RSA 189:1-d, III, of pupils in kindergarten through grade 12, in the determination year, provided that no kindergarten pupil shall count as more than 1/2 day attendance per school year ***except in school districts where the kindergarten pupil is attending a full-day school district operated kindergarten program.*** ADMA shall only include pupils who are legal residents of New Hampshire pursuant to RSA 193:12 and educated at school district expense which may include public academies or out-of-district placements, ***or in the case of kindergarten programs only during fiscal years 2019 and 2020, a combination of school district expense and private payments.*** For the purpose of calculating funding for municipalities, the ADMA shall not include pupils attending chartered public schools, but shall include pupils attending a charter conversion school approved by the school district in which the pupil resides.

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

2018-0980s

AMENDED ANALYSIS

This bill modifies the definition of "average daily membership in attendance" to include full-day kindergarten and provide for certain private payments.

Health and Human Services
 March 6, 2018
 2018-0986s
 01/04

Amendment to SB 546-FN

Amend the bill by replacing section 2 with the following:

2 Purchasing Alliances; Qualified Purchasing Alliance. Amend the introductory paragraph and paragraph I of RSA 420-M:13 to read as follows:

A purchasing alliance that has a minimum of [3,000] **250** enrollees may elect to obtain certification from the commissioner as a qualified purchasing alliance. To obtain certification, a purchasing alliance shall demonstrate:

I. Either that membership in the alliance is open to all employers without discrimination or that the alliance has established membership criteria that limit membership in the alliance to ~~[employers that are]~~ members of ~~[or affiliated with]~~ an association, trade group, or other entity that has been in existence for at least 10 years and was established and maintained for purposes other than the provision of health coverage; and

Health and Human Services
 March 6, 2018
 2018-0987s
 01/04

Amendment to SB 548-FN

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

AN ACT relative to therapeutic intervention needs of infants diagnosed with neonatal abstinence syndrome and making an appropriation therefor.

Amend the introductory paragraph of paragraph I as inserted by section 1 of the bill by replacing it with the following:

I. The commissioner of the department of health and human services shall establish a 3-year pilot program in 4 geographically dispersed areas in New Hampshire that provides therapeutic intervention to infants diagnosed with neonatal abstinence syndrome (NAS) and their families and caregivers. The program shall:

Amend paragraph V as inserted by section 1 of the bill by replacing it with the following:

V. The commissioner shall make an interim report relative to the progression of the program on or before November 1, 2019 and a final report on or before November 1, 2020, together with any recommendations for legislation, to the president of the senate, the speaker of the house of representatives, and the governor.

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

3 Appropriation. The sum of \$589,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of health and human services for the purposes of this act. This appropriation shall be in addition to any other moneys appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date.

I. Section 2 of this act shall take effect November 1, 2020.

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

2018-0987s

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to establish a 3-year pilot program that provides therapeutic intervention to infants diagnosed with neonatal abstinence syndrome.

This bill makes an appropriation for the purposes of the bill.

Senate Judiciary

March 6, 2018

2018-0971s

01/04

Amendment to SB 555-FN-A

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

3 New Sections; Citizens' Right-to-Know Appeals Commission; Office of the Ombudsman; Complaint Process; Appeals. Amend RSA 91-A by inserting after section 7 the following new sections:

91-A:7-a Citizens' Right-to-Know Appeals Commission Established. There is established a commission to provide oversight for an alternative right-to-know complaint resolution process.

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

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

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

(c) A member, appointed by the chief justice of the supreme court.

(d) The secretary of state, or designee.

(e) A representative of Right to Know NH, appointed by that organization.

(f) Ten citizen members, one from each county, no more than 4 of whom shall be current, local, county, state or federal employees or currently serving in any elected or appointed capacity with any political subdivision, public agency or public institution; and 10 alternate members, one from each county, no more than 4 of whom shall be current local, county, state, or federal employees or currently serving in any elected or appointed capacity with any political subdivision public agency or public institution; all appointed by the governor with advice and consent of the council.

II. The members of the commission shall serve without compensation, but shall be reimbursed for necessary travel and other necessary expenses. Legislative members shall receive mileage at the legislative rate when attending to the duties of the commission.

III. Legislative members of the commission shall serve a term coterminous with their term in office. The members appointed under subparagraph I(g) shall serve for a term of 3 years, except that the initial appointment of such members shall be for staggered terms of one, 2, and 3 years. No member shall serve more than 3 consecutive terms. No member under subparagraph I(g) shall be a current lobbyist or an attorney for any entity subject to this chapter, or an attorney for any organization representing the interests of such entity. Nor shall any such member be employed by any such lobbyist or attorney. The member appointed under subparagraph I(d) shall recuse himself or herself from any court proceedings involving appeals under this chapter. The members appointed under subparagraphs I (c)-(f) shall be advisory only members who shall advise the voting members on questions of law and existing policy governing RSA 91-A.

IV. The commission shall:

(a) Establish rules of procedure, pursuant to RSA 541-A, to accomplish the mission of the commission to make resolution of complaints under this chapter fast, easy, and inexpensive.

(b) Make recommendations to the legislature concerning proposed changes to this chapter.

(c) Create, and update annually, educational materials relative to this chapter.

V. The members of the commission shall elect a chairperson and a vice chairperson annually from among the voting members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven voting members of the commission shall constitute a quorum.

VI. The commission shall be administratively attached to the department of state.

VII. Beginning November 1, 2019, and each November 1 thereafter, the commission shall submit an annual report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, and the governor. The report shall also include the total number of complaints received, the number of complaints received concerning public records and public meetings, the number of complaints received concerning state and county agencies, municipalities, school administrative units, and other public entities, the number of complaints in which a ruling was rendered by the ombudsman, the number of violations of each provision of this chapter found by the ombudsman, and the number of ombudsman rulings that were appealed to the superior court, including whether the appeal was from a complainant or a public agency or official, and whether the ombudsman's ruling was sustained before the superior court.

91-A:7-b Office Established. There is hereby established the office of the right-to-know ombudsman to be administratively attached to the department of state under RSA 21-G:10. The ombudsman shall be appointed by the governor and council, after consultation with the commission, and shall have the following minimum qualifications:

I. Be a member of the New Hampshire bar.

II. Have a minimum of 10 years full-time practice of law in any jurisdiction.

III. Be experienced with and knowledgeable of the provisions of this chapter, the federal Freedom of Information Act, and other states laws regarding right-to-know.

IV. Complete a minimum of 3 hours of continuing legal education courses or other training relevant to the provisions of this chapter.

91-A:7-c Complaint Process.

I. Any party aggrieved by a violation of this chapter shall have the option to either petition the superior court or file a signed, written complaint with the office of the ombudsman, established under RSA 91-A:7-b. Any signed, written complaint filed with the ombudsman shall attach, if applicable, the request served on the public agency or official and the written response of the public agency or official. The complaint shall be deemed sufficient if it states facts constituting a violation of this chapter.

II. Once a complaint has been filed and provided by the ombudsman to the public body or public agency, the public body or public agency shall have 20 calendar days to submit an acknowledgment of the complaint

and an answer to the complaint, which shall include applicable law and, if applicable, a justification for any refusal to or delay in producing the requested information. This 20-day deadline may be extended to a reasonable time frame by the ombudsman for good cause.

III. In reviewing complaints filed with the ombudsman, the ombudsman shall be authorized to:

(a) Compel timely delivery of records within a reasonable time, regardless of medium, and conduct a confidential in-camera review of records where the ombudsman concludes that it is necessary and appropriate under the law.

(b) Compel interviews with the parties.

(c) Order attendance at hearings within a reasonable time if the ombudsman determines that a hearing is necessary.

(d) Issue findings in writing to all parties.

(e) Order a public body or public agency to disclose requested records within a reasonable time, provide access to meetings, or otherwise comply with the provisions of this chapter, subject to appeal.

(f) Make any finding and order any other remedy to the same extent as provided by the court under RSA 91-A:8.

IV. The ombudsman may draw negative inferences from a party's failure to participate and comply with orders during the review process.

V. In implementing the provisions of this section, the ombudsman shall follow the procedures established by the commission.

VI. The ombudsman shall determine whether there have been any violations of this chapter and issue a ruling within 30 calendar days following receipt of the parties' submissions. This 30-day deadline may be extended to a reasonable time frame by the ombudsman for good cause. The ombudsman may also expedite resolution of the complaint upon a showing of good cause. Rulings on expedited complaints shall be issued within 10 business days, or sooner where necessary.

VII. The ombudsman shall, where necessary and appropriate under the law, access governmental records in camera that a public body or public agency believes are exempt in order to make a ruling concerning whether the public body or public agency shall release the records or portions thereof to the public. The ombudsman shall maintain the confidentiality of records provided to the ombudsman by a public body or public agency under this section and shall return the records to the public body or public agency when the ombudsman's review is complete. All records submitted to the ombudsman for in camera review shall be exempt from the public disclosure provisions of RSA 91-A.

VIII. Nothing in this section shall affect the ability of a person to seek relief in superior court under RSA 91-A:7, I in lieu of this process.

91-A:7-d Appeal and Enforcement.

I. Any party may appeal the ombudsman's final ruling to the superior court by filing a notice of appeal in superior court no more than 30 calendar days after the ombudsman's ruling is issued. The ombudsman's ruling shall be attached to the document initiating the appeal, admitted as a full exhibit by the superior court, considered by the judge during deliberations, and specifically addressed in the court's written order. Citizen-initiated appeals shall have no filing fee or surcharge. The public body or public agency shall pay the sheriff's service costs if the public body or public agency, or its attorney, declines to accept service. Nothing in this section shall prevent a superior court from staying an ombudsman's decision pending appeal to the superior court.

II. A superior court appeal of the ombudsman's ruling shall review the ruling de novo.

III. If the ombudsman's final ruling is not appealed, the ombudsman shall, after the deadline has passed, follow up with all parties, as required, to verify compliance with rulings issued.

IV. The ombudsman's final rulings which are not appealed may be registered in the superior court as judgments and enforceable through contempt of court. If such action is necessary to enforce compliance, all costs and fees, including reasonable attorney fees, shall be paid by the noncompliant public body or public agency.

91-A:7-e Rulemaking. The commission, in consultation with the secretary of state, shall adopt rules pursuant to RSA 541-A relative to:

I. Establishing procedures to streamline the process of resolving complaints under this chapter.

II. Content of educational materials under RSA 91-A:7-a.

III. Other matters necessary to the proper administration of RSA 91-A:7-a through RSA 91-A:7-d.

4 Appropriation. The sum of \$48,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of state for the purpose of compensating the position of ombudsman established in RSA 91-A:7-b as inserted by section 3 of this act. This appropriation is in addition to any other funds appropriated to the department of state. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date.

I. Sections 1 and 4 of this act and, RSA 91-A:7-a and RSA 91-A:7-e as inserted by section 3 of this act shall take effect July 1, 2018.

II. The remainder of this act shall take effect April 1, 2019.

Senate Judiciary

March 6, 2018

2018-0958s

04/01

Amendment to SB 556-FN

Amend RSA 597:2, III(a) and the introductory paragraph of RSA 597:2, III(b) as inserted by section 2 of the bill by replacing them with the following:

III.(a) The court shall order the pre-arraignment or pretrial release of the person on his or her personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, or cash or corporate surety bail, subject to the condition that the person not commit a crime during the period of his or her release, and subject to such further condition or combination of conditions that the court may require unless the court determines by a preponderance of the evidence that such release will not reasonably assure the appearance of the person as required. A person who the court determines to be a danger to the safety of that person or the public shall be governed by the provisions of paragraph IV, except that such dangerousness determination shall not be based solely on evidence of drug or alcohol addiction or homelessness.

(b) In determining the amount of the unsecured appearance bond or cash or corporate surety bail under subparagraph II(a), if any, the court:

Amend RSA 597:2, IX as inserted by section 2 of the bill by replacing it with the following:

IX. Upon the appearance of a person charged with a class A or class B misdemeanor, the court shall issue an order that, pending arraignment, the person be released on his or her personal recognizance, unless the court determines pursuant to paragraph IV that such release will endanger the safety of the person or the public. The court shall appoint an attorney to represent any indigent person charged with a class B misdemeanor denied release for the purpose of representing such person at any detention hearing.

Amend the bill by replacing section 6 with the following:

6 Annulment of Criminal Records. Amend RSA 651:5, III(a) and (b) to read as follows:

(a)(1) For a violation *with a conviction date prior to January 1, 2019 or a violation with a conviction date on or after January 1, 2019 that was not the highest offense of conviction*, one year, unless the underlying conviction was for an offense specified under RSA 259:39.

(2) *For a violation with a conviction date on or after January 1, 2019 where the violation was the highest offense of conviction, unless the underlying conviction was for an offense specified under RSA 259:39, or another violation for which there is an enhanced penalty for a subsequent conviction, after the person has completed all the terms and conditions of the sentence. If the court determines the conviction is eligible for annulment, the court shall submit a notice of its determination to the person convicted of the offense and to the prosecutor. The prosecutor shall have 20 days from the date of receipt of the notice to object to the annulment on the ground that the offense*

is not eligible for annulment or that the person has not completed all the terms and conditions of the sentence. If the prosecutor fails to timely object or the court denies the prosecutor's objection, the court shall annul the conviction.

(b)(1) For a class B misdemeanor *with a conviction date prior to January 1, 2019 or a class B misdemeanor with a conviction date on or after January 1, 2019 that was not the highest offense of conviction*, except as provided in subparagraphs (f) and (h), 2 years.

(2) *For a class B misdemeanor with a conviction date on or after January 1, 2019 where the class B misdemeanor was the highest offense of conviction, except as provided in subparagraphs (f) and (h), 2 years after the person has completed all the terms and conditions of the sentence. If the court determines that a class B misdemeanor is eligible for annulment after 2 years, the court shall submit a notice of its determination to the person convicted of the offense and to the prosecutor. The prosecutor shall have 20 days from the date of receipt of the notice to object to the annulment on the ground that the offense is not eligible for annulment or that the person has not completed all the terms and conditions of the sentence. If the prosecutor fails to timely object or the court denies the prosecutor's objection, the court shall annul the conviction.*

Amend the bill by inserting after section 8 the following and renumbering the original section 9 to read as 11:

9 Annulment of Criminal Records. Amend RSA 651:5, III(d)-(e) to read as follows:

(d) For a class B felony except as provided in [subparagraph] **subparagraphs (g) and (i)**, 5 years.

(e) For a class A felony, **except as provided in subparagraph (i)**, 10 years.

10 Annulment of Criminal Records. Amend RSA 651:5, III(i) to read as follows:

(i) For a class A misdemeanor **or felony offense** under RSA 318-B:26, II[(d) or (e)], 2 years.

Senate Judiciary

March 6, 2018

2018-0967s

03/04

Amendment to SB 557-FN

Amend RSA 679:7 as inserted by section 1 of the bill by replacing it with the following:

679:7 Jurisdiction; Court Appeals.

I. In matters within its authority the board shall have concurrent, appellate jurisdiction with the superior court. An election by an applicant to bring an action before the board shall be deemed a waiver of any right to bring an action in the superior court; as such, the board shall retain jurisdiction of any matter originally brought before it.

II. In an appeal of a local decision on housing or housing development, any claim that is within the board's authority under RSA 679:5 and that has previously been or is subsequently included in an appeal in superior court by abutters or any other aggrieved or injured party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15 shall automatically be stayed by the court to provide the party with standing the opportunity to intervene in the matter before the board. If intervenor status is granted, the stay of the court action regarding those claims shall continue during the pendency of the appeal to the board. After the board has decided the appeal, the court shall dismiss the matter before it to the extent the matter has been resolved by the board. Any claim included in an appeal to superior court that is not within the board's authority shall not be subject to automatic stay by the court.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 2019.

Senate Ways and Means

March 7, 2018

2018-1005s

10/05

Amendment to SB 564-FN-A

Amend RSA 77-A:5-c, II as inserted by section 6 of the bill by replacing it with the following:

II. The election to be a qualified regenerative manufacturing company shall expire on the last day of the taxable period of the business organization that includes December 31, 2028. No subsequent election may be made after the expiration of an election, with respect to either the business organization or the active regenerative manufacturing business conducted by such business organization or any successor business organization.

2018-1005s

AMENDED ANALYSIS

This bill establishes exemptions from the business profits tax and the business enterprise tax for qualified regenerative manufacturing businesses. The bill also provides for a workforce development program for such businesses administered by the business finance authority.

Commerce
March 6, 2018
2018-0982s
08/03

Amendment to SB 566-FN

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

AN ACT establishing a commission to study the school bus driver shortage.

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

1 New Section; Commission to Study the School Bus Driver Shortage. Amend RSA 189 by inserting after section 6-c the following new section:

189:6-d Commission to Study the School Bus Driver Shortage.

I. The general court finds that the shortage of school bus drivers in places like Northwood creates a significant burden on our school districts and our families. Later school start times and an inability to transport students to extracurricular activities adversely effect the education of our students. There is hereby established a commission to study the school bus driver shortage.

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, one of whom shall be from the labor, industrial and rehabilitative services committee and one of whom shall be from the education committee, appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of employment security, or designee.
- (d) The director of division of motor vehicles, department of safety, or designee.
- (e) The commissioner of the department of education, or designee.
- (f) Two members of the New Hampshire School Transportation Association, appointed by the association.
- (g) Two school bus drivers who are affiliated members of a labor organization, appointed by the labor organization's local union.

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

IV. The commission shall study the effect of bus driver shortages on school districts, the effect of search for work requirements for bus drivers collecting unemployment, and the effect of search for work requirements on seasonal employees.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Five members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2018.

2 Repeal. RSA 189:6-d, relative to the commission to study the school bus driver shortage, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2018.

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

2018-0982s

AMENDED ANALYSIS

This bill establishes a commission to study the shortage of school bus drivers.

Senate Education

March 6, 2018

2018-0965s

06/04

Amendment to SB 568-FN

Amend RSA 189:13-a, I as inserted by section 1 of the bill by replacing it with the following:

I.(a) The ~~[employing]~~ school administrative unit, school district, ~~[or]~~ chartered public school, **or public academy** shall complete a criminal history records check on every selected applicant for employment **or designated volunteer** in any position ~~[in]~~ **within** the school administrative unit, school district, ~~[or]~~ chartered public school, **or public academy** prior to a final offer of employment **or the acceptance of volunteer services from a designated volunteer. A school administrative unit, school district, chartered public school, or public academy approved by the New Hampshire state board of education shall submit a criminal history records check on applicants for employment pursuant to this section to the division of state police.** ~~[A public academy approved by the New Hampshire state board of education shall submit a criminal history records check on applicants for employment pursuant to this section to the division of state police.]~~ The superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy may extend a conditional offer of employment to a selected applicant, with a final offer of employment subject to a successfully completed criminal history records check. No selected applicant may be extended a final offer of employment unless the school administrative unit, school district, chartered public school, or public academy has completed a criminal history records check. The school administrative unit, school district, chartered public school, or public academy shall not be held liable in any lawsuit alleging that the extension of a conditional or final offer of employment to an applicant, or the acceptance of volunteer services from a designated volunteer, with a criminal history was in any way negligent or deficient, if the school administrative unit, school district, chartered public school, or public academy fulfilled the requirements of this section.

(b) A nonpublic school may elect to require a criminal history records check on selected applicants for employment or selected volunteers. A nonpublic school that elects to conduct a criminal history records check shall comply with the procedures and requirements set forth in this section. **A school administrative unit, school district, chartered public school, or public academy approved by the New Hampshire state board of education shall submit a criminal history records check on applicants for employment pursuant to this section to the division of state police.**

(c) If a selected applicant for employment has been credentialed within the previous 12 months and had a criminal background check completed pursuant to paragraph II-a, no such background check shall be required for employment by the school administrative unit, school district, chartered public school, or public academy.

Amend RSA 189:13-a, V as inserted by section 1 of the bill by replacing it with the following:

V. Any person who has been charged pending disposition for or convicted of any violation or attempted violation of RSA **318-B:2, controlled drug act;** 630:1, **capital murder;** 630:1-a, **first degree murder;** 630:1-b, **second degree murder;** 630:2, **manslaughter;** **631:1, first degree assault;** **631:2, second degree assault;** **631:2-b, domestic violence;** 632-A:2, **aggravated felonious sexual assault;** 632-A:3, **felonious sexual assault;** 632-A:4, **sexual assault;** 633:1, **kidnapping;** **634:1, arson;** 639:2, **incest;** 639:3, **endangering welfare of child or incompetent;** 645:1, II or III, **indecent exposure and lewdness;** 645:2, **prostitution and related offenses;** 649-A:3, **possession of child sexual abuse images;** 649-A:3-a, **distribution of child sexual abuse images;** 649-A:3-b, **manufacture of child sexual abuse images;** 649-B:3, **computer pornography;** or 649-B:4, **certain uses of computer services;** or any violation or any attempted violation of RSA 650:2, **obscenity**, where the act involves a child in material deemed obscene; in this state, or under

any statute prohibiting the same conduct in another state, territory, or possession of the United States, shall not be hired by a school administrative unit, school district, chartered public school, or public academy. The superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy may deny a selected applicant a final offer of employment if such person has been convicted of any crime, misdemeanor or felony, in addition to those listed above. The governing body of a school district, chartered public school, or public academy shall adopt a policy relative to hiring practices based on the results of the criminal history records check and report of misdemeanors and felonies received under paragraph II. Such policy may include language stating that any person who has been convicted of any misdemeanor, or any of a list of misdemeanors, may not be hired. Such policy may also include language stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.

Amend RSA 189:13-a, IX(a) as inserted by section 1 of the bill by replacing it with the following:

IX.(a) Substitute teachers and other educational staff, not otherwise addressed in this section, shall apply for a criminal history records check at the employing school administrative unit, school district, chartered public school, or public academy. The division of state police shall complete the criminal history records check, as established in paragraph II, and, upon completion, shall ~~issue a report to the applicant. The report shall be valid for 30 days from the date of issuance and shall constitute satisfactory proof of compliance with this section]~~ ***issue the applicant's record to the employing school district. The employing school district may, at the request of the substitute teachers or other educational staff not otherwise addressed in this section and for the same purpose as originally submitted, share the results with other school districts within 45 days of receiving said results.***

Health and Human Services
March 6, 2018
2018-0976s
01/08

Amendment to SB 581-FN

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

AN ACT relative to compounding of drugs.

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

1 Pharmacists and Pharmacies; Definitions. Amend RSA 318:1, III-a to read as follows:

III-a. "Compounding" means the preparation, mixing, assembling, packaging or labeling of a drug or device as a result of a practitioner's prescription drug order or initiative based on the pharmacist-patient-prescriber relationship in the course of professional practice or, for the purpose of, or as an incident, to research, teaching, or chemical analysis, but not selling or dispensing. "Compounding" also includes the preparation of drugs or devices in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns. "Compounding" shall not include the reconstitution of powdered formulations before dispensing or the addition of flavoring. ***"Compounding" shall not include the simple addition of flavoring, nor shall it include the preparation of a single dose of a non-hazardous commercially available drug or licensed biologic for immediate administration to an individual patient when done in accordance with the manufacturer's approved labeling or instructions consistent with that labeling.***

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

2018-0976s

AMENDED ANALYSIS

This bill amends the definition of compounding for the purposes of the law regulating pharmacists and pharmacies until July 1, 2020.

Health and Human Services
March 6, 2018
2018-0990s
01/05

Amendment to SB 582-FN

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

AN ACT authorizing an assessment to determine appropriate caseload and workload standards for the division for children, youth and families; establishing additional child protection services positions in the division for children, youth and families; relative to foster care and adoption programs and services; and making appropriations therefor.

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

1 Department of Health and Human Services; Division for Children, Youth and Families; Assessment to Determine Appropriate Caseload and Workload Standards for Child Protection Staff. The commissioner of the department of health and human services shall conduct an assessment to determine appropriate caseload and/or workload standards for the department's division for children, youth and families' child protection staff that are consistent with the goals of the agency's practice model and that will enable the agency to fulfill its statutory mission to protect children from abuse and neglect. In conducting the assessment, the department may solicit information from experts, community stakeholders, and national leaders, and shall consider caseload trends and the impact of caseloads and workloads on recruitment and retention and the supervision and training of department staff. On or before January 1, 2019, the department shall report the findings of its assessment, along with the department's recommendations for establishing and maintaining appropriate caseload and/or workload standards and the department's estimate of the cost to implement those recommendations, to the house health, human services and elderly affairs committee and senate health and human services committee and the house and senate finance committees.

2 Department of Health and Human Services; Appropriation; Assessment. For the fiscal year ending June 30, 2019, the sum of \$100,000 is hereby appropriated to the department of health and human services for the purpose of conducting the assessment under section 1 of this act. This appropriation is in addition to any other funds appropriated to the department. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Department of Health and Human Services; Division for Children Youth and Families; Classified Positions Established. The following classified positions are hereby established in the department of health and human services, division for children, youth and families:

I. Thirteen child protection social worker I positions, at labor grade 18.

II. Two supervisor IV positions, at labor grade 25.

4 Department of Health and Human Services; Appropriation; Positions. For the fiscal year ending June 30, 2019, the sum of \$1,100,000 is hereby appropriated to the department of health and human services for the purpose of funding the positions established in section 3 of this act. This appropriation is in addition to any other funds appropriated to the department. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Department of Health and Human Services; Appropriation; Foster Care and Adoption Programs and Services. The sum of \$1,100,000 for the fiscal year ending June 30, 2019, is hereby appropriated to the department of health and human services for the purpose of funding foster care and adoption programs and services pursuant to RSA 170-G:3. This appropriation is in addition to any other funds appropriated to the department. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Department of Health and Human Services; Transfer of Funds; Foster Care Rate Increases. The department of health and human services may transfer up to \$429,000 of existing general fund appropriations in the fiscal year ending June 30, 2019, from account 05-95-47-470010-7948, Medicaid Care Management, to account 05-95-42-421010-2958, Child Family Services, for the purpose of funding foster care rate increases. This transfer shall not require prior approval of the fiscal committee of the general court, nor shall fiscal committee approval be required for the department to accept any federal matching funds for the purposes of this section.

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

2018-0990s

AMENDED ANALYSIS

This bill:

I. Directs the department of health and human services to conduct an assessment to determine appropriate caseload and workload standards for child protection staff and makes an appropriation for such purpose.

II. Makes appropriations to the department of health and human services for additional child protection staff, and for foster care and adoption programs and services.

III. Authorizes the department of health and human services to transfer certain funds for the purpose of funding foster care rate increases.

Senate Executive Departments and Administration
March 7, 2018
2018-0994s
01/04

Amendment to SB 588-FN

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

AN ACT relative to inspections of laboratories and relative to loans for lead hazard remediation projects.

Amend the bill by replacing all after section 1 with the following:

2 Loans for Lead Hazard Remediation Projects. RSA 130-A:15-a, IV is repealed and reenacted to read as follows:

IV. The department shall adopt rules, pursuant to RSA 541-A, to establish the eligibility criteria, application process, and maximum loan amounts pursuant to this section. The rules shall also include a requirement that the lender record a lien for the full amount of the loan at the time the loan is issued for any property under this section. The lien shall be in the name of the lender and the state of New Hampshire. The lender shall service the loan in accordance with its standard practices. If the borrower fails to pay the loan as required by the loan documents, the lender shall mail a written notice of default to the borrower at his or her last known address, with a copy to the department. If the default is not cured, the lender may foreclose the lien in accordance with terms of the loan documents and state law. To the extent that the foreclosure proceeds do not cover at least 80 percent of the unpaid principal balance plus interest and reasonable collection expenses as provided under RSA 130-A:15-a, I, the lender may apply to the state for payment of the guaranty for any such deficiency. The state shall pay the guaranty in accordance with the terms of the loan guaranty program.

3 Contingency. Section 2 of this act shall take effect at 12:01 a.m. on the effective date of RSA 130-A:15-a as inserted by section 7 of SB 247-FN-A of the 2018 regular legislative session. If SB 247-FN-A does not become law, section 2 of this act shall not take effect.

4 Effective Date.

I. Section 2 of this act shall take effect as provided in section 3 of this act.

II. The remainder of this act shall take effect July 1, 2018.

2018-0994s

AMENDED ANALYSIS

This bill declares that laboratories certified under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) shall be deemed licensed for purposes of the residential care and health facility license law.

This bill also clarifies the loan terms of the loans for lead hazard remediation projects.

Health and Human Services
March 6, 2018
2018-0991s
05/01

Amendment to SB 590-FN-A

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

AN ACT making a supplemental appropriation to the state loan repayment program and relative to emergency involuntary admissions, the child protection act, and the developmental disabilities wait list and making appropriations therefor.

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

1 New Paragraph; Mental Health Services System; Definitions. Amend RSA 135-C:2 by inserting after paragraph XV the following new paragraph:

XV-a. “Transitional housing program services” means a residential program that provides housing and support services to persons with serious and persistent mental illness through a contract with the department of health and human services.

2 Involuntary Emergency Admissions; Examination. Amend RSA 135-C:28, I to read as follows:

I. The involuntary emergency admission of a person shall be to the state mental health services system under the supervision of the commissioner. The admission may be ordered upon the certificate of a physician or APRN, as defined in RSA 135-C:2, II-a, who is approved by either a designated receiving facility or a community mental health program approved by the commissioner, provided that within 3 days of the completion of the petition the physician or APRN has conducted, or has caused to be conducted, a physical examination if indicated and circumstances permit, and a mental examination. The physician or APRN must find that the person to be admitted meets the criteria of RSA 135-C:27. The certificate shall state the time and, in detail, the nature of the examinations conducted. The certificate shall also state a specific act or actions the physician or APRN has actually observed or which have been reported to him or her by the petitioner or a reliable witness who shall be identified in the certificate, and which in the physician’s or APRN’s opinion satisfy the criteria set forth in RSA 135-C:27. The physician or APRN shall ~~[identify in the certificate the facility in the state mental health services system to which the person shall be admitted]~~ **inform the person of the specific designated receiving facility in the mental health services system that he or she will be transported to upon the facility location being identified.** The admission shall be made to the facility which can best provide the degree of security and treatment required by the person and shall be consistent with the placement principles set forth in RSA 135-C:15. As used in RSA 135-C:27-33, “petitioner” means any individual, including a physician or APRN completing a certificate, who has requested that a physician or APRN conduct or who has conducted an examination for purposes of involuntary emergency admission. Every certificate shall be accompanied by a written petition signed by a petitioner.

3 Nonemergency Involuntary Admissions; Conditions of Conditional Discharge. Amend RSA 135-C:50, III to read as follows:

III. During the term of conditional discharge, the person conditionally discharged shall be provided with continuing treatment on an out-patient basis by a community mental health program approved by the commissioner **or by transitional housing services.**

4 Nonemergency Involuntary Admissions; Revocation of Conditional Discharge. Amend the introductory paragraph of RSA 135-C:51, I to read as follows:

I. If a psychiatrist or APRN, as defined in RSA 135-C:2, II-a, at a community mental health program **or transitional housing services** providing continuing treatment on an outpatient basis to a person conditionally discharged pursuant to RSA 135-C:50, reasonably believes that:

5 Nonemergency Involuntary Admissions; Revocation of Conditional Discharge. Amend RSA 135-C:51, III to read as follows:

III. If the psychiatrist or APRN, following the examination the psychiatrist or APRN conducted or caused to be conducted of the person, finds that the person either has violated a condition of the discharge or is in such a mental condition as a result of mental illness as to create a potentially serious likelihood of danger to himself or herself or to others, he or she may temporarily revoke the conditional discharge. If the conditional discharge is temporarily revoked, the psychiatrist, or APRN, or designee, shall prepare, offer to and explain to the person a written notice, if it can be done safely without significant possibility of bodily harm, giving the reasons for the revocation and to ~~[identify the receiving facility to which the person is to be delivered]~~ **inform the person of the specific designated receiving facility in the mental health services system that he or she will be transported to upon the facility location being identified.** If this cannot be done safely, a description of the circumstances indicating such risk shall be placed in the file.

6 Guardians and Conservators; General Powers and Duties of Guardian of the Person. Amend RSA 464-A:25, I(a) to read as follows:

(a) To the extent that it is consistent with the terms of any order by a court of competent jurisdiction relating to detention or commitment of the ward, the guardian shall be entitled to custody of the ward and may establish the ward’s place of abode within or without this state. Admission to a state institution **or other designated receiving facility** shall be in accordance with the following:

(1) A guardian may admit a ward to a state institution **or other designated receiving facility** with prior approval of the probate court if, following notice and hearing, the court finds beyond a reasonable

doubt that the placement is in the ward's best interest and is the least restrictive placement available. Authorization for such admission shall not be time limited unless the court so orders. Authority to admit a ward to a state institution ***or other designated receiving facility*** with prior approval under this subparagraph shall not be subject to the limitations contained in RSA 464-A:25, I(a)(2) through (7).

(2) A guardian may admit a ward to a state institution ***or other designated receiving facility*** without prior approval of the probate court upon written certification by a physician licensed in the state of New Hampshire, or, in the case of placement in New Hampshire hospital ***or other designated receiving facility***, by a psychiatrist licensed in the state of New Hampshire, or an advanced practice registered nurse, as defined in RSA 135-C:2, II-a, that the placement is in the ward's best interest and is the least restrictive placement available. Within 36 hours, excluding days when the court is closed, of such an admission of a ward to a state institution ***or other designated receiving facility***, the guardian shall submit to the Merrimack county probate court notice of the admission and the reasons therefor, together with a copy of the certificate by the physician, psychiatrist, or advanced practice registered nurse.

(3) The Merrimack county probate court shall review the guardian's notice within 48 hours of the filing of the notice, excluding days when the court is closed, to determine whether the notice on its face appears to establish that the placement is in the ward's best interest and is the least restrictive placement available. If the court concludes that the notice is insufficient, the court shall order the immediate release of the ward from the state institution ***or other designated receiving facility***. If the court concludes that the notice is sufficient, counsel for the ward shall be appointed no later than 48 hours following the court's review of the guardian's notice, excluding days when the court is closed. Notice of the appointment shall be transmitted to the ward, to the guardian, and to counsel. Counsel's notice shall be transmitted in writing and electronically or in another manner which is likely to give actual notice of the appointment to counsel at the earliest practicable time. For purposes of proceedings regarding admissions to state institutions ***or other designated receiving facilities*** without prior court approval, the ward shall have the right to legal counsel in the same manner as provided in RSA 464-A:6. The court shall also provide the ward a notice stating that the ward has the right to appointed counsel, the right to oppose the admission by the guardian, and the right to a hearing and to present evidence at that hearing.

(4) Counsel for a ward admitted to a state institution ***or other designated receiving facility*** who has been appointed pursuant to subparagraph (3) shall deliver a written report to the court within 5 days of his or her appointment which shall declare whether the ward requests a hearing on the propriety of the admission. Unless the ward waives a hearing, counsel's report shall include a request for a hearing on behalf of the ward. A copy of counsel's report shall be sent to the ward and to the guardian. If the court does not receive a written report from counsel within 5 days of counsel's appointment, the court shall order appropriate relief, including but not limited to substitution of counsel, an order to show cause, or scheduling of a hearing on the propriety of the admission without awaiting a report from counsel.

(5) Upon receipt of a request for a hearing, the court shall schedule a hearing on the admission to a state institution ***or other designated receiving facility*** without prior approval of the probate court, at which the guardian shall have the burden of proving, beyond a reasonable doubt, that the placement is in the ward's best interest and is the least restrictive placement available. The hearing shall be held within 10 days, excluding days when the court is closed, from the date that the request is received.

(6) A guardian may not admit a ward to a state institution ***or other designated receiving facility*** for more than 60 days for any single admission or more than 90 days in any 12-month period upon certification of a physician or psychiatrist, or an advanced practice registered nurse, as defined in RSA 135-C:2, II-a, without filing a petition requesting approval of the probate court.

(7) At any time, the ward or counsel for the ward may request a hearing on the admission to a state institution ***or other designated receiving facility*** without prior approval of the probate court, at which the guardian shall have the burden of proving, beyond a reasonable doubt, that the placement is in the ward's best interest and is the least restrictive placement available. The hearing shall be held within 15 days, excluding days when the court is closed, from the date that the hearing is requested.

7 Child Protection Act; Duties of the Department of Health and Human Services. Amend RSA 169-C:34, II-a to read as follows:

II-a. The department may issue a confidential letter of concern to a person or persons responsible for the safety and welfare of the child that although there is insufficient evidence to substantiate a finding of abuse or neglect or of unfounded but with reasonable concern, the department encourages the person or persons

responsible for the safety and welfare of the child to seek family support services and provide contact information to obtain such services. ***Upon initiating an assessment, the department may offer the family ameliorative services to reduce risk and address child safety concerns.***

8 Child Protection Act; Duties of the Department of Health and Human Services. Amend RSA 169-C:34, V and V-a to read as follows:

V. Notwithstanding any other provision of law to the contrary, the department may~~[, pursuant to a voluntary service plan that is developed and provided for a minor and the minor's family by the department,]~~ offer voluntary services to families without making a determination of the person or persons ~~[apparently]~~ responsible for the abuse or neglect. The department shall adopt rules, pursuant to RSA 541-A, relative to the provision of voluntary services under this paragraph. ***The costs of voluntary services provided by the department under this paragraph shall not be subject to reimbursement under RSA 169-C:27.***

V-a. Notwithstanding any other provision of law to the contrary, the department may~~[, pursuant to a voluntary service plan that is developed and provided for the child by the department,]~~ offer voluntary services to any child who prior to his or her eighteenth birthday was found to be neglected or abused, who was in legal custody of the department as of his or her eighteenth birthday, and who is less than 21 years of age. ***The costs of voluntary services provided by the department under this paragraph shall not be subject to reimbursement under RSA 169-C:27.***

9 Child Protection Act; Liability of Expenses and Hearing on Liability. Amend RSA 169-C:27, I(a) to read as follows:

(a) Whenever an order creating liability for expenses is issued by the court under this chapter ~~[or whenever a voluntary service plan is developed and provided for a minor and the minor's family by the department,]~~ any expenses incurred for services, placements, and programs the providers of which are certified pursuant to RSA 170-G:4, XVIII, shall be payable by the department of health and human services.

10 Appropriation. The sum of \$1,500,000 dollars for the fiscal year ending June 30, 2019, is hereby appropriated to the department of health and human services for the purposes of funding voluntary services provided to children, youth and families under RSA 169-C. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

11 New Paragraph; Services for Children, Youth and Families; Incentive Funds. Amend RSA 170-G:4 by inserting after paragraph XIX the following new paragraph:

XX. Encourage cities, towns and counties to develop and maintain prevention programs, court diversion programs and alternatives to out of home placement for children, youth and families through the transfer of funds to cities, town and counties which have or are developing such programs. The transfer of funds shall be in such amounts as are appropriated by the general court for this purpose. The method of distribution shall be based on rules adopted by the commissioner pursuant to RSA 541-A. For the purposes of this paragraph, prevention programs shall include programs or activities for the prevention of child abuse and neglect as well as programs or activities for the prevention of children in need of services (CHINS) and delinquent behaviors.

12 Appropriation. The sum of \$1,500,000 dollars for the fiscal year ending June 30, 2019, is hereby appropriated to the department of health and human services for the purpose of funding community-based prevention programs and services pursuant to RSA 170-G:4, XX. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated

13 Supplemental Appropriation; State Loan Repayment Program. In addition to any other sums appropriated to accounting unit 05, 95, 90, 901010, 7965, line 073, grants-non-federal, there is hereby appropriated the sum of \$1,100,000 for the fiscal year ending June 30, 2019 for the state loan repayment program. The department may exceed this amount if new federal funds become available to the program. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

14 New Section; Protection for Maternity and Infancy. Amend RSA 132 by inserting after section 10-d the following new section:

132:10-e Home Visiting Program. The New Hampshire home visiting program shall be available to Medicaid eligible families without restriction.

15 New Section; Rescission of Involuntary Admission. Amend RSA 135-C by inserting after section 29 the following new section:

135-C:29-a Rescission of Involuntary Admission.

I. Following completion of an involuntary emergency admission certificate under RSA 135-C:28 and before custody of the person is accepted by a law enforcement officer pursuant to RSA 135-C:29, the certificate may be rescinded and the person who is the subject of the certificate released in any of the following circumstances:

(a) A mobile crisis team under contract with the department of health and human services accepts transfer of the person's care.

(b) An assertive community treatment team operated by a community mental health program accepts transfer of the person's care.

(c) A community-based provider accepts transfer of the person's care.

II. Following completion of an involuntary emergency admission certificate under RSA 135-C:28 and before custody of the person is accepted by a law enforcement officer pursuant to RSA 135-C:29, the certificate shall be rescinded and the person who is the subject of the certificate released if the physician or APRN who completed the certificate, or any other physician or APRN authorized to complete such certificates, finds that the person no longer meets the criteria of RSA 135-C:27.

III. No civil action shall be maintained against a person who rescinds an involuntary admission pursuant to paragraph I or II, provided that the person is acting in good faith within the limits of his or her authority.

16 Appropriation; Department of Health and Human Services; Division for Children, Youth and Families; Attorneys. The sum of \$310,000 for the biennium ending June 30, 2019, is hereby appropriated to the department of health and human services for the purpose of hiring 3 attorneys for the division for children, youth and families. This sum is in addition to any other funds appropriated to the department. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

17 Appropriation; Department of Health and Human Services; Developmental Disabilities Wait List. The sum of \$1,162,135 for the fiscal year ending June 30, 2018, is hereby appropriated to the department of health and human services for the purposes of funding the developmental disabilities wait list. This sum is in addition to any other funds appropriated to the department. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

18 10-Year Plan for Mental Health Services. Amend 2017, 112:2, III to read as follows:

III. The commissioner of the department of health and human services shall submit the plan to the speaker of the house of representatives, the president of the senate, and the governor on or before ~~[July 1, 2018]~~ **October 15, 2018**. The department shall provide interim reports to the oversight committee on health and human services, established under RSA 126-A:13, on or before October 1, 2017 and on or before March 1, 2018. Thereafter, the department shall report quarterly to the health and human services oversight committee providing an update on the progress of the development and implementation of the plan.

19 Department of Health and Human Services; Behavioral Health Crisis Treatment Center. Amend 2017, 156:188 to read as follows:

156:188 ~~[Mobile Crisis Teams and Apartments]~~ **Behavioral Health Crisis Treatment Center**. The commissioner of the department of health and human services shall issue a request for proposals (RFP) for a ~~[mobile crisis team and apartments]~~ **behavioral health crisis treatment center** from qualified vendors. The RFP for the ~~[mobile crisis team and apartments]~~ **treatment center** shall be issued no later than June 30, 2017 and operational no later than ~~[January]~~ **July 1, 2018**. Any new ~~[mobile crisis teams]~~ **behavioral health crisis treatment center** shall be established in ~~a geographic [locations]~~ **location** that ~~[have]~~ **has** high rates of admissions to and discharges from New Hampshire hospital.

20 Department of Health and Human Services; Mobile Crisis Teams and Apartments. The commissioner of the department of health and human services shall issue a request for proposals (RFP) for qualified vendors to establish an additional mobile crisis team and apartments. The RFP for the mobile crisis team and apartments shall be issued contingent upon available funding for the biennium ending June 30, 2019. Before issuing the RFP, the commissioner shall present to the fiscal committee of the general court, established under RSA 14:30-a, the source of the funds to be used to support the new mobile crisis team and apartments.

21 Designated Receiving Facilities; Residential Beds. The section heading and paragraph I of 2017, 156:186 are repealed and reenacted to read as follows:

156:186 Supported Housing; Residential Beds.

I. The commissioner of the department of health and human services shall contract with programs that enable individuals with serious mental illness to attain and maintain integrated, affordable, supported housing. The department shall use funding not to exceed \$500,000 from existing appropriations for the biennium ending June 30, 2019.

22 Effective Date.

I. Sections 7-12 of this act shall take effect July 1, 2018.

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

2018-0991s

AMENDED ANALYSIS

This bill:

I. Clarifies admission to receiving facilities and other services for persons who are involuntarily committed under RSA 135-C.

II. Makes a supplemental appropriation to the state loan repayment program.

III. Clarifies the determination of unfounded but with reasonable concern for possible abuse and neglect under the child protection law, and enables the department of health and human services to offer voluntary services to the family.

IV. Makes appropriations for voluntary services and community-based prevention programs under the child protection act.

V. Provides that the New Hampshire home visiting program shall be available to Medicaid eligible families.

VI. Makes an appropriation to the department of health and human services to hire additional attorneys.

VII. Makes an appropriation to the department of health and human services for the purpose of funding the developmental disabilities wait list.

VIII. Requires the commissioner of the department of health and human services to issue requests for proposals for a behavioral health crisis treatment center and, contingent upon available funding, an additional mobile crisis team and apartments.

Health and Human Services

March 6, 2018

2018-0992s

10/01

Amendment to SB 592-FN-A

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

1 Child Protection Act; Liability For Expenses; Voluntary Services Excluded. Amend RSA 169-C:27, I(a) and (b) to read as follows:

I.(a) Whenever an order creating liability for expenses is issued by the court under this chapter [~~or whenever a voluntary service plan is developed and provided for a minor and the minor's family by the department~~], any expenses incurred for services, placements, and programs the providers of which are certified pursuant to RSA 170-G:4, XVIII, shall be payable by the department of health and human services.

(b) Subparagraph (a) shall not apply to:

(1) Expenses incurred for special education and related services[~~; or to~~];

(2) Expenses incurred for evaluation, care, and treatment of the child at the New Hampshire hospital; [~~or to~~]

(3) Expenses incurred for the cost of accompanied transportation; *or*

(4) *Expenses incurred for voluntary services provided to a minor or the minor's family pursuant to RSA 169-C:34, II-a, RSA 169-C:34, V, or RSA 169-C:34, V-a.*

2 TANF Funded Initiative; Home Visiting Services. The department of health and human services shall use allowable Temporary Assistance to Needy Families (TANF) funds to expand home visiting services through family resource centers. A priority shall be placed on providing home visiting services to families to whom the department has issued a letter of concern pursuant to RSA 169-C:34, II-a, cases reported by the department of health and human services as unfounded but with reasonable concern, as defined in RSA 169-C:3, XXIX, and TANF recipients who, as parents of children under 12 months old, are exempt from TANF work requirements.

3 TANF Funded Initiative; Family Resource Centers of Quality Specialist. The department of health and human services shall use allowable TANF funds to contract with a family resource center of quality specialist. The role of the specialist shall be to provide technical assistance to family resource centers throughout the state and aid the centers in establishing and achieving the high quality standards necessary for national certification. The person selected by the department shall be qualified by reason of education and experience to assume the responsibilities of a family resource centers of quality specialist.

4 TANF Funded Initiative; Child Care Services. The department of health and human services shall use allowable TANF funds to expand child care services to eligible recipients. Priority shall be given to foster families, families with voluntary service plans through the department of health and human services, and families with individual service plans through family resource centers.

5 Department of Health and Human Services; Supplemental Appropriation.

I. The sum necessary to fund the following positions, which may be either state employee or contract positions, is hereby appropriated to the department of health and human services for the biennium ending June 30, 2019:

- (a) Eight child protective services workers, who shall be designated resource workers.
- (b) Two licensed alcohol and drug counselors, who shall contract with the department.

II. The appropriation in paragraph I shall be in addition to any other funds appropriated to the department for the biennium ending June 30, 2019. The governor is authorized to draw a warrant for such amount from any money in the treasury not otherwise appropriated.

6 Family Drug Court; Study Committee Established. There is established a committee to study the development of a family drug court in New Hampshire.

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study family drug court models and the feasibility of establishing a family drug court in New Hampshire. The specialized court, with jurisdiction over child protection cases that involve substance use by the child's parents or guardians, would provide a coordinated and collaborative approach to reducing child maltreatment by treating parents' underlying substance use disorders. The committee shall solicit information and testimony from any individual or agency the committee deems relevant to its study, including licensed alcohol and drug counselors, family law attorneys, representatives of the department of health and human services, and representatives of the district court family division.

IV. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2018.

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

2018-0992s

AMENDED ANALYSIS

This bill:

I. Waives reimbursement for voluntary services under the child protection act.

II. Establishes a home visiting services initiative.

III. Directs the department of health and human services to contract with a family resource center of quality specialist.

IV. Expands certain child care services.

V. Makes an appropriation to the department of health and human services for additional child protective services workers and licensed alcohol and drug counselors.

VI. Establishes a committee to study family drug court models.

Senate Education

March 6, 2018

2018-0963s

06/05

Amendment to HB 1370

Amend RSA 189:64, II as inserted by section 1 of the bill by replacing it with the following:

II. ***Each school shall provide*** the plan ***to, and coordinate the plan*** ~~[shall be coordinated]~~ with, local emergency authorities and with the emergency operations plan in the municipality in which the school is located. Each school shall review its plan at least annually and update the plan, as necessary, and shall submit the updated plan to the department of education by September 1. If after review, the plan is unchanged, the school shall notify the department by September 1 that the plan is unchanged. ***The department shall provide a copy of any updated plan to the director of homeland security and emergency management, department of safety.*** The director of homeland security and emergency management, department of safety shall assist school districts in conducting training for and providing support to school districts in the development, implementation, and review of an emergency response plan, as may be needed.

2018-0963s

AMENDED ANALYSIS

This bill requires the department of education to provide a copy of a school's emergency management plan, as updated, to the director of homeland security and emergency management, department of safety.

This bill also requires a school to provide its emergency management plan to, and coordinate it with, local emergency authorities.

HEARINGS

MONDAY, MARCH 12, 2018

FINANCE, Room 103, SH

Sen. Daniels (C), Sen. Reagan (VC), Sen. Giuda, Sen. Morse, Sen. D'Allesandro, Sen. Feltes

1:00 p.m.

EXECUTIVE SESSION ON PENDING LEGISLATION

JUDICIARY, Room 100, SH

Sen. Carson (C), Sen. Lasky (VC), Sen. French, Sen. Gannon, Sen. Hennessey

1:00 p.m.

SB 593-FN, relative to the penalty for capital murder.

EXECUTIVE SESSION MAY FOLLOW