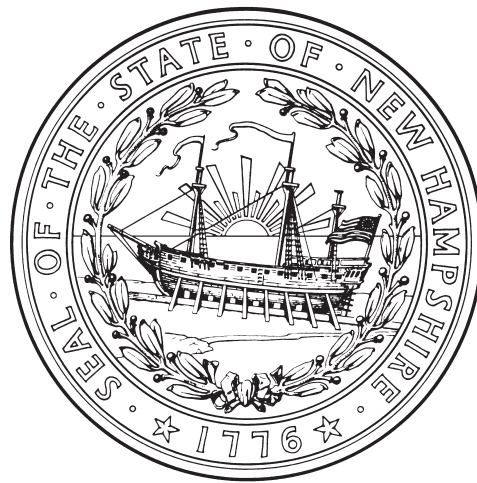


June 6, 2019
Nos. 18-19

STATE OF NEW HAMPSHIRE

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**First Year of the 166th Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MAY 30, 2019 SESSION
COMMENCEMENT – JUNE 6, 2019 SESSION**

SENATE JOURNAL 18 *(continued)*

May 30, 2019

May 20, 2019
2019-2116-EBA
08/05

Enrolled Bill Amendment to HB 286-LOCAL

The Committee on Enrolled Bills to which was referred HB 286-LOCAL

AN ACT relative to free inspection of records under the right-to-know law.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 286-LOCAL

This enrolled bill amendment inserts a contingency to address a conflict with HB 396 of the 2019 regular legislative session.

Enrolled Bill Amendment to HB 286-LOCAL

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

2 Right-to-Know; Minutes and Records Available for Public Inspection. Amend RSA 91-A:4, IV(d) to read as follows:

(d) If a computer, photocopying machine, or other device maintained for use by a public body or agency is used by the public body or agency to copy the governmental record requested, the person requesting the copy may be charged the actual cost of providing the copy, which cost may be collected by the public body or agency. No **cost or** fee shall be charged for the inspection or delivery, without copying, of governmental records, whether in paper, electronic, or other form. Nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of governmental records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged.

3 Contingency; Conflict with HB 396. If HB 396 of the 2019 regular legislative session becomes law, section 2 of this act shall take effect at 12:01 a.m. on January 1, 2020, and section 1 shall not take effect. If HB 396 of the 2019 regular legislative session does not become law, then section 1 of this act shall take effect on January 1, 2020 and section 2 of this act shall not take effect.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 3 of this act.

II. The remainder of this act shall take effect January 1, 2020.

Senator Soucy moved adoption of the Enrolled Bill Amendment. Adopted.

June 3, 2019
2019-2410-EBA
01/04

Enrolled Bill Amendment to HB 450

The Committee on Enrolled Bills to which was referred HB 450

AN ACT relative to examinations conducted by the banking department.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 450

This enrolled bill amendment resolves conflicts with HB 474 of the 2019 regular legislative session and 2019, 36 (HB 649).

Enrolled Bill Amendment to HB 450

Amend the bill by replacing section 6 with the following:

6 Banks and Banking; Bank Commissioner; Consumer Complaints and Restitution. Amend RSA 383:10-d to read as follows:

383:10-d Consumer Complaints and Restitution. The commissioner shall have exclusive authority and jurisdiction to investigate conduct that may violate any of the provisions of RSA 361-A, RSA 361-E, and Titles XXXV and XXXVI and administrative rules adopted thereunder. The commissioner may hold hearings relative to such conduct and may order restitution for a person or persons adversely affected by such conduct. The commissioner may request the assistance and services of the department of justice and shall delegate to the department of justice the authority to investigate criminal conduct under this section. The commissioner shall provide the department of justice information relevant to the criminal investigation of such matters, if applicable, and shall cooperate with such investigation and prosecution. ***The commissioner may also share information with state and federal regulators, and may share information with law enforcement agencies for the purpose of criminal investigations.***

Amend the bill by inserting after section 20 the following and renumbering the original section 21 to read as 23:

21 Banks and Banking; Organization of State Banks; Investigative Powers. Amend RSA 383-A:3-306 to read as follows:

383-A:3-306 Investigative Powers. For the purpose of any investigation or examination under RSA 383-A, RSA 383-B, RSA 383-C, and RSA 383-D, the commissioner shall have the power to subpoena witnesses and administer oaths in any adjudicative proceedings and the power to compel, by subpoena duces tecum, the production of all books, records, files, and other documents and materials relevant to his or her investigation ***or examination.***

22 Contingency. If HB 474 of the 2019 regular legislative session becomes law, section 21 of this act shall take effect at 12:01 a.m. on the effective date of HB 474 and section 9 of this act shall not take effect. If HB 474 of the 2019 regular legislative session does not become law, then section 9 of this act shall take effect upon its passage and section 21 of this act shall not take effect.

Senator Soucy moved adoption of the Enrolled Bill Amendment. Adopted.

June 3, 2019
2019-2409-EBA
04/10

Enrolled Bill Amendment to HB 549-FN

The Committee on Enrolled Bills to which was referred HB 549-FN

AN ACT establishing gold star family decals for motor vehicles.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 549-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 549-FN

Amend section 4 of the bill by replacing lines 2-3 with the following:

C:4, I by inserting after subparagraph (b) the following new subparagraph:

(c) Gold star family member decals pursuant to RSA 261-C:3-a and RSA 261-B:3-c, if

Senator Soucy moved adoption of the Enrolled Bill Amendment. Adopted.

May 29, 2019
2019-2371-EBA
06/01

Enrolled Bill Amendment to HB 620-FN

The Committee on Enrolled Bills to which was referred HB 620-FN

AN ACT relative to the penalty fee structure for late premium tax payments.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 620-FN

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 620-FN

Amend RSA 406-B:17, V as inserted by section 7 of the bill by replacing line 10 with the following:

late payments received more than 60 days after the due date, the penalty fee shall be 12

Senator Soucy moved adoption of the Enrolled Bill Amendment. Adopted.

May 29, 2019
2019-2377-EBA
08/05

Enrolled Bill Amendment to HB 621-FN

The Committee on Enrolled Bills to which was referred HB 621-FN

AN ACT establishing the state commission on aging.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 621-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 621-FN

Amend RSA 19-P:1, IV as inserted by section 2 of the bill by replacing line 1 with the following:

IV. The members appointed pursuant to subparagraph II(j) shall serve 2-year terms; provided

Senator Soucy moved adoption of the Enrolled Bill Amendment. Adopted.

May 28, 2019
2019-2350-EBA
05/10

Enrolled Bill Amendment to HB 657

The Committee on Enrolled Bills to which was referred HB 657

AN ACT relative to prescription drugs under the managed care law.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 657

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 657

Amend RSA 420-J:7-b, III as inserted by section 1 of the bill by replacing line 14 with the following:

himself or herself of the exception process as outlined in 420-J:7-b, II, the medication shall be

Senator Soucy moved adoption of the Enrolled Bill Amendment. Adopted.

May 21, 2019
2019-2163-EBA
11/10

Enrolled Bill Amendment to SB 24

The Committee on Enrolled Bills to which was referred SB 24

AN ACT relative to New Hampshire's regional greenhouse gas initiative program.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 24

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 24

Amend section 10 of the bill by deleting paragraph III.

Senator Soucy moved adoption of the Enrolled Bill Amendment. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 244, repealing the moorings appeals board.

Senator Soucy moved adoption of the Report of Committee on Enrolled Bills. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 128, establishing a committee to study veterans property tax credits and exemptions.

HB 260, relative to the purging of motor vehicle violations.

HB 281, relative to flow devices designed to control beaver damming and minimize the risk of flooding behind an existing beaver dam.

HB 283, relative to the age rabbits can be transferred.

HB 292-FN, relative to including brokers fees in the calculation of the insurance premium tax.

HB 345, relative to certification of devices for the electronic counting of ballots.

HB 361, relative to property settlement including animals.

HB 409, relative to the maximum optional fee for transportation improvements charged by municipalities when collecting motor vehicle registration fees.

HB 415, relative to the official ballot referendum form of town meetings.

HB 570, establishing a commission to study career pathways from full-time service year programs to post-secondary education and employment opportunities in support of New Hampshire's future workforce needs.

HB 600-FN, adding an exception to the real estate transfer tax for transfers of interest in certain low-income housing.

HB 616-FN, relative to a cost of living adjustment for retirees in the state retirement system.

HB 625-FN, relative to an aquatic invasive species decal for boats.

SB 145, relative to the organization of alternative treatment centers.

SB 151-FN, establishing an administrative hearing procedure and penalty for an employer who fails to make payment of wages or who fails to secure workers' compensation coverage.

Senator Soucy moved adoption of the Report of Committee on Enrolled Bills. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 119, relative to training requirements for electrologists.

HB 140, establishing a commission to study the licensing of drivers from foreign countries.

HB 312, establishing a committee to study tiny houses.

HB 320-FN, relative to organizations authorized to issue decals for multi-use decal number plates.

HB 338, relative to rebates under the law governing unfair insurance practices.

HB 353, establishing a committee to study whether non-attorney legal professionals could be licensed to engage in the limited practice of law in the family division of the circuit court while under the supervision of a licensed attorney.

HB 354, establishing a committee to investigate whether modification should be made to the time frame for determining permanency pursuant to RSA 169-C:24-b.

HB 448, making technical corrections in the department of education.

HB 457-FN, establishing a committee to study the making, preservation, and Internet availability of audio and video recordings of proceedings of committees of the house of representatives.

HB 458-FN, repealing certain inactive dedicated funds.

HB 648-FN, defining and regulating service entities.

HB 654, relative to surety required on construction loans.

HB 663, relative to the definition of agriculture and existing agricultural uses.

HB 700, relative to valuation of utility company assets for local property taxation.

HB 730-FN-A, relative to funding for the CART program.

SB 20, relative to notification requirements for employees, workplace inspections, and the youth employment law.

SB 21, relative to notice to cut timber.

SB 38, naming a bridge in Tamworth in honor of David Bowles.

SB 55, authorizing the Harris Center for Conservation Education to issue decals for multi-use decal plates.

SB 72, relative to issuance of renewable energy certificates.

SB 76, relative to the prohibition of offshore oil and natural gas exploration.

SB 78, relative to public utility customer data.

SB 132, naming a lake in Meredith as Lake Wicwas.

SB 146-FN, relative to eliminating the waiting period before eligibility to receive unemployment benefits.

SB 147, relative to adoption of the Uniform Fiduciary Access to Digital Assets Act.

SB 174, proclaiming an annual observance of Juneteenth.

SB 183-FN, relative to salaries of certain circuit court judges.

SB 189-FN, relative to the insurance premium tax.

SB 271-FN-LOCAL, relative to requiring prevailing wages on state-funded public works projects.

SB 275-FN, requiring that all of the state's motor vehicles will be zero emissions vehicles by the year 2039.

SB 297-FN, extending the deadline for arraignments.

SB 314-FN, relative to release of a defendant pending trial.

Senator Soucy moved adoption of the Report of Committee on Enrolled Bills. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

SB 5-FN-A, making an appropriation to the department of health and human services for Medicaid provider rates for mental health and substance use disorder and emergency shelter and stabilization services.

SB 14-FN, relative to child welfare.

SB 29, establishing a commission to study incidents of workplace violence against state employees.

SB 137, relative to the certification of school nurses.

Senator Soucy moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Feltes moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 19

June 6, 2019

The Senate reconvened at 10:00 a.m., a quorum being present.

The Reverend Jon Hopkins, chaplain to the Senate, offered the following prayer:

This morning's prayer is about the Bicentennial of our State House and also the 75th anniversary of the invasion of D-day, and it's based on the prayer given by Franklin Delano Roosevelt on June 6, 1944. Let us pray.

God of the ages we give thanks for the 200 years that this building has stood. Within these halls the people's business has been done. We are aware today of those who have come before us; who have laid the foundations of democracy. We trust your sustaining presence; whatever the risk, whatever providence provides, we stand secure together knowing that we continue to work towards justice and freedom for all.

God of the ages remember today those who, on this day 75 years ago, set upon a mighty endeavor of struggle to preserve our republic, our religion, and our civilization and to set free a suffering humanity. They were led with strength in their arms, stoutness in their hearts, steadfastness in their faith. The road to victory was long and hard, for the enemy was strong. Success did not come with rushing speed but returned again and again. And we know that by the grace of God and by the righteousness of our cause we triumph. Those who fought on D-day fought not for the lust of conquest, they fought to end conquest; they fought to liberate; they fought to let justice arise and tolerance and good will among all people. They yearn for the end of battle, for the return to the haven of home. Some never returned. Embrace their heroic servants into thy kingdom.

Give us strength to follow in their footsteps and not to forget their sacrifices. Give us strength on a daily basis to complete our tasks; to redouble our contributions we make to the physical and material support of our armed forces. And, O Lord, give us faith; faith in each other; faith in our united crusade. Let not the keenest of our spirit ever be dulled. Let not the impact of temporary events, of temporal matters of but fleeting moments— let not those deter us in our unquenchable purpose. Help us to conquer the apostles of greed and racial arrogancies. Lead us to the saving of our country and with our sister nations into a world unity that will spell us sure peace; a peace invulnerable to the schemings of unworthy men; and a peace that will let all of us live in freedom reaping the just rewards of their honest toil. Amen.

Senator Birdsell led the Pledge of Allegiance.

INTRODUCTION OF PAGES

Senator Ward introduced Mason Sailer and Michael Seymour from Sunapee Middle School, serving as Senate Pages for the day.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Levesque.)

SENATOR LEVESQUE: The Honorable Harvey Keye. I'd like to introduce the Honorable Harvey Keye from Nashua, and his guest Jenna. Thank you for coming today.

PRESIDENT SOUCY: And I would like to introduce someone who is here working with the Clerk's staff today that you may have noticed. Jay Jacobs, who is from the Kentucky House of Representatives where he serves as the House Journal Clerk. Jay was selected to be part of an exchange program with the American Society of Legislative Clerks and Secretaries to work with our Senate Clerk's staff for the week. And he is working with Tammy, and Jack, and Ann, and everyone else to ensure that he gets a full experience and gets to see how we do things here in New Hampshire. And he happens to be with us during this most historic week, so I want all of you to welcome Jay. And Jay will be our temporary Sergeant-at-Arms for the day. So, Jay, welcome to the New Hampshire Senate.

And now I would like to invite some of our very special guests; they're actually not really guests, they're more like alumni and dear friends, in many cases.

On the floor we have with us former Senate President Ed Dupont; former Senate President Bill Bartlett; former Senate President Peter Bragdon; and former Senate President Sylvia Larsen.

So, what I'm hoping to do: I do have an all-inclusive, hopefully, list of all of the former members that are here. If you would be seated, when I call your name if you would just stand up and let us know the years that you served in the Senate so that we can recognize all of you.

Starting with Senator Jackie Cilley. Years that you served.

THE HONORABLE CILLEY: That was about 2007, 2008, 2009, 2010.

PRESIDENT SOUCY: Senator Bob Clegg.

THE HONORABLE CLEGG: 2000 to 2008.

PRESIDENT SOUCY: Senator Burt Cohen. Burt, where are you? There he is!

THE HONORABLE COHEN: 1990 to 2004.

PRESIDENT SOUCY: Senator Peter Burling.

THE HONORABLE BURLING: 2008. Hi everybody!

PRESIDENT SOUCY: Senator Dave Currier. Where is David? He was here earlier. I see Senator Gary Daniels.

THE HONORABLE DANIELS: 2014 to 2018.

PRESIDENT SOUCY: Excellent. And Senator Mark Fernald.

THE HONORABLE FERNALD: 1998 to 2002.

PRESIDENT SOUCY: And there is David Currier! Senator Currier would you tell us what years you served in the Senate.

THE HONORABLE CURRIER: 1988 to 1996.

PRESIDENT SOUCY: Alright. Thank you, Senator David Currier. Senator Peg Gilmour.

THE HONORABLE GILMOUR: 2008 to '10 and '12 to '14, but Madam President, you're stretching us.

PRESIDENT SOUCY: Now I believe Senator Ned Gordon, I know he was here earlier. I think Ned is actually in the House right now because he is now a House member. So, I would like all of you to applaud, though, for Senator Ned Gordon, excuse me, Senator Ned Gordon. Senator Dave Gottesman.

THE HONORABLE GOTTESMAN: 2004 to 2008.

PRESIDENT SOUCY: Excellent. Senator Fenton Groen. There he is in the front row.

THE HONORABLE GROEN: 2010 to 2012.

PRESIDENT SOUCY: Wonderful. Senator Matt Houde.

THE HONORABLE HOUDE: 2009 to 2012.

PRESIDENT SOUCY: Senator Gary Lambert.

THE HONORABLE LAMBERT: 2010 to 2012. Thank you.

PRESIDENT SOUCY: Senator Bette Lasky.

THE HONORABLE LASKY: 2008 to 2010, 2012 to 2018.

PRESIDENT SOUCY: Thank you, Senator. Senator Bob Letourneau.

THE HONORABLE LETOURNEAU: One of the most exhilarating part of my life was to serve in this illustrious chamber and meet so many great friends. 2004 to 2010.

PRESIDENT SOUCY: Wonderful. Thank you. Senator Amanda Merrill.

THE HONORABLE MERRILL: 2008 to 2012.

PRESIDENT SOUCY: Excellent. Senator Andy Peterson.

THE HONORABLE PETERSON: 2003 to 2004.

PRESIDENT SOUCY: Great. Senator Jim Rausch. The big guy in the corner.

THE HONORABLE RAUSCH: 2010 to 2014, and I see they have...

PRESIDENT SOUCY: Senator Deb Reynolds.

THE HONORABLE REYNOLDS: Thank you, Madam President. 2006 to 2010.

PRESIDENT SOUCY: Great. Senator Jim Rubens. Where is Senator Rubens? He was here. Senator Frank Sapareto.

THE HONORABLE SAPARETO: Thank you, Madam President. 2003 and 2004.

PRESIDENT SOUCY: Great. Senator Nancy Stiles.

THE HONORABLE STILES: Thank you, Madam President. 2010 to 2016.

PRESIDENT SOUCY: Thank you. Senator Tom Stawasz.

THE HONORABLE STAWASZ: 1994 to 1996.

PRESIDENT SOUCY: Thank you for that; for both, actually. Senator Katie Wheeler.

THE HONORABLE WHEELER: 1996 to 2002. Wonderful six years.

PRESIDENT SOUCY: Wonderful. And Senator Ray White.

THE HONORABLE WHITE: ...

PRESIDENT SOUCY: Okay. Have we missed anyone? I hope not. Please yell out if we did. Alright! Well thank you all so, so much for being part of our Bicentennial celebration. It happens to coincide with the legislative day where we are going to be doing a little bit of work, like enacting a budget we hope by the end of the day. But we are thrilled to have all of you here; happy to rekindle a lot of old friendships. And we are very proud of our newly refurbished chamber, for all of you to check out.

We are going to be going into recess to do Joint Session with the House. We hope you can stay with us for the day. There are going to be some seats, hopefully, in the House gallery if you'd like to join us there. There will be a luncheon served on the State House lawn just after noontime, and we welcome all of you to join us at that time as well.

Yet before we go into recess we just ask all the former Senate Presidents to come forward. We wanted to do a photograph with all of you while you're here today.

Recess. Out of recess.

PRESIDENT SOUCY: First, I just want to let the members know that are here in the gallery, we do have Bicentennial pins for all of you, and Marlene Taylor will be handing them out at the bottom of the stairs for each one of you that is a former member in the gallery today. A little token of our appreciation for you being here with us.

HOUSE MESSAGE

The House of Representatives is ready to meet with the honorable Senate in Joint Convention for the purpose of celebrating the New Hampshire State House Bicentennial.

JOINT CONVENTION

Senator Feltes offered the following Resolution:

RESOLVED, that the Senate meet in Joint Convention with the House of Representatives for the purpose of celebrating the New Hampshire State House Bicentennial. Adopted.

Recess to meet in Joint Convention. Out of recess.

SPECIAL ORDER

Without objection, the following bill is special ordered to the end of the committee on Energy and Natural Resources. Adopted.

HEALTH AND HUMAN SERVICES

HB 393, establishing a committee to study child care in New Hampshire.

REGULAR CALENDAR

COMMERCE

HB 664-FN, relative to vehicle repair standards.

Re-refer to Committee, Vote 5-0. Senator Cavanaugh for the committee.

The question is on the adoption of the motion of Rerefer to Committee. Failed.

Senator Cavanaugh moved Ought to Pass.

Senator Cavanaugh offered a Floor Amendment.

Sen. Cavanaugh, Dist 16

June 6, 2019

2019-2455s

01/04

Floor Amendment to HB 664-FN

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

1 New Paragraph; Unfair Insurance Practices; Vehicle Repair Standards. Amend RSA 417:4 by inserting after paragraph XXIII the following new paragraph:

XXIV. Vehicle Repair Standards. No insurance company, agent, or adjuster shall knowingly fail to pay a claim to the claimant or repairer to the extent the claimant's vehicle is repaired in conformance with applicable manufacturers procedures. Notwithstanding any statements or recommendations contained in the manufacturer's procedures relative to the use of parts, governance of the use of any and all parts, in the course of an insurer-funded repair shall be solely dictated by RSA 407-D:3-a and not by a manufacturer's recommendations or procedures.

(a) If the vehicle is equipped with an advanced driver assistance system, an automotive glass company, repair facility, or insurer informing, approving, or conducting glass repair or replacement shall:

(1) Prior to approving or performing glass repair or replacement, inform the consumer if a calibration of that system is required and if such calibration will be performed;

(2) If performing such calibration, meet or exceed the manufacturer's procedures or specifications; and

(3) If a calibration was not performed or not completed successfully, inform the consumer that the vehicle should be taken to a vehicle manufacturer's certified dealership, a qualified automobile glass company, repair facility, or other qualified repairer capable of performing the calibration of an advanced driver assistance system that meets or exceeds the manufacturer's procedures or specifications.

(b) If the vehicle is equipped with an advanced driver assistance system, an automotive glass company, repair facility, or insurer informing, approving, or conducting a scan or calibration for motor vehicle repairs or replacement:

(1) Shall not be limited to tooling or equipment dictated or recommended by the manufacturer's procedures or specifications.

(2) Shall calibrate an advanced driver assistance system meeting or exceeding the manufacturer's procedures or specifications.

(c) If a repairer does not accept a paint and materials estimate proposed by an insurer, the insurer shall reimburse the repairer based on any third-party guidelines generally accepted by automobile repair shops and insurers, and used by the repairer.

(d) "Manufacturer procedures" means a manufacturer's written procedures, specifications, tolerances, and other technical requirements or instructions with respect to repairs.

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

2019-2455s

AMENDED ANALYSIS

This bill makes it an unfair insurance practice for an insurance company, agent, or adjuster to knowingly fail to pay a claim to the claimant or repairer to the extent the claimant's vehicle is repaired in conformance with applicable manufacturers procedures.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 106, relative to the terms “resident,” “inhabitant,” “residence,” and “residency.”
Ought to Pass, Vote 3-2. Senator Sherman for the committee.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Birdsell, seconded by Senator French.

The following Senators voted Yes: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D’Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

The following Senators voted No: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

Roll Call, Yeas: 14 - Nays: 10. Adopted, bill ordered to Third Reading.

HB 504, relative to election-related amendments to the United States Constitution.
Ought to Pass, Vote 3-2. Senator Levesque for the committee.

INTRODUCTION OF GUESTS

PRESIDENT SOUCY: Before I introduce the next speaker, I’d like to introduce a member who just joined us, former state Senator Harold Janeway. Welcome. It’s a pleasure to see you, Senator, and we’re glad that you’re here with us today.

Recess. Out of recess.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Levesque, seconded by Senator Birdsell.

The following Senators voted Yes: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D’Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

The following Senators voted No: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

Roll Call, Yeas: 14 - Nays: 10. Adopted, bill ordered to Third Reading.

HB 544, relative to the governance of the Manchester school district.
Ought to Pass, Vote 3-2. Senator Morgan for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 556, allowing municipalities to process absentee ballots prior to election day.
Ought to Pass, Vote 5-0. Senator Sherman for the committee.

Senator Sherman moved Rerefer to Committee.

The question is on the adoption of the motion of Rerefer to Committee. Adopted.

HB 618-L, relative to the definition of contracts relative to official ballot default budgets.
Ought to Pass with Amendment, Vote 3-2. Senator Morgan for the committee.

Election Law and Municipal Affairs

May 29, 2019

2019-2373s

08/04

Amendment to HB 618-LOCAL

Amend the bill by replacing section 1 with the following:

1 Use of Official Ballot; Contracts. Amend RSA 40:13, IX(c) to read as follows:

(c) “Contracts” as used in this subdivision means contracts previously approved, [~~in the amount so approved,~~] by the legislative body in either the operating budget authorized for the previous year or in a separate warrant article for a previous year.

2019-2373s

AMENDED ANALYSIS

This bill revises the definition of “contract” relative to official ballot default budgets.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Gray offered a Floor Amendment.

Sen. Gray, Dist 6

June 4, 2019

2019-2420s

08/10

Floor Amendment to HB 618-LOCAL

Amend RSA 40:13, IX(c) as inserted by section 1 of the bill by replacing it with the following:

(c) “Contracts” as used in this subdivision means contracts previously approved, in the amount so approved, ***including approved increases in multi-year contracts***, by the legislative body in either the operating budget authorized for the previous year or in a separate warrant article for a previous year.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment. Failed.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

ENERGY AND NATURAL RESOURCES

HB 737, establishing a commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford and Litchfield.

Ought to Pass with Amendment, Vote 4-1. Senator Fuller Clark for the committee.

Energy and Natural Resources

May 28, 2019

2019-2341s

08/10

Amendment to HB 737

Amend RSA 126-A:78, II and III as inserted by section 1 of the bill by replacing it with the following:

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

(1) Five members of the house of representatives, 3 of whom shall be appointed by the speaker of the house of representatives and 2 of whom shall be appointed by the house minority leader.

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

(3) The program manager from the department of health and human services environmental public health tracking program, or designee.

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

(5) The director of the university of New Hampshire Institute for Health Policy and Practice, or designee.

(6) A representative from the New Hampshire Medical Society, appointed by the society.

(7) Two citizens with backgrounds in environmental science and/or public health, recommended by the senators appointed to the commission and appointed by the president of the senate.

(8) A representative from each of the affected towns of Merrimack, Bedford, and Litchfield, appointed by the governing body of such town.

(9) Three residents, one from each of the affected towns of Merrimack, Bedford, and Litchfield, who are members of drinking water related environmental advocacy citizen organizations which are not affiliated with any government or state agency, recommended by the senators appointed to the commission and appointed by the president of the senate.

(10) A hydrogeologist, appointed by the New Hampshire chapter of the United States Geological Survey.

(11) A toxicologist, epidemiologist, or environmental health professor from the University of New Hampshire, appointed by that institution.

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

III.(a) The commission's study shall include, but not be limited to:

(1) Obtaining information necessary to delineate the extent of PFAS drinking water contamination from airborne, soil, and groundwater releases.

(2) Assessing and implementing steps necessary to investigate public health impacts from PFAS exposures to air, soil, and drinking water.

(3) Assessing sources and impacts to surface water from wastewater and other discharges from the Merrimack, New Hampshire Saint Gobain plant.

(4) Assessing whether soil regulations are sufficient to contain contaminated materials.

(5) Receiving updates at each commission meeting from the department of environmental services and the department of health and human services on matters including but not limited to, scientific findings and related materials, enforcement actions, and regulatory status.

(6) Receiving ongoing copies of all correspondence between state and federal agencies and responsible parties; including but not limited to, documents related to scientific findings, interim progress and regulatory or enforceable matters from the department of environmental services and the department of health and human services.

(7) Developing prioritized governmental and community actions.

(8) Reviewing the progress made by state and federal agencies, if appropriate, and their partners.

(9) Delineating the potential roles and responsibilities for municipalities, state agencies, and their partners.

(10) Communicating to the public about the environmental and public health impacts of the PFAS exposure investigation and analysis.

(11) Assessing whether current rules or regulations are sufficiently protective of public health and propose legislation, as necessary, to protect public health.

(12) Recommending legislation, as necessary, to carry out the charge of the commission or resulting from any commission findings.

(13) Assessing whether current penalties and regulatory controls are sufficiently protective of the environment and public health and recommend changes necessary.

(14) Assessing agreements between the state and Saint Gobain and propose additional actions necessary to achieve the charge of the commission and,

(b) The commission shall solicit information from any person or entity the commission deems relevant to its study. The commission may, with input from a state agency or agencies, decide whether additional appropriations are necessary to complete the work of the commission.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

Sen. Giuda, Dist 2

May 31, 2019

2019-2406s

08/05

Floor Amendment to HB 737

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

AN ACT establishing a commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford and Litchfield, and relative to the adoption of rules regarding drinking water.

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

2 New Paragraph; Drinking Water Rules. Amend RSA 485:3 by inserting after paragraph I the following new paragraph:

I-a. The following shall apply to the rules adopted under paragraph I:

(a) Consideration of costs and benefits to all affected parties shall include the following:

(1) Estimates of costs to municipalities, utilities, and other affected parties of adopting the proposed maximum contaminant levels, including costs for management of water wastewater, solid waste, and related municipal activities;

(2) Analysis of the marginal benefits to public health that will result from adopting the proposed maximum contaminant levels, which shall be calculated using the department's current activities and regulatory standards as the baseline condition;

(3) Cost and benefit analyses shall be conducted in accordance with federal Environmental Protection Agency and Office of Management and Budget guidance, which entails determining costs associated with several different standards and determining marginal costs; and

(4) Use of costs and other information available from published peer-reviewed literature and municipalities and utilities that have installed perfluorochemical treatment systems.

(b) The public comment period on the proposed rules shall be a minimum of 60 days and shall include public meetings at which the department presents the cost estimates, the marginal health benefits, the assumptions, and the calculations and receives public comment. The department shall provide written response to all public comments and amend the proposed maximum contaminant levels based on the comments.

(c) Maximum contaminant levels shall take effect no later than July 1, 2021.

(d) The department shall report to the governor, the speaker of the house, and the president of the senate annually by December 1st, beginning in the year of the adoption of the rules for maximum contaminant levels, the marginal costs incurred by the state, municipalities, and utilities to comply with such maximum contaminant levels.

3 Repeal. RSA 126-A:78, relative to the commission on the environmental and public health impacts of perfluorinated chemicals, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect November 1, 2024.

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

2019-2406s

AMENDED ANALYSIS

This bill establishes a commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford, and Litchfield.

This bill also requires the department of environmental services to use certain information and procedures in adopting rules on drinking water.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Birdsell.)

SENATOR BIRDELL: I do, Madam President, thank you. I just want to welcome Wally Heath and his wife Hope. I invited them over when we were at the Windham car show, and they kindly came. So, welcome.

PRESIDENT SOUCY: At this time, we have done introductions earlier for former Senators, and I see Representative, but former Senator, Ned Gordon in the gallery. So, I'd like him to stand for a moment and recognize him. Welcome Senator Gordon.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Feltes, seconded by Senator Giuda.

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

Roll Call, Yeas: 10 - Nays: 14. Failed.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

Senator Dietsch is in favor of the motion of Ought to Pass with Amendment on HB 737.

HEALTH AND HUMAN SERVICES

HB 393, establishing a committee to study child care in New Hampshire.

Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Health and Human Services

May 28, 2019

2019-2352s

05/10

Amendment to HB 393

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

AN ACT establishing a committee to study child care in New Hampshire, relative to tuition waivers for children in state foster care or guardianship, relative to penalties for violations related to obtaining public assistance, and relative to designated receiving facilities.

Amend the bill by replacing all after section 5 with the following:

6 State College and University System; Tuition Waivers for Children in State Foster Care or Guardianship. Amend RSA 187-A:20-b, II(d) to read as follows:

(d) In an out-of-home placement under the supervision of the division for juvenile justice services at the time of his or her [~~17th~~] **18th** birthday.

7 State College and University System; Tuition Waivers for Children in State Foster Care or Guardianship. Amend RSA 187-A:20-b, III(a) to read as follows:

III.(a) Eligible individuals interested in a tuition waiver shall annually apply on forms provided and within the deadlines established by the university system of New Hampshire and the community college system of New Hampshire for their respective institutions. No more than [10] 15 tuition waivers per year shall be granted by the university system of New Hampshire and no more than [10] 15 tuition waivers per year shall be granted by the community college system of New Hampshire. The university system of New Hampshire and the community college system of New Hampshire shall have the authority to develop eligibility criteria for their respective institutions designed to give the children with the greatest financial need first priority in the tuition waiver program. Such eligibility criteria shall also include provisions for continuing eligibility based on continued full-time enrollment and satisfactory academic progress as defined by the institution

8 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children; Penalties. Amend RSA 167:17-c, I(a) to read as follows:

(a) A class A felony if the value of the monetary award or goods or services in question [is] **exceeds** \$1,500 [~~or more~~];

9 Department of Health and Human Services; Designated Receiving Facilities; Residential Beds; Hospital Renovations. Amend 2019, 41:3 to read as follows:

41:3 Department of Health and Human Services; Designated Receiving Facilities; Residential Beds; Hospital Renovations.

I. The sum of [~~\$4,400,000~~] **\$3,000,000** is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2019 for the purpose of renovating existing hospital facilities for

up to 3 new or expanded designated receiving facilities (DRF), as set forth in RSA 135-C:26, of no fewer than 8 beds per new DRF. In no event shall the total number of beds funded under this section exceed 30. Said sum shall be a charge against any general fund surplus for the fiscal year ending June 30, 2019, and shall not lapse until June 30, 2021. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The commissioner of the department of health and human services shall allocate and disburse such funds through a request for applications (RFA) and shall prioritize the use of the funds to areas within the state of New Hampshire that are underserved for inpatient psychiatric treatment. Any hospital receiving such funding shall operate the new or expanded DRF beds for no less than 5 years. The RFA shall be issued no later than December 1, 2019 and the new or expanded DRF beds shall be operational by ~~January 1, 2020~~ **October 1, 2020**.

III. The sum of \$ 1,400,000 is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2019 for reimbursement rates for designated receiving facilities (DRFs). Said sum shall be a charge against any general fund surplus for the fiscal year ending June 30, 2019, and shall not lapse until June 30, 2021. Notwithstanding RSA 14:30-a, VI, the department may accept and expend any matching federal funds without prior approval of the fiscal committee of the general court. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

10 Reimbursement for Emergency Room Boarding. Amend RSA 417-F:4 to read as follows:

417-F:4 Reimbursement for Emergency Room Boarding. Following the completion of an involuntary admission certificate for a patient ***meeting the criteria under RSA 135-C:27 and not rescinded under RSA 135-C:29-a***, the insurer shall pay the acute care hospital a per diem day rate required to board and care for the patient, to be contracted between the insurer and acute care hospital, for each day the insured is waiting in an acute care medical hospital located in the state for admission for psychiatric treatment at New Hampshire Hospital, a community-based designated receiving facility, or a voluntary admission. The day rate required to board and care for the patient may be billed for up to 21 consecutive days or discharge, whichever is sooner, and shall be renewed as needed for patient protection. The rate is deemed to cover all costs incurred by a hospital for the boarding and non-medical care of the insured and shall not be billed to the insured. This does not preclude a hospital from billing for other medically necessary services. Any qualified mental health worker employed by or contracted with the hospital, community mental health care center, or affiliate providing mental health services and supports to an insured in an emergency department in the hospital service areas while they are waiting for an inpatient or other psychiatric admission shall be reimbursed for those mental health services including diagnostic services by the insurer at the negotiated rate. ~~[No prior authorization shall be required by any insurer for mental health services deemed medically necessary provided in this setting under this section.]~~ ***Mental health services provided in this setting under this section shall be deemed medically necessary and shall not require prior authorization by an insurer.*** This section shall apply to the Medicaid managed care organizations subject to contract and rate agreements between the state of New Hampshire and the managed care organizations. The reimbursement for emergency room board and care shall be incorporated into the capitated rate for managed care services.

11 Effective Date.

I. Section 9 of this act shall take effect June 30, 2019.

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

2019-2352s

AMENDED ANALYSIS

This bill:

I. Establishes a committee to study child care costs, affordability, and accessibility in the state of New Hampshire.

II. Increases the number of tuition waivers for persons who are or were in state foster care or under guardianship.

III. Clarifies the penalties for violations related to obtaining public assistance.

IV. Revises the appropriation to the department of health and human services for expanded designated receiving facilities in 2019, 41 (SB 11-FN-A) and amends RSA 417-F:4, relative to reimbursement for emergency room boarding.

Recess. Out of recess.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Bradley, seconded by Senator Birdsell.

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Sherman offered a Floor Amendment.

Sen. Sherman, Dist 24

June 5, 2019

2019-2437s

05/04

Floor Amendment to HB 393

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

AN ACT establishing a committee to study child care in New Hampshire, relative to tuition waivers for children in state foster care or guardianship, relative to penalties for violations related to obtaining public assistance, relative to designated receiving facilities, and relative to the membership of the commission to study the environmental and health effects of evolving 5G technology.

Amend the bill by replacing all after section 5 with the following:

6 State College and University System; Tuition Waivers for Children in State Foster Care or Guardianship. Amend RSA 187-A:20-b, II(d) to read as follows:

(d) In an out-of-home placement under the supervision of the division for juvenile justice services at the time of his or her ~~[17th]~~ **18th** birthday.

7 State College and University System; Tuition Waivers for Children in State Foster Care or Guardianship. Amend RSA 187-A:20-b, III(a) to read as follows:

III.(a) Eligible individuals interested in a tuition waiver shall annually apply on forms provided and within the deadlines established by the university system of New Hampshire and the community college system of New Hampshire for their respective institutions. No more than ~~[10]~~ **15** tuition waivers per year shall be granted by the university system of New Hampshire and no more than ~~[10]~~ **15** tuition waivers per year shall be granted by the community college system of New Hampshire. The university system of New Hampshire and the community college system of New Hampshire shall have the authority to develop eligibility criteria for their respective institutions designed to give the children with the greatest financial need first priority in the tuition waiver program. Such eligibility criteria shall also include provisions for continuing eligibility based on continued full-time enrollment and satisfactory academic progress as defined by the institution

8 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children; Penalties. Amend RSA 167:17-c, I(a) to read as follows:

(a) A class A felony if the value of the monetary award or goods or services in question ~~[is]~~ **exceeds** \$1,500 ~~[or more]~~;

9 Reimbursement for Emergency Room Boarding. Amend RSA 417-F:4 to read as follows:

417-F:4 Reimbursement for Emergency Room Boarding. Following the completion of an involuntary admission certificate for a patient **meeting the criteria under RSA 135-C:27 and not rescinded under RSA 135-C:29-a**, the insurer shall pay the acute care hospital a per diem day rate required to board and care for the patient, to be contracted between the insurer and acute care hospital, for each day the insured is waiting in an acute care medical hospital located in the state for admission for psychiatric treatment at New Hampshire Hospital, a community-based designated receiving facility, or a voluntary admission. The

day rate required to board and care for the patient may be billed for up to 21 consecutive days or discharge, whichever is sooner, and shall be renewed as needed for patient protection. The rate is deemed to cover all costs incurred by a hospital for the boarding and non-medical care of the insured and shall not be billed to the insured. This does not preclude a hospital from billing for other medically necessary services. Any qualified mental health worker employed by or contracted with the hospital, community mental health care center, or affiliate providing mental health services and supports to an insured in an emergency department in the hospital service areas while they are waiting for an inpatient or other psychiatric admission shall be reimbursed for those mental health services including diagnostic services by the insurer at the negotiated rate. ~~[No prior authorization shall be required by any insurer for mental health services deemed medically necessary provided in this setting under this section.]~~ ***Mental health services provided in this setting under this section shall be deemed medically necessary and shall not require prior authorization by an insurer.*** This section shall apply to the Medicaid managed care organizations subject to contract and rate agreements between the state of New Hampshire and the managed care organizations. The reimbursement for emergency room board and care shall be incorporated into the capitated rate for managed care services.

10 Commission to Study the Environmental and Health Effects of Evolving 5G Technology; Membership. RSA 12-K:13, I(e) to read as follows:

(e) Two members of the New Hampshire Tech Alliance, appointed by that organization.

11 New Subparagraph; Commission to Study the Environmental and Health Effects of Evolving 5G Technology; Membership. Amend RSA 12-K:13, I by inserting after subparagraph (k) the following new subparagraph:

(l) The commissioner of business and economic affairs, or designee.

12 Contingency. If HB 522 of the general legislative session becomes law, sections 10 and 11 of this act shall take effect at 12:01 a.m. on the date that HB 522 takes effect. If HB 522 of the general legislative session does not take effect, sections 10 and 11 of this act shall not take effect.

13 Effective Date.

I. Sections 10 and 11 of this act shall take effect as provided in section 12 of this act.

II. Section 9 of this act shall take effect at 12:01 a.m. on July 1, 2019.

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

2019-2437s

AMENDED ANALYSIS

This bill:

I. Establishes a committee to study child care costs, affordability, and accessibility in the state of New Hampshire.

II. Increases the number of tuition waivers for persons who are or were in state foster care or under guardianship.

III. Clarifies the penalties for violations related to obtaining public assistance.

IV. Amends RSA 417-F:4, relative to reimbursement for emergency room boarding.

V. Revises the membership of the commission to study the environmental and health effects of 5G technology established in HB 522.

The question is on the adoption of the Floor Amendment. Adopted.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

June 6, 2019

2019-2456s

01/10

Floor Amendment to HB 393

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

AN ACT establishing a committee to study child care in New Hampshire, relative to tuition waivers for children in state foster care or guardianship, relative to penalties for violations related to obtaining public assistance, relative to designated receiving facilities, relative to the membership of the commission to study the environmental and health effects of evolving 5G technology, and relative to the moratorium on health facility licensure.

Amend the bill by replacing all after section 12 with the following:

13 Health Facilities Licensure; Applicability of Moratorium. Amend RSA 151:2, VI(a) to read as follows:

(a) No new license shall be issued for, and there shall be no increase in licensed capacity of, any nursing home, skilled nursing facility, intermediate care facility, or rehabilitation facility, including rehabilitation hospitals and facilities offering comprehensive rehabilitation services. This moratorium shall not apply to any rehabilitation facility whose sole purpose is to treat individuals for substance use disorder or mental health issues or to any continuing care facility for which a certificate of authority has been issued by the insurance commissioner pursuant to RSA 420-D:2.

14 Effective Date.

I. Sections 10 and 11 of this act shall take effect as provided in section 12 of this act.

II. Section 9 of this act shall take effect at 12:01 a.m. on July 1, 2019.

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

2019-2456s

AMENDED ANALYSIS

This bill:

I. Establishes a committee to study child care costs, affordability, and accessibility in the state of New Hampshire.

II. Increases the number of tuition waivers for persons who are or were in state foster care or under guardianship.

III. Clarifies the penalties for violations related to obtaining public assistance.

IV. Amends RSA 417-F:4, relative to reimbursement for emergency room boarding.

V. Revises the membership of the commission to study the environmental and health effects of 5G technology established in HB 522.

VI. Clarifies that the moratorium on health facilities licensure does not apply to certain continuing care facilities.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Giuda, seconded by Senator Birdsell.

The following Senators voted Yes: Starr, Giuda, Bradley, Watters, Gray, French, Ward, Dietsch, Carson, Birdsell, Fuller Clark, Morse, Morgan, Sherman.

The following Senators voted No: Hennessey, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, Reagan, D'Allesandro, Soucy.

Roll Call, Yeas: 14 - Nays: 10. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

FINANCE

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021.

Ought to Pass with Amendment, Vote 4-2. Senator D'Allesandro for the committee.

(Note: Committee Amendment 2019-2405s to HB 1-A will be printed in its entirety in the 2019 permanent *Journal of the Senate*.)

Senate Finance
May 31, 2019
2019-2405s
01/10

Amendment to HB 1-A

Amend the bill by replacing all after section 1.07 with the following:

1.08 Budget Footnotes; General. For any state department, as defined in RSA 9:1 the following general budget footnotes that contain class codes shall apply to all specified class codes in section 1.01 through 1.07 unless specifically exempted.

A. Not used.

B. Not used.

C. Revenue in excess of the estimate may be expended with prior approval of the fiscal committee and the approval of the governor and council.

D. The funds in this appropriation shall not be transferred or expended for any other purpose.

E. The appropriation budgeted in class 040-indirect costs are for general overhead state charges and such sums shall be transferred by the agency to the general fund of the state consistent with federal requirements.

F. This appropriation shall not lapse until June 30, 2021.

G. The funds in this appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 2021.

H. Not used.

I. In the event that estimated revenue in revenue class 001-transfers for other agencies, 002-transfers from department of transportation, 003-revolving funds, 004-agency income, 005-private local funds, 006-agency income, 007-agency income, 008-agency income, 009-agency income is less than budgeted, the total appropriation shall be reduced by the amount of the shortfall in either actual or projected budgeted revenue. The agency head shall notify the bureau of accounting services forthwith, in writing, as to precisely which line item appropriation and in what specific amounts reductions are to be made in order to fully compensate for the total revenue deficits. For the biennium ending June 30, 2021 account number 02-46-46-4620-5731 within the department of corrections shall be exempt from these provisions. The provisions of this footnote do not apply to federal funds covered by RSA 124:14.

J. This appropriation, to be administered by the commissioner, is for the necessary equipment needs of the department and shall be expended at the commissioner's discretion.

2 General Fund and Total Appropriation Limits. The amounts included in section 1 of this act for all university system accounts and community college system accounts, under estimated source of funds from general funds shall be the total appropriation from general funds for such accounting units that may be expended for the purpose of section 1 of this act. Any funds received by said systems from other than general funds are hereby appropriated for the use of the systems and may be expended by said systems whether or not this will result in an appropriation and expenditure by the system in excess of the total appropriation therefor.

3 Assignment of Office Space. If, during the biennium ending June 30, 2021, because of program reductions, consolidations, or any other reason, office space becomes available in the health and human services complex, the Hayes building, or any other state building, except office space under the control of the legislature pursuant to RSA 14:14-b, the commissioner of administrative services shall, with the prior approval of the fiscal committee of the general court, and with the approval of the governor and council, require that any agency renting private space be required to occupy such available space in said building or buildings forthwith. Such funds as have been allocated or committed by any agency affected by this section for outside rental shall be transferred by the director of the division of accounting services to the bureau of general services, activity number 01-14-14-141510 for maintenance of applicable state buildings.

4 Lottery Commission; Authority Granted. For the biennium ending June 30, 2021, in order to provide sufficient funding to the lottery commission to carryout lottery games that will provide funds for the distribution

in accordance with RSA 284:21-j, the commission shall apply to the fiscal committee of the general court for approval of any new games, the expansion of any existing lottery games, or for the purchase of any tickets for new or continuing games. Additionally, no expenditures for consultants shall be made without prior approval by the fiscal committee of the general court. If approved, the commission may then apply to the governor and council to transfer funds from the sweepstakes revenue special account. The total of such transfers shall not exceed \$6,000,000 for the biennium ending June 30, 2021.

5 Positions Abolished. The following positions are hereby abolished effective at the close of business on June 30, 2019:

State Department

01-032-032-320010-7889 11365

Board of Tax and Land Appeals

01-089-089-890010-1241 41676

Department of Safety

02-023-023-236010-2740 16622 17131

Banking Department

02-072-072-720010-2046 43143

Department of Natural and Cultural Resources

03-035-035-353010-2555 42031

Department of Education

06-056-056-565010-2537 13137

06-056-056-565010-2538 13237 13245 13259 13266 13270 13276 19797 30375 30391

06-056-056-562010-7534 44110

06-056-056-566510-9008 13171

6 Department of Health and Human Services; Division of Child Support Services; Payments to the Administrative Office of the Courts. The appropriation in account 05-95-42-427010-7934, class 085, includes funds for payment to the administrative office of the courts in accordance with the cooperative agreement between the division of child support services and the administrative office of the courts. The division of child support services and the administrative office of the courts shall, prior to payment of such funds, enter into a cooperative agreement specifying in detail the services to be performed by the administrative office of the courts and the estimated costs of such services. Any change or modification in the services to be performed shall likewise be agreed to in writing and specify the change and the adjustment to the costs. Funds appropriated for these purposes shall be paid only after demonstration by the administrative office of the courts that it consistently transmits court orders to the division of child support services in accordance with the cooperative agreement.

7 General Fund Unrestricted Revenue Estimates. The general fund unrestricted revenue estimates in section 8 of this act, for fiscal years 2020-2021, are presented as net of all estimated tax credits.

8 Estimates of Unrestricted Revenue.

GENERAL FUND	<u>FY 2020</u>	<u>FY 2021</u>
BUSINESS PROFITS TAX	\$397,900,000	\$389,700,000
BUSINESS ENTERPRISE TAX	<u>51,700,000</u>	<u>50,700,000</u>
SUBTOTAL BUSINESS TAXES	\$449,600,000	\$440,400,000
MEALS AND ROOMS TAX	352,800,000	360,400,000
TOBACCO TAX	110,900,000	109,500,000
TRANSFER FROM LIQUOR	132,800,000	133,800,000
INTEREST AND DIVIDENDS TAX	113,400,000	113,400,000

INSURANCE	125,300,000	129,500,000
COMMUNICATIONS TAX	37,500,000	34,200,000
REAL ESTATE TRANSFER TAX	110,100,000	110,100,000
COURT FINES & FEES	12,900,000	12,700,000
SECURITIES REVENUE	45,700,000	45,700,000
BEER TAX	13,100,000	13,100,000
OTHER REVENUES	68,400,000	71,900,000
MEDICAID RECOVERIES	<u>3,700,000</u>	<u>3,300,000</u>
TOTAL GENERAL FUND	\$1,576,200,000	\$1,578,000,000
EDUCATION FUND	<u>FY 2020</u>	<u>FY 2021</u>
BUSINESS PROFITS TAX	\$93,300,000	\$91,400,000
BUSINESS ENTERPRISE TAX	<u>252,600,000</u>	<u>247,400,000</u>
SUBTOTAL BUSINESS TAXES	\$345,900,000	\$338,800,000
MEALS AND ROOMS TAX	10,900,000	11,100,000
TOBACCO TAX	87,100,000	86,000,000
REAL ESTATE TRANSFER TAX	54,200,000	54,200,000
TRANSFER FROM LOTTERY	96,000,000	96,000,000
TOBACCO SETTLEMENT	39,700,000	39,200,000
UTILITY PROPERTY TAX	46,100,000	46,800,000
STATEWIDE PROPERTY TAX	<u>363,100,000</u>	<u>363,100,000</u>
TOTAL EDUCATION FUND	\$1,043,000,000	\$1,035,200,000
HIGHWAY FUND	<u>FY 2020</u>	<u>FY 2021</u>
GASOLINE ROAD TOLL	\$130,200,000	\$132,300,000
MOTOR VEHICLE FEES	120,200,000	114,600,000
MISCELLANEOUS	<u>200,000</u>	<u>200,000</u>
TOTAL HIGHWAY FUND	\$250,600,000	\$247,100,000
FISH AND GAME FUND	<u>FY 2020</u>	<u>FY 2021</u>
FISH AND GAME LICENSES	\$9,700,000	\$9,700,000
FINES AND MISCELLANEOUS	<u>3,200,000</u>	<u>3,200,000</u>
TOTAL FISH AND GAME FUND	\$12,900,000	\$12,900,000

9 Department of Health and Human Services; Sununu Youth Services Center; Reduction in Appropriation. The department of health and human services is hereby directed to reduce state general fund appropriations to the Sununu youth services center by \$704,790 for the fiscal year ending June 30, 2020 and by \$945,658 for the fiscal year ending June 30, 2021. The department shall develop a plan for the reductions required under this section and present the plan to the fiscal committee of the general court no later than September 30, 2019.

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

The question is on the adoption of the Committee Amendment. Adopted.

Senator Bradley moved to divide the question: Ought to Pass with Amendment 2019-2405s: Section 1 – Selected Appropriations; Agency and Activity Codes: Department of Justice, 02-20-020, pages 59-68; DHHS, Division for Children, Youth and Families – Child Protection, 05-95-042-421010, pages 120-126; DHHS Division for Behavioral Health, 05-95-092, pages 156-163; DHHS, Division of Developmental Services, 05-95-093, pages

163-167; New Hampshire Hospital, 05-95-094, pages 168-170; Department of Education – Education Trust Fund, 05-56-056-567010-3043, pages 181-183; Community College System of New Hampshire, 06-58-058, pages 191-192; University System of New Hampshire, 06-50-050 (Not Amended); and then the balance of the bill.

The Chair ruled the question divisible.

The question is on the adoption of the motion of Ought to Pass with Amendment 2019-2405s: Section 1 – Selected Appropriations; Agency and Activity Codes: Department of Justice, 02-20-020, pages 59-68; DHHS, Division for Children, Youth and Families – Child Protection, 05-95-042-421010, pages 120-126; DHHS Division for Behavioral Health, 05-95-092, pages 156-163; DHHS, Division of Developmental Services, 05-95-093, pages 163-167; New Hampshire Hospital, 05-95-094, pages 168-170; Department of Education – Education Trust Fund, 05-56-056-567010-3043, pages 181-183; Community College System of New Hampshire, 06-58-058, pages 191-192; University System of New Hampshire, 06-50-050 (Not Amended).

A roll call was requested by Senator Birdsell, seconded by Senator Giuda.

The following Senators voted Yes: Starr, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Carson, Feltes, Cavanaugh, Reagan, Birdsell, D'Allesandro, Fuller Clark, Morse, Morgan, Sherman, Soucy.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment 2019-2405s: the balance of the bill as amended.

A roll call was requested by Senator Feltes, seconded by Senator Rosenwald.

The following Senators voted Yes: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

The following Senators voted No: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

Roll Call, Yeas: 14 - Nays: 10. Adopted, bill ordered to Third Reading.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures.

Ought to Pass with Amendment, Vote 4-2. Senator D'Allesandro for the committee.

Senate Finance

May 31, 2019

2019-2403s

01/10

Amendment to HB 2-FN-A-LOCAL

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

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

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

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

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

(b) All individuals or business entities submitting a bid, proposal, or quotation in response to a request for a bid, proposal, or quotation issued by the division of procurement and support services shall, as part of their response, provide ~~[an affidavit signed under oath before a duly authorized notary public]~~ **a statement signed under penalty of unsworn falsification as set forth in RSA 641:3** that all conditions listed in subparagraphs (a)(1)-(10) have been met. Failure to submit such ~~[an affidavit or, should the affidavit be false or signed]~~ **a statement, the filing of a false statement, or the signing**

of the statement by an unauthorized person, ***shall be reason for*** the bid, proposal, or quotation ~~[shall]~~ ***to*** be ~~[automatically]~~ rejected and the resulting contract, if any, shall be deemed to be in breach. The commissioner of the department of administrative services shall adopt rules under RSA 541-A relative to the ~~[affidavit]~~ ***statement*** required under this subparagraph.

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

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

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

(c) The division of plant and property, which shall be under the supervision of ~~[a classified administrator who]~~ ***an unclassified director of plant and property who shall be qualified to hold that position by reason of education and experience and shall perform such duties as the commissioner from time to time may authorize. The director of plant and property*** shall be responsible for the following functions, in accordance with applicable law:

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

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

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

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

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

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

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

I. State budget.

II. Internal audit.

III. Operational analysis.

IV. Cost containment.

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

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

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

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

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

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

V. Assisting department division directors by:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Formalizing contract agreements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) After consultation with, and approval by the ~~[manager of risks]~~ **director of risk** and benefits, purchasing liability insurance under a fleet policy covering the operation of state-owned vehicles and motor-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9:27 Insurance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 Department of Administrative Services; Continuation of Laws; Transfer of Duties Relating to Financial Data Management. All provisions of law that remain in effect and refer to the department of administrative services' financial data management unit shall be construed so as to apply to the division of financial data management. All powers, duties, and obligations of the financial data management unit, and all bureaus or other subunits within the unit, shall be transferred to the division of financial data management and its subunits without interruption or delay on the effective date of this section. The transfer shall include, but

not be limited to, all personnel, equipment, and funding of the former financial data management unit and its subunits. The department of administrative services may make such changes to the accounting structure and budgetary allocations for the biennium ending June 30, 2021 as it concludes are necessary or appropriate to effectuate and accommodate the changes made to the department by this act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I. Due to inadequate funding and staffing resources at the department of administrative services, the commissioner of the department of administrative services may suspend the obligations or requirements under RSA 21-I:7-c as it applies to addressing performance and financial legislative budget assistant audit findings from 2006, 2011, and 2014 regarding management of the employee and retiree health benefit program, including establishing rules and operational policies for the program, for each fiscal year of the biennium ending June 30, 2021.

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

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

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

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

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

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

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

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

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

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

(B) The federal surplus food fund.

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

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

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

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

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

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

44 Appropriation; Building Maintenance Fund.

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

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

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

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

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

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

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

46 Judicial Appointments; Number Limited; Conversion Suspended.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 Department of Corrections; Unclassified Positions Established.

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

- (a) Department of corrections, chief pharmacist.
- (b) Department of corrections, pharmacist I.
- (c) Department of corrections, pharmacist II.
- (d) Department of corrections, pharmacist III.
- (e) Department of corrections, pharmacist IV.

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

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

- (a) Chief pharmacist #19851.
- (b) Pharmacist #12997.
- (c) Pharmacist #19553.
- (d) Pharmacist #19848.
- (e) Pharmacist #16290.

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

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

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

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

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

I. The amount of the annual grant for a lease to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, or any receiving district operating an area school as defined in RSA 195-A:1, shall be a sum equal to 30 percent of the amount of the annual payment of the lease incurred, for the cost of leasing permanent space in a building or buildings not owned by the school district or school administrative unit which is used for the operation of a high school vocational technical education program, to the extent approved by the state board of education. For the purposes of this section, the amount of the annual grant for a lease to a vocational tech-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Frequency of meetings.

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

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

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

V. The committee shall report its findings and any recommendations for legislation, including recommendations for repeal of non-regulatory boards, commissions, councils, or other advisory bodies 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, 2019.

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

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

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

III. The department of health and human services shall develop a plan to close the cliff effect so New Hampshire individuals and families are afforded a full opportunity to participate in the New Hampshire

workforce. The plan shall include the development and implementation of a “benefits cliff calculator” to measure the effect of increased income for individuals or families who receive public benefits and shall include related policy options such as, but not limited to, an earned income disregard, transportation accessibility, and incentives for employment retention based on an updated economic analysis.

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

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

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

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

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

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

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

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

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

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

VI. Benefits for All Consumers. Restructuring of the electric utility industry should be implemented in a manner that benefits all consumers equitably and does not benefit one customer class to the detriment of another. Costs should not be shifted unfairly among customers. A nonbypassable and competitively neutral system benefits charge applied to the use of the distribution system may be used to fund public benefits related to the provision of electricity. Such benefits, as approved by regulators, may include, but not necessarily be limited to, programs for low-income customers, energy efficiency programs, funding for the electric utility industry’s share of commission expenses pursuant to RSA 363-A, support for research and development, and investments in commercialization strategies for new and beneficial technologies. Legislative approval of the New Hampshire general court shall be required to increase the system benefits charge. This requirement of prior approval of the New Hampshire general court shall not apply to the energy efficiency portion of the system benefits charge [consistent with or authorized

only by Order No. 25,932 issued by the commission, dated August 2, 2016.] *if the increase is authorized by an order of the commission to implement the 3-year planning periods of the Energy Efficiency Resource Standard framework established by commission Order No. 25,923 dated August 2, 2016, ending in 2020 and 2023, or, if for purposes other than implementing the Energy Efficiency Resource Standard, is authorized by the fiscal committee of the general court; provided, however, that no less than 20 percent of the portion of the funds collected for energy efficiency shall be expended on low-income energy efficiency programs. Energy efficiency programs should include the development of relationships with third-party lending institutions to provide opportunities for low-cost financing of energy efficiency measures to leverage available funds to the maximum extent, and shall also include funding for workforce development to minimize waiting periods for low-income energy audits and weatherization.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A representative of the state's faith-based community, who shall be a nonvoting member, appointed by the governor.

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

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

CHAPTER 282-B

FAMILY AND MEDICAL LEAVE INSURANCE

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

282-B:2 Definitions. In this chapter:

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

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

III. “Commissioner” means the commissioner of the department of employment security.

IV. “Department” means the department of employment security.

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

VI. “Employment” means wages paid for services by an employer that is covered by this chapter.

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

VIII. “Family and medical leave” means leave from work:

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

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

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

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

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

IX. “FMLI” means family and medical leave insurance.

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

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

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

282-B:3 Employer Applicability.

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

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

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

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

282-B:5 Employer and Employee Responsibilities.

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

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

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

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

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

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

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

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

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

282-B:8 Report and Outreach.

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

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

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

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

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

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

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

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

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

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

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

525-A:1 ~~[Civil Legal Assistance]~~ **Statement of Purpose.** Funds appropriated to New Hampshire Legal Assistance for the purposes of civil legal assistance shall be used ~~[only for the provision of civil legal representation to low-income persons in this state. New Hampshire Legal Assistance shall make reports to the judicial council by June 30 and December 31 of each year on its use of state funds]~~ **to enable the state to fund civil legal services to low-income persons in the state.**

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

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

CHAPTER 287-I SPORTS BETTING

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

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

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

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

IV. "Commission" means the lottery commission.

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

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

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

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

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

X. "Prohibited sports bettor" means:

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

(b) Any principal or employee of any agent.

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

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

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

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

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

(h) Any person under the age of 18.

XI. "Prohibited sports event" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) User access controls for sports book personnel.

(c) Segregation of duties within the sports book.

(d) Employment background checks and policies.

(e) Automated and manual risk management procedures.

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

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

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

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

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

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

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

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

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

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

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

(e) Unique identification and verification systems for wagers;

(f) Procedures to prevent past posting of wagers;

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

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

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

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

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

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

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

- (a) The method for calculation and payment of winning wagers.
- (b) The effect of schedule changes for a sports event.
- (c) The method of notifying bettors of odds or proposition changes.
- (d) Acceptance of wagers at terms other than those posted.
- (e) Expiration dates for winning tickets.
- (f) Circumstances under which the agent will void a bet.
- (g) Treatment of errors, late bets, and related contingencies.
- (h) Method of contacting the agents or vendor for questions or complaints.
- (i) Description of those persons who are prohibited from wagering with the agents of contractor if broader than the prohibited bettors list set forth in this section.
- (j) The method and location for posting and publishing the approved house rules.

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

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

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

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

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

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

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

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

- (a) Cash;
- (b) Cash equivalent;
- (c) PayPal;
- (d) Debit card;
- (e) ACH;
- (f) Promotional funds; and

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

X. Any agent or contractor who sends or receives electronic sports wagers is responsible to ensure that any transfer of that wager is initiated and received and completed within the state of New Hampshire and that only incidental intermediate routing of the wager occurs outside of the state. The agent and contractor shall be responsible for periodically reviewing their information technology systems and networks to ensure compliance with this section.

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

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

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

II. Accepting sports wagers on prohibited sports events.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 338-B
COUNCIL FOR RESPONSIBLE GAMBLING

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

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

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

338-B:4 Membership.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

178:18 Combination License.

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

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

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

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

178:19 Retail Wine License.

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

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

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

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

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

178:19-a Retail Tobacco License.

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

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

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

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

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

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

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

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

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

332-B:3 Board; Compensation.

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

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

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

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

(d) Participation in complaint investigations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I. In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

485-A:27 Injunction; Emergency Closures.

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

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

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

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

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

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

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

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

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

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

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

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

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

131 Repeal. The following are repealed:

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

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

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

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

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

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

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

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

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

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

Recreation Camp Licensing

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

170-E:54 Rulemaking.

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

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

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

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

170-E:55 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) The child's name.
- (b) The name and signature of the licensed prescriber and business and emergency numbers.
- (c) The name, route, and dosage of medication.
- (d) The frequency and time of medication administration or assistance.
- (e) The date of the order.

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

(g) Specific recommendations for administration.

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

(i) The name of each required medication.

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

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

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

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

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

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

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

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

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

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

(a) The child's name.

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

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

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

(e) The date of the order.

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

(g) Specific recommendations for administration.

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

(i) The name of each required medication.

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

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

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

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

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

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

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

170-E:66 Penalty; Administrative Fines.

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

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

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

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

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

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

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

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

138 Repeal. The following are repealed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Division of Veterans Services

110-B:83 Division of Veterans Services.

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

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

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

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

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

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

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

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

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

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

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

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

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

II. The director shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

110-B:89 State Veterans Council Established.

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

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

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

I. The adjutant general, or designee.

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

III. The members of the veterans council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4-C:31 Definitions. In this subdivision:

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

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

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

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

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

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

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

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

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

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

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

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

4-C:33 Eligibility.

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

(a) A person shall meet the residency requirements of RSA 193:12; be a graduate of a New Hampshire high school, public academy, chartered public school, New Hampshire private preparatory high school, a high school-level home education program as defined in RSA 193-A; have received a New Hampshire high school equivalency certificate; have completed at least 3 years of high school in this state; be pursuing a certificate, associate, or bachelor degree at an eligible institution in this state; and be eligible to receive a Pell grant; or

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

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

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

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

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

4-C:34 Procedures.

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

II. An eligible student may receive a scholarship in the amount of \$1,000 per year provided he or she maintains at least a 2.0 grade point average. An eligible student who earned the New Hampshire scholar designation at the time of high school graduation may receive a scholarship in the amount of \$2,000 per year provided he or she maintains at least a 2.5 grade point average. The eligible institution shall not reduce any merit or need-based grant aid that would have otherwise been provided to the eligible student. An eligible student may receive an annual scholarship for a maximum of 4 years.

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

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

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

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

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

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

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

159 College Tuition Savings Plan Advisory Commission; Administration of Governor's Scholarship Program. Amend the introductory paragraph of RSA 195-H:2, I(a) to read as follows:

I.(a) There is established the New Hampshire college tuition savings plan advisory commission which shall ensure the proper administration and management of the savings plan. The advisory commission shall ensure that the savings plan complies with the requirements of section 529 of the Internal Revenue Code of 1986, as amended, and any related federal law applicable to the savings plan. The commission shall also be responsible for ensuring the proper administration, implementation, and management of the New Hampshire excellence in higher education endowment trust fund established in RSA 6:38, **and the governor's scholarship program and fund established in RSA 4-C:31-34.** The commission shall consist of the following members:

160 Definitions; New Hampshire Excellence in Higher Education Endowment Fund. Amend RSA 6:37 to read as follows:

6:37 Definitions. In this subdivision:

I. "Commission" means the New Hampshire college tuition savings plan advisory commission established in RSA 195-H.

II. "Eligible educational institution" means that which is defined in section 529 of the Internal Revenue Code, as amended.

III. **"New Hampshire college tuition savings plan UNIQUE annual allocation program" means the scholarship program established by the commission in rules.**

IV. **"New Hampshire college tuition savings plan UNIQUE endowment allocation program" means the scholarship program established by the commission in rules.**

V. "Trust fund" means the New Hampshire excellence in higher education endowment trust fund as established in this chapter.

161 New Hampshire Excellence in Higher Education Endowment Fund; Allocation of Receipts. Amend RSA 6:38, I to read as follows:

I. There is hereby established in the office of the treasurer the New Hampshire excellence in higher education endowment trust fund which shall be kept distinct and separate from all other funds. Annual assessments less any annual administrative costs **and amounts allocated for any debt service on bonds issued by the state to refund bonds previously issued by the business finance authority pursuant to RSA 162-A:17** received from the New Hampshire college tuition savings plan established under RSA 195-H shall be credited to the trust fund to provide scholarships for the benefit of residents of the state pursuing programs of study at eligible educational institutions within the state, **of which 80 percent shall be allocated to the New Hampshire college tuition savings plan UNIQUE annual allocation program and 20 percent shall be allocated to the New Hampshire college tuition savings plan UNIQUE endowment allocation program.**

162 New Paragraph; New Hampshire Excellence in Higher Education Endowment Trust Fund; Dedicated Allocation and Use of Funds. Amend RSA 6:39 by inserting after paragraph V the following new paragraph:

VI. Notwithstanding any law or rule to the contrary, the state treasurer shall be authorized to withdraw periodically from the trust fund receipts such amounts as are determined by the state treasurer to be equal to the principal and interest payments on bonds issued pursuant to RSA 6:38, I.

163 Rulemaking. Amend RSA 6:40, IV to read as follows:

IV. Procedures for determining the amount of funds available to provide annual scholarships through the trust fund **in accordance with RSA 6:38.**

164 New Paragraph; Regenerative Manufacturing Workforce Development Program; Business Finance Authority Funding Requirement. Amend RSA 162-T:3 by inserting after paragraph II the following new paragraph:

III.(a) The state treasurer may pay, redeem, and refund all outstanding bonds issued by the business finance authority that are subject to a guarantee of the state pursuant to RSA 162-A:17. To provide funds for such payment, redemption, and refund, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of the amounts of principal and interest outstanding on such bonds, plus an amount of costs attributable to such payment, redemption, and refund, and for said purpose, may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest with respect to bonds issued for said purpose shall be made from revenue received by the state treasurer pursuant to RSA 6:39, VI.

(b) The business finance authority shall, upon the payment, redemption, and refund of bonds issued pursuant to subparagraph (a), allocate up to \$5,000,000 for the purpose of such payments into the fund as are determined by the authority to be necessary to provide regenerative manufacturing worker educational debt relief as provided in this section.

165 Business Finance Authority; Reduction of State Guarantee Capacity. Amend RSA 162-A:17, I to read as follows:

I. In view of the general public benefits expected to be derived from the authority's activities under this chapter, and their contribution to the social welfare and economic prosperity of the state and its political subdivisions, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued under this chapter. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total outstanding amount of bonds guaranteed by the state under this section shall not exceed in the aggregate at any time \$25,000,000 plus interest **less the amount of any principal outstanding at any time on bonds issued by the state to refund bonds previously issued by the authority pursuant to this section.** In addition, the state shall not award a guarantee under this section if it would cause the contingent credit limit under RSA 162-A:22 to be exceeded. The governor, with the advice and consent of the council, is authorized to draw a warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond, and for the performance of such guarantee the full faith and credit of the state are pledged.

State Treasurer

166 New Section; Department of Transportation; Bulk Disposal of Highway or Turnpike Funded Real Estate. Amend RSA 4 by inserting after section 39-e the following new section:

4:39-f Bulk Disposal of Highway or Turnpike Funded Real Estate. Notwithstanding RSA 4:39-c, the bulk disposal of real estate purchased with state or federal highway funds, or both, or with turnpike funds shall occur as follows:

I. The commissioner of the department of transportation may recommend the bulk disposal of real estate purchased with state or federal highway funds or both, or turnpike funds. The request for bulk disposal shall be presented for review and approval by the long range capital planning and utilization committee before submission to the governor and council for approval. Upon determination that the property is no longer needed by the state, the governor and council shall first offer it to the government of the town, city, or county in which the property is located. If the town, city, or county refuses the offer, the governor and council may sell, convey, transfer, or lease the real property.

II. Sales of real property under this section shall be at not less than current market value of the subject property, as may be determined by the governor and council.

III. The proceeds due back to the department of transportation from a sale, conveyance, or transfer under this section shall be credited as restricted revenue to the highway fund, or the turnpike fund, or whichever fund provided money for the original purchase. The funds shall be nonlapsing and continually appropriated to the department to be used for right-of-way property management, maintenance, operations, or betterment of state roads and bridges.

IV. The commissioner of the department of transportation shall, at least once annually, report to the long range capital planning and utilization committee on the status of all real estate previously approved under this section.

V. As used in this section "bulk disposal" means multiple properties within the department of transportation's real estate inventory, which are valued and presented to the long range capital planning and utilization committee as a whole for review and approval to be sold to multiple buyers.

167 Number Plates; Official Cover Plates. Amend RSA 261:90 to read as follows:

261:90 Official Cover Plates. Upon payment of a fee, the director may issue and shall designate official cover plates with the reproduction of the state seal thereon to be affixed to a vehicle of United States senators from this state, representatives to congress from this state, the governor, members of the governor's council, the president of the senate, members of the senate, the speaker of the house of representatives, members of the house of representatives, the attorney general, the secretary of state, the state treasurer, the President of the United States and members of his or her executive staff, **and** any ambassador or member of the foreign diplomatic corps[, and members of the Maine-New Hampshire Interstate Bridge Authority]. The fee for official cover plates shall be \$1 in addition to any other number plate manufacturing fee otherwise required. The official cover plates, exclusive of the seal, shall be white with green lettering, which shall alternate with red lettering every other biennium. Official cover plates shall have the title of the person requesting the plates, except for members of the governor's council whose plates shall have their council district numbers embossed on them, and members of the general court, whose plates shall have their house seat numbers or their senate district numbers embossed on them unless the president of the senate, for members of the senate, or the speaker of the house of representatives, for members of the house of representatives, shall designate a title for their plates. The president of the senate, or a designee, and the speaker of the house of representatives, or a designee, shall provide the director with input as needed on the cover plate design for members of the general court. The director shall not issue more than 2 sets of official cover plates to any person. Official cover plates may be attached only to vehicles registered in the name of the person issued the plates or the name of the spouse of a member of the general court, or any vehicle being operated by a member of the general court. Nothing herein shall be construed as affecting the issuance of regular motor vehicle plates and the payment of the registration fee therefor. Official cover plates shall be manufactured at the state prison and the prison shall provide the plates to the department at the prison's cost.

168 Repeal; Maine-New Hampshire Interstate Bridge Authority. The following are repealed:

I. RSA 234:43-66, relative to the Maine-New Hampshire Interstate Bridge Authority and the Portsmouth-Kittery Bridge, also known as the Sarah Mildred Long Bridge.

II. RSA 234:67-69, relative to the Sarah Mildred Long Bridge.

III. RSA 100-A:3, VIII, relative to New Hampshire retirement system membership for employees of the Maine-New Hampshire Interstate Bridge Authority.

169 Executive Branch Code of Ethics; Complaints. Amend RSA 21-G:31, VI to read as follows:

VI. In proceedings under this subdivision, the committee shall have the power to issue subpoenas and administer oaths. Such subpoena powers may be exercised for the committee by the chairperson or legal counsel to the committee. The fees for witnesses ~~[shall be consistent with RSA 516:16 and]~~ shall be borne by the committee or the party requesting the subpoena.

170 Insurance Holding Companies; Examination. Amend RSA 401-B:6, V to read as follows:

V. Compelling Production. In the event the insurer fails to comply with an order, the commissioner shall have the power to examine the affiliates to obtain the information. The commissioner shall also have the power to issue subpoenas, to administer oaths, and to examine under oath any person for purposes of determining compliance with this section. Upon the failure or refusal of any person to obey a subpoena, the commissioner may petition a court of competent jurisdiction, and upon proper showing, the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the court order shall be punishable as contempt of court. Every person shall be obliged to attend as a witness at the place specified in the subpoena, when subpoenaed, anywhere within the state. He or she shall be entitled to the same fees and mileage, if claimed, as a witness in RSA 516:13[,] **and** RSA 516:14[, ~~and RSA 516:16~~], which fees, mileage, and actual expense, if any, necessarily incurred in securing the attendance of witnesses, and their testimony, shall be itemized and charged against, and be paid by, the company being examined.

171 Payment of Witnesses in Criminal Cases. Amend RSA 592-A:12 to read as follows:

592-A:12 ~~[Payment of]~~ Witnesses in Criminal Cases. Any person who attends any court for the state in criminal cases pursuant to subpoena ~~[shall be paid the witness fees provided by RSA 516:16. Any such person]~~ shall sign a witness log, which shall be available in the office of the clerk of court, on which the individual shall provide the following information: name, mailing address, and the name of the case for which the person was subpoenaed. The prosecuting agency shall review the log each day and certify that each individual appeared as indicated on the log. ~~[The attorney general shall pay all witness fees to all such persons who are entitled to such fees.]~~

172 Parole Revocation. Amend RSA 651-A:17 to read as follows:

651-A:17 Parole Revocation. Any parolee arrested under RSA 651-A:15-a shall be entitled to a hearing before the board within 45 days, in addition to any preliminary hearing which is required under RSA 504-A:5. The parolee shall have the right to appear and be heard at the revocation hearing. The board shall have power to subpoena witnesses[, ~~pay said witnesses such fees and expenses as allowed under RSA 516:16;~~] and administer oaths in any proceeding or examination instituted before or conducted by it, and to compel, by subpoena duces tecum, the production of any accounts, books, contracts, records, documents, memoranda, papers or tangible objects of any kind. If the board, after a hearing, finds that the parolee has violated the conditions of parole, violated the law, or associated with criminal companions and in its judgment should be returned to the custody of the commissioner of corrections, the board shall revoke the parole. A prisoner whose parole is revoked shall be recommitted to the custody of the commissioner of corrections. This provision shall not apply to a parolee who has accepted an option, offered by a probation/parole officer, to participate in an intermediate sanction program and has waived his or her right to counsel and to a preliminary hearing under RSA 504-A:5.

173 Arbitration of Disputes; Witnesses. Amend RSA 542:5 to read as follows:

542:5 Witnesses; Summoning; Compelling Attendance. When more than one arbitrator is agreed to, all the arbitrators shall sit at the hearing of the case unless, by consent in writing, all parties shall agree to proceed with the hearing with a less number. Any person may be summoned as provided in RSA 516[:] to attend before the arbitrators as a witness ~~[and the fees for such attendance shall be the same as the fees of witnesses in the superior court]~~. If any person or persons so summoned to testify shall refuse or neglect to attend, upon petition the court in and for the county in which such arbitrators are sitting may compel the attendance of such person or persons before said arbitrator or arbitrators, or punish said person or persons for contempt in the same manner now provided in RSA 516.

174 Midwifery; Powers and Duties of the Council. Amend RSA 326-D:4, II to read as follows:

II. The council shall have the power to subpoena witnesses and administer oaths in any hearing or disciplinary proceedings, and to compel, by subpoena duces tecum, the production of papers and records. ~~[Witnesses summoned before the council shall be paid the same fees as witnesses summoned to appear before the superior court, and such summons shall have the same effect as though issued for appearance before such court.]~~

175 Alcoholic Beverages; Hearings and Investigations. Amend RSA 179:56, I to read as follows:

I. The commission shall adopt and publish rules pursuant to RSA 541-A, to govern its proceedings and to regulate the mode and manner of all investigations and hearings before it. All hearings before the commission shall be in accordance with RSA 541-A:31-36. In any such investigation or hearing the commission shall not be bound by the technical rules of evidence. The commission may subpoena witnesses and administer oaths in any proceeding or examination instituted before or conducted by it, and may compel, by subpoena, the production of any accounts, books, contracts, records, documents, memoranda, and papers of any kind whatever. ~~[Witnesses summoned before the commission shall be paid the same fees as witnesses summoned to appear before the superior court, and such]~~ A summons issued by any justice of the peace shall have the same effect as though issued for appearance before such court.

176 Repeal. The following are repealed:

I. RSA 21-J:26, relative to witness fees for witnesses summoned to appear before the commissioner of the department of revenue administration.

II. RSA 153:20, relative to witness fees for witnesses summoned to appear before the state fire marshal.

III. RSA 326-H:17, III, relative to witness fees for witnesses summoned before the board of dietitians.

IV. RSA 365:11, relative to witness fees for witnesses summoned before the public utilities commission.

V. RSA 516:16, relative to fees of witnesses for attendance and travel.

VI. RSA 516:16-a, relative to defaults and witness fees for law enforcement officers.

VII. RSA 665:13, relative to witness fees for witnesses summoned before the ballot law commission.

177 Granite Workforce. 2018, 342:3 through 342:9 are repealed and reenacted to read as follows:

342:3 Granite Workforce; Program Established.

I. The commissioner of the department of health and human services may use allowable funds from the Temporary Assistance to Needy Families (TANF) program along with other available funds, including but not limited to the job training fund established under RSA 282-A:138-a, to create a network of assistance to remove barriers to work for eligible low income families as well as low income individuals and to provide subsidies to employers in high need areas, as determined by the department of employment security based upon workforce shortages. The funds shall be used to fund the granite workforce program, which shall operate as part of the New Hampshire granite advantage health care program established in RSA 126-AA. 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.

II. To be eligible for the granite workforce program, applicants shall be enrolled in the New Hampshire granite advantage health care program, established in RSA 126-AA, whether or not the applicant is subject to the work and community engagement requirement.

III. An eligible recipient, participating in the granite workforce program, whose wages subsequently cause the household to exceed 138 percent of the federal poverty level shall continue to receive granite workforce program services as needed, including the subsidy for employers, provided the recipient's wages do not cause the household to exceed 250 percent of the federal poverty level. After the second employer subsidy is paid on behalf of a granite workforce recipient, the recipient shall no longer be eligible for granite workforce services as long as household income exceeds 138 percent of the federal poverty level.

IV. 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 consideration of 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.

V. Except as otherwise provided in paragraphs II regarding program eligibility, administrative rules governing the New Hampshire employment program, adopted under RSA 541-A, shall apply to the granite workforce program.

342:4 Granite Workforce; Subsidies for Employers.

I. After 3 months of employment and upon verification of continued employment and wages from the employer, the department of employment security shall authorize payment of a subsidy equal to 50 percent of the employee's wages for the prior month, not to exceed \$2,000, to the participant's employer.

II. After 9 months of employment and upon verification of continued employment and wages from the employer, the department of employment security shall authorize payment of a subsidy equal to 50 percent of the employee's wages for the prior month, not to exceed \$2,000, to the participant's employer.

III. Upon notice by the department of an overpayment, the employer shall reimburse the department the amount of the overpayment.

IV. In this section, "employer" means a tax exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code.

342:5 Granite Workforce; Referral for Barriers to Employment.

I. The department of health and human services, in consultation with the department of employment security, shall issue a request for applications for community providers interested in offering case management services to participants with barriers to employment.

II. 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.

III. The department of employment security shall refer to community providers individuals with identified 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 the child care scholarship program administered by the department of health and human services.

IV. In addition to employer subsidies, TANF and other funds allocated to the granite workforce program shall be used to fund other services that eliminate barriers to work, as established through rulemaking.

342:6 Granite Workforce; 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. Any industry specific skills and training shall be provided for jobs in high need areas, as determined by the department of employment security based upon workforce shortages.

342:7 Granite Workforce; 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. High need areas include but are not limited to 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 and 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 and 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 and jobs for building roads, bridges, municipality infrastructure, and ensuring safe drinking water.

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

V. Hospitality training and jobs to 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.

342:8 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) Attainment of education or training, including credentials.

II. The report shall be issued to the speaker of the house of representatives, the 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.

342:9 Termination of Granite Workforce Program.

I. The commissioner of the department of health and human services shall be responsible for determining, every 3 months commencing no later than December 31, 2018, whether available TANF reserve funds total at least \$5,000,000. If at any time the commissioner determines that available TANF reserve funds have fallen below \$5,000,000, the commissioners of the departments of health and human services and employment security shall, within 20 business days of such determination, terminate the Granite Workforce program. The commissioners shall notify the governor, the speaker of the house of representatives, the president of the senate, the chairperson of the fiscal committee of the general court, and Granite Workforce participants of the program's pending termination.

II. If at any time the New Hampshire granite advantage health care program, established under RSA 126-AA, terminates, the commissioners of the departments of health and human services and employment security shall terminate the Granite Workforce program. The date of the Granite Workforce program's termination shall align with that of the New Hampshire granite advantage health care program.

178 Department of Natural and Cultural Resources; Exemption from Transfer Restrictions. Amend RSA 9:16-a, II-a(d) as follows:

(d) The following account units within the department of natural and cultural resources shall be exempt from the transfer restrictions in subparagraphs (a), (b), and (c): 03-35-35-351510-3701, 03-35-35-351510-3745, 03-35-35-351510-3720, 03-35-35-351510-7300, 03-35-35-351510-3414, 03-35-35-351510-3556, 03-35-35-351510-3558, 03-35-35-351510-3484, 03-35-35-351510-3486, 03-35-35-351510-3488, 03-35-35-351510-3562, 03-35-35-351510-3415, 03-35-35-351510-3746, 03-35-35-351510-3777, 03-35-35-351510-3717, [and] 03-35-35-351510-3703, **and 03-35-35-351510-4016.**

179 Motor Vehicles; Waiver in Lieu of Court Appearance. Amend RSA 262:44, I to read as follows:

I. Such defendant shall receive, in addition to the summons, a uniform fine schedule entitled "Notice of Fine, Division of Motor Vehicles" which shall contain the normal fines for violations of the provisions of title XXI on vehicles for which a plea may be entered by mail. The defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment at the time the summons is issued; except if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally shall do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the director of the division of motor vehicles within 30 days of the date of the summons. The director of the division of motor vehicles may accept payment of the fine by credit card in lieu of cash payment. Any transaction costs assessed by the issuer of the credit card shall be paid out of the portion of the fine amount which is credited ~~[as agency income]~~ **to the highway fund** and not out of the penalty assessment charged by the district court. The director of the division of motor vehicles shall remit the penalty assessments collected to the state treasurer to be credited and continually appropriated to the state general fund and to the victims' assistance fund and the judicial branch information technology fund in the percentages and manner prescribed in RSA 106-L:10. Fines shall be paid over to the state treasurer, and shall be credited ~~[as agency income by the department of safety]~~ **to the highway fund** within 14 days of their receipt ~~[and shall not lapse to the general fund until the second year of each biennium]~~.

180 Business Finance Authority Revenue Bonds; Additional State Guarantees. Amend RSA 162-I:9-b, I(a) to read as follows:

I.(a) The governor and council may award an unconditional state guarantee of the principal of and interest on bonds issued under this chapter. The full faith and credit of the state shall be pledged for any such guarantee, but the total amount of bonds guaranteed by the state under this section ~~[shall not exceed in the aggregate at any time \$10,000,000, plus interest, provided that such amount shall be increased to \$20,000,000 plus interest on January 1, 1993, to \$30,000,000 plus interest on January 1, 1994, to \$40,000,000 plus interest on January 1, 1995, and to \$50,000,000 plus interest on January 1, 1996. In addition, the amount of bonds guaranteed by the state under this section]~~ shall not cause the contingent credit limit under RSA 162-A:22 to be exceeded. The governor, with the advice and consent of the council, is authorized to draw his warrant for such sum as may be necessary out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest on the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

State Treasurer

181 Repeal. RSA 162-I:9-b, II, relative to the total amount of state guarantees issued by the business finance authority, is repealed.

182 Business Finance Authority; Unified Contingent Credit Limit. Amend RSA 162-A:22 to read as follows:

162-A:22 Unified Contingent Credit Limit. The total amount of state guarantees in force under RSA 162-A:7-a, RSA 162-A:8, RSA 162-A:10, III, RSA 162-A:13, RSA 162-A:13-a, RSA 162-A:17, ~~[RSA 162-I:9-a,]~~ and RSA 162-I:9-b shall not exceed in the aggregate at any time \$50,000,000 plus interest, provided that such amount shall be increased to \$80,000,000 plus interest on January 1, 1993, to \$95,000,000 plus interest on January 1, 1994, and to \$115,000,000 plus interest on May 1, 2015. ~~[After May 1, 2015, an amount not to exceed \$30,000,000 plus interest may be used solely for bonds guaranteed pursuant to RSA 162-I:9-a, and an amount not to exceed the remaining \$85,000,000 plus interest may be used solely for bonds issued pursuant to sections other than RSA 162-I:9-a.]~~

183 Repeal. The following are repealed:

I. RSA 12-G:33, relative to submission of a comprehensive development plan by the Pease development authority.

II. RSA 12-G:35, relative to loans to Pease development authority to enable the authority to obtain matching funds.

184 Office of Professional Licensure and Certification; Fees. Amend RSA 310-A:1-e, I(b) to read as follows:

(b) There is hereby established the office of professional licensure and certification fund into which the fees collected under subparagraph (a) shall be deposited. ~~[The fund shall be a separate, nonlapsing fund, continually appropriated to the office for the purpose of paying all costs and salaries associated with the office]~~ ***After paying all costs and salaries associated with the office, moneys in this fund shall lapse to the general fund at the close of each fiscal year.***

185 New Paragraphs; Department of Justice; Director of the Office of Victim/Witness Assistance. Amend RSA 21-M:3 by inserting after paragraph X the following new paragraphs:

XI. The attorney general, subject to the approval of the governor and council, may appoint a director of the office of victim/witness assistance, within the limits of the appropriation made for the appointment, who shall hold office for a term of 5 years. Any vacancy in such office may be filled for the unexpired term. The director of the office of victim/witness assistance may be removed only as provided by RSA 4:1.

XII. The attorney general, subject to the approval of the governor and council, may appoint a director of communications within the limits of the appropriation made for the appointment, who shall hold office for a term of 5 years. Any vacancy in such office may be filled for the unexpired term. The director of communications may be removed only as provided by RSA 4:1.

186 Department of Justice; Office of Victim/Witness Assistance. Amend the introductory paragraph in RSA 21-M:8-b, II to read as follows:

II. There is hereby established within the criminal justice bureau of the department of justice, the office of victim/witness assistance. ***The office shall be supervised by the director of victim/witness assistance who shall be appointed by the attorney general in accordance with the provisions of RSA 21-M:3, XI and who shall carry out the duties imposed by this section under the supervision of the attorney general and perform such other work as the attorney general may assign.*** The office shall provide information and services to victims and witnesses in criminal cases prosecuted by the attorney general and shall develop and coordinate a statewide victim/witness rights information program. The victim/witness rights information program shall:

187 New Paragraph; Department of Justice; Officer-Involved Deadly Force Investigator Position Established. Amend RSA 21-M:8 by inserting after paragraph III the following new paragraph:

IV.(a) To assist the attorney general in his or her duty to exercise general supervision of officer-involved use of deadly force investigations and to provide training to local law enforcement officers, the department of justice may hire an unclassified full-time investigator assigned the bureau, who shall work on officer-involved use of deadly force investigations.

(b) There is established within the department of justice an unclassified full-time investigator position for the purpose of working on officer-involved use of deadly force investigations as required in this paragraph. Notwithstanding RSA 14:14-c and RSA 94:1-d, the salary for the full-time investigator position shall be established as a labor grade BB pursuant to RSA 94:1-a, I(a).

188 Department of Justice; Position Reclassified and Established.

I. The position of administrator II-public/legislative information officer, position number 18030, within the department of justice shall be designated as an unclassified position.

II. There is established within the department of justice the unclassified position of director of communications. The salary of the director of communications shall be determined after assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the positions which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action and appointment of the director of communications, position number 18030 shall be abolished to allow for the transition of its available appropriations into the unclassified position of director of communications. Funding shall be transferred into the proper unclassified expenditure class for the attorney general accounting unit. The incumbent in the abolished classified position shall be offered the opportunity to seek the attorney general's nomination for the unclassified position of director of communications.

189 Department of Justice; Position Reclassified and Established.

I. The position of attorney III-assistant director of charitable trusts, position number 10321, within the department of justice shall be designated as an unclassified position.

II. There is established within the department of justice the unclassified position of assistant attorney general. The salary of the assistant attorney general is established in RSA 94:1-a, I-c. Upon completion of this action and appointment of the assistant attorney general, position number 10321 shall be abolished to allow for the transition of its available appropriations into the unclassified position of assistant attorney general. Funding shall be transferred into the proper unclassified expenditure class for the charitable trust accounting unit. The incumbent in the abolished classified position shall be offered the opportunity to seek the attorney general's nomination for the unclassified position of assistant attorney general.

190 Department of Administrative Services; Rehiring of Laid Off Classified State Employees.

I. For purposes of this section, "laid off" means any person in a classified position as described in RSA 21-I:49 who receives written notice of the state's intent to lay him or her off or who is laid off between July 1, 2019 and June 30, 2021, as a result of reorganization or downsizing of state government.

II. It is the intent of the general court that any classified position which becomes available in a department or establishment, as defined in RSA 9:1, shall be filled, if possible, by a state employee laid off, as defined in paragraph I, if such person is not currently employed by the state of New Hampshire, if he or she meets the minimum qualifications for the position, and if he or she does not receive a promotion as a result of the rehire.

III. The head of each department or agency shall submit the name and classification of any individual laid off between July 1, 2019 and June 30, 2021, to the director of the division of personnel within 10 days of the layoff.

191 Appropriation; State Treasurer; Municipal Aid.

I. The sum of \$40,000,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the state treasurer for the purpose of providing municipal aid to each city, town, and unincorporated place in the state. The treasurer shall distribute \$20,000,000 of the municipal aid to each city, town, and unincorporated place in the state by October 1 of the fiscal year ending June 30, 2020 and \$20,000,000 of the municipal aid to each city, town, and unincorporated place in the state by October 1 of the fiscal year ending June 30, 2021. The proportion of municipal aid distributed to each municipality pursuant to this paragraph shall be calculated pursuant to paragraph II. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated. The appropriation in this section shall not lapse until June 30, 2021. Municipal aid received by October 1, 2019 may be considered unanticipated revenue under RSA 31:95-b and may be accepted and expended pursuant to RSA 31:95-b, II through IV whether or not a town has adopted the provisions of RSA 31:95-b.

II. For each fiscal year of the biennium beginning July 1, 2019, the state treasurer shall reserve the amount in the treasury as determined in paragraph I. Such moneys shall not be used for any purpose other than to distribute grants to municipalities. From such funds, the treasurer shall disburse to each municipality in the state:

(a) Twenty percent of such funds for the determination year shall be distributed to municipalities on the basis of the ratio that each municipality's average daily membership in residence bears to the statewide total membership in residence, as determined by the department and provided to the treasurer.

(b) Eighty percent of such funds for the determination year shall be distributed to municipalities on the basis of the ratio that each municipality's number of pupils in the municipality's average daily membership in residence eligible for a free or reduced-price meal bears to the total statewide membership in residence eligible for a free or reduced-price meal, as determined by the department and provided to the treasurer.

III. The grant determined in this section shall be distributed to each municipality in one payment of 100 percent on or before October 1 of the fiscal year.

IV. For purposes of this section:

(a) "Average daily membership in residence" or "ADMR" means the average daily membership in attendance of pupils who are legal residents of the school district, pursuant to RSA 193:12 or RSA 193:27, IV, in kindergarten through grade 12 in the determination year and attend a state-approved public or nonpublic school as assigned by the school district in which the pupil resides, or by the state, or attend an approved chartered public school, and who are educated at the school district's expense, which may include costs of attendance at public academies or out-of-district placements.

(b) "Department" means the department of education.

(c) "Determination year" means the school year immediately preceding the school year for which aid is determined.

(d) "Eligible for a free or reduced-price meal" means the ADMR of pupils in kindergarten through grade 12 who are eligible for the federal free or reduced-price meal program.

(e) "Municipality" means a city, town, or unincorporated place.

192 New Section; Community Development Fund for New Hampshire Established. Amend RSA 162-L by inserting after section 4 the following new section:

162-L:4-a Community Development Fund for New Hampshire. There is hereby established in the state treasury the community development fund for New Hampshire, which shall be kept distinct and separate from all other funds. All moneys in the fund shall be nonlapsing and continually appropriated to the community development finance authority. In addition to any state appropriations, the community development finance authority may except gifts, grants, and donations from other sources, including contributions and loans from businesses, for deposit into the fund. The fund shall be used to provide flexible loan capital for community development initiatives and for one-time capital infrastructure revitalization and strategic investments.

193 New Subparagraph; Dedicated Funds or Accounts; Community Development Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new subparagraph:

(344) Moneys deposited in the community development fund for New Hampshire established in RSA 162-L:4-a.

194 Appropriation; Community Development Finance Authority; Community Development Fund for New Hampshire. There is hereby appropriated to the community development finance authority the sum of \$1,000,000 for the biennium ending June, 30 2021, for deposit in the community development fund for New Hampshire established in RSA 162-L:4-a. The governor is authorized to draw a warrant for such sum from any money in the treasury not otherwise appropriated.

195 State Aid Grant Program; Appropriation to Department of Environmental Services.

I. The sum of \$3,652,347 for the fiscal year ending June 30, 2020, is hereby appropriated to the department of environmental services for the purpose of funding state aid grant programs under RSA 486 for wastewater SAG 03-44-44-442010-1003-073-500580. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$3,781,024 for the fiscal year ending June 30, 2021, is hereby appropriated to the department of environmental services for the purpose of funding state aid grant programs under RSA 486 for wastewater SAG 03-44-44-442010-1003-073-500580. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

196 Department of Justice; Victim/Witness Specialist Positions Reclassified and Established. The positions of victim/witness specialist position numbers 18674, 19419, 9T2817, and 9T2811, within the department of justice shall be designated as unclassified positions. There are hereby established within the department of justice 4 unclassified victim/witness specialist positions. The salary of the victim/witness specialist positions shall be determined after assessment and review of the appropriate temporary letter grade allocation for the positions which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action and appointments to the unclassified positions, position numbers 18674, 19419, 9T2817, and 9T2811 shall be abolished to allow for the transition of the available appropriations to the unclassified positions. Funding shall be transferred into the proper unclassified expenditure class in the victim witness general accounting unit. The incumbents in the abolished classified positions shall be offered the opportunity to seek the attorney general's nomination for the unclassified victim/witness specialist positions.

197 New Paragraphs; Department of Justice; Criminal Justice Bureau; Victim/Witness Specialist Positions Established. Amend RSA 21-M:8 by inserting after paragraph IV the following new paragraphs:

V. The attorney general, subject to the approval of the governor and council, may appoint permanent victim/witness specialists within the limits of the appropriation made for the appointments, who shall hold office for a term of 5 years. Any vacancy in such position may be filled for the unexpired term. The victim/witness specialists may be removed only as provided by RSA 4:1.

VI. The attorney general, subject to the approval of the governor and council, may appoint unclassified, full-time temporary victim/witness specialists within the federal appropriations made for the appointment, who shall hold office subject to continuation of the federal grant funds supporting the victims/witness program. Any vacancy shall be filled in the same manner as the original appointment. The victim/witness specialists may be removed only as provided by RSA 4:1, or if the federal appropriation no longer supports the positions.

VII. There is established within the department of justice an unclassified full-time elections attorney. The salary of the elections attorney is established in RSA 94:1-a, I(c).

198 Department of Natural and Cultural Resources; Curatorial Responsibilities Suspended. Due to inadequate funding and staffing resources at the department of natural and cultural resources, the commissioner of the department of natural and cultural resources may suspend the requirements of RSA 227-C and RSA 12-A relative to curatorial responsibilities, for each year of the biennium ending June 30, 2021.

199 Statewide Public Boat Access Fund; Appropriation to Department of Natural and Cultural Resources. Amend RSA 233-A:13 to read as follows:

233-A:13 Statewide Public Boat Access Fund Established. There is hereby established a nonlapsing statewide public boat access fund. The \$5 boat registration surcharge collected pursuant to RSA 270-E:5, II(d) and any other public access funds donated to the state shall be placed in this fund. [AH] Funds received under this section are continually appropriated to the fish and game department for the purposes of the statewide public boat access program established under this chapter, ***except for sufficient funds which are hereby appropriated to the department of natural and cultural resources for payment of principal and interest on bonds and notes for the Mount Sunapee state park beach boat ramp project.***

200 Department of State; Archives and Records Management; Appointment of Director. Amend RSA 5:28 to read as follows:

5:28 Appointment of Director. The secretary of state, with the approval of governor and council, shall appoint the director of the division of archives and records management, who shall be known as the state archivist and who shall be an unclassified state employee. The director shall have a minimum of a master's degree in library science [or], history, ***or equivalent*** or 10 years prior experience as an archivist or experience in a related field. The term of office for the state archivist shall be for 4 years. Any vacancy shall be filled for the unexpired term. The salary of the state archivist shall be as specified in RSA 94:1-a.

201 Department and Secretary of State; Election Fund. Amend RSA 5:6-d, I-III to read as follows:

I. There is established in the office of the state treasurer a nonlapsing fund to be known as the election fund which shall be kept distinct and separate from all other funds. The election fund is established to meet the requirements of section 254(b) of the Help America Vote Act, Public Law 107-252 ***and the 2018 Election Reform Program authorized by the Consolidated Appropriations Act of 2018, Public Law 115-141, hereafter referred to as the "2018 Election Reform Program"***.

II. The treasurer shall deposit in the election fund all monies received by the state pursuant to the Help America Vote Act of 2002, Public Law 107-252 ***and the 2018 Election Reform Program***. The treasurer shall also deposit in the election fund such other funds received under state or federal law, or donated to the state by private parties, for the purposes of conducting elections, voter and election official education, election law enforcement, and related information technology projects and improvements, and shall credit any interest or income earned on monies on deposit to the fund.

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of equipment that complies with the Help America Vote Act of 2002, Public Law 107-252, or with RSA 659:13, V, reimbursing the department of safety for the actual cost of voter identification cards, election law enforcement, ***enhancing election technology, making election security improvements***, and improvements to related information technology, including acquisition and operation of an automated election management system. ***With the exception of federal and state portions of funds associated with the 2018 Election Reform Program***, the secretary of state shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least 12 times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.

202 Short Title. Sections 203-209 of this act shall be known as the Granite State Jobs Act of 2019.

203 Findings. The general court finds it is in the public interest to enhance public-private partnerships to recruit, train, and re-employ workers in order to meet New Hampshire's skills gap and worker shortage, efficiently and timely assisting Granite state businesses and Granite staters looking for work, including those in recovery.

204 Unemployment Compensation; Contribution Rates. Amend RSA 282-A:87, IV(a) to read as follows:

IV.(a)(1) Each employer subject to payment of contributions pursuant to RSA 282-A:69, I shall have its rate reduced by ~~[2/10]~~ **2/5** of one percent beginning in the ~~[second]~~ **fourth** quarter of ~~[2007]~~ **2019**. An administrative contribution equal to the amount of this reduction shall be paid by all such employers.

(2) Commencing ~~[July 1, 2007]~~ **January 1, 2020**, after deduction of all costs incurred in the collection of the administrative contribution, 1/3 of the quarterly administrative contribution collected, not to exceed ~~[\$2,000,000]~~ **\$6,000,000** annually, shall be deposited each quarter in the fund established by ~~[RSA 282-A:138-a]~~ **RSA 282-A:182** and shall be expended only as provided by and for the purposes provided in that section **and shall lapse to the unemployment trust fund account established in RSA 282-A:104, I(b) if unspent or unencumbered at the end of the relevant program year**. The remaining quarterly administrative contribution collected shall be **divided so that the proportional share of the quarterly administrative contribution resulting from the increase over 2/10 of one percent shall be deposited in the unemployment compensation fund established in RSA 282-A:103 and the remaining amount** deposited in the fund established by RSA 282-A:140 and shall be expended only as provided by and for the purposes provided in that section, and not for any other purpose.

205 Department of Employment Security; Job Training Program. Amend RSA 282-A by inserting after section 180 the following new subdivision:

Job Training Program

282-A:181 Job Training Program. The department of employment security shall administer the job training program in this subdivision. The commissioner of the department of employment security shall adopt rules under RSA 541-A, relative to the grant award process and general administration of this subdivision.

I. Training programs may include, but shall not be limited to:

- (a) Structured, on-site laboratory or classroom training.
- (b) Basic skills.
- (c) Technical skills.
- (d) Quality improvement.
- (e) Safety.
- (f) Management and supervision.
- (g) English as a second language.

II. No more than \$500,000 annually, from sources other than the WorkReadyNH program, shall be provided to support programs offered as of January 1, 2019, and, in addition to programs offered as of January 1, 2019, funding shall be provided for:

(a) Training individuals not otherwise eligible for state or federal training funds available as of January 1, 2019, including the cost of certificate programs, apprenticeship programs as defined under 29 C.F.R. Part 29, and occupational skills training in order to fill current, in-demand employment in New Hampshire with employers having immediate employment needs, with a priority for jobs identified through the state's sector partnership initiative and for employers who pay individuals during training periods.

(b) Enhanced support services, including child care and transportation assistance, which would not otherwise be available through any other state, federal, or other programs, with such assistance limited to income eligible individuals with an identified career path and who are determined to be in need of such support services to successfully compete for employment opportunities;

(c) The WorkReadyNH program established by the community college system of New Hampshire in an amount not to exceed \$500,000 annually.

(d) Certificate programs, apprenticeship programs as defined under 29 C.F.R. Part 29, and occupational skills training opportunities for New Hampshire high school students upon graduation in order to fill current, in-demand employment in New Hampshire.

(e) Marketing of New Hampshire's workforce development initiatives to employers and business community representatives in New Hampshire.

(f) Recruitment and coordination of services provided in this section to populations with higher than average unemployment in New Hampshire, including persons in need of training to change careers, persons with substance use disorders who are in recovery programs, persons with disabilities, inmates transitioning to the general population, persons who are homeless, senior citizens, legal immigrants and speakers of languages other than English, including documented outreach to and priority given to persons with substance use disorders who are in recovery programs.

282-A:182 Training Fund.

I. There is hereby created in the state treasury a special fund to be known as the training fund. Commencing January 1, 2020, the moneys in this fund shall be used solely as determined by the commissioner of the department of employment security in accordance with rules and guidelines adopted by the department for funding training under the job training program established in this subdivision. The commissioner of the department of employment security shall make rules relative to administration of the grant award process under this subdivision.

II. The commissioner shall act as the fiscal agent for moneys deposited in the training fund. All costs incurred by the commissioner acting as fiscal agent of the training fund shall be paid from such fund.

III. Any interest earned on the moneys in this fund shall remain in the fund and shall be expended as provided in paragraph I.

IV. Any moneys paid into the training fund during a calendar year, which are either not obligated by June 30 of the following year or spent by June 30 of the year thereafter, shall be continually appropriated and shall not lapse.

282-A:183 Expenditure for Job Training Program. The department of employment security shall use no more than 10 percent, or \$600,000, of any moneys received from the training fund established in RSA 282-A:182, whichever is less, to administer the job training program in this subdivision, including support for the sector partnership initiative.

282-A:184 Report. The commissioner shall annually submit a report to the governor's state workforce innovation board, the speaker of the house of representatives, the president of senate, the chairperson of the senate committee with jurisdiction over commerce issues, and the chairperson of the house committee with jurisdiction over labor issues concerning the effectiveness of the job training program established in this subdivision.

206 Commission to Review and Evaluate Workforce and Job Training Programs in New Hampshire. Amend RSA 273:28, IV(g)(12) to read as follows:

(12) Department of ~~[business and economic affairs]~~ **employment security**, job training program ~~[for economic growth]~~ pursuant to RSA ~~[12-O:30-37]~~ **282-A:181-184**.

207 Application of Receipts. Amend RSA 6:12, I(b)(74) to read as follows:

(74) Moneys deposited in the training fund established by RSA ~~[282-A:138-a]~~ **282-A:182**.

208 New Hampshire Workforce Opportunity Fund. Amend RSA 12-O:45, V to read as follows:

V. In accordance with RSA ~~[12-O:30]~~ **282-A:181** through RSA ~~[12-O:37]~~ **282-A:184**, the commissioner of the department of employment security shall have the authority to make grants to New Hampshire employers for the purpose of training employees in accordance with this chapter, such grants not to exceed the amounts specified in RSA 282-A:87, IV(a)(2), and not to exceed to any single employer in any grant year the sum of \$70,000, unless first approved by governor and council. The commissioner shall provide the governor and council an information item not less frequently than semi-annually describing all such grants expended pursuant thereto. Such grants shall be made pursuant to a form of agreement that shall be approved by governor and council after review by the attorney general and the commissioner of the department of administrative services.

209 Repeal. The following are repealed:

I. RSA 12-O:30 through RSA 12-O:37, relative to the job training program for economic growth.

II. RSA 282-A:138-a, relative to the training fund.

210 Appropriation; Affordable Housing Fund. The sum of \$5,000,000 for the fiscal year ending June 30, 2020, is hereby appropriated to the housing finance authority for deposit in the affordable housing fund established in RSA 204-C:57, for the purpose of providing financing or state matching funds for affordable housing. The appropriation shall be in addition to any other funds appropriated to the housing finance authority. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

211 New Section; Special Account. Amend RSA 432 by inserting after section 30 the following new section:

432:30-a Special Account. There is established a separate account to which shall be credited all funds appropriated or acquired to provide financial and technical assistance associated with this subdivision. This shall be a nonlapsing account, and funds in said account are hereby appropriated for the purpose of this subdivision.

212 Appropriation. Department of Agriculture, Markets and Food. There is hereby appropriated to the department of agriculture, markets and food the sum of \$250,000 for the fiscal year ending June 30, 2020 and \$500,000 for the fiscal year ending June 30, 2021 for deposit in the special account established in RSA 432:30-a. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

(344) Moneys deposited in the special account for agriculture development rights under RSA 432:30-a.

214 State Demographer. For the biennium ending June 30, 2021, the provisions of RSA 4-C:36 and RSA 14:46, VII are hereby suspended. For said biennium, the director of the office of strategic initiatives may provide assistance to the commission on demographic trends established pursuant to RSA 4-C:37, the department of health and human services pursuant to RSA 9:9-e, or the legislative budget assistant pursuant to RSA 9:9-f, in place of the state demographer.

215 Board of Tax and Land Appeals; Staff. Amend RSA 71-B:14 to read as follows:

71-B:14 Staff. The board shall have upon its staff [2] **at least one** review [appraisers] **appraiser** who shall be **a** classified state [employees] **employee** and who shall be competent to review the value of property for tax and eminent domain purposes. In addition, the board shall have such clerical and technical staff as may be necessary within the limits of appropriation made therefor.

216 Coos County Job Creation Tax Credit Extended. Amend RSA 77-E:3-c, II to read as follows:

II. ~~[The initial job creation tax credit allowed under this paragraph shall not apply to any tax period ending prior to the effective date of this section, or to any tax period ending after December 31, 2018.]~~ After being initially granted, the tax credit shall be renewable for 4 consecutive additional years, provided that no additional tax credit shall be granted under this chapter for any tax period after December 31, [2022] **2027**.

217 Business Profits Tax; Imposition of Tax; 2019. RSA 77-A:2 is repealed and reenacted to read as follows:

77-A:2 Imposition of Tax. A tax is imposed at the rate of 7.9 percent upon the taxable business profits of every business organization.

218 Business Enterprise Tax; Imposition of Tax; 2019. RSA 77-E:2 is repealed and reenacted to read as follows:

77-E:2 Imposition of Tax. A tax is imposed at the rate of .675 percent upon the taxable enterprise value tax base of every business enterprise.

219 Repeal of Prospective Amendments. The following are repealed:

I. 2017, 156:215, relative to the rate of the business profits tax in 2021.

II. 2017, 156:216, relative to the rate of the business enterprise tax in 2021.

III. 2017, 156:217, II, relative to the applicability of the 2021 rates changes.

220 Applicability. Sections 217 and 218 of this act shall apply to taxable periods ending on or after December 31, 2019.

221 Education Trust Fund. Notwithstanding RSA 198:39, I, for the biennium ending June 30, 2021, the education trust fund may be used for the purpose of distributing school building aid to school districts and approved chartered public schools pursuant to RSA 198:15-b, distributing tuition and transportation funds to school districts for students attending career and technical education programs pursuant to RSA 188-E:9, and distributing special education aid to school districts pursuant to RSA 186-C:18.

222 New Section; The Budget; Transmission to the Legislature; Changes to Statutory Law. Amend RSA 9 by inserting after section 2 the following new section:

9:2-a Transmission to the Legislature; Changes to Statutory Law. Not later than February 15 of the first year of each biennial legislative session, the governor shall transmit to the legislature a document to be known as the trailer bill containing any changes to statutory law deemed necessary for the ensuing biennium. This document shall be separate from the document known as the budget as provided in RSA 9:2 and shall not be considered a budget bill as provided in part II, article 18-a of the New Hampshire constitution. This document shall be available in printed format and at least one electronic computer file format in common use at the time.

223 Department of Safety; Deputy Director of Administration; Position Established. There is established within the department of safety the unclassified position of deputy director of administration. The deputy director of administration shall be qualified to hold that position by reason of education and experience, and shall be appointed by and serve at the pleasure of the commissioner of safety. The deputy director of administration shall assist the director of administration in carrying out the duties of the department of safety. The salary of the deputy director of administration shall be determined after assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I for the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Funding shall be appropriated from expenditure class 012, within accounting unit 02-23-23-232015-2310.

224 New Section; Department of Safety; Deputy Director of Administration. Amend RSA 21-P by inserting after section 6 the following new section:

21-P:6-a Deputy Director of Administration.

I. The commissioner of safety shall nominate a deputy director of administration for appointment by the governor, with the consent of the council. The deputy director of administration shall serve a term of 4 years, and may be reappointed. The deputy director of administration shall be qualified to hold that position by reason of education and experience.

II. The deputy director of administration shall perform such duties as are assigned by the director of administration. The deputy director of administration shall assume the duties of the director of administration in the event that the director of administration is unable for any reason to perform such duties.

III. The salary of the deputy director of administration shall be as specified in RSA 94:1-a.

225 Assistant Director of Division of Fire Standards and Training and Emergency Medical Services; Membership in New Hampshire Retirement System. Notwithstanding any provision of RSA 100-A to the contrary, the current assistant director of the division of fire standards and training and emergency medical services, department of safety, shall be considered to have been properly enrolled as a member in group II of the New Hampshire retirement system as of his original date of hire with the division of fire standards and training and emergency medical services and he shall retain such membership for the duration of service in his present capacity.

226 Motor Vehicles; Copies of Certificates and Motor Vehicle Records. Amend RSA 260:15, II to read as follows:

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

227 Motor Vehicles; Drivers' Licenses; Real ID Compliant; Fee. Amend RSA 263:42, I to read as follows:

I. For each original driver's license and examination or driver's license renewal, other than for a commercial vehicle or motorcycle- **\$60 for a Real ID Act compliant license under RSA 263:14-b or \$50 for each other license**; for each license issued under RSA 263:5-f- \$10; for each youth operator's license and examination- \$10 per year, not to exceed \$50; for each license issued to a nonresident alien

for less than 5 years- \$10 per year or portion thereof; for each original commercial driver license and examination or commercial driver license renewal- \$60; for each commercial driver license reexamination in a one-year period- \$20; for each commercial vehicle endorsement, renewal of an endorsement, or removal of a restriction- \$10; for each special motorcycle original license and examination or special motorcycle license renewal- \$50; for each original motorcycle endorsement- \$25; for each 3-wheeled motorcycle endorsement- \$25; for each motorcycle endorsement and 3-wheeled motorcycle endorsement renewal- no charge. For each original driver's license issued, \$5 shall be credited to the driver training fund established by RSA 263:52. Except as provided in RSA 263:5-f, I, RSA 263:14, and RSA 263:39-a, III, every license shall expire on the licensee's birthdate in the fifth year following the issuance of such license. No fee collected under this paragraph shall be refunded once an examination has been taken or a license issued, except as provided in RSA 263:43.

228 Department of Transportation; Capital Corridor Rail Expansion. The department of transportation is hereby authorized to access the Boston Urbanized Area Formula Funding program of the Federal Transit Administration, 49 U.S.C. section 5307, identified in the 2019-2028 Ten Year Transportation Improvement Plan, to complete the project development phase of the project named Nashua-Manchester-Concord, project number 40818. The department may use toll credits pursuant to RSA 228:12-a for this project.

229 Department of Transportation; Use of Toll Credits. Amend RSA 228:12-a to read as follows:

228:12-a Use of Toll Credits. The department may use toll credits as a match for federal highway funds solely for the funding of highway and road projects, ~~or~~ projects concerning the travel of motor vehicles on such highways and roads, **and the completion of the project development phase of the project named Nashua-Manchester-Concord, project number 40818, in the 2019-2028 Ten Year Transportation Improvement Plan.** Any other use of toll credits shall require approval of the joint legislative capital budget overview committee, established in RSA 17-J:1, prior to moving the project forward for approval in the state 10-year transportation improvement program.

230 Department of Transportation; Appropriation. There is hereby appropriated to the department of transportation the sum of \$1,870,000 for the fiscal year ending June 30, 2019, for the purpose of demolition and environmental mitigation of structures on state-owned property. Such funds shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

231 Rulemaking Exception; Medicaid Rate of Reimbursement Methodology for Nursing Facilities. Amend RSA 541-A:21 by inserting after paragraph III the following new paragraph:

III-a. Rules adopted relative to the budget adjustment factor contained within the Medicaid rate of reimbursement methodology for nursing facilities shall be exempt from the provisions of 541-A:5 through 541-A:14 provided that the budget adjustment factor applied to the reimbursement methodology is equal to or less than 28.76 percent. If the budget adjustment factor to be applied to the reimbursement methodology is greater than 28.76 percent, the provisions of 541-A shall apply.

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

III. Moneys received from all other sources other than the liquor commission pursuant to RSA 176:16, III, **including any community benefit contribution made by New Hampshire's hospitals,** 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 **and shall not be diverted for any other purposes.** 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; provided, however, that funds received from any source other than the liquor commission, pursuant to RSA 176:16, III, shall not be used to support the New Hampshire granite advantage health care program and shall not be deposited into the fund established in RSA 126-AA:3.

233 Appropriation; Department of Health and Human Services; Inpatient Psychiatric Treatment Facility for Children.

I. There is hereby appropriated the sum of \$6,000,000 for the fiscal year ending June 30, 2019, which shall be nonlapsing, to the department of health and human services for the purpose of obtaining and renovating a new treatment facility for children who are in need of acute inpatient psychiatric treatment. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. There is hereby appropriated the sum of \$5,500,000 for the fiscal year ending June 30, 2020, which shall be nonlapsing, to the department of health and human services for the purpose of operating the psychiatric treatment facility under paragraph I. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III.(a) Upon completion of the design of the facility authorized in paragraph I, and before entering into any contractual obligation regarding the facility, the commissioner of the department of health and human services shall prepare a report which describes how the design and operational plan shall certify and provide for:

(1) Continued Joint Commission accreditation;

(2) Age- and developmentally- appropriate education, recreation, and rehabilitation services; and

(3) Backup staffing and security services so that the capacity for response to staffing shortages and emergencies, including psychiatric emergencies of children, is no less effective and no less protective than now exists at New Hampshire hospital.

(b) The report shall be provided to the governor, the speaker of the house of representatives, the president of the senate, and the fiscal committee of the general court no later than 30 days before the issuance of a request for proposals or the entrance into any contractual obligation for the construction, renovation, or development of the facility.

(c) In addition, the commissioner shall ensure that the facility is operated consistently with the principles and requirements of RSA 135-F, regarding the system of care for children's mental health.

234 Appropriation; Department of Health and Human Services; New Hampshire Hospital Repurposing. There is hereby appropriated to the department of health and human services the sum of \$4,000,000 for the fiscal year ending June 30, 2019, which shall be nonlapsing, for the purpose of repurposing the children's unit at New Hampshire Hospital for up to 48 adult beds. Of this amount, \$3,000,000 shall be a charge against the state general fund, and \$1,000,000 shall be a charge against trust funds established for the benefit of New Hampshire Hospital. The unit shall be operational for adult patients by June 1, 2021. The governor is authorized to draw a warrant for the general fund share of said sum out of any money in the treasury not otherwise appropriated. The appropriation made in this section shall be contingent upon the department submitting and presenting a plan to the fiscal committee of the general court.

235 Appropriation; Department of Health and Human Services; Transitional Housing Beds. There is hereby appropriated to the department of health and human services the sum of \$5,000,000 for the fiscal year ending June 30, 2019, which shall be nonlapsing, for the purpose of funding 40 new transitional housing beds for forensic patients and/or patients with complex behavioral health conditions including those transitioning from the New Hampshire hospital. The plans for constructing such beds shall be completed by January 1, 2020, and the beds shall be operational by June 1, 2021. The appropriation made in this section shall be contingent upon the department submitting and presenting a plan to the fiscal committee of the general court. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

236 Appropriation; Department of Health and Human Services; Patients Residing in Hospital Emergency Rooms. There is hereby appropriated to the department of health and human services the sum of \$500,000 for the fiscal year ending June 30, 2019, which shall be nonlapsing, and shall be expended for the purpose of providing assistance to hospitals in addressing the immediate needs of involuntary emergency admissions patients currently residing in emergency rooms in hospitals further than 30 miles from an established New Hampshire mobile crisis team or a designated receiving facility; provided that no hospital shall receive more than \$100,000. The appropriation made in this section shall only cover the portion of costs not reimbursable by insurance carriers. The commissioner of the department of health and human services shall establish the application process for such funds. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

237 Transfer of Funds for Operation of the Sununu Youth Services Center. Notwithstanding RSA 9:16-a and RSA 9:16-c, for the biennium ending June 30, 2021, prior approval of the fiscal committee of the general court shall be required for any transfer of funds required for the operation of the Sununu youth services center.

238 Medicaid Managed Care Program; Dental Benefits. RSA 126-A:5, XIX(a) is repealed and reenacted to read as follows:

XIX.(a) The commissioner shall employ a managed care model for administering the Medicaid program and its enrollees to provide for managed care services for all Medicaid populations throughout New Hampshire consistent with the provisions of 42 U.S.C. section 1396u-2. Models for managed care may include, but not be limited to, a traditional capitated managed care organization contract, an administrative services organization, an accountable care organization, or a primary care case management model, or a combination thereof, offering the best value, quality assurance, and efficiency, maximizing the potential for savings, and presenting the most innovative approach compared to other externally administered models. Services to be managed within the model shall include all mandatory Medicaid covered services and may include, but shall not be limited to, care coordination, utilization management, disease management, pharmacy benefit management, provider network management, quality management, and customer services. The commissioner shall enter into contracts with the vendors that demonstrate the greatest ability to satisfy the state's need for value, quality, efficiency, innovation, and savings. The commissioner shall establish rates based on the appropriate model for the contract that is full risk to the vendors. The rates shall be established in rate cells or other appropriate units for each population or service provided including, but not limited to, persons eligible for temporary assistance to needy families (TANF), aid for the permanently and totally disabled (APTD), breast and cervical cancer program (BCCP), home care for children with severe disabilities (HC-CSD), and those residing in nursing facilities. The rates and/or payment models for the program shall be presented to the fiscal committee of the general court on an annual basis. The managed care model or models' selected vendors providing the Medicaid services shall emphasize patient-centered, value-based care and include enhanced care management of high-risk populations as identified by the department. In contracting for the managed care program, the department shall ensure no reduction in the quality of care of services provided to enrollees in the managed care model and shall exercise all due diligence to maintain or increase the current level of quality of care provided. The commissioner may, in consultation with the fiscal committee, adopt rules, if necessary, to implement the provisions of this paragraph. The department shall seek, with the approval of the fiscal committee, all necessary and appropriate waivers to implement the provisions of this paragraph.

239 Department of Health and Human Services; Adult Dental Benefit; Development of Plan. The department of health and human services shall develop a plan for the incorporation of an adult dental benefit into a value-based care platform, as follows:

I. In this section, "value-based care" means an oral health care delivery model in which providers are paid based upon making positive health outcomes while reducing costs.

II. No later than 30 days after the effective date of this section, the department shall convene a working group consisting, at a minimum, of representatives of the following stakeholders: each managed care plan under contract with the state, the New Hampshire Oral Health Coalition, a public health dentist and a solo private practice dentist recommended by the New Hampshire Dental Society, the New Hampshire Dental Hygienist Association, and the Bi-State Primary Care Association, a representative of a New Hampshire dental insurance carrier designated by the governor, 2 members of the house of representatives, one of whom shall be from the majority party and one of whom shall be from the minority party, appointed by the speaker of the house of representatives, 2 members of the senate, one of whom shall be from the majority party and one of whom shall be from the minority party, appointed by the president of the senate, a member of the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program designated by the commission, and 2 members of the New Hampshire medical care advisory committee, one of whom shall be a consumer advocate, designated by the committee.

III. The working group shall be convened by the commissioner of health and human services and shall be subject to RSA 91-A. The department, in consultation with the working group, shall prepare a plan for the incorporation of an adult dental benefit into a value-based care platform. The adult dental benefit shall become effective on July 1, 2021. Each plan shall include, at a minimum, a detailed description of the following: eligibility and enrollment covered benefits and scope of services, cost benefit analysis including projected expenditures and anticipated cost savings, transition planning, prior authorization, transportation, pharmacy, case management, network adequacy, credentialing, quality metrics and outcome measurements, patient safety, utilization management, finance and reimbursement, rates and payment, grievance and appeals, and office of ombudsman. Each plan shall also address how the incorporation of the services into a value-based care platform shall achieve the legislative intent of providing value, quality, efficiency, innovation, and savings.

IV. Under no circumstances shall a fee for service model be included in the plan. The plan shall promote the development of an adult value-based dental benefit and/or an alternative payment model.

240 Reports.

I. The department of health and human services shall present an update on the status of the plan preparation each month to the fiscal committee of the general court and the oversight committee on health and human services, established in RSA 126-A:13, until the plan has been implemented. The department's updates shall also include managed care organization and department readiness for implementation.

II. No later than October 1, 2019, the commissioner shall submit to the speaker of the house of representatives, the president of the senate, and the governor, all proposed changes to state law the commissioner believes may be necessary for the incorporation of an adult dental benefit into a value-based care platform.

241 Repeal. RSA 126-A:5, XIX(b), relative to relative to enrollment in the managed care program, is repealed.

242 New Subdivision; Child Abuse Specialized Medical Evaluation Program. Amend RSA 169-C by inserting after section 39-k the following new subdivision:

Child Abuse Specialized Medical Evaluation Program

169-C:39-l Child Abuse Specialized Medical Evaluation Program Established. A child abuse specialized medical evaluation program is hereby established in the department. The program shall include the following elements:

I. Child protective service workers shall have on-call access, 24 hours a day and 7 days a week, to an experienced health care professional who is trained in and can advise on the standardized diagnostic methods, treatment, and disposition of suspected child sexual abuse and physical abuse.

II. Department nurses and child protective service workers performing screenings and assessments of reported cases of child abuse shall receive pre-service training in the standardized medical diagnostic methods, treatment, and disposition as well as periodic in-service training by health care providers experienced in child abuse and neglect.

III. Annually, a limited number of designated health care providers geographically distributed shall be trained in nationally recognized curricula to respond to initial presentations of child sexual abuse, physical abuse, and neglect.

IV. Health care professionals who participate in the training or are members of a multidisciplinary team, working with the department of health and human services or law enforcement, shall participate in periodic peer or expert reviews of their evaluations and undertake continuing education in the medical evaluation of child abuse and neglect according to professional standards.

V. The department shall contract with a health care provider with experience in child abuse and neglect to administer the program in collaboration with participating private and public entities.

VI. Reimbursement rates for health care providers who participate in the program shall reflect the average cost to deliver such services, including the participation in multidisciplinary team activities and associated court proceedings. The rates shall be periodically reviewed and, if necessary, revised.

VII. The commissioner of the department shall adopt rules, under RSA 541-A, relative to the medical evaluation program, training and continuing education requirements, and reimbursement rates.

243 Federal Family Planning Funding. If the proposed federal rule on Compliance with Statutory Program Integrity Requirements, 83 Fed. Reg. 25,502 (to be codified at 42 C.F.R. pt 59) does not go into effect and federal family planning funds are made available to the providers funded out of account 05-95-90-902010-5530, the unused portion of general funds appropriated to that account for the purpose of replacing lost federal funds shall lapse to the general fund.

244 New Section; Commission to Study School Funding. Amend RSA 193-E by inserting after section 2-d the following new section:

193-E:2-e Commission Established.

I. There is established a commission to study school funding.

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

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

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

(c) Six members of the public, 3 of whom shall be appointed by the president of the senate and 3 of whom shall be appointed by the speaker of the house of representatives.

(d) One member appointed by the governor.

(e) Three members appointed by the chairperson of the commission pursuant to paragraph V.

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:

(a) Review the education funding formula and make recommendations to ensure a uniform and equitable design for financing the cost of an adequate education for all public school students in pre-kindergarten through grade 12 in the state.

(b) Determine whether the New Hampshire school funding formula complies with court decisions mandating the opportunity for an adequate education for all students in pre-kindergarten through grade 12, with a revenue source that is uniform across the state.

(c) Identify trends and disparities across the state in student performance in pre-kindergarten through grade 12 based on current school funding options.

(d) Re-establish the baseline for the costs, programs, staffing, and facilities needed to provide the opportunity for an adequate education.

(e) Act as an independent commission.

(f) Study and produce recommendations regarding all costs and existing funding for special education, including listing any currently unfunded special education mandates issued to date by the state department of education.

(g) Study integrating into the education funding adequacy formula a factor that accounts for the number of Class A, B, and C properties in a community, and the distribution of education funding costs across those numbers and classes of properties.

(h) Consider other policy issues as the committee deems necessary. The commission may consult with outside resources and state agencies, including but not limited to the department of education, the department of revenue administration, and the legislative budget office.

V. The members of the study commission shall elect a chairperson from among the members. The chairperson shall appoint 3 individuals to be members of the commission. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 60 days of the effective date of this section. Eight members of the commission shall constitute a quorum. The commission shall establish a calendar to meet on a regular basis.

VI. The commission shall establish a budget and hire staff with an understanding of school finance options. Such staff shall be independent of government agencies.

VII. The commission shall make an initial report to the speaker of the house of representatives, the president of the senate, the senate clerk, the house clerk, the governor, and the state library 9 months after its first meeting, with a subsequent report to the house clerk, the senate clerk, the governor, and the state library on or before September 1, 2020. The commission shall remain active until and when the general court addresses its recommendations.

245 Appropriation. The sum of \$500,000 for the biennium ending June 30, 2021 is hereby appropriated to the commission to study school funding established in RSA 193-E:2-e for the purpose of administration, staffing, and the utilization of independent school finance experts. Notwithstanding restrictions on the use of moneys in the education trust fund in RSA 198:39, said appropriation shall be a charge against the education trust fund and shall be nonlapsing.

246 School Money; Definitions. Amend RSA 198:38, I(a) to read as follows:

(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~~]. 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. 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.

247 Repeal. RSA 198:48-c, III, relative to distribution of a kindergarten grant based on Keno revenue, is repealed.

248 School Money; Fiscal Capacity Disparity Aid. RSA 198:40-c is repealed and reenacted to read as follows:

198:40-c Fiscal Capacity Disparity Aid.

I. In addition to aid for the cost of the opportunity for an adequate education provided under RSA 198:40-a, each biennium the commissioner shall calculate fiscal capacity disparity aid and provide that amount of aid in each year of the biennium to a municipality's school districts as follows:

(a) A municipality with an equalized valuation per pupil of \$350,000 or less shall receive \$675 per pupil in the municipality's ADMA.

(b) A municipality with an equalized valuation per pupil between \$350,001 and \$899,999 shall receive a grant equal to \$0.0012 for each dollar of difference between its equalized valuation per pupil and \$900,000, per pupil in the municipality's ADMA.

(c) A municipality with an equalized valuation per pupil of \$900,000 or more shall receive no fiscal capacity disparity aid.

II. Fiscal capacity disparity aid shall be distributed pursuant to RSA 198:42.

III. In this section, "equalized valuation per pupil" means a municipality's equalized valuation, including properties subject to taxation under RSA 82 and RSA 83-F, as determined by the department of revenue administration, that was the basis for the local tax assessment in the determination year, divided by the school district's kindergarten through grade 12 ADMA in the determination year.

249 Determination of Education Grants. Amend RSA 198:41, IV(d) to read as follows:

(d) For fiscal year 2017 and each fiscal year thereafter, the department of education shall distribute a total education grant to each municipality in an amount equal to the total education grant for the fiscal year in which the grant is calculated plus a percentage of the municipality's fiscal year 2012 stabilization grant, if any, distributed to the municipality; the percentage shall be 96 percent for fiscal year 2017, ~~and shall be reduced by 4 percent of the amount of the 2012 education grant for each fiscal year thereafter~~ **92 percent for fiscal year 2018, 88 percent for fiscal year 2019, and 100 percent for fiscal year 2020 and each fiscal year thereafter**. No stabilization grant shall be distributed to any municipality for any fiscal year in which the municipality's education property tax revenue collected pursuant to RSA 76 exceeds the total cost of an adequate education or to any municipality for any fiscal year in which the municipality's ADMA is zero.

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

(b)(1)(A) Except as provided in subparagraph (2), for a chartered public school authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition pursuant to RSA 198:40-a, II(a)-(c) and (e) plus an additional grant of \$3,286 to all chartered public schools for the fiscal year ending June 30, 2018, ~~and~~ \$3,411 to all chartered public schools for the fiscal year ending June 30, 2019, **and \$3,785 to all chartered public schools for the fiscal year ending June 30, 2020** and each fiscal year thereafter, except for the Virtual Learning Academy Charter School, directly to the chartered public school for each pupil who is a resident of this state in attendance at such chartered public school. Beginning July 1, 2017 and every biennium thereafter, the department of education shall adjust the per pupil amount of the additional grant based on the average change in the Consumer Price Index for All Urban Consumers, Northeast Region, using the "services less medical care services" special aggregate index, as published by the Bureau of Labor Statistics, United States Department of Labor. The state shall pay amounts required pursuant to RSA 198:40-a, II(d) directly to the resident district.

251 General Fund Surplus; Revenue Stabilization Reserve Account. Notwithstanding RSA 9:13-e, after transferring \$5,000,000 to the revenue stabilization reserve account at the close of the fiscal biennium ending June 30, 2019, the remainder of the general fund surplus for said biennium shall remain in the general fund.

252 Appropriation; Internet Crimes Against Children Fund; Reductions.

I. The sum of \$250,000 for the fiscal year ending June 30, 2020, and \$250,000 for the fiscal year ending June 30, 2021 are hereby appropriated to the New Hampshire Internet crimes against children fund established in RSA 21-M:17. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

II. In order to offset sums appropriated under paragraph I, the department of education shall reduce state general fund appropriations to account 06-56-56-567010-3058, expenditure class 631-building aid lease, by \$300,000 for the fiscal year ending June 30, 2020.

253 Governor's Commission on Disability; Analysis and Report. The governor's commission on disability, established in RSA 275-C, shall analyze the state's system of support for individuals with developmental disabilities and recommend reforms and improvements to ensure that the state's service delivery model is structured to provide maximum benefit and tailored services to individuals with developmental disabilities. The governor's commission on disability shall consult with the university of New Hampshire institute on disability, the department of health and human services, the New Hampshire council on developmental disabilities, Granite State Independent Living, Community Support Network, Inc., Disability Rights Center-NH, the developmental services quality council of the department of health and human services, and any other relevant stakeholders including individuals with developmental disabilities and their families and/or guardians, and may accept and expend any applicable federal funds, and any gifts, grants, or donations that may be available for the purposes of this section. The commission shall also coordinate with the New Hampshire council on developmental disabilities to secure any funds that may be used for this purpose under the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 (PL 106-402) and in conjunction with the development and amendment of the state plan goals and objectives. The governor's commission on disability shall report its findings to the governor, the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, and the state library on or before November 1, 2019.

254 Department of Administrative Services; Study of Personnel System.

I. In order to ensure that the state is as effective an organization as possible in the 21st century to deliver quality public services to the people of New Hampshire while also operating as model employer for its workforce, the department of administrative services shall conduct a comprehensive study of the state's personnel system. The study shall include a review of all laws, administrative rules, and collective bargaining agreements related thereto, and by November 1, 2019, the commissioner of the department of administrative services shall issue a report with recommendations to the governor, the speaker of the house of representatives, and the president of the senate.

II. The sum of \$150,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of administrative services for the purpose of a study of the state's personnel system as specified in paragraph I of this section. Said sum shall not lapse until June 30, 2021. The governor is hereby authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

255 Appropriation; Department of Administrative Services. The sum of \$1,300,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of administrative services for the purpose of obtaining scheduling software. Said sum shall not lapse until June 30, 2021. The governor is hereby authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

256 Joint Legislative Historical Committee; Annual Appropriation. Amend RSA 17-I:5 to read as follows:

17-I:5 Annual Appropriation. There is hereby appropriated annually the sum of [~~\$10,000~~] **\$25,000** to the joint legislative historical committee established in RSA 17-I for deposit in the nonlapsing historical fund established under RSA 177:8, II for the purpose of carrying out its statutory duties. The governor is authorized to draw [~~his~~] **a** warrant for said sum out of any money in the treasury not otherwise appropriated.

257 Legislative Branch; Special Account. Amend 2011, 224:217, II(c), as amended by 2013, 144:102, 2015, 276:214, and 2017, 156:129 to read as follows:

(c) [~~Beginning in~~] **For** fiscal year 2017 and [~~for each~~] fiscal year [~~thereafter~~] **2018**, unexpended and unencumbered appropriations shall be transferred to the appropriate subaccount.

(d) Beginning in fiscal year 2019 and for each year thereafter, any unexpended and unencumbered appropriations of the house of representatives, senate, joint offices, and office of legislative budget assistant remaining at the close of the fiscal year shall not lapse.

258 Office of Professional Licensure and Certification; Division Directors. Amend RSA 310-A:1-c to read as follows:

310-A:1-c Division Directors[; ~~Positions Transferred~~].

I. There is established in the office of professional licensure and certification 2 ~~[classified positions, at salary grade 35, of]~~ **unclassified directors: The** director of the division of technical professions and director of the division of health professions. ***Each director shall be qualified to hold that position by reason of education and experience and shall perform such duties as the executive director from time to time may authorize.***

II. The executive director shall nominate for appointment by the governor, with the consent of the council, each unclassified division director, each of whom shall serve for a term of 4 years.

~~II. Every classified or unclassified state employee position authorized in the boards, councils, and commissions under RSA 310-A:1-a shall be transferred to the office of professional licensure and certification and subject to the supervisory authority of the executive director.~~

~~III. The authority granted to the executive director of the real estate commission under RSA 331-A:8, relative to the issuance and denial of licenses, hearing and procedures on denial of licenses, the hiring of clerical, administrative, and investigative staff, maintenance of the official record, and implementation of a program for consumer education, is hereby transferred to the executive director of the office of professional licensure and certification.~~

~~IV. The unclassified position of executive director of the real estate commission shall be converted from an unclassified position to a similar classified position when the incumbent serving as the executive director of the real estate commission upon transfer to the office of professional licensure and certification vacates the position. Any funds appropriated for the compensation of the unclassified position of executive director of the real estate commission shall be used for compensation of the classified position at the office of professional licensure and certification.]~~

259 Division Directors; Salary; OPLC.

I. The salary of the unclassified director of the division of technical professions and director of the division of health professions shall be determined after assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

II. Upon completion of the action in paragraph I, and appointment of the director of the division of technical professions, position number 44018 shall be abolished to allow for the transition of this classified position with its available appropriations into the unclassified position of director of the division of technical professions. Funding shall be transferred into a new expenditure class number 11 within accounting unit 01-21-21-212010-2405. The incumbent in the abolished classified position shall be offered the opportunity to seek the executive director's appointment to the unclassified position of director of the division of technical professions.

III. Upon completion of the action in paragraph I, and appointment of the director of the division of health professions, position number 44019 shall be abolished to allow for the transition of this classified position with its available appropriations into the unclassified position of director of the division of health professions. Funding shall be transferred into a new expenditure class number 11 within accounting unit 01-21-21-215010-2406. The incumbent in the abolished classified position shall be offered the opportunity to seek the executive director's appointment to the unclassified position of director of the division of health professions.

260 Board of Nursing. Amend RSA 326-B:3, VI to read as follows:

VI. No more than ~~[one]~~ **2** board ~~[member]~~ **members** shall be associated with a particular agency, corporation, or other enterprise or subsidiary at one time.

261 Controlled Drug Prescription Health and Safety Program; Definitions. Amend the introductory paragraph of RSA 318-B:31, IV to read as follows:

IV. "Dispenser" means a person **or entity** who is lawfully authorized to deliver a schedule II-IV controlled substance, but does not include:

262 New Paragraph; Controlled Drug Prescription Health and Safety Program; Definitions. Amend RSA 318-B:31 by inserting after paragraph IV the following new paragraphs:

IV-a. "Executive director" means the executive director of the office of professional licensure and certification.

IV-b. "Office" means office of professional licensure and certification, established in RSA 310-A.

263 Controlled Drug Prescription Health and Safety Program Established. RSA 318-B:32 is repealed and reenacted to read as follows:

318-B:32 Controlled Drug Prescription Health and Safety Program Established.

I. The office shall design, establish, and contract with a third party for the implementation and operation of an electronic system to facilitate the confidential sharing of information relating to the prescribing and dispensing of schedule II-IV controlled substances, by prescribers and dispensers within the state.

II. The office may establish fees for the establishment, administration, operations and maintenance of the program. The program may also be supported through grants and gifts. The fee charged to individuals requesting their own prescription information shall not exceed the actual cost of providing that information.

III. Prescription information relating to any individual shall be deleted 3 years after the initial prescription was dispensed. All de-identified data may be kept for statistical and analytical purposes for perpetuity.

IV. The executive director shall establish an advisory council, as provided in RSA 318-B:38.

264 Controlled Drug Prescription Health and Safety Program Operation. Amend RSA 318-B:33, I to read as follows:

I. The [board] **office** shall develop a system of registration for all prescribers and dispensers of schedule II-IV controlled substances within the state. The system of registration shall be established by rules adopted by the [board] **office**, pursuant to RSA 541-A.

265 Controlled Drug Prescription Health and Safety Program; Confidentiality. Amend RSA 318-B:34, II and III to read as follows:

II. The [board] **office** shall establish and maintain procedures to ensure the privacy and confidentiality of patients and patient information.

III. The [board] **office** may use and release information and reports from the program for program analysis and evaluation, statistical analysis, public research, public policy, and educational purposes, provided that the data are aggregated or otherwise de-identified.

266 New Subparagraph; Controlled Drug Prescription Health and Safety Program; Providing Controlled Drug Prescription Health and Safety Information. Amend RSA 318-B:35, I(b) by inserting after subparagraph (4) the following new subparagraph:

(5) A practitioner or consultant retained by the office to review the system information of an impaired practitioner program participant or a referral who has agreed to be evaluated or monitored through the program and who has separately agreed in writing to the consultant's access to and review of such information.

267 Controlled Drug Prescription Health and Safety Program; Information. Amend RSA 318-B:35, I(b)(3) to read as follows:

(3) Authorized law enforcement officials on a case-by-case basis for the purpose of investigation and prosecution of a criminal offense when presented with a court order based on probable cause. No law enforcement agency or official shall have direct access to [the] **query** program **information**.

268 Controlled Drug Prescription Health and Safety Program; Providing Controlled Drug Prescription Health and Safety Information. Amend RSA 318-B:35, II to read as follows:

II. The program shall notify the appropriate regulatory board listed in subparagraph I(b)(2) and the prescriber or dispenser at such regular intervals as may be established by the [board] **office** if there is reasonable cause to believe a violation of law or breach of professional standards may have occurred. The program shall provide prescription information required or necessary for an investigation.

269 Controlled Drug Prescription Health and Safety Program; Unlawful Act and Penalties. Amend RSA 318-B:36, I and II to read as follows:

I. Any [person] **dispenser or prescriber** who fails to submit the information required in RSA 318-B:33 or knowingly submits incorrect information shall be subject to a warning letter and provided with an opportunity to correct the failure. Any [person] **dispenser or prescriber** who subsequently fails to correct or fails to resubmit the information may be subject to discipline by the [board] **appropriate regulatory board**.

II. Any [person] **dispenser or prescriber** whose failure to report the dispensing of a schedule II-IV controlled substance that conceals a pattern of diversion of controlled substances into illegal use shall be guilty of a violation and subject to the penalties established under RSA 318-B:26 and the [board's] **office's and appropriate regulatory board's** rules as applicable. In addition, such [person] **dispenser or prescriber** may be subject to appropriate criminal charges if the failure to report is determined to have been done knowingly to conceal criminal activity.

270 Controlled Drug Prescription Health and Safety Program; Rulemaking. Amend the introductory paragraph of RSA 318-B:37 to read as follows:

318-B:37 Rulemaking. ~~[By June 30, 2013, the board]~~ **The office** shall adopt rules, pursuant to RSA 541-A, necessary to implement **and maintain** the program including:

271 Controlled Drug Prescription Health and Safety Program; Advisory Council. RSA 318-B:38 is repealed and reenacted to read as follows:

318-B:38 Advisory Council Established.

I. There is hereby established an advisory council to carry out the duties under this subdivision. Members of the council shall not be compensated for serving on the council, or serve on the council for more than 5 consecutive years except for the attorney general, or designee, or the commissioner of the department of health and human services, or designee. The members of the council shall be as follows:

- (a) A member of the board of medicine, appointed by such board.
- (b) A member of the pharmacy board, appointed by such board.
- (c) A member of the board of dental examiners, appointed by such board.
- (d) A member of the New Hampshire board of nursing, appointed by such board.
- (e) A member of the board of veterinary medicine, appointed by such board.
- (f) A physician appointed by the New Hampshire Medical Society.
- (g) A dentist appointed by the New Hampshire Dental Society.
- (h) A chief of police appointed by the New Hampshire Association of Chiefs of Police.

(i) A community pharmacist appointed jointly by the New Hampshire Pharmacists Association, the New Hampshire Independent Pharmacy Association, and the New Hampshire Association of Chain Drug Stores.

(j) Two public members appointed by the governor's commission on alcohol and drug abuse prevention, treatment, and recovery, one of whom may be a member of the commission.

- (k) A hospital administrator appointed by the New Hampshire Hospital Association.
- (l) A nurse practitioner appointed by the New Hampshire Nurse Practitioner Association.
- (m) The attorney general, or designee.
- (n) The commissioner of the department of health and human services, or designee.
- (o) A member of the senate, appointed by the president of the senate.
- (p) Two members of the house of representatives, appointed by the speaker of the house of representatives.

II. The council shall:

(a) Make recommendations to the office relating to the design, implementation and maintenance of the program, including recommendations relating to:

- (1) Rules.

(2) Legislation.

(3) Sources of funding, including grant funds and other sources of federal, private, or state funds;

(b) Review the program's annual report and make recommendations to the office regarding the operation of the program.

(c) Provide ongoing advice and consultation on the implementation and operation of the program, including recommendations relating to:

(1) Changes in the program to reflect advances in technology and best practices.

(2) Changes to statutory requirements.

(3) The design and implementation of an ongoing evaluation component of the program.

(d) Advise the executive director regarding the implementation of this subdivision.

(e) Adopt rules necessary for the operation of the council.

(f) Develop a mission statement for the program and strategic goals for its implementation, develop metrics to measure the program's efficient operation, review the performance of the program against the metrics, and make recommendations to the program and ensure they are incorporated.

III. The council shall meet at least quarterly to effectuate its goals. A chairperson shall be elected by the members. A majority of the members of the council constitutes a quorum for the transaction of business. Action by the council shall require the approval of a majority of the members of the council.

IV. The council shall make a report, at least annually, commencing on November 1, 2019, to the senate president, the speaker of the house of representatives, the oversight committee on health and human services, established in RSA 126-A:13, and the licensing boards of all professions required to use the program relative to the effectiveness of the program.

272 Controlled Drug Prescription Health and Safety Program. Amend 2012, 196:3, I to read as follows:

I. In the event that there is not adequate funding for the controlled drug prescription health and safety program established in section 2 of this act, the [pharmacy board] **office** may curtail, temporarily suspend, or cancel the program.

273 Repeal. The following are repealed:

I. RSA 318-B:31, I, relative to the definition of "board."

II. 2012, 196:3, III, relative to a reporting requirement.

274 Statement of Intent. The purpose of sections 275-278 of this act is to provide the public with a simpler, less expensive, and faster alternative process to resolve complaints under RSA 91-A.

275 Right-to-Know; Violation. Amend RSA 91-A:7 to read as follows:

91-A:7 Violation.

I. Any person aggrieved by a violation of this chapter may petition the superior court for injunctive relief. In order to satisfy the purposes of this chapter, the courts shall give proceedings under this chapter high priority on the court calendar. Such a petitioner may appear with or without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of this chapter, and may be filed by the petitioner or his or her counsel with the clerk of court ~~[or any justice thereof. Thereupon the clerk of court or any justice shall order service by copy of the petition on the person or persons charged. Subject to objection by either party, all documents filed with the petition and any response thereto shall be considered as evidence by the court. All documents submitted shall be provided to the opposing party prior to a hearing on the merits. When any justice shall find that time probably is of the essence, he or she may order notice by any reasonable means, and he or she shall have authority to issue an order ex parte when he or she shall reasonably deem such an order necessary to insure compliance with the provisions of this chapter].~~

II. In lieu of the procedure under paragraph I, an aggrieved person may file a complaint with the ombudsman under RSA 91-A:7-b and in accordance with RSA 91-A:7-c.

III. A person's decision to petition the superior court forecloses the ability to file a complaint with the ombudsman pursuant to RSA 91-A:7-c.

IV. A person's decision to file a complaint with the ombudsman forecloses the ability to petition the superior court until the ombudsman issues a final ruling or the deadline for such a ruling has passed.

276 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) One member of the house of representatives, appointed by the speaker of the house of representatives.

(c) Ten citizen members, one from each county, no more than 2 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, 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(c) 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(c) 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.

IV.(a) The commission:

(1) Shall establish rules of procedure, pursuant to RSA 541-A, to establish the process to resolve complaints under this chapter consistent with the final report of the commission established in 2017, 126.

(2) Shall make recommendations to the legislature concerning proposed changes to this chapter.

(3) May provide educational materials relative to this chapter.

(b) The members of the commission shall act as a resource for all political subdivisions in the member's respective counties.

V. The members of the commission shall elect a chairperson and a vice chairperson annually 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 and the ombudsman shall be administratively attached to the department of state.

VII. Beginning November 1, 2020, 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 or overturned.

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 work no more than 20 hours per week and may serve in such capacity on a pro bono basis. 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 all state laws regarding right-to-know.

IV. Annually, 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, along with a \$25 fee, with the office of the ombudsman, established under RSA 91-A:7-b. The ombudsman shall have the discretion to waive the \$25 fee upon a finding of inability to pay. 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, access to meetings, or otherwise comply with the provisions of this chapter. This 20-day deadline may be reasonably extended by the ombudsman for good cause.

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

(a) Compel timely delivery of records within a reasonable time, regardless of medium and format, 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. Such hearings shall be open subject to the provisions of RSA 91-A.

(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 pursuant to RSA 541-A.

VI. The ombudsman shall determine whether there have been any violations of this chapter and issue a ruling within 30 calendar days following the deadline for 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 review shall be exempt from the public disclosure provisions of RSA 91-A during such review.

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 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.

277 Right-to-Know; Violation. Amend RSA 91-A:7 to read as follows:

91-A:7 Violation.

[I.] Any person aggrieved by a violation of this chapter may petition the superior court for injunctive relief. In order to satisfy the purposes of this chapter, the courts shall give proceedings under this chapter high priority on the court calendar. Such a petitioner may appear with or without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of this chapter, and may be filed by the petitioner or his or her counsel with the clerk of court ***or any justice thereof. Thereupon the clerk of court or any justice shall order service by copy of the petition on the person or persons charged. Subject to objection by either party, all documents filed with the petition and any response thereto shall be considered as evidence by the court. All documents submitted shall be provided to the opposing party prior to a hearing on the merits. When any justice shall find that time probably is of the essence, he or she may order notice by any reasonable means, and he or she shall have authority to issue an order ex parte when he or she shall reasonably deem such an order necessary to insure compliance with the provisions of this chapter.***

~~[II. In lieu of the procedure under paragraph I, an aggrieved person may file a complaint with the ombudsman under RSA 91-A:7-b and in accordance with RSA 91-A:7-c.~~

~~III. A person's decision to petition the superior court forecloses the ability to file a complaint with the ombudsman pursuant to RSA 91-A:7-c.~~

~~IV. A person's decision to file a complaint with the ombudsman forecloses the ability to petition the superior court until the ombudsman issues a final ruling or the deadline for such a ruling has passed.]~~

278 Repeal. RSA 91-A:7-a through 91-A:7-e, relative to the citizen's right-to-know commission, office of the ombudsman, complaint process, appeal and enforcement, and rulemaking, is repealed.

279 New Paragraph; Tax on Transfer of Real Property; Distribution of Funds. Amend RSA 78-B:13 by inserting after paragraph II the following new paragraph:

III. Annually, on or before October 1, the commissioner shall direct the state treasurer to transfer the sum of \$5,000,000 from revenue collected pursuant to the tax imposed by RSA 78-B:1 to the affordable housing fund established in RSA 204-C:57.

280 Business Profits Tax; Apportionment; 2021. Amend RSA 77-A:3, I(c) to read as follows:

(c) The percentage of the total sales, including charges for services, made by the business organization everywhere as is made by it within this state[-] :

(1) Sales of tangible personal property are made in this state if the property is delivered or shipped to a purchaser, other than the United States government, within this state regardless of f.o.b. point or other conditions of sale, or the property is shipped from an office, store, warehouse, factory or other place of storage in this state and [(1)] **(A)** the purchaser is the United States government, or [(2)] **(B)** the business organization is not taxable in the state of the purchaser.

(2) Sales other than sales of tangible personal property are in this state if the ~~[income-producing activity is performed in this state, or the income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance]~~ **business organization's market for the sales is in this state, as follows:**

(A) In the case of sale, rental, lease, or license of real property, if and to the extent the property is located in this state;

(B) In the case of rental, lease, or license of tangible personal property, if and to the extent the property is located in this state;

(C) In the case of sale of a service, if and to the extent the service is delivered to a location in this state;

(D) In the case of sale, rental, lease, or license of intangible property, if and to the extent the property is used in this state;

(E) In the case of interest income, if and to the extent the debtor or encumbered property is located in this state;

(F) In the case of dividend income, if and to the extent the business organization's commercial domicile is in this state; and

(G) In the case of other income, if and to the extent the income is derived from sources in this state.

(3) In the case of sales other than sales of tangible personal property, if the state or states of assignment cannot be determined, the state or states of assignment shall be reasonably approximated.

(4) In the case of sales other than sales of tangible personal property, if the taxpayer is not taxable in a state to which a sale is assigned, or if the state of assignment cannot be determined or reasonably approximated, such sale shall be excluded from the denominator of the sales factor.

281 Business Enterprise Tax; Apportionment of Dividends; 2021. Amend RSA 77-E:4, I(c)(3) to read as follows:

(3) The percentage of the total sales, including charges for services, made by the business enterprise everywhere as is made by it within this state[-]:

(A) Sales of tangible personal property are made in this state if the property is delivered or shipped to a purchaser, other than the United States government, within this state regardless of free on board point or other conditions of sale, or the property is shipped from an office, store, warehouse, factory or other place of storage in this state and [(A)] **(i)** the purchaser is the United States government, or [(B)] **(ii)** the business enterprise is not taxable in the state of the purchaser.

(B) Sales other than sales of tangible personal property are in this state if the ~~[revenue-producing activity is performed in this state, or the revenue-producing activity is performed both in and outside this state and a greater proportion of the revenue-producing activity is performed in this state than in any other state, based on costs of performance]~~ **business enterprise's market for the sales is in this state, as follows:**

(i) In the case of sale, rental, lease, or license of real property, if and to the extent the property is located in this state;

(ii) In the case of rental, lease, or license of tangible personal property, if and to the extent the property is located in this state;

(iii) In the case of sale of a service, if and to the extent the service is delivered to a location in this state;

(iv) In the case of sale, rental, lease, or license of intangible property, if and to the extent the property is used in this state;

(v) In the case of interest income, if and to the extent the debtor or encumbered property is located in this state;

(vi) In the case of dividend income, if and to the extent the business enterprise's commercial domicile is in this state; and

(vii) In the case of other income, if and to the extent the income is derived from sources in this state.

(C) In the case of sales other than sales of tangible personal property, if the state or states of assignment cannot be determined, the state or states of assignment shall be reasonably approximated.

(D) In the case of sales other than sales of tangible personal property, if the taxpayer is not taxable in a state to which a sale is assigned, or if the state of assignment cannot be determined or reasonably approximated, such sale shall be excluded from the denominator of the sales factor.

282 Business Profits Tax; Apportionment; 2022. Amend RSA 77-A:3, I-III to read as follows:

I. A business organization which derives gross business profits from business activity both within and without this state, and which is subject to a net income tax, a franchise tax measured by net income, or a capital stock tax in another state or is subject to the jurisdiction of another state to impose a net income tax or capital stock tax upon it, whether or not such tax is actually imposed, shall apportion its gross business profits so as to allocate to this state a fair and equitable proportion of such business profits. Except as provided in this section, such apportionment shall be made ~~[on the basis of the following 3 factors]~~ **in the following manner:**

(a) For taxable periods ending before December 31, 2022:

(1) The business organization's gross business profits shall be apportioned on the basis of the following 3 factors:

~~[(a)]~~ **(A)** The percentage of value of the total real and tangible personal property owned, rented and employed by the business organization everywhere as is owned, rented and employed by it in the operation of its business in this state. Property owned by the business organization shall be valued at its original cost. Property rented by the business organization shall be valued at 8 times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the business organization less any annual rental rate received by the business organization from subrentals.

~~[(b)]~~ **(B)** The percentage of total compensation paid by the business organization to employees everywhere as is paid by the business organization to employees for services rendered within this state. Such compensation is deemed to be disbursed for services in this state if the service is performed entirely within this state, or if the service is performed both within and without this state and the service performed without this state is incidental to the service within this state, or some of the service is performed in this state and ~~[(1)]~~ **(i)** the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in this state, or ~~[(2)]~~ **(ii)** the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual performing such service resides within this state.

~~[(c)]~~ **(C)** The percentage of the total sales, including charges for services, made by the business organization everywhere as is made by it within this state:

~~[(1)]~~ **(i)** Sales of tangible personal property are made in this state if the property is delivered or shipped to a purchaser, other than the United States government, within this state regardless of f.o.b. point or other conditions of sale, or the property is shipped from an office, store, warehouse, factory or other place of storage in this state and ~~[(A)]~~ the purchaser is the United States government, or ~~[(B)]~~ the business organization is not taxable in the state of the purchaser.

~~[(2)]~~ **(ii)** Sales other than sales of tangible personal property are in this state if the business organization's market for the sales is in this state, as follows:

~~[(A)]~~ **1.** In the case of sale, rental, lease, or license of real property, if and to the extent the property is located in this state;

~~[(B)]~~ **2.** In the case of rental, lease, or license of tangible personal property, if and to the extent the property is located in this state;

~~[(C)]~~ **3.** In the case of sale of a service, if and to the extent the service is delivered to a location in this state;

~~[(D)]~~ **4.** In the case of sale, rental, lease, or license of intangible property, if and to the extent the property is used in this state;

~~[(E)]~~ **5.** In the case of interest income, if and to the extent the debtor or encumbered property is located in this state;

~~[(F)]~~ **6.** In the case of dividend income, if and to the extent the business organization's commercial domicile is in this state; and

~~[(G)]~~ **7.** In the case of other income, if and to the extent the income is derived from sources in this state.

~~[(3)]~~ **(iii)** In the case of sales other than sales of tangible personal property, if the state or states of assignment cannot be determined, the state or states of assignment shall be reasonably approximated.

~~[(4)]~~ **(iv)** In the case of sales other than sales of tangible personal property, if the taxpayer is not taxable in a state to which a sale is assigned, or if the state of assignment cannot be determined or reasonably approximated, such sale shall be excluded from the denominator of the sales factor.

~~[(H-(a))]~~ **(2)** A fraction, the numerator of which shall be the property factor in subparagraph ~~[(a)]~~ **I(a)(1)(A)** plus the compensation factor in subparagraph ~~[(b)]~~ **I(a)(1)(B)** plus 2 multiplied by the sales factor in subparagraph ~~[(c)]~~ **I(a)(1)(C)** and the denominator of which is 4, shall be applied to the total gross business profits (less foreign dividends) of the business organization to ascertain its gross business profits in this state.

(b) For taxable periods ending on or after December 31, 2022, the business organization's gross business profits shall be apportioned by multiplying the total gross business profits (less foreign dividends) of the business organization by the sales factor in subparagraph I(a)(1)(C).

II.(a) If ~~[this]~~ **the applicable** method of apportionment **in paragraph I** does not fairly represent the business organization's business activity in this state, the business organization may petition for, or the commissioner may require, in respect to all or any part of the business organization's business activity, if reasonable~~[-]~~,

~~[(1) The exclusion of any one or more of the apportionment factors;-~~

~~[(2) The inclusion of one or more additional apportionment factors which will fairly represent the business organization's business activity in the state; or-~~

~~[(3)] the employment of any other method to effect an equitable apportionment of the business organization's gross business profits.~~

(b) For foreign dividends from unitary sources, the following formula shall be used to modify factors relating to included dividends:

(1) Determine a percentage for each dividend payor consisting of dividends paid divided by taxable income which has been computed using United States standards.

(2) Apply this percentage to the dividend payor's foreign property, payroll, and sales **for taxable periods ending before December 31, 2022, or to the dividend payor's foreign sales for taxable periods ending on or after December 31, 2022.**

(3) Sum the results in subparagraph (2) for all dividend payors.

(4) Add the result in subparagraph (3) to the denominators of the combined water's edge group. The numerator will remain the New Hampshire numerator.

(5) Apply the resulting percentage to the foreign dividends.

(6) Add this amount to the amount of New Hampshire taxable business profits computed pursuant to RSA 77-A:3, I ~~[and H(a)]~~.

III. When 2 or more related business organizations are engaged in a unitary business, as defined in RSA 77-A:1, XIV, a part of which is conducted in this state by one or more members of the group, the income attributable to this state shall be determined by means of the **applicable** combined apportionment factors of the unitary business group in accordance with paragraphs I and II.

283 Business Profits Tax; Qualified Manufacturing Research and Development Expenditures. Amend the introductory paragraph of RSA 77-A:5, XIII(b)(1) to read as follows:

(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)] **77-A:3, I(a)(1)(B)**, provided that:

284 Business Enterprise Tax; Application of Credit for Business Enterprise Tax Against Business Profits Tax. Amend RSA 77-E:13, I and II to read as follows:

I. Determine a combined nexus group denominator for the ~~[property, payroll and sales]~~ **applicable apportionment** factors by adding the ~~[property, payroll and sales]~~ **apportionment** factor numerators of the individual members of the combined group subject to tax under RSA 77-A.

II. Determine an individual apportionment percentage for each member of the combined group subject to tax under RSA 77-A by dividing such member’s **applicable** individual New Hampshire ~~[property, payroll and sales]~~ **apportionment** factor numerators by the combined nexus group denominators determined in paragraph I.

285 New Paragraph; Business Profits Tax; Definition. Amend RSA 77-A:1 by inserting after paragraph XVIII the following new paragraph:

XVIII-a. “Foreign sales” as used in RSA 77-A:3, II means the sales data of overseas business organizations which have paid dividends to a member of the water’s edge combined group.

286 Applicability. Sections 280 and 281 of this act shall apply to taxable periods ending on or after December 31, 2021.

287 New Subparagraph; Business Profits Tax; Definition; Internal Revenue Code. Amend RSA 77-A:1, XX by inserting after subparagraph (n) the following new subparagraph:

(o) For all taxable periods beginning on or after January 1, 2020, the United States Internal Revenue Code of 1986 in effect on December 31, 2018, subject to RSA 77-A:3-b.

288 Business Profits Tax; Adjustments; Internal Revenue Code Provisions. Amend RSA 77-A:3-b, II to read as follows:

II. The United States Internal Revenue Code shall be applied without section [199] **951A** of such code.

289 Communications Services Tax; Purpose; Basic Communications Services Deleted. Amend RSA 82-A:1 to read as follows:

82-A:1 Statement of Purpose. It is the intent of the general court to impose a tax on those who use 2-way communications services and to source mobile telecommunications services to the place of primary use. It is also the intent of the general court that Internet access service ~~[and basic communications services essential to public health, safety, and welfare]~~ shall not be subject to the tax imposed by this chapter.

290 Definitions; Communications Services. Amend the introductory paragraph of RSA 82-A:2, III to read as follows:

III. “Communications services” means services for transmitting, emitting, or receiving signs, signals, writing, images, sounds or intelligence of any nature by any electromagnetic system capable of 2-way communication and includes, without limitation, messages or information transmitted through use of local, toll and wide area telephone service; private line services and networks, whether leased, rented or owned; channel services; telegraph services; teletypewriter services; cable television; computer exchange services; mobile telecommunications services; **prepaid wireless telecommunications services; VoIP**; facsimile services; specialized mobile radio; stationary 2-way radio; paging services; or any other form, whether stationary, portable or mobile, of 2-way communications; or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber-optics, laser, microwave, radio, satellite or similar facilities. “Communications services” shall not include:

291 Definitions; Retailer. Amend RSA 82-A:2, X to read as follows:

X. “Retailer” means and includes every person engaged in the business of making sales at retail as defined in this chapter. The department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this state, who, to the satisfaction of

the department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for communications services in this state in the same manner and subject to the same requirements as a retailer maintaining a place of business within this state. The permit may be revoked by the department at its discretion. ***For purposes of the tax imposed by this chapter on prepaid wireless telecommunications service, "retailer" has the same meaning as "seller."***

292 New Paragraphs; Definitions; Prepaid Wireless Telecommunications Service; VoIP. Amend RSA 82-A:2 by inserting after paragraph XXVI the following new paragraphs:

XXVII. "Prepaid wireless telecommunications service" means "prepaid commercial mobile radio service," as that term is defined in RSA 106-H:2, VIII-b.

XXVIII. "Retail transaction" means the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale.

XXIX. "Seller" means a person who sells prepaid wireless telecommunications service to another person.

XXX. "Voice over Internet Protocol" or "VoIP" means any service that:

(a) Enables real-time, 2-way voice communications that originate from or terminate to the user's location in Internet Protocol or any successor protocol;

(b) Requires a broadband connection from the user's location; and

(c) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

293 Imposition of Tax; Reference Added. Amend RSA 82-A:4 to read as follows:

82-A:4 Imposition of Tax; Interstate Communications Services. Except as provided in RSA 82-A:4-b, ***RSA 82-A:4-d, and RSA 82-A:4-e***, a tax is imposed upon interstate communications services and private communications services furnished to a person in this state and purchased at retail from a retailer by such person, at the rate of 7 percent of the gross charge when such service purchased on a call-by call basis originates in this state and terminates outside this state or originates outside this state and terminates in this state and the service address is in this state, or when such service purchased on a basis other than a call-by-call basis is provided to a person with a place of primary use in this state or when such private communications services are apportioned to this state in accordance with RSA 82-A:4-c. Provided however, a tax is imposed upon interstate paid calling service furnished to a person in this state and purchased at retail from a retailer by such person, at the rate of 7 percent of the gross charge when the origination point of the communications signal (as first identified by either (a) the seller's telecommunications system, or (b) information received by the seller from its service provider, where the system used to transport such signals is not that of the seller) is in this state. To prevent actual multi-state taxation of communications services that are subject to taxation under this section, any taxpayer, upon proof that the taxpayer has paid a tax in another state on such services, shall be allowed a credit against the tax imposed in this section to the extent of the amount of such tax properly due and paid in such other state. However, such tax is not imposed on communications services to the extent such services may not, under the Constitution and statutes of the United States, be made the subject of taxation by the state.

294 New Sections; Special Rules for VOIP Services and Prepaid Wireless Telecommunications Service. Amend RSA 82-A by inserting after section 4-c the following new sections:

82-A:4-d Special Rules for VoIP Services. A tax is imposed on intrastate and interstate communications services that are VoIP services provided by a retailer to a person with a place of primary use in this state, regardless of where the VoIP services originate, terminate, or pass through. The tax shall be imposed on the gross charge at the rate specified in RSA 82-A:3 and RSA 82-A:4. No tax shall be imposed on a person whose place of primary use is outside this state.

82-A:4-e Special Rules for Prepaid Wireless Telecommunications Service.

I. A tax is imposed on each retail transaction in this state of intrastate and interstate communications services that are prepaid wireless telecommunications services. The tax shall be imposed on the gross charge at the rate specified in RSA 82-A:3 and 82-A:4.

II. For purposes of paragraph I, a retail transaction is sourced to New Hampshire:

(a) If the retail transaction occurs in person at a seller's location in New Hampshire; or

(b) If subparagraph (a) does not apply, the prepaid wireless telecommunications service is evidenced by a physical item, such as a card, and the purchaser provides a New Hampshire delivery address for such item; or

(c) If subparagraphs (a) and (b) do not apply, the consumer gives a New Hampshire address during the consummation of the sale, including the address associated with the consumer's payment instrument if no other address is available, and the address is not given in bad faith; or

(d) If subparagraphs (a)-(c) do not apply, the consumer's mobile telephone number is associated with a postal zip code, telephone area code, or location within New Hampshire.

III. The tax imposed by this section shall be collected by the seller from the consumer with respect to each retail transaction sourced to New Hampshire, in accordance with RSA 82-A:6; provided, however, the amount of the tax shall be either separately stated on an invoice, receipt, or other similar document that is provided by the seller to the consumer, or otherwise disclosed to the consumer.

IV. If prepaid wireless telecommunications service is sold with one or more other products or services for a single, non-itemized charge, then the tax shall apply to the entire non-itemized charge except as provided in RSA 82-A:2, V(e).

V. If a minimal amount of prepaid wireless telecommunications service is sold with a prepaid wireless device for a single, non-itemized charge, then the seller may elect not to apply the tax to such transaction. For purposes of this subparagraph, an amount of service denominated as 10 minutes or less, or \$5 or less, is minimal.

VI. The seller shall be liable to remit all taxes required by this section that are collected from consumers, including all such taxes that the seller is deemed to collect where the amount of the tax has not been separately stated on an invoice, receipt, or other similar document provided by the seller to the consumer, in accordance with RSA 82-A:7.

VII. The prepaid commercial mobile radio service E911 surcharge imposed under RSA 106-H:9, I-a shall not be subject to the tax imposed by this section.

295 Applicability. Sections 289-294 of this act shall apply to taxable periods ending after December 31, 2019.

296 Findings. The general court declares that:

I. An adequate supply of housing that is affordable to a range of incomes is essential to New Hampshire's economic and community development goals.

II. Access to an efficient and inexpensive legal appeals process is fundamental to protecting private property rights against unreasonable governmental regulation and processes.

III. Individual homeowners who are denied local permits for additions or other simple modifications to their homes often abandon their legal right to appeal because of the time and expense involved in a superior court appeal.

IV. Abutters and other parties with standing to appeal local land use decisions on housing developments often abandon their legal right to appeal because of the costs associated with court appeals.

V. There are several factors that inhibit builders' ability to meet the demand for new housing in New Hampshire. Significant among these factors are local land use regulations and board practices that can arbitrarily thwart development or impose costly delays. These powers are delegated to municipalities by the state, and must be used in a manner that is consistent with state law.

VI. Builders may appeal local land use decisions to the superior court, but such appeals are expensive and time consuming, often leading builders to either abandon their appeals or completely avoid seeking development permits.

VII. The cost of litigating such matters in court is significant, and by establishing an alternative process, but without eliminating the option of court appeals, will help to reduce costs of litigation for all parties.

VIII. It is appropriate and necessary to establish an alternative track for review of local decisions on housing and housing development without diminishing anyone's existing legal right to pursue a remedy in superior court and without affecting local control or changing the legal standards by which local decisions are adjudicated.

297 New Chapter; Housing Appeals Board. Amend RSA by inserting after chapter 678 the following new chapter:

CHAPTER 679
HOUSING APPEALS BOARD

679:1 Board Established. There is hereby established a housing appeals board, hereinafter referred to as the board, which shall be composed of 3 members who shall individually and collectively be learned and experienced in questions of land use law or housing development or both. At least one member shall be an attorney licensed to practice law in the state of New Hampshire, and at least one member shall be either a professional engineer or land surveyor. The members of the board shall be full-time employees and shall not engage in any other employment, appointments, or duties during their terms that is in conflict with their duties as members of the board.

679:2 Appointment; Term; Chair. The members of the board shall be appointed by the supreme court and commissioned by the governor for a term of 5 years and until their successors are appointed and qualified; provided, however, that any vacancy on the board shall be filled for the unexpired term. The initial members of the board shall serve staggered terms of 3, 4, and 5 years. The supreme court shall designate one member as chair to serve in that capacity for the duration of his or her term.

679:3 Removal. Any member may be removed by the same authority for inefficiency, neglect of duty, or malfeasance in office; but, before removal, the member shall be furnished with a copy of the charges and have an opportunity to be heard in defense.

679:4 Compensation. Each member of the board shall receive the annual salary prescribed by RSA 94:1-a and reasonable expenses, including transportation, subject to the approval of the governor and council.

679:5 Authority; Duties.

I. It shall be the duty of the board and it shall have power and authority to hear and affirm, reverse, or modify, in whole or in part, appeals of final decisions of municipal boards, committees, and commissions regarding questions of housing and housing development. This includes, but is not limited to:

- (a) Planning board decisions on subdivisions or site plans.
- (b) Board of adjustment decisions on variances, special exceptions, administrative appeals, and ordinance administration.
- (c) The use of innovative land use controls.
- (d) Growth management controls and interim growth management controls.
- (e) Decisions of historic district commissions, heritage commissions, and conservation commissions.
- (f) Other municipal permits and fees applicable to housing and housing developments.
- (g) Matters subject to the board's authority may include mixed-use combinations of residential and nonresidential uses. Such different uses may occur on separate properties, provided such properties are all part of a common scheme of development.

II. In exercising its authority under this chapter, the board shall have the power to award all remedies available to the superior courts in similar cases, including permission to develop the proposed housing.

III. Relative to RSA 674:58 through RSA 674:61, the board shall have the power and authority to hear and determine appeals of decisions of local land use boards regarding proposals for workforce housing, including but not limited to whether the municipality's land use ordinances and regulations provide a reasonable and realistic opportunity for the development of workforce housing; whether the local land use board has imposed conditions of approval that render the proposal economically unviable; and whether a denial by a local land use board was unreasonable or unlawful.

IV. After local remedies have been exhausted, appeals may be brought before the board by an applicant to the municipal board, committee, or commission, or by any other aggrieved or injured party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15. The municipality shall be a party to the action. If the applicant is not the party initiating the action before the board, then the applicant shall automatically be an intervenor. The board shall grant intervenor status to abutters and to any other aggrieved or injured party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15.

679:6 Timing of Appeals and Board Proceedings.

I. Appeals shall be filed with the board within 30 days of the final decision of a municipal board, committee, or commission. At the same time an appeal is filed with the board, the applicant shall notify the municipal board, committee, or commission of such appeal.

II. The municipal board, committee, or commission shall within 30 days of receipt of such notice submit to the board a certified record of its proceedings on the matter subject to the appeal.

III. The board shall hold a hearing on the merits within 90 days of its receipt of a notice of appeal.

IV. The board shall make a decision on an appeal within 60 days after conducting a hearing on the merits.

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 any party to bring an action before the board shall be deemed a waiver of any right to bring an action in the superior court, but shall not abrogate any party's right to appeal decisions of the board to the supreme court; as such, the board shall retain jurisdiction of any matter originally brought before it. At any time during an appeal to the board, if the board determines that it does not have jurisdiction to hear the appeal, the appellant shall have 30 days to file an appeal with the superior court.

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 another party to the decision or by 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.

679:8 Quorum; Disqualification; Temporary Members.

I. In all matters a majority of the board shall constitute a quorum to transact business.

II. No member of the board shall represent a party or testify as an expert witness or render any professional service for any party or interest before the board, and any member having an interest in the subject matter shall be disqualified to act therein.

III. If, in the event of a disqualification or temporary disability of a member or members of the board, it shall become necessary to do so, the board, subject to the approval of the supreme court, shall appoint such number of temporary board members as shall be necessary to meet the requirements herein imposed. Such temporary board members shall serve with respect to such matter until the same has been fully disposed of before the board.

IV. Temporary board members shall have the same qualifications as regular board members in whose place they are acting.

V. A temporary board member shall be compensated at the rate of \$75 for each day devoted to the work of the board and shall be reimbursed the necessary and reasonable expenses incurred by him or her in the performance of his or her duties.

VI. In the event of a vacancy on the board, the appellant may elect to continue the proceedings while awaiting the appointment of a successor board member.

679:9 Hearing Procedure; Standard of Review.

I. Appeals to the board shall be consistent with appeals to the superior court pursuant to RSA 677:4 through RSA 677:16. Appeals shall be on the certified record, and except in such cases as justice may warrant, in the sole discretion of the board, no additional evidence will be introduced. Consistent with the contested case provisions of RSA 541-A, the rules of evidence shall not strictly apply. In addition to the provisions of RSA 91-A, the board shall record the proceedings of any hearing before it and shall make such recording available to the public for inspection and recording from the date of the hearing to a date which is 15 working days after the board has made a final decision on the matter which is the subject of the hearing, or, if an appeal is made from such decision, the date upon which the matter has been finally adjudicated, whichever date is later.

II. The board shall not reverse or modify a decision except for errors of law or if the board is persuaded by the balance of probabilities, on the evidence before it, that said decision is unreasonable.

679:10 Representation by Nonattorneys. Nonattorneys, including professional engineers, architects, and land surveyors, may represent any party before the board. Nothing in this section shall prevent the board from denying representation by any individual it deems to be improper, inappropriate, or unable to adequately represent the interests of the applicant to the municipal board, committee, or commission.

679:11 Board Meetings. The board's deliberative processes in adjudicatory proceedings held pursuant to RSA 541-A shall be exempt from the public meeting and notice provisions of RSA 91-A. Decisions and orders in adjudicatory proceedings shall be publicly available, but only after they have been reduced to writing, signed by a quorum of the board, and served upon the parties, and shall set forth the board's rulings of law and findings of fact in support of its decisions. Discussions and actions by the board concerning procedural, administrative, legal, and internal matters shall be exempt from the meeting and notice provisions of RSA 91-A:2.

679:12 Rules and Regulations. The board may adopt rules under RSA 541-A necessary for carrying out its functions including but not limited to rules of procedure to be followed in hearings conducted by it not inconsistent with the provisions of this chapter.

679:13 Administration of Oaths, Subpoenas, Etc.; Fees. The board shall have authority to administer oaths and to compel the attendance of witnesses to proceedings before it. The board shall have the power to subpoena and subpoena duces tecum. Witnesses compelled to appear shall be paid the same fee and mileage that are paid to witnesses in the superior court of the state. A subpoena or subpoena duces tecum of the board may be served by any person designated in the subpoena or subpoena duces tecum to serve it. Any testimony given by a person duly sworn shall be subject to the pains and penalties of perjury. All applications or petitions to the board for which no filing fee has been otherwise specified by statute shall be accompanied by a \$250 filing fee. Costs and attorney's fees may be taxed as in the superior court.

679:14 Notice. The board shall serve notice in writing of the time, place, and cause of any hearing upon all parties at least 20 days prior to the date of the hearing.

679:15 Appeal. Decisions of the board may be appealed to the supreme court by any party in accordance with the provisions of RSA 541 as from time to time amended.

679:16 Enforcement of Decisions. After a decision of the board becomes final, the board shall, at the request of any party, file a certified abstract thereof in the Merrimack county superior court. The clerk of said court shall forthwith enter judgment thereon and such judgment may be enforced as with any final judgment of the superior court.

679:17 Staff. The board shall have such clerical, administrative, and technical staff as may be necessary within the limits of the appropriation made therefor.

679:18 Office. The board shall be provided with an office in Concord in which its records, documents, and books shall be kept, and with a suitable room in which it may hold hearings.

679:19 Neglect to Comply With Board's Orders. Neglect or failure on the part of any municipality to comply with such orders shall be deemed willful neglect of duty, and it shall be subject to the penalties and damages provided by law in such cases.

298 Salaries Established; Amend RSA 94:1-a, I(b) by inserting in salary grade DD the following new positions:

DD	housing appeals board	member
DD	housing appeals board	chair

299 Appropriation; Housing Appeals Board. The sums of \$415,000 for the fiscal year ending June 30, 2020 and \$415,000 for the fiscal year ending June 30, 2021 are hereby appropriated to the housing appeals board established pursuant to RSA 679 for the proper administration of said chapter. Said sums shall not lapse until June 30, 2021. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

300 Adequate Representation for Indigent Defendants in Criminal Cases; Repayment. RSA 604-A:9, I, I-a, I-b, and I-c are repealed and reenacted to read as follows:

I.(a) Any adult defendant or juvenile respondent who has been assigned counsel or a public defender shall be subject to an order by the court, pursuant to this section, regarding payment to the state for counsel fees and expenses paid by the state on behalf of the defendant or juvenile, and regarding payment of an administrative service assessment. Any payment obligation shall apply only to a defendant who has been convicted or a juvenile who has been found delinquent.

(b) Upon entering a judgment of conviction or a finding of delinquency, and the issuance of sentence or disposition, the court shall enter a separate written order setting forth the reasons for the court's conclusion regarding the financial ability of the defendant or the juvenile, including any person liable for the support of the juvenile pursuant to RSA 604-A:2-a, to make payment of counsel fees and expenses, and administrative service assessment. In its discretion, the court may conduct an ability-to-pay hearing to assist in its determination. If the court finds that there is an ability to pay some or all of the counsel fees and expenses and the assessment, either presently or in the future, it shall order payment in such amounts and upon such terms and conditions it finds equitable; any payment obligation shall not commence until the conviction and sentence or the finding of delinquency and disposition has become final. If the court finds that there is no such ability to pay, it shall so order, and any payment obligation shall terminate.

(c) In assessing ability to pay upon or after the entering of a judgment of conviction and the issuance of a sentence, neither the court nor the office of cost containment shall consider income that is exempt from execution, levy, attachment, garnishment, or other legal process under any state or federal law, and shall be reduced only by the amount of expenses which are reasonably necessary for the maintenance of the defendant and his dependents.

(d) If the court determines that the defendant is financially unable to repay any fees and expenses to the state, the repayment obligation shall be waived. A copy of each order finding that the defendant has an ability to pay fees and assessments shall be forwarded to the commissioner of the department of administrative services and the office of cost containment. An order waiving the repayment obligation shall not be forwarded. Neither the commissioner of the department of administrative services nor the office of cost containment shall have the authority to alter the court's determination that a repayment obligation is waived.

(e) After the judgment of conviction is entered and a repayment order is issued, a defendant subject to a repayment order under this section may, if his or her circumstances have changed since the date of the court's order, petition the court for relief from the obligation imposed by this section, which may be granted upon a finding that the defendant is unable to comply with the terms of the court's order or any modification of the order by the court.

(f) The maximum payment amount for counsel fees and expenses shall be according to a schedule established by the administrator of the office of cost containment with the approval of the administrative justices of the courts. Any payment obligation for fees and expenses shall not exceed the amount of the state's flat rate payable to a contract attorney as established pursuant to RSA 604-B. The administrative service assessment shall not exceed 10 percent of the counsel fees and expenses. Payment shall be made to the office of cost containment unless the defendant or juvenile is placed on probation or sentenced to a period of conditional discharge, in which case repayment shall be made to the state through the department of corrections. Any payment obligation attributable to a juvenile shall terminate when the juvenile reaches the age of majority, except when the juvenile has been certified and tried as an adult.

(g) In a case where counsel has been appointed, and a repayment order issued, the defendant shall be required to notify the clerk of the court and the office of cost containment of each change of mail address and actual street address. Whenever notice to the defendant is required, notice to the last mail address on file shall be deemed notice to and binding on the defendant.

301 Adequate Representation for Indigent Defendants in Criminal Cases; Repayment. Amend RSA 604-A:9, II to read as follows:

II. All petitions for court appointed counsel shall bear the following words in capital letters:

I UNDERSTAND THAT I MAY BE REQUIRED TO REPAY THE SERVICES PROVIDED TO ME BY COURT APPOINTED COUNSEL IF I AM CONVICTED UNLESS THE COURT FINDS THAT I AM OR WILL BE FINANCIALLY UNABLE TO PAY.

302 Reference Change; Appointment of Counsel; Payment Obligation. Amend RSA 604-A:2-f, IV to read as follows:

IV. When the court appoints counsel to represent a defendant in a proceeding under this section, the court shall grant the defendant relief from the obligation to repay the state for appointed counsel fees under [RSA 604-A:9, I-b] **RSA 604-A:9, I(b)**, if the court determines that the defendant is financially unable to repay.

303 New Paragraph; Department of Justice; Bureau of Civil Law; Authority to Hire Additional Staff for Campaign Finance, Election Law, Inaugural Committee Oversight, and Lobbying Matters. Amend RSA 21-M:11 by inserting after paragraph III the following new paragraph:

IV. To assist the attorney general in his or her duty to exercise supervision of campaign finance, election law, inaugural committee oversight, and lobbying matters, the department of justice may hire:

(a) An unclassified full-time investigator assigned to the bureau, who shall work exclusively on, campaign finance, election law, inaugural committee oversight, and lobbying matters. Notwithstanding RSA 14:14-c, the salary for the full-time investigator position shall be established as a salary grade BB.

(b) A classified full-time investigative paralegal assigned to the bureau, who shall work exclusively on campaign finance, election law, inaugural committee oversight, and lobbying matters. The classification shall be a paralegal II, labor grade 19.

304 New Paragraph; FRM Victims' Contribution Recovery Fund. Amend RSA 359-P:2 by inserting after paragraph I the following new paragraph:

I-a. In addition to the funds contributed under paragraph I, the fund shall also consist of the amount contributed under RSA 421-B:6-601(j).

305 New Subparagraph; Uniform Securities Act; Administration of Chapter; Investor Education Fund. Amend RSA 421-B:6-601 by inserting after subparagraph (i) the following new subparagraph:

(j) Any excess of the funds credited to the general fund pursuant to paragraph (h) up to \$500,000 per fiscal year shall be contributed to the FRM victims' contribution recovery fund established in RSA 359-P:2.

306 Repeal. The following are repealed:

I. RSA 359-P:2, I-a, relative to funds contributed pursuant to RSA 421-B:6-601(j).

II. RSA 421-B:6-601(j), relative to moneys contributed to the FRM victims' contribution recovery fund.

307 Off Highway Recreational Vehicles and Trails; Regulations of Political Subdivisions. Amend RSA 215-A:15, V to read as follows:

V. Enforcement of ~~[paragraph]~~ **paragraphs IV and VII** shall be the joint responsibility of the city of Concord and the state of New Hampshire.

308 New Paragraph; Off Highway Recreational Vehicles and Trails; Regulations of Political Subdivisions. Amend RSA 215-A:15 by inserting after paragraph VI the following new paragraph:

VII. OHRVs shall be prohibited from traveling on Hoit Road Marsh in the city of Concord.

309 Statement of Findings and Purpose. The general court hereby finds that outdoor recreation is vital to a diverse economy, is a delineating asset for the state in competition for workforce and employer recruitment, represents an opportunity for communities of the state to connect to a statewide asset, and contributes to a healthy community. In furtherance of these objectives, the general court hereby establishes an office of outdoor recreation industry development in the department of business and economic affairs.

310 New Section; Department of Business and Economic Affairs; Outdoor Recreation Industry Development; Office and Position Established. Amend RSA 12-O by inserting after section 23 the following new section:

12-O:23-a Office of Outdoor Recreation Industry Development Established.

I. There is established in the department the office of outdoor recreation industry development. The office shall be under the supervision of a classified director of the office of outdoor recreation industry development, who shall serve under the supervision of the commissioner. The director shall provide administrative oversight and ensure that the responsibilities of the office described in this section are fulfilled.

II. The office of outdoor recreation industry development shall:

(a) Coordinate outdoor recreation policy, management, and promotion among state and federal agencies and local government entities.

(b) Promote economic development in the state by:

(1) Coordinating with outdoor recreation stakeholders.

(2) Using outdoor recreational infrastructure and industry to promote tourism and recruit members of the general workforce.

(3) Working with stakeholders and academic institutions to develop relevant training and curricula for members of the outdoor industry and manufacturing workforce.

(4) Improving motorized and nonmotorized recreational opportunities in cooperation with the department of natural and cultural resources.

(5) Recruiting outdoor recreation business and industry.

(c) Recommend policies and initiatives to enhance recreational amenities and experiences in the state and help implement those policies and initiatives.

(d) Develop outcome-driven data regarding the effect of outdoor recreation in the state.

(e) Promote the health and social benefits of outdoor recreation, especially to young people.

(f) Advance sustainable land stewardship initiatives recognizing the relationship between outdoor recreation and its economic benefit to the state.

III. Provided that any federally funded programs managed by the department of natural and cultural resources, division of parks on the effective date of this section shall continue to be managed by the division of parks, the office of outdoor recreation industry development may:

(a) Seek federal grants or loans.

(b) Seek private foundation partnerships.

(c) Seek to participate in federal programs.

(d) In accordance with applicable federal program guidelines, administer federally funded outdoor recreation programs.

311 New Paragraph; Community Recreation Service; Duties. Amend RSA 12-B:3 by inserting after paragraph X the following new paragraph:

XI. To serve as liaison to the office of outdoor recreation industry development established pursuant to RSA 12-O:23-a.

312 Appropriation; Department of Business and Economic Affairs. The sum of \$125,000 for the fiscal year ending June 30, 2020 and the sum of \$125,000 for the fiscal year ending June 30, 2021 are hereby appropriated to the department of business and economic affairs for the purpose of supporting the small business development center and its programs. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

313 Fill and Dredge in Wetlands; Excavating and Dredging Permits. Amend RSA 482-A:3, I(b) and (c) as follows:

(b) The application fee for shoreline structure projects shall be [~~\$200~~] **\$400** plus an amount based on the area of dredge, fill, or dock surface area proposed, or a combination thereof, which shall be [~~\$2~~] **\$4** per square foot for permanent dock surface area; [~~\$1~~] **\$2** per square foot for seasonal dock surface area; and [~~\$.20~~] **\$.40** per square foot for dredge or fill surface area or both. For projects involving only the repair, reconstruction, or reconfiguration of an existing docking structure, the application fee shall be [~~\$200~~] **\$400**.

(c) The application fee shall be [~~\$200~~] **\$400** for minimum impact dredge and fill projects [~~under this chapter~~] **and for non-enforcement related publicly funded and supervised restoration projects as defined by rules, regardless of impact classification, if undertaken by other than the person or persons responsible for causing the restoration to be needed.** The application fee for all projects under this chapter which are not covered by subparagraph (b) or (c) or paragraphs IV-a, V, X through XII, XV, XVI, or XVII through XIX shall be [~~\$.20~~] **\$.40** per square foot of proposed impact, with a minimum fee of [~~\$200~~] **\$400** for all such projects that impact fewer than [~~1,000~~] **600** square feet.

314 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Use of Fees. Amend RSA 482-A:3, III to read as follows:

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

315 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certain Fees. Amend RSA 482-A:3, X(a) to read as follows:

(a) The maximum cash application fee for the New Hampshire department of transportation shall be [~~\$10,000~~] **\$30,000** per application plus provisions for technical or consulting services or a combination of such services as necessary to meet the needs of the department. The department may enter into a memorandum of agreement with the New Hampshire department of transportation to accept equivalent technical or consulting services or a combination of such services in lieu of a portion of their standard application fees.

316 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Review of Applications. Amend RSA 482-A:3, XIV(b)(1) to read as follows:

(1) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. **The time limits prescribed by this paragraph shall not apply to applications submitted by the department of transportation, for which time limits shall be set by a memorandum of agreement between the commissioner of the department of environmental services and the commissioner of the department of transportation.** If the department fails to act within the applicable time frame established in subparagraphs (a)(3), (a)(4), and (a)(5), the applicant may ask the department to issue the permit by submitting a written request. If the applicant has previously agreed to accept communications from the department by electronic means, a request submitted electronically by the applicant shall constitute a written request.

317 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Review of Applications. Amend RSA 482-A:3, XIV(e) to read as follows:

(e) **Any request for an amendment to an application or permit shall be submitted to the department on the appropriate amendment form.** Any request for a significant amendment to a pending application or an existing permit which changes the footprint of the permitted fill or dredge area shall be deemed a new application subject to the provisions of RSA 482-A:3, I and the time limits prescribed by this paragraph. "Significant amendment" means an amendment which changes the proposed or previously approved acreage of the permitted fill or dredge area by 20 percent or more, [~~relocates the proposed footprint of the permitted fill or dredge area,~~] includes a prime wetland, or [~~surface waters of the state, includes a wetland of a different classification as classified by the department, or includes non-wetland areas requiring permits for filling and dredging~~] **elevates the project's impact classification.** This meaning of "significant amendment" shall not apply to an application amendment that is in response to a request from the department.

318 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Permit Duration and Extensions. Amend RSA 482-A:3, XIV-a to read as follows:

XIV-a.(a) With the exception of permits issued under subparagraph (b) **or paragraph XIV-b**, all permits issued pursuant to this chapter shall be valid for a period of 5 years. Requests for extensions of such permits may be made to the department **by submitting the information required in rules adopted by the department.** The department shall grant one extension of up to 5 additional years, provided the applicant demonstrates all of the following:

- (1) The permit for which extension is sought has not been revoked or suspended without reinstatement.
- (2) Extension would not violate a condition of law or rule **other than that established in this paragraph relative to permit duration.**
- (3) The project is proceeding towards completion in accordance with plans and other documentation referenced by the permit.
- (4) The applicant proposes reasonable mitigation measures to protect the public waters of the state from deterioration during the period of extension.

(b) Any permit issued to repair or replace shoreline structures to maintain the integrity and safety of such structures including, but not limited to docks, sea walls, breakwaters, riprap, access ramps and stairs, that are damaged by storms or ice, shall expire 10 years from the date the permit was issued as long as any work performed after the initial permitted work complies with the following:

(1) The work is not in violation of the original permit or subparagraphs (a)(1)-(4).

(2) All structures are repaired or replaced to the original permitted location and configuration.

(3) All significant work is reported to the department in accordance with the reporting requirements for the original permit.

(c) After review, if the department determines that a request to extend a permit for a major project in public waters meets the stated criteria, the department shall submit the request to the governor and executive council with a recommendation that the request be approved. The department shall issue decisions on all other extension requests.

319 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Utilities. Amend the introductory paragraph of RSA 482-A:3, XV(b):

(b) ~~[Appropriate]~~ ***The utility provider shall provide an annual*** notice to the department, ***which*** shall include the following information:

320 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Utilities. Amend RSA 482-A:3, XV(d) to read as follows:

(d) A ~~[one-time annual]~~ ***non-refundable*** filing fee of ~~[\$200]~~ ***\$400*** per town~~[-not to exceed a maximum of \$10,000;]~~ per year shall accompany the notice to the department. Such fees shall be held in accordance with paragraph III.

321 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certified Culvert Maintainers. Amend RSA 482-A:3, XVIII and XIX to read as follows:

XVIII. The department shall develop ~~[an installer's]~~ ***a certification program for culvert maintainers***, in accordance with paragraph XVII, and shall determine the educational requirements for certification, including continuing education requirements. Professional engineers who are duly licensed by the New Hampshire board of professional engineers are exempt from the program requirements of this section. All certified individuals who perform such work shall submit a quarterly report to the department fully identifying work that they performed during each quarter and documentation of continuing education requirements.

XIX. The department shall issue ~~[an installer's permit]~~ ***a culvert maintainer certificate*** to any individual who submits an application provided by the department, and has satisfactorily completed the program in accordance with paragraphs XVII and XVIII. ~~[Permits]~~ ***Initial certificates*** shall be ~~[issued]~~ ***valid through December 31 of the year following the year of issue. Renewal certificates shall be valid*** from January 1 ~~[and shall expire]~~ ***through*** December 31 of every other year. Permits shall be renewable upon proper application, and documentation of compliance with the continuing education requirement of paragraph XVIII. The installer's permit may be suspended, revoked, or not renewed for just cause, including, but not limited to, the installation of culverts in violation of this chapter or the refusal by a permit holder to correct defective work. The department shall not suspend, revoke, or refuse to renew a permit except for just cause until the permit holder has had an opportunity to be heard by the department. An appeal from such decision to revoke, suspend, or not renew a permit may be taken pursuant to RSA 21-O:14.

322 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certified Application Preparer Program. Amend RSA 482-A:3, XX(d) to read as follows:

(d) The certification shall be valid for one year from the date of issuance and may be renewed every year. The initial fee for certification shall be \$200 and the fee for renewal shall be \$50. The department shall not issue a certification or a renewal certification if the required fee is not paid. All fees shall be deposited into the ~~[wetlands and shoreland review]~~ ***water resources fund*** established in RSA 482-A:3, III.

323 Aquatic Resources Fund. Amend RSA 482-A:29, II to read as follows:

II. A separate, non-lapsing account shall be established within the fund into which all administrative assessments collected under RSA 482-A:30, III and RSA 482-A:30-a, II shall be placed. Such account moneys shall ~~[only]~~ be used ~~[to support up to 2 full-time positions]~~ for administration of the fund, ***including staff***, and ***aquatic resource mitigation*** related projects. ~~[No other fund moneys shall be used for state personnel costs.]~~

324 Shoreland Water Quality Protection; Permit Application Fees. Amend the introductory paragraph of RSA 483-B:5-b, VI:

VI. All permits issued pursuant to this chapter shall be valid for a period of 5 years. Requests for extensions of such permits may be made to the department **by providing such information as is required by rules adopted pursuant to RSA 541-A**. The department shall grant one extension of up to 5 additional years, provided the applicant demonstrates all of the following:

325 Shoreland Water Quality Protection; Permit Application Fees. Amend RSA 483-B:5-b, I(b) to read as follows:

(b) The permit application fee shall be ~~[\$100]~~ **the base fee specified in this subparagraph** plus **an impact fee of** ~~[\$.10]~~ **\$.20** per square foot of area affected by the proposed activities and shall be deposited in the ~~[wetlands and shorelands review]~~ **water resources** fund established under RSA 482-A:3, III. ~~[Such fees shall be capped as follows:-~~

~~(1)]~~ For projects that qualify for permit by notification under this paragraph or RSA 483-B:17, X, ~~[\$100],~~ **the base fee shall be \$200** for restoration of water quality improvement projects, and ~~[\$250]~~ **the base fee shall be \$400** for all other permit by notification projects.

~~(2) For projects of 0-9,999 square feet, that do not qualify for a permit by notification, \$750.~~

~~(3) For projects of 10,000-24,999 square feet, \$1,875.~~

~~(4) For projects of 25,000 square feet or more, \$3,750.]~~

326 Shoreland Water Quality Protection; Other Required Permits and Approvals. Amend RSA 483-B:6, II to read as follows:

II. In applying for approvals and permits, pursuant to paragraph I, applicants shall demonstrate that the proposal meets or exceeds the development standards of this chapter. The department shall develop minimum standards for information to be required on or with all applications under paragraph I. The department or municipality shall grant, deny, or attach reasonable conditions to approvals or permits listed in subparagraphs I(a)-(f) **and RSA 483-B:5-b**, to protect the public waters or the public health, safety, or welfare. Such conditions shall be related to the purposes of this chapter.

327 Terrain Alteration; Permit Application Fees. Amend RSA 485-A:17, II to read as follows:

II.(a) The department shall charge a fee for each review of plans, including project inspections, required under this section. The **plan review** fee shall be based on the ~~[extent of contiguous]~~ **total** area to be disturbed. Except for **property subject to** RSA 483-B:9, the fee for **review of** plans encompassing an area of at least 100,000 square feet but less than 200,000 square feet shall be ~~[\$1,250]~~ **\$3,125**. For the ~~[purposes of]~~ **property subject to** RSA 483-B:9, the fee for **review of** plans encompassing an area of at least 50,000 square feet but less than 200,000 square feet shall be ~~[\$1,250]~~ **\$3,125**. An additional fee of ~~[\$500]~~ **\$1,250** shall be assessed for each additional area of up to 100,000 square feet to be disturbed. No ~~[permit]~~ **application** shall be ~~[issued]~~ **accepted** by the department until the fee required by this paragraph is paid. All fees required under this paragraph shall be paid when plans are submitted for review and shall be deposited in the ~~[terrain alteration]~~ **water resources** fund established in ~~[paragraph H-a]~~ **RSA 482-A:3, III**.

(b) The department shall charge a non-refundable fee of \$500 plus a \$.10 per square foot fee for each request to amend a permit that requires plans to be reviewed.

328 Wetlands and Shorelands Review Fund Renamed. Amend RSA 6:12, I(b)(131) to read as follows:

(131) Moneys deposited in the ~~[wetlands and shorelands review]~~ **water resources** fund **established** under RSA 482-A:3, III.

329 Repeal. The following are repealed.

I. 2008, 5:27, I, relative to repealing permit application fees.

II. RSA 6:12, I(b)(256), relative to the terrain alteration fund.

III. RSA 482-A:3, XV(e), relative to the additional fee for amendments to the notification for maintenance to existing utility services.

IV. RSA 485-A:17, II-a, relative to the terrain alteration fund.

330 Appropriation; Department of Environmental Services; Ossipee Lake Dam Reconstruction. There is hereby appropriated the sum of \$1,500,000 for the fiscal year ending June 30, 2019 to the department of environmental services to supplement the capital appropriation in 2017, 228:1, VIII, H, for the purpose of reconstructing the Ossipee Lake Dam. This appropriation shall not lapse until June 30, 2021. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

331 New Paragraph; Pease Development Authority; Real Estate Transfer Tax Exemption for Leases. Amend RSA 78-B:2 by inserting after paragraph XXII the following new paragraph:

XXIII. To a lease of any term by and between the Pease development authority and any other person, including any sales, transfers, or assignments of any interest in the leased property.

332 Hazardous Waste Clean Up; Civil Actions; Cost Recovery. Amend RSA 147-B:10, III(a) to read as follows:

(a) The attorney general may institute an action before the superior court for the county in which the facility is located against any person liable pursuant to paragraph I of this section to recover all costs incurred by the state. Costs recovered under this section shall be deposited into the fund ***except that costs recovered to offset expenditures made from the drinking water and groundwater trust fund established in RSA 6-D:1 shall be deposited into the drinking water and groundwater trust fund.***

333 New Section; Deposits to Drinking Water and Groundwater Trust Fund. Amend RSA 485-F by inserting after section 5 the following new section:

485-F:6 Deposits to Drinking Water and Groundwater Trust Fund. Any money received by the state related to the contamination of drinking water or groundwater, other than fees, fines, penalties, oil or hazardous waste cost recovery, or any other money already allocated to a specified fund, shall be deposited into the drinking water and groundwater trust fund. This paragraph shall not be construed to limit any damages otherwise awarded in a related private cause of action.

334 New Paragraph; Recovered Costs; Deposited in Drinking Water and Groundwater Trust Fund. Amend RSA 485-F:3 by inserting after paragraph II the following new paragraph:

III. Costs paid from the drinking water and groundwater trust fund for the action described in paragraph I(a) and recovered by the state under RSA 147-B:10, shall be deposited to the drinking water and groundwater trust fund pursuant to RSA 147-B:10, III(b). In addition, upon payment from the trust fund for any costs for which a third party would otherwise be liable, the right to recover payment from such third party shall be assumed by the drinking water and groundwater advisory commission to the extent of payment made from the trust fund. Any money so recovered shall be repaid to the trust fund. No party shall receive multiple compensation for the same injury, and any such compensation shall be repaid to the trust fund.

335 Contingency; Drinking Water and Groundwater Trust Fund; SB 169. If SB 169 of the 2019 regular legislative session becomes law, then sections 332-334 of this act shall not take effect.

336 Repeal. RSA 176:16-a, relative to liquor commission revenue shortfalls, is repealed.

337 Definition of Pet Vendor. Amend RSA 437:1, IV to read as follows:

IV. "Pet vendor" means any person, firm, corporation, or other entity ~~[engaged in the business of transferring]~~ ***that transfers 25 or more dogs, 25 or more cats, 30 or more ferrets, or 50 or more birds,*** live animals or birds customarily used as household pets to the public, with or without a fee or donation required, and whether or not a physical facility is owned by the licensee in New Hampshire, when transfer to the final owner occurs within New Hampshire, ***between July 1 and June 30 of each year. Pet vendor also means any person, firm, corporation, or other entity that transfers amphibians, reptiles, fish, or small mammals customarily used as household pets to the public in quantities set in rules adopted by the department, with or without a fee or donation required, and whether or not a physical facility is owned by the licensee in New Hampshire between July 1 and June 30 of each year. Nothing in this paragraph shall be construed to alter or affect the municipal zoning regulations that a pet vendor shall conform with under RSA 437:3.***

338 Exemptions; Commercial Kennel Deleted. Amend RSA 437:7 to read as follows:

437:7 Exceptions. The license provisions of this subdivision shall not apply to breeders of dogs that do not meet the definition of ~~[commercial kennel]~~ ***pet vendor*** in RSA 437:1, veterinarians, or the transfer of livestock or poultry.

339 New Paragraph; Health Certificates for Dogs, Cats, and Ferrets. Amend RSA 437:8 by inserting after paragraph V the following new paragraph:

VI. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual without first being protected against infectious diseases using a vaccine approved by the state veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual unless accompanied by an official health certificate issued by a licensed veterinarian. No transfer shall occur unless the transferred animal is accompanied by a health certificate issued within the prior 14 days. The certificate shall be in triplicate, one copy of which shall be retained by the signing veterinarian, one copy of which shall be for the licensee's records, and one copy of which shall be given to the transferee upon transfer as provided in paragraph III. If an official health certificate is produced, it shall be prima facie evidence of transfer. The signing veterinarian shall provide a copy of the health certificate to the department of agriculture, markets, and food upon request.

340 New Chapter; Cost of Care Fund. Amend RSA by inserting after chapter 437-A the following new chapter:

CHAPTER 437-B COST OF CARE FUND

437-B:1 Cost of Care Fund.

I. There is established in the department of agriculture, markets, and food a nonlapsing fund to be known as the cost of care fund which shall be kept distinct and separate from all funds. The cost of care fund is established to assist municipalities in covering the costs of care incurred from caring for animals pending the resolution of any action brought for animal cruelty under RSA 644:8 or RSA 644:8-a.

II. The treasurer shall deposit in the cost of care fund court-ordered restitution for care in animal cruelty cases under RSA 644:8 or RSA 644:8-a as specified in paragraph VI.

III. The arresting officer or his or her designee may apply to the commissioner of the department of agriculture, markets, and food for a grant from the cost of care fund to reimburse costs incurred caring for animals in animal cruelty cases brought under RSA 644:8 or RSA 644:8-a during pretrial care, for the period between when the animals are seized and until the final disposition of the case. The commissioner of the department of agriculture, markets, and food and the state veterinarian shall review such applications, respond to such applications within 15 days, and distribute no more than \$500,000 per application.

IV. The commissioner shall establish rules under RSA 541-A relative to:

(a) The administration and disbursement of the cost of care fund, including guidelines to ensure that multiple applicants would have equitable access to grants.

(b) The application process by an arresting officer or his or her designee for financial assistance to cover the cost of emergency veterinary treatment.

V. The commissioner may accept private gifts and donations of any kind for the purpose of supporting the cost of animal care which shall be deposited into the cost of care fund.

VI. If a person is convicted of animal cruelty and is ordered by the court to make restitution, the municipality shall report such restitution to the department of agriculture, markets, and food. If the restitution exceeds the costs incurred by the municipality in caring for the seized animals, that excess shall be remitted to the department and shall be deposited into the cost of care fund.

341 Department of Agriculture, Markets, and Food; Cost of Care Fund. The sum of \$100,000 for the fiscal year ending June 30, 2020, and the sum of \$100,000 for the fiscal year ending June 30, 2021 are hereby appropriated to the department of agriculture, markets, and food to fund the cost of care fund established in RSA 437-B:1. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

342 Repeal. RSA 437:1, II, relative to the definition of commercial kennel, is repealed.

343 New Paragraph; Cemetery Operations. Amend RSA 110-B:77 by inserting after paragraph III the following new paragraph:

IV. All federal funds received and income earned from internment fees shall be nonlapsing and continually appropriated for the sole purpose of supporting the New Hampshire state veterans cemetery.

344 New Subparagraph; Application of Receipts; Sunny Day Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new subparagraph:

(344) Moneys credited to the sunny day fund established in RSA 12-O:21-a.

345 General Fund Surplus Account; Transfer to Sunny Day Fund. On June 30, 2019, the state treasurer shall transfer the sum of \$3,000,000 from the general fund surplus account to the sunny day fund established in RSA 12-O:21-a.

346 New Section; Department of Business and Economic Affairs; Sunny Day Fund. Amend RSA 12-O by inserting after section 21 the following new section:

12-O:21-a Sunny Day Fund Established.

I. There is hereby established in the office of the state treasurer a fund to be known as the sunny day fund, which shall be kept distinct and separate from all other funds. The commissioner shall administer the fund. The fund shall be nonlapsing and continually appropriated to the commissioner for the purpose of obtaining and disbursing grants for research and development, including any preliminary funding necessary to obtain grant funding, supporting the infrastructure necessary to address critical gaps in the state's ability to attract research and development projects, increasing commercialization of new technologies, leveraging federal funds, and supporting business development and expansion. Grants may be from federal, private, or other sources.

II. The New Hampshire Research and Industry Council ("council"), with the support of the New Hampshire Established Program to Stimulate Competitive Research (NH EPSCoR), shall administer the grant program application and approval process in consultation with the commissioner, manage the annual investment portfolio, and evaluate investment performance. An organization may apply for funding under this section pursuant to the procedures established by the council. The council shall assign preference to grant applications that:

- (a) Increase New Hampshire's competitiveness through innovation.
- (b) Attract talent to New Hampshire.
- (c) Target existing industrial-cluster strength, potential growth, and research capacity.
- (d) Target areas of strategic priority as determined by NH EPSCoR and the department

of business and economic affairs.

- (e) Qualify for available matching funds from federal, private, or other sources.

III. Beginning July 1, 2021, and annually thereafter, the council shall conduct a survey of all organizations which receive grants under this section to evaluate the return on investment from the state's funding support and to permit the general court to consider legislation for continued funding. The council shall, no sooner than 18 months after the effective date of this section, develop and distribute a survey instrument to all organizations that have received grant funding under this section. The survey shall, at a minimum, collect the following information for each organization that receives grant funds under this section:

- (a) Number of grants obtained.
- (b) Total funding from grants and other investments.
- (c) Amount of federal funds obtained.
- (d) Number of employees.
- (e) Number of jobs created as a result of funding received under this section.
- (f) Number of licensing agreements secured.
- (g) Number of patents filed.

IV. An organization shall submit the completed survey to the council within 6 weeks of receipt. The council shall collect the completed surveys and submit them to the commissioner of the department of business and economic affairs. Any organization which fails to timely submit a completed survey shall not be eligible to obtain additional funding under this section.

V. Administrative costs shall not exceed 8 percent of annual fund expenditures.

347 Appropriation; Department of Environmental Services; Report Required.

I. The sum of \$6,000,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of environmental services for the purpose of studying, investigating, and testing for contamination caused by perfluorinated chemicals, and the preliminary design for a treatment system for such contamination. This appropriation shall not lapse until June 30, 2021. Such appropriation shall be a charge against the drinking water and groundwater trust fund established in RSA 6-D:1.

II. The department of environmental services, in coordination with the attorney general, shall report to the fiscal committee of the general court upon any significant developments relative to the state's lawsuit against companies for the manufacturing and dissemination of perfluorinated chemicals in New Hampshire.

348 New Paragraph; Organization of Executive Branch; Purpose. Amend RSA 21-G:2 by inserting after paragraph III the following new paragraph:

IV. The various scopes in the mission of the executive branch departments, agencies, and commissions require a delineation of their organization within the executive branch.

349 Organization of Executive Branch; Definitions. RSA 21-G:5 is repealed and reenacted to read as follows:

21-G:5 Definitions. In this chapter:

I. "Administratively attached agency" means an independent agency linked to a department for purposes of reporting and sharing support services.

II. "Administrative head of the agency" means the individual, by whatever title conferred upon them by the relevant statute, who in charge of operations of an executive agency, executive commission, or administratively attached agency.

III. "Advisory committee" means a committee established pursuant to RSA 21-G:11 which shall furnish advice, gather information, make recommendations and perform such other activities as may be instructed or as may be necessary to fulfill advisory functions or to comply with federal funding requirements, but which shall not administer a program or function or set policy.

IV. "Agency" means any department, commission, board, institution, bureau, office, or other entity, by whatever name called, other than the legislative and judicial branches of state government, established in the state constitution, statute, session law, or executive order.

V. "Bureau" means the principal unit within a division, which is directly responsible to the division level and is concerned with individual program management.

VI. "Commissioner" means the individual in charge of the operations of an executive department, who is directly responsible to the governor.

VII. "Constitutional office" means an executive department that also comprises a constitutional office established by the state constitution and common law practice.

VIII. "Division" means the principal unit within a department, which is directly responsible to the department level and is concerned with related major functional programs and activities.

IX. "Executive agency" means an administrative unit within the executive branch of state government, which is concerned with a specific objective or administrative function.

X. "Executive commission" means an administrative unit within the executive branch of state government established to provide a specific enterprise or regulatory function.

XI. "Executive department" means the principal administrative unit within the executive branch of state government, which is concerned with broad functional responsibilities.

XII. "Field operations" means district or area offices which may combine division, bureau, and section functions.

XIII. "Section" means the principal unit of a bureau, which is directly responsible to the bureau level and is concerned with direct provision of services to the public or other state agencies.

350 Structure of Executive Branch. Amend the section heading in RSA 21-G:6 to read as follows:

21-G:6 Structure of Executive Branch *Departments*.

351 Repeal. RSA 21-G:6, II(d), relative to division into subsections, is repealed.

352 New Section; Organization of Executive Branch. Amend RSA 21-G by inserting after section 6-a the following new section:

21-G:6-b Organization of the Executive Branch.

I. Constitutional offices are as follows:

- (a) The executive department, comprising the office of the governor.
- (b) The department of state, comprising the office of the secretary of state.
- (c) The state treasury, comprising the office of the state treasurer.
- (d) The department of justice, comprising the office of the attorney general.

II. The executive departments are as follows:

- (a) The department of administrative services.
- (b) The department of agriculture, markets, and food.
- (c) The department of banking.
- (d) The department of business and economic affairs.
- (e) The department of corrections.
- (f) The department of education.
- (g) The department of employment security.
- (h) The department of environmental services.
- (i) The department of health and human services.
- (j) The department of information technology.
- (k) The department of insurance.
- (l) The department of labor.
- (m) The department of military affairs and veteran services.
- (n) The department of natural and cultural resources.
- (o) The department of revenue administration.
- (p) The department of safety.
- (q) The department of transportation.

III. The executive agencies are as follows:

- (a) Council on developmental disabilities.
- (b) Veterans' home.
- (c) The office of professional licensure and certification.
- (d) The police standards and training council.
- (e) The public employee labor relations board.
- (f) The board of tax and land appeals.
- (g) The judicial council.

IV. The executive commissions are as follows:

- (a) The fish and game commission.
- (b) The public utilities commission.
- (c) The state liquor commission.

(d) The state lottery commission.

353 New Subdivision; Component Units of State Government. Amend RSA 6 by inserting after section 43 the following new subdivision:

Component Units of State Government

6:44 Component Units of State Government.

I. All systems, authorities, and organizations established by the state which are not part of the executive, legislative, or judicial branches shall be considered component units of the state government. For the purpose of this section, the following shall be considered component units:

- (a) Community college system of New Hampshire.
- (b) Community development finance authority.
- (c) Judicial retirement plan.
- (d) Land and community heritage authority.
- (e) Business finance authority.
- (f) Health and educational facilities authority.
- (g) Housing finance authority.
- (h) Municipal bond bank.
- (i) Pease development authority.
- (j) Retirement system of New Hampshire.
- (k) University system of New Hampshire.

II. All component units shall report to the state treasurer, in a manner determined by the treasurer, on a quarterly basis. These quarterly reports shall include interim financial information, performance metrics, and all relevant information on the component unit's activities. The state treasurer shall provide the governor, president of the senate, and speaker of the house of representatives the compiled quarterly reports on an ongoing basis.

354 General Fund Transfer to Highway Fund. The sum of \$6,463,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the highway fund. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

355 Administration of Motor Vehicle Laws; Road Tolls; Exception. Amend RSA 260:60 to read as follows:

260:60 Exception. Notwithstanding all other laws and rules to the contrary, annually, on or before June 1, the road toll administrator shall compare the number of gallons on which refunds have been made for the preceding calendar year for motor fuel used in the propulsion of boats on inland public waters of the state, with the number of gallons of such motor fuel sold and delivered directly into the fuel tanks, or supplementary fuel tanks, of boats or outboard motors upon the inland public waters for use in such boats or outboards, based on the number of boats registered in the state at 100 gallons usage per boat, and if there is any balance of unrefunded tolls so collected, the administrator shall report the same to the comptroller who shall, on July 1, next following, credit 1/2 of said balance to the general fund and credit 1/2 of said balance to the fish and game department. The funds credited to the fish and game department shall be used by said department to carry out its program and be accounted for as **unrestricted revenue to** the fish and game fund ~~[is accounted for]~~. Any funds credited to the fish and game department as above provided shall not lapse at the end of the fiscal year. The department shall pay monthly to the state treasurer all revenue from the aircraft landing area toll.

356 Administration of Motor Vehicle Laws; Road Tolls; Credit Provided. Amend RSA 260:61, I to read as follows:

I. Annually, on or before June 30, the comptroller shall transfer, from road tolls collected, an amount equal to the number of licensed OHRVs and snowmobiles for the previous year times the average number of gallons consumed per year per OHRV and snowmobile times the gasoline road toll imposed under RSA 260:32, less any amount refunded for OHRV and snowmobile use for the previous year, to the fish and game department and the bureau of trails as follows. The road toll administrator shall report to the comptroller if there is a balance of

unrefunded road tolls collected. The administrator shall certify the amount to the comptroller who shall credit 1/2 of such balance to the bureau of trails for use as provided in paragraph I-a, and 1/2 of such balance to the fish and game department ***as unrestricted revenue to the fish and game fund***. For the purposes of this section, "the average number of gallons consumed per year per OHRV or snowmobile" is 100.

357 Department of Safety Appropriations; Revenue from Motor Vehicle Fines; Exemption. For the fiscal year ending June 30, 2019, department of safety appropriations funded with agency income from restricted revenue collected under RSA 262:44, I, shall be exempt from 2017, 155:1.08(I).

358 Department of Safety; Fund Transfer; Authorization. Notwithstanding the provisions of RSA 9:16-a, for the biennium ending June 30, 2021, the department of safety may transfer funds between accounting units in classes 027-transfers to the department of information technology, 028-transfers to general services, 064-retiree pension benefit-health insurance compensation, and 211-property and casualty insurance, upon approval of the department of administrative services' budget office.

359 Substance Abuse Enforcement Program; Appropriations.

I. The sum of \$587,700 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of safety. This sum shall be expended as follows:

(a) \$171,600 shall be expended for the purpose of funding overtime at the state forensic laboratory as a result of increased caseloads attributable to narcotics related enforcement and investigations with no more than 50 percent of the appropriation expended in each fiscal year of the biennium ending June 30, 2021.

(b) \$416,100 shall be expended for the purpose of funding overtime at the state police for narcotics related enforcement and investigations with no more than 50 percent of the appropriation expended in each fiscal year of the biennium ending June 30, 2021.

II. The sum of \$2,400,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of safety to disburse grants to county and local law enforcement agencies for the purpose of funding overtime costs for county and local law enforcement officers performing law enforcement activities attributable to the substance abuse enforcement program established in RSA 21-P:66. No more than 50 percent of the appropriation shall be expended in each fiscal year of the biennium ending June 30, 2021.

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

IV. No appropriation made in this section shall lapse until July 1, 2021.

360 Department of Safety; Appropriation. There is hereby appropriated to the department of safety the sum of \$195,000 for the fiscal year ending June 30, 2019, for the purpose of providing administrative support to the state building code review board. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated and said sums shall not lapse until June 30, 2021.

361 Public School Infrastructure Fund. Amend RSA 198:15-y, II to read as follows:

II. There is hereby established in the office of the state treasurer the public school infrastructure fund which shall be kept distinct and separate from all other funds and which shall be administered by the department of education. After transferring sufficient funds to the revenue stabilization reserve account to bring the balance of that account to \$100,000,000, the state treasurer shall transfer the remainder of the general fund surplus for fiscal year 2017, as determined by the official audit performed pursuant to RSA 21-I:8, II(a), to the fund. Any earnings on fund moneys shall be added to the fund. All moneys in the fund shall be continually appropriated ~~[for the biennium ending June 30, 2019 and]~~. ***The department of education may retain up to 3 percent of the total annual appropriation of the public school infrastructure fund on or after July 1, 2019, to be used to administer the public school infrastructure program.*** Any unexpended or unencumbered balance as of June 30, 2019 shall be transferred to the general fund.

362 Public School Infrastructure Fund. Amend RSA 198:15-y, III(e) to read as follows:

(e) ***A school building or infrastructure proposal which is necessary to comply with Americans with Disabilities Act (ADA) regulations.***

(f) Other school building or infrastructure needs the governor, in consultation with the public school infrastructure commission, may identify, except for school building aid projects that are otherwise prohibited by law.

363 Department of Education; Vocational Rehabilitation Programs or Services. For the biennium ending June 30, 2021, the department of education may request funds not otherwise appropriated for the purpose of funding unanticipated costs relative to vocational rehabilitation programs or services, with review and approval of the joint fiscal committee of the general court.

364 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]~~ **ensure** compliance with this section and shall establish minimum nutritional standards for such meals ~~[and shall further establish]~~ **as well as** income guidelines ~~[setting forth]~~ **set for** 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.]~~

365 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]~~ **Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296, and the Richard B. Russell National School Lunch Act, 42 U.S.C. section 1758b** 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 **and an additional 27 cent reimbursement for each meal served to students eligible for a reduced price meal**. The department of education shall request biennial appropriations in an amount sufficient to meet projected school breakfast reimbursements **to ensure students eligible for reduced price meals are offered breakfast at no cost**. The department of education shall prescribe forms as necessary under this paragraph.

366 New Section; Department of Education; New Position; School Nurse Coordinator. Amend RSA 21-N by inserting after section 6 the following new section:

21-N:6-a School Nurse Coordinator. There is established within the division of learner support the position of school nurse coordinator who shall be a classified employee. The school nurse coordinator shall be a licensed RN eligible for New Hampshire school nurse certification under RSA 200:29 and shall be qualified to hold such position by reason of education and experience. The position shall be subject to any other employment requirements as determined by the department. The school nurse coordinator shall coordinate and provide technical assistance to guide school nurses and other school personnel responsible for student health care in the areas of student health and wellness, safety, behavioral and mental health, and alcohol and substance use disorder. The school nurse coordinator shall also be a resource for administrators, educators, families, and policymakers across the state.

367 New Subdivision; Family and Medical Leave Coverage. Amend RSA 189 by inserting after section 72 the following new subdivision:

Family and Medical Leave Coverage

189:73 Family and Medical Leave Coverage. A school district employee who has been employed by the school district for at least 12 months and who has worked at least 900 hours in the previous 12-month period shall be eligible for family and medical leave under the same terms and conditions as leave provided to eligible employees under the federal Family and Medical Leave Act of 1993 (Pub. L. 103-3), 29 U.S.C. section 2611, et seq., as amended.

368 Heat and Hot Water System Purchase and Replacement; Appropriation. The sum of \$1,000,000 for the fiscal year ending June 30, 2020 is hereby appropriated to the department of administrative services to be disbursed to the Concord school district no later than September 1, 2019, which shall be used for the purchase and replacement of all systems providing heat to those buildings in the Concord school district which previously obtained steam from the former Concord Steam corporation. The Concord school district is authorized to expend such appropriation for the purpose set forth in this section. The Concord school district shall advise the commissioner of the department of administrative services of cost and expenditure estimates relating to the project. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

369 Appropriation; Community College System of New Hampshire. In addition to funds otherwise appropriated, there is hereby appropriated to the community college system of New Hampshire the sum of \$3,200,000 in the fiscal year ending June 30, 2019, which shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

370 Department of Transportation; Appropriation. The sum of \$2,140,000 is hereby appropriated to the department of transportation for the fiscal year ending June 30, 2019, which shall be nonlapsing, for the purpose of providing a state aid construction program match for the project named Tilton project number 29753, to reconstruct and reclassify 1.97 miles of Calef Hill Road. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

371 Appropriation; Department of Education. The sum of \$500,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of education for the purpose of providing funding to Granite State Independent Living to support the IMPACCT (Inspiring the Mastery of Post-Secondary Achievement in College, Career, and Training) program. This appropriation shall be in addition to any other funds appropriated to the department of education and shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

372 Department of Safety; Appropriation. The sum of \$2,100,000 is hereby appropriated to the department of safety for the biennium ending June 30, 2021, for the purpose of funding the reallocation, pursuant to a request made under RSA 21-I:54, of all sworn state police troopers from the rank of probationary trooper through the rank of executive major. In the event the reallocation request is not approved, said funds may be used to fund a collectively bargained trooper pay raise. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated and such funds shall not lapse until June 30, 2021.

373 Statement of Findings.

I. The general court hereby finds that:

(a) The ongoing mental health, substance misuse, and child protection crises have taken a significant toll on New Hampshire's children and families, impacting all child-serving systems and placing increased pressure on the children's behavioral health system;

(b) The New Hampshire department of health and human services recently released an Adequacy and Enhancement Assessment of New Hampshire's child welfare system, which called for sweeping reforms including further integration of services with the children's behavioral health system; immediate enhancements to the service array for children with significant emotional, behavioral and mental health needs; and transformation of New Hampshire's child-serving system to one that is based on early intervention, evidence-based services, and accountability for outcomes;

(c) Recent changes to child welfare funding at the federal level with the passage of the federal Family First Prevention Services Act also drive the need to transform New Hampshire's child-serving system;

(d) The state of New Hampshire faces a significant shortage in its capacity to provide children with early and effective home and community-based services and therefore must rely on expensive, residential and inpatient treatment that drain the state resources;

(e) Adoption of interventions that are proven to be effective such as mobile crisis and stabilization services will provide support and treatment to families in crisis and will in many cases avoid costly, restrictive, and often unnecessary institutional care;

(f) Increasing access to mobile crisis response and stabilization services for children can also help the state meet its legal obligations under the Early and Periodic Screening, Diagnostic and Treatment ("EPSDT") provisions of the federal Medicaid Act and the integration mandate of the federal Americans with Disabilities Act. EPSDT is a federally mandated robust benefit for Medicaid-eligible children under age 21, designed to address children's health concerns before they become advanced and treatment is more difficult and costlier;

II. Therefore, this act directs the department of health and human services to expand home and community-based behavioral health services for children to include mobile crisis response and stabilization services and make the following improvements to the child-serving system as recommended by the Adequacy and Enhancement Assessment and in alignment with the federal Family First Prevention Services Act and EPSDT.

374 System of Care for Children's Mental Health. Amend RSA 135-F:3, III(e) to read as follows:

(e) Services that are family-driven, youth-guided, community-based, *trauma-informed*, and culturally and linguistically competent.

375 New Paragraph; System of Care for Children's Mental Health; Duties of the Department of Health and Human Services; Care Management Entities. Amend RSA 135-F:4 by inserting after paragraph II the following new paragraph:

III. Establish and maintain at least one care management entity to oversee and coordinate the care for children with complex behavioral health needs who are at risk for residential, hospital, or corrections placement or involved in multiple service systems. In this section, "care management entity" means an organizational entity that serves as a centralized entity to coordinate all care for youth with complex behavioral health challenges who are involved in multiple systems and their families.

(a) The care management entity shall oversee and manage residential treatment, psychiatric hospitalization, and the development of a continuum of community-based services and supports for children and youth with more complex needs.

(b) Beginning January 1, 2020, the care management entity shall coordinate behavioral health services in no less than 25 percent of cases involving referrals for residential treatment. Beginning January 1, 2021, the care management entity shall coordinate services in no less than 50 percent of such cases, and, beginning January 1, 2022 and thereafter, the care management entity shall coordinate services in no less than 75 percent of such cases.

376 New Sections; Family Support Clearinghouse; System of Care Advisory Committee. Amend RSA 135-F by inserting after section 7 the following new sections:

135-F:8 Family Support Clearinghouse.

I. The department of health and human services shall establish and maintain an information clearinghouse for families seeking information regarding children's behavioral health services. The clearinghouse functions required by this section may be assigned to an entity that has responsibilities in addition to those required by this section.

II. The information provided shall be available on the department of health and human services website and shall include:

- (a) Access to mobile crisis and stabilization services.
- (b) Insurance coverage and other reimbursement sources.
- (c) The results of assessments of the quality of service providers and whether they utilize evidence-based practices.
- (d) Referral information for legal service organizations.
- (e) Referral information, including links to websites and contact telephone numbers, for behavioral health service providers, organized by region.
- (f) Advice and guidance regarding family navigation of the behavioral health system.

135-F:9 System of Care Advisory Committee. The department of education and the department of health and human services shall create a system of care advisory committee to improve the well-being of children and families; promote coordination across state agencies; identify cost-savings, opportunities to increase efficiency, and improvements to the service array and service delivery system and effectiveness; and assist and advise the commissioners of the department of education and the department of health and human services on the system of care principles and values and implementation of RSA 135-F. The committee shall include youth and families with relevant experience and members of child-serving public and private agencies, including experts in education, community-based and facility-based behavioral health services, and effective administration of private and public educational and health services. The committee shall meet at least 6 times per year and at such other times as the chairperson deems necessary.

377 Home and Community-Based Behavioral Health Services for Children; Mobile Crisis Response and Stabilization Services Included. Amend RSA 167:3-1 to read as follows:

167:3-1 Home and Community-Based Behavioral Health Services for Children.

I. The department shall establish a Medicaid home and community-based behavioral health services program for children with severe emotional disturbances whose service needs cannot be met through traditional behavioral health services. The department may establish such services through a state plan amendment as provided in Section 1915(i) of the Social Security Act or a waiver under other provisions of the Act, **as needed**. If the department proceeds with a waiver, it shall not limit the geographic availability of services.

II. Such services shall include the following services or their functional equivalent:

- (a) Wraparound care coordination.
- (b) Wraparound participation.
- (c) In-home respite care.
- (d) Out-of-home respite care.
- (e) Customizable goods and services.
- (f) Family peer support.
- (g) Youth peer support.

III. Mobile crisis response and stabilization services for children under 21 shall be provided and delivered using system of care values and principles in compliance with RSA 135-F.

(a) The department shall contract with one or more third-party entities to ensure that all children in the state under 21 years of age have access to mobile crisis response and stabilization services, that such services are available with a response time of no more than one hour, and that such services are available in every part of the state.

(b) The department shall ensure the development of a performance measurement system for monitoring quality and access to mobile crisis response and stabilization services.

(c) All providers of mobile crisis response and stabilization services shall coordinate with the child's wraparound care coordinator, primary care physician, and any other care management program or other behavioral health providers providing services to the youth throughout the delivery of the service.

(d) Development and procurement of the mobile crises and stabilization services required under this section shall begin on the effective date of this section; implementation shall occur upon completion of the procurement process and approval by the governor and council.

378 Delinquent Children; Arraignment. Amend RSA 169-B:13, I(f)(1)(C) to read as follows:

(C) Identified as eligible for special education services[-]; **or**

(D) Previously referred to a care management entity as defined in RSA 135-F:4, III.

379 New Paragraph; Delinquent Children; Court Referrals; Referral to Care Management Entity. Amend RSA 169-B:13 by inserting after paragraph II the following new paragraph:

II-a. The court may, at the arraignment or at any time thereafter, with the consent of the minor and the minor's family, refer the minor and family to a care management entity, as defined in RSA 135-F:4, III, for evaluation and/or behavioral health services to be coordinated and supervised by that entity.

380 New Subparagraph; Delinquent Children; Disposition; Referral to Care Management Entity. Amend RSA 169-B:19, I by inserting after subparagraph (k) the following new subparagraph:

(l) With the consent of the minor and the minor's family, refer the minor and family to a care management entity, as defined in RSA 135-F:4, III, for behavioral health services to be coordinated and supervised by that entity. Such referral may be accompanied by one or more other dispositions in this section, if otherwise authorized and appropriate.

381 New Paragraph; Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19 by inserting after paragraph I the following new paragraph:

I-a. In the case of a child for whom behavioral health services are being coordinated by a care management entity as defined in RSA 135-F:4, III, the court shall solicit and consider treatment and service recom-

mendations from the entity. If the court orders a disposition which is not consistent with the care management entity's recommendations, it shall make written findings regarding the basis for the disposition and the reasons for its determination not to follow the recommendations.

382 Children in Need of Services; Initial Appearance. Amend RSA 169-D:11, II(e)(2) and (3) to read as follows:

(2) Determined to have a mental illness, emotional or behavioral disorder, or another disorder that may impede the child's decision-making abilities; ~~or~~

(3) Identified as eligible for special education services[-] ; **or**

(4) *Previously referred to a care management entity as defined in RSA 135-F:4, III.*

383 New Paragraph; Children in Need of Services; Initial Appearance; Referral to Case Management Entity. Amend RSA 169-D:11 by inserting after paragraph II-a the following new paragraph:

II-b. The court may, at the initial appearance or at any time thereafter, with the consent of the minor and the minor's family, refer the minor and family to a care management entity as defined in RSA 135-F:4 III for evaluation and/or behavioral health services to be coordinated and supervised by that entity.

384 New Paragraph; Children in Need of Services; Dispositional Hearing; Recommendations of Care Management Entity. Amend RSA 169-D:17 by inserting after paragraph I the following new paragraph:

I-a. In the case of a child for whom behavioral health services are being coordinated by a care management entity as defined in RSA 135-F:4, the court shall solicit and consider treatment and service recommendations from the entity. If the court orders a disposition which is not consistent with the entity's recommendations, it shall make written findings regarding the basis for the disposition and the reasons for its determination not to follow the recommendations.

385 New Paragraph; Children in Need of Services; Dispositional Hearing; Referral to Care Management Entity. Amend RSA 169-D:17 by inserting after paragraph III the following new paragraph:

III-a. In addition to any other disposition, the court may, with the consent of the minor and the minor's family, refer the minor and family to a care management entity as defined in RSA 135-F:4 III for behavioral health services to be coordinated and supervised by that entity. Such a referral may be accompanied by one or more other dispositions in this section, if otherwise authorized and appropriate.

386 New Paragraph; Services for Children Youth and Families; Definition of Evidence-Based Practice. Amend RSA 170-G:1 by inserting after paragraph V the following new paragraph:

V-a. "Evidence-based practice" means a practice that has been recognized as supported by research evidence by an evidence-based clearinghouse, such as the California Evidence-Based Clearinghouse for Child Welfare and the Title IV-E Prevention Services Clearinghouse. Other acceptable evidence-based practices shall include practices and programs evaluated using research which utilizes methods that meet high scientific standards. Acceptable methods shall include:

(a) Systematic, empirical techniques that draw on observation or experiment.

(b) Rigorous data analyses that are adequate to test stated hypotheses and justify general conclusions.

(c) Measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators.

(d) Randomized controlled trials when possible and appropriate.

387 New Paragraph; Services for Children, Youth, and Families; Duties of the Department of Health and Human Services. Amend RSA 170-G:4 by inserting after paragraph XX the following new paragraph:

XXI. Utilize, to the fullest permissible extent, available public reimbursement for behavioral health and other services provided pursuant to this chapter and RSA 169-B, 169-C, and 169-D, in settings including the home, schools, and treatment facilities. Such reimbursement includes, but is not limited to, the federal Early and Periodic Screening, Diagnosis and Treatment Program under 42 U.S.C. section 1396d.

388 New Sections; Services for Children Youth and Families. Amend RSA 170-G by inserting after section 4-a the following new sections:

170-G:4-b Evidence-Based Practices.

I. On or before July 1, 2020, at least 10 percent of state funds received by the department for children's behavioral health services, whether or not they are subject to this chapter, shall be expended for evidence-based practices. Beginning July 1, 2022, the percentage of state funds expended for evidence-based practices shall be at least 25 percent; and beginning July 1, 2025, the percentage expended for evidence-based practices shall be at least 50 percent.

II. The department shall submit a biennial report containing:

(a) An assessment of each service provider on which the department expends funds, including but not limited to whether each service provided is an evidence-based practice, and whether the service provider is in compliance with the contract accountability requirements of RSA 170-G:4-d.

(b) The percentage of state funds the department receives for behavioral health services that is being expended on evidence-based practices.

(c) The percentage of federal and other funds the department receives for behavioral health services that is being expended on evidence-based practices.

(d) A description of the efforts the department is making to increase the use of evidence-based practices for children's behavioral health and other services.

III. The department shall submit the report required under paragraph II no later than January 15 of each odd-numbered year to the governor, the administrative justice of the circuit court, and the house and senate finance committees. The report shall also be posted on the department's website.

170-G:4-c Establishment of Resource Center for Children's Behavioral Health. The department shall establish and maintain a resource center for children's behavioral health, which shall:

I. Provide technical assistance to the department and to service providers to support the implementation and operation of evidence-based practices, along with the provision of services according to the system of care characteristics described in RSA 135-F:3.

II. Provide training on a statewide basis to persons employed in the children's behavioral health system, relating to:

(a) The use of evidence-based practices.

(b) The analysis of quality assurance protocols to determine whether service providers are utilizing evidence-based practices with fidelity.

III. Act as a clearinghouse for information and statewide resources on evidence-based practices for children receiving services pursuant to RSA 169-B, 169-C, 169-D, and 170-G.

IV. Facilitate collaboration among state and local agencies and service providers to increase access to such providers.

V. Provide support for the assessment of the implementation of evidence-based practices by such state and local agencies.

170-G:4-d Content of Provider Contracts.

I. All contracts between the department and providers of services under this chapter, or any behavior health service to children, shall include provisions addressing outcome measurement, incentives for the use of evidence-based practices, and accountability for high-quality services. Such provisions shall, at minimum, include the following:

(a) Required use of a uniform assessment instrument developed and/or approved by the department pursuant to RSA 170-G:4-e.

(b) In the case of providers of services to children pursuant to the dispositional authority of the circuit court under RSA 169-B and 169-D, outcome measurement which includes recidivism as measured by post-service arrests, violations of parole, conditional release, or other conditional liberty, and behavior meeting the definition of a child in need of service under RSA 169-D:2. Contracts with such providers shall also include incentives for recidivism reduction.

(c) Reporting to the department changes in assessment results following provision of the contracted service for each child served.

II. The department shall include substantially similar requirements in its standards for provider certification and other processes administered by the department to qualify providers to deliver services pursuant to this chapter.

170-G:4-e Assessment, Treatment, and Discharge Planning.

I. In every case in which a placement outside the home is being considered, the department shall require the completion of a written clinical assessment of the behavioral health and other treatment needs of the child.

II. A written treatment plan shall be required upon a child's placement in a residential or other treatment program. The plan shall have definable goals and strategies to achieve those goals and include concrete, outcome-oriented interventions with the objective of restoring, rehabilitating, or maintaining the child's capacity to successfully function in the community and diminish the need for a more intensive level of care.

III. The development of a written discharge plan for each child shall begin upon admission to any treatment program, and shall be available to the parents or guardians of the child no later than 10 days following admission to the program. Treatment and discharge plans shall be updated on an ongoing basis as treatment proceeds and a child's condition changes.

IV. All assessments conducted pursuant to this section shall include the use of a universal, strengths-based assessment tool which is adopted by the department and used throughout the system of care for children's mental health as defined in RSA 135-F.

V. The assessment of the child's behavioral health and other treatment needs shall be repeated upon discharge from any residential treatment program or commitment pursuant to RSA 169-B:19, I(j).

VI. Assessments required by this section may not be conducted by employees of a residential treatment provider or commitment pursuant to RSA 169-B:19, I(j).

170-G:4-f Medical Assistance Screening. The department of health and human services shall establish a procedure to assess court-involved children for eligibility for private and public medical insurance, including the medical assistance program under RSA 167. This procedure shall apply to any child who is subject to proceedings under RSA 169-B or 169-D, or receives services pursuant to RSA 169-C. Children who may be eligible and their families shall be provided assistance by the department in making application for such assistance. The circuit court shall make any necessary adjustments to its arraignment and other procedures to facilitate such assessments.

389 Establishment of Resource Center for Children's Behavioral Health; RFP Required. On or before January 1, 2020, the department of health and human services shall issue a request for proposals to establish the resource center for children's behavioral health pursuant to RSA 170-G:4-c, as inserted by this act, and shall establish the resource center no later than July 1, 2020.

390 New Paragraph; Release and Discharge from the Youth Services Center. Amend RSA 621:19 by inserting after paragraph III the following new paragraph:

III-a. In every case in which there is a diagnosis or other evidence that a minor at the center may have a serious emotional disturbance or other behavioral health disorder, the center shall, with the consent of the minor and the minor's family, refer the minor to a care management entity, as defined in RSA 135-F:4, III, for evaluation and recommendations for behavioral health services to be coordinated and supervised by that entity before and after discharge from the facility. Discharge plans shall incorporate the recommendations of the care management entity whenever appropriate. In any case where the recommendations of the care management entity are not incorporated into the discharge planning process, the minor, the minor's family, and counsel for the minor shall be notified in writing of the decision and of the basis for the decision.

391 Appropriation; Department of Health and Human Services; Child Welfare Behavioral Health Services. The sum of \$6,084,000 for the fiscal year ending June 30, 2020, and the sum of \$13,164,000 for the fiscal year ending June 30, 2021, are hereby appropriated to the department of health and human services for the purposes of sections 374-390 of this act. Notwithstanding RSA 14:30-a, VI, the department may accept and expend any federal fund match to the appropriation in this section without prior approval of this fiscal committee of the general court. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

392 Department of Health and Human Services; Medicaid Rate Increases. The commissioner of the department of health and human services shall increase all Medicaid provider rates, including all state plan services and waiver programs, excluding any provider rate increases for inpatient-only substance use disorder treatment services, by 3.1 percent in the fiscal year ending June 30, 2020 and an additional 3.1 percent in the fiscal year ending June 30, 2021. The commissioner shall apply the rate increases to the Medicaid fee-for-service fee schedule for the purpose of determining payments for all services not delivered through managed care, and shall require the department's actuary to incorporate the rate increases into the capitation payment for all services provided in the care management program. Nothing in this section shall be construed to alter the traditional method of establishing the county contribution for the Medicaid federal medical assistance percentage.

393 Department of Health and Human Services; Appropriation.

I. The sum of \$60,000,000 for the biennium ending June 30, 2021 is hereby appropriated to the department of health and human services for the purposes of section 392 of this act. Said sums shall be charged as follows:

(a) The sum of \$52,128,000 shall be a charge against the state general fund, and the governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated;

(b) The sums of \$3,753,000 in the fiscal year ending June 30, 2020 and \$3,966,000 in the fiscal year ending June 30, 2021 shall be a charge against state general funds appropriated in account 05-95-93-930010-7100; and

(c) The sums of \$74,000 in the fiscal year ending June 30, 2020 and \$79,000 in the fiscal year ending June 30, 2021 shall be a charge against state general funds appropriated in account 05-95-48-482010-2152.

II. Notwithstanding RSA 14:30-a, VI, in addition to the amounts appropriated in paragraph I, the department of health and human services may accept and expend any matching federal funds available for the purposes of this section without the prior approval of the fiscal committee of the general court.

III. Nothing in this section shall be construed to provide a rate increase of an amount other than 3.1 percent in each fiscal year to providers funded in accounts 05-95-93-930010-7100 and 05-95-48-482010-2152.

394 New Hampshire Granite Advantage Health Care Program. Amend RSA 126-AA:2, I(a) to read as follows:

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 and a state plan amendment allowing state and county correctional facilities to conduct presumptive eligibility determinations for incarcerated inmates to the extent provided under federal law. 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 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.

395 New Hampshire Granite Advantage Health Care Program; Trust Fund. Amend RSA 126-AA:3, I to read as follows:

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, to pay for the administrative costs for the program, and reimburse the federal government for any over payments of federal funds. 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 MCOs. No state general funds shall be deposited

into the fund *unless the commissioner has certified that a deficit is projected in the fund and the federal match rate is at least 90 percent. If those conditions have been met, the commissioner may seek approval from the fiscal committee of the general court to transfer general funds from the department's budget into the trust fund to cover the amount of the projected deficit.* Deposits into the fund shall be limited exclusively to the following:

(a) Revenue transferred from the alcohol abuse prevention and treatment fund pursuant to RSA 176-A:1, IV;

(b) Federal Medicaid reimbursement for program costs and administrative costs attributable to the program;

(c) Surplus funds generated as a result of MCOs managing the cost of their services below the medical loss ratio established by the commissioner for the managed care program beginning on July 1, 2019;

(d) 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);

(e) Funds received from the assessment under RSA 404-G;

(f) Funds recovered or returnable to the fund that were originally spent on the cost of coverage of the granite advantage health care program; ~~and~~

(g) Gifts, grants, and donations~~[-];~~

(h) Medicaid enhancement tax moneys necessary to pay for the portion of provider rate increases pursuant to RSA 167:64, I(a)(2)(C) that is attributable to services provided under this chapter; and

(i) General funds.

396 Appropriation; Department of Health and Human Services; Safe Stations. The sum of \$375,000 for the fiscal year ending June 30, 2020 and the sum of \$375,000 for the fiscal year ending June 30, 2021 is hereby appropriated to the department of health and human services for the purpose of funding existing Safe Stations located in Manchester and Nashua. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

397 Supported Housing. Amend 2017, 156:186, I as amended by 2018, 343:14 to read as follows:

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. ***Such funds, not to exceed \$500,000 from accounting unit 05-95-92-922010-4117, shall not lapse until June 30, 2021.*** Eligibility for such funding shall include persons who are not eligible for existing housing subsidy programs. The department shall submit a monthly report to the fiscal committee of the general court regarding implementation of this section.

398 Department of Health and Human Services; Appropriation. Notwithstanding RSA 126-AA:2, I(a) and RSA 126-AA:3, the sum of \$5,000,000 for the biennium ending June 30, 2021 is hereby appropriated to the department of health and human services, which shall be nonlapsing, for the purpose of enhancing provider rates for mental health and substance use disorder inpatient and outpatient services consistent with 2018, 342. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Notwithstanding RSA 14:30-a, VI, the department may accept and expend any federal fund match to the appropriation in this section without prior approval of the fiscal committee of the general court.

399 Repeal. 2019, 41:1, relative to an appropriation to the department of health and human services for increasing diagnosis-related group (DRG) rates for designated receiving facilities (DRF) beds, is repealed.

400 Department of Health and Human Services; Designated Receiving Facilities Beds. 2019, 41:3 is repealed and reenacted to read as follows:

41:3 Department of Health and Human Services; Designated Receiving Facilities; Residential Beds; Hospital Renovations.

I. The commissioner of the department of health and human services is authorized to enter into a signed agreement with a hospital in either Sullivan or Cheshire county to provide up to 10 new designated receiving

facility (DRF) beds to be operational by October 1, 2020. If such an agreement is reached by July 1, 2020, then the department shall be hereby appropriated the amounts provided in paragraph II. If an agreement is not reached by July 1, 2020, then no funds in paragraph II shall be appropriated.

II.(a) The sum of \$1,000,000 for the fiscal year ending June 30, 2019 for the purpose of renovating the designated receiving facility (DRF) under agreement in paragraph I. Such appropriation shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

(b) The sum of \$976,000 in the fiscal year ending June 30, 2021 for the purpose of increasing the diagnosis-related group (DRG) rates for all designated receiving facility (DRF) beds in New Hampshire. Such rate increases shall be effective October 1, 2020. For the amount appropriated, \$488,000 shall be state general funds and \$488,000 shall be federal funds. Such funds shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Notwithstanding RSA 14:30-a, VI, the department may accept and expend any matching federal funds without prior approval of the fiscal committee of the general court.

III. The commissioner of the department of health and human services shall allocate and disburse any funds appropriated in paragraph I through a request for applications (RFA) The RFA shall be issued no later than December 1, 2019 and the new DRF beds shall be operational by October 1, 2020. Any hospital receiving funds appropriated under subparagraph I(a) shall operate the new DRF beds for no less than 5 years.

401 Appropriation; Secure Psychiatric Unit Facility. The sum of \$17,500,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of health and human services and shall be expended for the purpose of constructing a new 25-bed secure psychiatric unit facility on the New Hampshire Hospital grounds. The sum appropriated shall be nonlapsing, provided that any unexpended amount following construction shall lapse to the general fund. The facility shall be built to house such persons that do not require continued joint commission accreditation. The department of administrative services shall prioritize this project in its workload. The department of administrative services and the department of health and human shall provide reports each quarter to the fiscal committee of the general court and the senate finance and house finance committees concerning the progress of the project. Appropriate persons housed in the secure psychiatric unit of the state prison shall be safely transferred to this facility no later than two weeks after it is operational. This facility shall be operated and managed by the department of health and human services. The state shall not enter into a contract with a private or for-profit prison company for the construction or operation of the secure psychiatric facility unit. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

402 Repeal. The following are repealed:

I. RSA 84-D, relative to the ICF quality assessment.

II. RSA 151-E:15-a, relative to expenditure of funds from ICF quality assessment.

403 Department of Health and Human Services; State Plan Amendment; Medicaid for Older Employed Adults with Disabilities (MOAD) Work Incentive Program. On or before January 15, 2020, the commissioner of the department of health and human services shall apply to the Centers for Medicare and Medicaid Services for an amendment to the state Medicaid plan pursuant to 442 C.F.R. section 430.12 to allow working persons with disabilities who are age 65 and older to receive medical assistance pursuant to 42 U.S.C. section 1396a(a)(10)(A)(ii)(XIII) and as permitted under the Balanced Budget Act of 1997, to be known as Medicaid for Older Employed Adults with Disabilities (MOAD). The state plan amendment shall be used to create a program similar to the state's Medicaid for Employed Adults with Disabilities (MEAD) program, established pursuant to RSA 167:3-i, which is currently limited to individuals between 18 and 64 years of age. Program eligibility under the state plan amendment shall be structured to provide the broadest range of Medicaid coverage consistent with federal eligibility criteria, and to utilize available income and asset disregards so that, to the extent possible, persons eligible for the MEAD program shall also be eligible for the MOAD program when they reach age 65.

404 New Paragraph; Definitions; MOAD Program. Amend RSA 167:6 by inserting after paragraph IX the following new paragraph:

IX-a. A person with a disability age 65 and older who is eligible to participate in the work incentive program, known as Medicaid for employed older adults with disabilities (MOAD), shall be eligible for medical assistance as medically needy or categorically needy but not to exclude Medicare coverage. The department

of health and human services shall establish a sliding fee scale for participants to contribute to the cost of such medical assistance. Participants in the MOAD program shall be employed at the time of enrollment, and may remain enrolled during temporary unemployment for medical reasons or other good cause.

405 New Section; MOAD Work Incentive Program. Amend RSA 167 by inserting after section 3-1 the following new section:

167:3-m MOAD Work Incentive Program.

I. Pursuant to section 1902(a)(10)(A)(ii)(XIII) of the Social Security Act, 42 U.S.C. section 1396a(a)(10)(A)(ii)(XIII), the department of health and human services shall establish and administer a work incentive program, known as Medicaid for employed older adults with disabilities (MOAD). The purpose of the program shall be to ensure the availability of long-term supports to workers age 65 and older with disabilities who are medically eligible for Medicaid, enabling them to maximize their employment potential and financial independence and prevent impoverishment and dependence upon cash assistance programs.

II. In addition to the requirements of RSA 167:6, IX-a, the MOAD program shall:

(a) Exclude from consideration resources accumulated from earnings, including interest earned by the resource, by a MOAD-eligible individual beginning on or after the date of eligibility through the period of MOAD eligibility and kept in a separate account from other resources, when determining future eligibility for other medical assistance programs.

(b) Provide continued eligibility during periods of temporary unemployment provided that the individual is unable to work for medical reasons but is likely to return to work, or the individual becomes unemployed for other good cause and is actively seeking employment.

(c) Define employment for eligibility purposes in a manner that permits a self-employed individual to earn less than the federal minimum wage.

(d) Permit individuals who are eligible for home and community-based care waiver services and who qualify for a special income limit, to receive medical assistance through the MOAD program, if they so choose.

(e) Provide notice and an opportunity for a fair hearing in the event of any adverse action affecting eligibility for or enrollment in the MOAD program.

(f) Establish oversight and enforcement procedures to prevent fraud and to assure that participants are consistently engaging in gainful employment.

III. Pursuant to section 1902(a)(10)(A)(ii)(XIII) of the Social Security Act, 42 U.S.C. section 1396a(a)(10)(A)(ii)(XIII), individuals shall be eligible for MOAD if their income does not exceed 250 percent of the federal poverty level, and they meet all criteria for receiving benefits under the Supplemental Security Income (SSI) program.

406 New Paragraph; Rulemaking; MOAD Program. Amend RSA 167:3-c by inserting after paragraph XII the following new paragraph:

XII-a. Administration of the MOAD work incentive program established pursuant to RSA 167:6, IX-a and RSA 167:3-m.

407 Applicability; MOAD. Sections 404-406 of this act shall take effect on the date that the commissioner of the department of health and human services certifies to the secretary of state and the director of the office of legislative services that the state plan amendment submitted under section 403 of this act has been approved by the Centers for Medicare and Medicaid Services.

408 Appropriation; Department of Health and Human Services; Child Protective Service Workers. The sum of \$1,998,005 for the fiscal year ending June 30, 2020, and the sum of \$4,119,845 for the fiscal year ending June 30, 2021, are hereby appropriated to the department of health and human services for the purpose of hiring 27 child protective service workers in fiscal year 2020 and an additional 30 child protective service workers in fiscal year 2021. Of these amounts, \$1,398,604 for the fiscal year ending June 30, 2020 and \$2,883,892 for the fiscal year ending June 30, 2021 shall be state general funds, and the remainder shall be federal funds. The funds appropriated in this section shall only be used for the purposes of this section, and shall not be transferred or used for any other purpose. The governor is authorized to draw a warrant for the general fund share of said sums out of any money in the treasury not otherwise appropriated.

409 Appropriation; Department of Health and Human Services; Child Protective Service Supervisors. The sum of \$773,552 for the fiscal year ending June 30, 2020, and the sum of \$1,703,152 for the fiscal year ending June 30, 2021, are hereby appropriated to the department of health and human services for the purpose of hiring 9 child protective service supervisors in fiscal year 2020 and an additional 11 supervisors in fiscal year 2021. Of these amounts, \$541,487 for the fiscal year ending June 30, 2020 and \$1,192,207 for the fiscal year ending June 30, 2021 shall be state general funds, and the remainder shall be federal funds. The funds appropriated in this section shall only be used for the purposes of this section, and shall not be transferred or used for any other purpose. The governor is authorized to draw a warrant for the general fund share of said sums out of any money in the treasury not otherwise appropriated.

410 Contingent Applicability. If SB 6 of the 2019 general legislative session becomes law, sections 408 and 409 of this act shall not take effect. If SB 6 of the 2019 general legislative session does not become law, sections 408 and 409 of this act shall take effect on July 1, 2019.

411 Statement of Purpose. The purpose of sections 412-413 of this act is to set minimum training requirements for staff members working in facilities or programs regulated by the health facilities administration, department of health and human services which include persons with Alzheimer's disease or other dementias in the populations they serve. The dementia-specific training curriculum shall incorporate principles of person-centered dementia care including: thorough knowledge of the person and the person's abilities and needs; advancement of optimal functioning and a high quality of life; and use of problem-solving approaches to care. Staff members shall be trained adequately and appropriately to best address the needs of the population of care recipients they serve. Training shall be culturally competent both for the staff member and the care recipient.

412 New Subdivision; Dementia Training for Direct Care Staff in Residential Facilities and Community-Based Services. Amend RSA 151 by inserting after section 46 the following new subdivision:

Dementia Training for Direct Care Staff in Residential Facilities
and Community-Based Services

151:47 Definitions. In this subdivision:

I. "Covered administrative staff member" means the senior manager of the facility or program, including administrators, as well as managerial staff members that directly supervise covered direct service staff members.

II. "Covered direct service staff member" means a staff member whose work involves extensive contact with residents or program participants. Such staff members include: certified nursing assistants, nurse aides, personal care assistants, home health or personal care aides, licensed practical nurses, licensed vocational nurses, registered nurses, social workers, activity directors, and dietary staff.

III. "Department" means the department of health and human services.

IV. "Facilities or programs" means residential facilities or home and community-based programs, serving an adult population, licensed as appropriate under this chapter, that provide supportive services including, but not limited to, skilled care facilities, intermediate care facilities, assisted living facilities, residential care for the elderly, adult day programs, home health, in-home services, or adult family care homes or programs that advertise specialty memory care that have residents or program participants with Alzheimer's disease or other dementias.

V. "Other covered staff member" means a staff member who has incidental contact on a recurring basis with residents or program participants, including housekeeping staff, front desk staff, maintenance staff, other administrative staff, and other individuals who have such incidental contact.

VI. "Staff member" includes full and part-time employees, independent consultants, and staff of contractors and subcontractors.

151:48 Initial and Continuing Training in Dementia Required.

I. Facilities and programs shall provide initial training to:

(a) All covered staff members hired on or after July 1, 2019, who shall complete initial training within 6 months of the commencement of employment.

(b) All covered staff members who were employed prior to the date under subparagraph (a) and who have not received equivalent training; such training shall be completed within 6 months of that date.

II. Each facility or program shall establish a system for ongoing onsite support, supervision, and mentoring for its staff with regard to the treatment and care of persons with dementia.

III. For covered direct service staff members and covered administrative staff members, at a minimum, the curriculum used for the initial training shall adhere to the latest nationwide Alzheimer's Association Dementia Care Practice Recommendations and, at a minimum, cover the following topics:

- (a) Alzheimer's disease and dementia;
- (b) Person-centered care;
- (c) Assessment and care planning;
- (d) Activities of daily living; and
- (e) Dementia-related behaviors and communication.

IV. For other covered staff members, training shall include, at a minimum, communication issues related to dementia.

V. Initial dementia training shall be considered complete only after the staff member has taken and passed an evaluation.

151:49 Portability.

I. The facility or staff shall issue a certificate to covered staff members upon completion of initial training, which shall be portable between settings. Provided that the covered staff member does not have a lapse of dementia related direct service or administration employment for 24 consecutive months or more, the covered staff member shall not be required to repeat the initial dementia training.

II. Covered staff members shall be responsible for maintaining records of certificates received.

151:50 Continuing Education. In addition to initial training, the commissioner shall adopt rules to determine when and how often continuing education on dementia shall be required. Such continuing education shall include new information on best practices in the treatment and care of persons with dementia. The department shall require at least a minimum of 6 hours of initial continuing education for covered administrative staff members and covered direct service staff members and shall require at least a minimum of 4 hours of ongoing training each calendar year. Such continuing education shall include new information on best practices in the treatment and care of persons with dementia.

151:51 Requirements for Trainers; Training Costs. Persons responsible for conducting in-person dementia trainings shall meet minimum criteria including: 2 years of work experience related to Alzheimer's disease or other dementias or in health care, gerontology, or other related field; and have completed training equivalent to the requirements provided herein. Covered staff members shall not be required to bear any of the cost of training or to attend trainings and shall receive their normal compensation when attending required trainings.

151:52 Departmental Oversight.

I. The department shall exercise oversight of a facility's or program's dementia training program as part of its comprehensive regulatory responsibilities. Such oversight shall:

- (a) Ensure that the facility or program provides continuing education opportunities.
- (b) Ensure that the facility or program uses designated online training programs or facility-based training that meets the requirements for dementia training in the state.
- (c) Ensure compliance with any other requirements specified in this subdivision.

II. The department may use all of its enforcement tools to ensure that facilities and programs comply with paragraph I.

413 Applicability; Dementia Training. Section 412 of this act is intended to address gaps in current dementia training requirements for covered staff and improve the quality of training. If prior-enacted laws or rules contain more rigorous training requirements for some covered staff members, those laws or rules shall apply. Where there is overlap between these provisions and other laws and rules, the department shall interpret this statute to avoid duplication of requirements while ensuring that the minimum requirements set forth in this act are met.

414 Repeal. 2017, 156:211, prohibiting reproductive health facilities from using state funds to provide abortion services, is repealed.

415 County Nursing Homes; Proportionate Share Payments. Amend RSA 167:18-h to read as follows:

167:18-h County Nursing Homes; Proportionate Share Payments.

I. Proportionate share payments to county nursing homes shall be made each state fiscal year in an amount equal to the maximum permissible by federal regulations. All payments shall be ~~[apportioned]~~ **specific** to each facility in ~~[a percentage equal to that facility's proportion of total county nursing home medicaid utilization]~~ **accordance with the methodology in the approved Medicaid state plan amendment**. If the federal government makes adjustments to any proportionate share payments that have been made by the state, the amounts due under this section shall be amended accordingly and adjusted payments shall be made to or from the state as necessary.

II. ~~[Notwithstanding any provision of law to the contrary, each county government shall reimburse the state for 50 percent of the total cost of proportionate share payments made to the county pursuant to paragraph I.]~~

(a) The certified public expenditure (CPE) nursing facilities group shall be financed on the basis of a CPE methodology and shall not require a transfer of funds from the respective county to the state to effectuate the federal match.

(b) Any intergovernmental transfers (IGT) specific to the IGT nursing facilities group that serve as the basis for generating the federal match shall originate from the county.

416 Aid to Assisted Persons; Liability for Support and Reimbursement from the State; Suspension. RSA 165:20-c, relative to liability for support and reimbursement from the state, shall be suspended for the biennium ending June 30, 2021.

417 New Paragraph; Services for Children, Youth and Families; Department of Health and Human Services Funding for Juvenile Diversion Programs. Amend RSA 170-G:4 by inserting after paragraph XX the following new paragraph:

XXI. Encourage cities, towns, counties, and non-governmental organizations to develop and maintain court-approved diversion programs for juveniles. The amount to be distributed to the diversion programs shall be not more than \$600,000 for the biennium ending June 30, 2021, from which the sum of \$30,000 in each year of the biennium shall be reserved for newly approved programs, with the remainder divided equally among existing, approved programs that make application for such funding. The judicial branch family division shall establish requirements for court-approved diversion programs under this section and RSA 169-B:10.

418 Appropriation; Department of Health and Human Services; Juvenile Diversion Programs. The sum of \$300,000 annually, for the biennium ending June 30, 2021, is hereby appropriated to the department of health and human services for distribution to juvenile diversion programs developed and maintained by municipalities, counties, and non-governmental organizations pursuant to RSA 170-G:4, XXI, as inserted by this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

419 Department of Health and Human Services; Appropriation. The sum of \$450,000 in the fiscal year ending June 30, 2020 and the sum of \$450,000 in the fiscal year ending June 30, 2021 are hereby appropriated to the department of health and human services for the purpose of funding existing supervised visitation centers in New Hampshire. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

420 Department of Health and Human Services; Rural Health and Primary Care Section; Positions Established. There is established within the department of health and human services, division of public health services, rural health and primary care section, 2 full-time, unclassified positions. The salary for such positions shall be as set forth in RSA 94:1-a, provided that the salary for such positions shall be determined after assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the positions which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

421 Appropriations; Department of Health and Human Services; Rural Health and Primary Care Section.

I. State Loan Repayment Program. The sum of \$3,250,000 for the fiscal year ending June 30, 2020 and the sum of \$3,250,000 for the fiscal year ending June 30, 2021 are hereby appropriated to the department of health and human services, division of public health services, rural health and primary care section to

accounting unit 05-95-90-901010-7965, line 103, Contracts for Op Services, and to fund one of the positions established in section 420 of this act. This appropriation shall be nonlapsing. Of this appropriation, the sums of \$750,000 for the fiscal year ending June 30, 2020 and \$750,000 for the fiscal year ending June 30, 2021 shall be expended by clinicians solely to deliver mental health and substance use disorder treatment services in Carroll, Cheshire, and Coos counties. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

II. Primary Care Workforce Program. The sum of \$120,000 for the fiscal year ending June 30, 2020 and the sum of \$120,000 for the fiscal year ending June 30, 2021 are hereby appropriated to the department of health and human services, division of public health services, rural health and primary care section, for the purpose of funding one of the positions established in section 420 of this act. The commissioner of the department of health and human services may use up to \$20,000 of the appropriation in each fiscal year towards the upgrade of an existing position in the rural health and primary care section. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

422 Appropriation; Department of Business and Economic Affairs. The sum of \$100,000 for the fiscal year ending June 30, 2020 and the sum of \$100,000 for the fiscal year ending June 30, 2021 are hereby appropriated to the department of business and economic affairs for the purpose of supporting the education and acceleration programs within New Hampshire's non-profit business technology incubators. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

423 New Subdivision; Lead Paint Hazard Remediation Fund. Amend RSA 204-C by inserting after section 87 the following new subdivision:

Lead Paint Hazard Remediation Fund

204-C:88 Definitions. In this subdivision:

I. "Multi-unit" means more than one dwelling unit.

II. "Property" means a rental or owner-occupied residential property, or a child care facility licensed under RSA 170-E.

III. "Unit" means a single dwelling unit within a structure that contains more than one dwelling unit. "Unit" may also include any dwelling unit within a structure that is otherwise used for non-residential purposes.

204-C:89 Lead Paint Hazard Remediation Fund Established.

I. There is hereby established within the authority a fund to be used for the purposes of remediating lead paint hazards in housing, to be known as the lead paint hazard remediation fund. The lead paint hazard remediation fund shall be composed of appropriations, gifts, grants, donations, bequests, or other moneys from any public or private source, but such revenues shall not be deemed to be money received from the state, and nothing in this subdivision shall be construed as pledging the faith and credit of the state.

II. The authority may use the lead paint hazard remediation fund to make loans to owners of properties for the costs of remediation of lead paint hazards. The authority may also make loans to owners of licensed child care facilities for remediation of lead in water. Loans may be made provided that such remediation is conducted in accordance with lead-safe practices under applicable laws and regulations.

III. The authority may use up to 5 percent of any funds deposited in the lead paint hazard remediation fund for program administration.

204-C:90 Eligibility. For a property to be eligible to use the funding under this subdivision, the property shall be:

I. An owner-occupied single family home occupied by a household with a child under 6 years or a pregnant woman and where household income is no more than 100 percent of the median income adjusted for household size for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development;

II. A unit in a multi-unit residential property or a renter-occupied single family home where household income is no more than 90 percent of the median income adjusted for household size for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development; or

III. A child care facility licensed under RSA 170-E.

204-C:91 Use of Federal Funds. The lead paint hazard remediation fund shall only be used to supplement, but not supplant, existing federal resources. If a property or unit is eligible for federal funding from a program in operation by the authority, or by any state agency or political subdivision, the owner of the property shall first apply to that program before applying to the lead paint hazard remediation fund.

204-C:92 Rulemaking. Pursuant to RSA 204-C:53, the authority shall adopt rules governing the distribution the lead paint hazard remediation fund.

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

(344) Moneys deposited in the lead paint hazard remediation fund established under RSA 204-C:89.

425 Repeal. Loans for Lead Hazard Remediation Projects. RSA 130-A:15-a, relative to loans for lead hazard remediation projects, is repealed.

426 Appropriation; Lead Paint Hazard Remediation Fund. The sum of \$3,000,000 for the fiscal year ending June 30, 2020 is hereby appropriated to the lead paint hazard remediation fund established in RSA 204-C:89. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

427 Appropriation; Division of Public Health Services. Notwithstanding the provisions of RSA 485-F, \$500,000 in fiscal year 2020 shall be appropriated from the drinking water and groundwater trust fund established in RSA 6-D:1 to the department of health and human services, division of public health services to fund a study to determine the causes of high levels of pediatric cancer in New Hampshire. These funds shall not lapse until June 30, 2021.

428 New Hampshire Veterans' Home; Transfer Among Accounts and Classes. Notwithstanding any provision of law to the contrary, for the biennium ending June 30, 2021, the commandant of the New Hampshire veterans' home is authorized to transfer funds within and among all accounting units within the home and to create accounting units and expenditure classes as required and as the commandant deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal law, regulations, or programs, and otherwise as necessary for the efficient management of the home, including funding of unfunded positions, provided that if a transfer does not include new accounting units or expenditure classes, only such transfers of \$100,000 or more shall require prior approval of the fiscal committee of the general court and the governor and council. The New Hampshire veterans' home shall be exempt from RSA 9:17-a, I and RSA 9:17-c, subject to approval by the fiscal committee of the general court of any transfer of appropriations from permanent personal services or employee benefits to any other use or purpose.

429 Committee Established. There is established a committee to study the disparity in pay between independent case managers and case managers who are part of the Medicaid managed care program.

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

(a) Two members of the senate, one of whom shall be the chair of the senate health and human services committee and one of whom shall be from the senate finance committee, appointed by the president of the senate.

(b) Two members of the house of representatives, one of whom shall be the chair of the house health, human services and elderly affairs committee and one whom shall be from the house finance committee, 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.(a) The committee shall examine the extent of any disparity in pay between independent case managers and case managers who are part of the Medicaid managed care program, and the potential causes of and solutions to such disparity.

(b) The study shall include a comparison between all 1915(c) waiver case management reimbursement, including reimbursement for providers in the following programmatic areas: developmental services, choices for independence, in-home support, and acquired brain disorder services.

IV. The committee may solicit information from any person or entity the committee deems relevant to its study.

V. 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 first-named 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.

VI. 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, 2019.

430 Statement of Purpose. The purpose of sections 431 and 432 this act is to assist lower income seniors with prescription drug costs when they reach the coverage limit for prescription drugs under the Medicare Part D program. Since most Medicare drug plans have a coverage gap, often called the “donut hole,” the general court finds that there is a need for a state assistance plan to supplement or wrap around the benefit available under the federal program to ensure that low income seniors retain access to necessary medication during this gap in coverage.

431 New Subdivision; Department of Health and Human Services; New Hampshire Pharmaceutical Assistance Pilot Program for Seniors. Amend RSA 126-A by inserting after section 77 the following new subdivision:

New Hampshire Pharmaceutical Assistance Pilot Program for Seniors

126-A:78 New Hampshire Pharmaceutical Assistance Pilot Program for Seniors.

I. The commissioner of the department of health and human services shall establish a prescription drug assistance pilot program for seniors. The purpose of the pilot program shall be to wraparound or supplement the federal prescription drug benefit under Medicare Part D by paying the out-of-pocket costs for prescription drugs for eligible individuals who have reached the coverage gap, known as the donut hole, under Medicare Part D. The pilot program shall be the payer of last resort and shall cover all out-of-pocket prescription drug costs for which assistance is not otherwise available in the coverage gap, known as the donut hole. The pilot program shall be available to the first 1,000 individuals age 65 or older who apply for such assistance, who have a gross annual household income of 250 percent or less of the federal poverty level, and who otherwise meet the eligibility criteria established by the department. Assistance shall be available under the pilot program from January 1, 2020 to January 1, 2021. The commissioner shall make available an online application, a telephone number for applications and questions, and shall provide written applications upon request. Applications shall include information on income, household size, Medicare Part D enrollment and coverage information, the prescription drugs for which assistance is sought, the age of the applicant, and the location of the applicant. On or before November 1, 2019, the commissioner shall adopt rules, under RSA 541-A, relative to pilot program enrollment, administration, and evaluation.

II. On or before March 1, 2021, the commissioner of the department of health and human services shall submit an evaluation report of the pilot program to the senate president, the speaker of the house of representatives, the governor, the senate finance committee, the house finance committee, the senate health and human services committee, and the house health, human services and elderly affairs committee. The report shall include information regarding the number of applications, age and location of applicants, prescription drugs for which assistance was provided, costs per eligible applicant, likely costs per non-eligible applicant, and descriptions regarding applicant ineligibility.

432 Appropriation; Department of Health and Human Services. For the purpose of funding the prescription drug assistance pilot program for seniors established in this act, the sum of \$2,000,000 for fiscal year ending June 30, 2019, is hereby appropriated to the department of health and human services. Such appropriation shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

433 Appropriation. The sum of \$1,000,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of health and human services for the purposes of upgrading existing substance use disorder treatment and recovery housing facilities and creating new substance use disorder treatment and recovery housing facilities. Funds appropriated under this section shall be used for upgrading or renovating existing facilities to ensure compliance with fire code and safety standards; expanding existing facilities to increase service capacity; and developing new substance use disorder treatment and recovery housing facilities. Facilities receiving funds under this section shall be in compliance with any state rules associated with the operation of such programs. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Funds appropriated in this section shall be nonlapsing.

434 Effective Date.

I. Sections 1, 36, 37, 63, 66, 72, 73, 191, 197, 230, paragraph I of section 233, 234-236, 251, paragraph II of section 252, 254-255, 257, 304-305, paragraph I of section 329, 330, 344-346, 347, 354, 357, 359, 360, 367, 369-371, 372, 397, 399-401, and 430-433 of this act shall take effect June 30, 2019.

II. Sections 261-273, 300-302, 309-311, and 411-413 of this act shall take effect 60 days after its passage.

III. Sections 133-140, 227, 289-294, and RSA 170-G:4-d, as inserted by section 388, of this act shall take effect January 1, 2020.

IV. Section 275 and RSA 91-A:7-b, 91-A:7-c, and 91-A:7-d as inserted by section 276 of this act shall take effect April 1, 2020.

V. Section 279 and RSA 170-G:4-b, as inserted by section 388 of this act shall take effect July 1, 2020.

VI. Sections 280 and 281 of this act shall take effect January 1, 2021.

VII. Sections 282-285 of this act shall take effect January 1, 2022.

VIII. Section 306 of this act shall take effect July 1, 2022.

IX. Sections 277 and 278 of this act shall take effect July 1, 2024.

X. Sections 332-334 of this act shall take effect as provided in section 335 of this act.

XI. Sections 404-406 of this act shall take effect as provided in section 407 of this act.

XII. Sections 408-409 of this act shall take effect as provided in section 410 of this act.

XIII. Section 5 of this act shall take effect as provided in section 6 of this act.

XIV. Sections 102-107 of this act shall take effect as provided in section 108 of this act.

XV. Section 110 of this act shall take effect as provided in section 111 of this act.

XVI. The remainder of this act shall take effect July 1, 2019.

2019-2403s

AMENDED ANALYSIS

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

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

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

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

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

6. Extends the state heating systems savings account.

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

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

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

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

11. Provides that chartered school lease aid shall not exceed more than \$30,000 per school in any fiscal year.
12. Directs the department of health and human services to raise the income eligibility for elderly and adult clients under the social services block grant program each January.
13. Increases the limit for county reimbursements under RSA 167:18-a.
14. Extends the prospective repeal for eligibility of state mental health services under 2011, 209:6, I.
15. Suspends direct and indirect graduate medical education payments to hospitals for the biennium ending June 30, 2021.
16. Suspends catastrophic aid to hospitals for the biennium ending June 30, 2021.
17. Makes an appropriation to the department of safety, division of fire standards and training and emergency medical services, for the purpose of providing grants to local firefighters for medical examinations conducted pursuant to RSA 281-A:17.
18. Requires the commissioner of the department of health and human services to make quarterly reports to the governor, speaker of the house of representatives, and president of the senate on the status of estimated Medicaid payments in relation to actual costs.
19. Permits the department of health and human services to fill unfunded positions during the biennium ending June 30, 2021.
20. Suspends RSA 151-E:18, relative to presumptive eligibility for home and community based services, for the biennium ending June 30, 2021.
21. Establishes certain revolving funds within the department of health and human services.
22. Directs that the Laconia state school trust shall be dissolved upon final distribution of the funds pursuant to court order.
23. Establishes a committee to study outdated non-regulatory boards.
24. Requires the department of health and human services to develop a plan to close the cliff effect for individuals and families who receive public benefits.
25. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2021.
26. Adds requirements for uses of system benefits charges for energy efficiency programs.
27. Suspends provisions of the RSAs that credit a portion of meals and rooms tax revenue to the division of travel and tourism development for the biennium ending June 30, 2021.
28. Suspends the integrated land development permit procedure for the biennium ending June 30, 2021.
29. Suspends certain environmental state aid grants.
30. Provides for reimbursement for sheriff's offices for court security.
31. Adds a representative from the New Hampshire Hospital Association and a representative from the state's faith-based community to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery.
32. Establishes a system of paid family and medical leave insurance.
33. Modifies the provision of civil legal services funds for low-income persons to New Hampshire legal assistance and eliminates the dedicated civil services legal fund.
34. Authorizes sports betting in New Hampshire and establishes a council for responsible gambling.
35. Requires Keno revenue to be deposited in the education trust fund.
36. Defines and regulates the sale of electronic cigarettes or e-cigarettes.
37. Modifies the duties of the board of veterinary medicine.
38. Modifies the procedure for certified application prepayers for minimum environmental impact projects.
39. Regulates public bathing facilities.

40. Moves recreational camp licensing to the department of health and human services.
41. Combines the adjutant general's department, the office of veterans services, and the bureau of community based military programs into the department of military affairs and veterans services and makes the adjutant general the commissioner of the department of military affairs and veterans services.
42. Transfers the bureau of visitor services within the department of business and economic affairs to the office of the commissioner of business and economic affairs.
43. Transfers administration of the existing governor's scholarship program and fund to the college tuition savings plan advisory commission.
44. Requires a portion of funds in the New Hampshire excellence in higher education endowment trust fund to be used to support the New Hampshire college tuition savings plan UNIQUE programs.
45. Authorizes the business finance authority to provide funding from bonds issued and repaid for regenerative manufacturing worker educational debt relief.
46. Authorizes the commissioner of the department of transportation to recommend the bulk disposal of real estate purchased with state or federal highway funds or both, or turnpike funds.
47. Repeals the Maine-New Hampshire interstate bridge authority.
48. Repeals witness fees for witnesses summoned before certain boards and commissions.
49. Amends the granite workforce program.
50. Exempts certain accounting units within the department of natural and cultural resources from transfer restrictions.
51. Requires payment of any transaction costs assessed for credit card payments on motor vehicle fines to be paid out of the fine amount which is credited to the highway fund.
52. Deletes obsolete limits on total bonds issued by the business finance authority.
53. Repeals the requirement for the Pease development authority to submit a comprehensive development plan.
54. Requires moneys in the office of professional licensure and certification fund to lapse each fiscal year.
55. Authorizes the attorney general, subject to the approval of the governor and council, to appoint a director of the office of victim/witness assistance and a director of communications.
56. Establishes an unclassified full-time investigator position in the department of justice for the purpose of working on officer-involved use of deadly force investigations and to provide training to local law enforcement officers.
57. Abolishes a position in the department of justice to fund the director of communication position and establishes the position of assistant attorney general.
58. Provides for the rehiring of laid-off classified state employees, if possible.
59. Makes an appropriation to the state treasurer for the fiscal year ending June 30, 2019 for the purpose of providing municipal aid grants to each city, town, and unincorporated place in the state by October 1 of the fiscal years ending in June 30, 2020 and June 30, 2021.
60. Establishes the community development fund for New Hampshire, which shall be administered by the community development finance authority, and makes an appropriation to the fund.
61. Makes appropriations to the department of environmental services for the purpose of funding state aid grant programs.
62. Establishes victim/witness specialist positions in the department of justice.
63. Establishes an unclassified, full-time elections attorney position within the department of justice.
64. Permits the department of natural and cultural resources to suspend curatorial responsibilities for the biennium ending June 30, 2021.
65. Allows for statewide public boat access funds to be used for payment of the cost of bonds for the Mount Sunapee state park beach boat ramp project of the department of natural and cultural resources.

66. Clarifies the qualifications of the director of the division of archives and records management.
67. Modifies the election fund to include monies received by the state pursuant to the 2018 Election Reform Program, and expands the list of authorized uses of monies deposited into the fund.
68. Makes changes to unemployment compensation contribution rates.
69. Transfers the job training program for economic growth from the department of business and economic affairs to the department of employment security.
70. Makes an appropriation to the housing finance authority for affordable housing.
71. Establishes a separate account for funds acquired to provide financial and technical assistance associated with agricultural restricted covenants, funding developmental rights, or for farmland preservation and makes an appropriation therefor.
72. Suspends the position of state demographer for the biennium.
73. Changes the number of review appraisers the staff of the board of tax and land appeals is required to have.
74. Extends the Coos county job creation tax credit until 2027.
75. Establishes the rates of the business profits tax and the business enterprise tax for taxpayer tax years ending on or after December 31, 2019 and for subsequent tax years, and repeals rate reductions effective in 2021.
76. Directs the governor to submit a document to be known as the trailer bill to the legislature as part of the budget process and clarifies that the document shall not be considered a budget bill under the New Hampshire constitution.
77. Establishes the position of deputy director of administration in the department of safety, division of administration.
78. Provides that the current assistant director of the division of fire standards and training and emergency medical services, department of safety, shall be considered to have been properly enrolled as a member in group II of the New Hampshire retirement system as of his original date of hire.
79. Raises the fee for email or other computer-generated motor vehicle record requests by insurance companies or other authorized agents.
80. Establishes the fee for a Real ID Act compliant driver's license.
81. Permits the department of transportation to access certain federal funding for the purpose of completing the project development phase of the capital corridor rail project in the 2019-2028 Ten Year Transportation Improvement Plan and permits the department of transportation to use toll credits for this project.
82. Makes an appropriation to the department of transportation for the purpose of demolition and environmental mitigation of structures on state-owned property.
83. Exempts certain rules on the Medicaid rate of reimbursement methodology for nursing facilities from the administrative procedures act, RSA 541-A.
84. Clarifies disbursements of community benefit contributions from the alcohol abuse prevention and treatment fund.
85. Makes an appropriation to the department of health and human services for the purpose of obtaining, renovating, and operating a new treatment facility for children in need of inpatient psychiatric treatment.
86. Makes an appropriation to the department of health and human services for the purpose of repurposing the children's unit of New Hampshire hospital for adult beds.
87. Makes an appropriation to the department of health and human services for the purpose of constructing transitional housing beds.
88. Makes an appropriation to the department of health and human services for the purpose of providing assistance to hospitals in addressing the needs of certain patients residing in emergency rooms.
89. Requires fiscal committee approval for any transfer of funds required for operation of the Sununu youth services center.

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

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

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

93. Provides for the availability of certain federal family planning funds.

94. Establishes a commission to study school funding.

95. Calculates kindergarten pupils as full day attendance for the purpose of adequate education grants.

96. Repeals distribution of kindergarten grants based on Keno revenue.

97. Permits additional education-related expenditures from the education trust fund for the biennium ending June 30, 2021, and revises the formula for fiscal disparity aid and stabilization grants.

98. Provides that any budget surplus in excess of \$5,000,000 at the close of the biennium ending June 30, 2019, shall not be deposited in the revenue stabilization reserve account but shall remain in the general fund.

99. Makes an appropriation to the Internet crimes against children fund.

100. Requires the governor's commission on disability to analyze the state's system of support for individuals with developmental disabilities and recommend reforms and improvements.

101. Requires the commissioner of the department of administrative services to conduct a study of the state's personnel system and makes an appropriation therefor.

102. Makes an appropriation to the department of administrative services for scheduling software.

103. Increases the annual appropriation to the joint legislative historical committee.

104. Provides that unexpended and unencumbered funds in the legislative branch special account shall not lapse.

105. Establishes the director of the division of technical professions and director of the division of health professions in the office of professional licensure and certification as unclassified officials.

106. Modifies the membership qualifications for the board of nursing.

107. Makes changes to the controlled drug prescription health and safety program, including transferring the program from the board of pharmacy to the office of professional licensure and certification, and authorizing the program to share certain information with other state departments.

108. Establishes procedures to streamline the resolution of complaints under RSA 91-A, the citizens' right-to-know appeals commission and the office of the right-to-know ombudsman, and an alternative process to resolve right-to-know complaints.

109. Requires a portion of the revenue collected from the imposition of the real estate transfer tax to be transferred to the affordable housing fund.

110. Revises the method of apportionment of gross business profits in this state under the business profits tax and the apportionment of dividends under the business enterprise tax.

111. Updates provisions and adjustments of the United States Internal Revenue Code applicable to the business profits tax.

112. Clarifies the applicability of the communications services tax to voice over Internet protocol (VoIP) and prepaid wireless telecommunications service.

113. Establishes a housing appeals board to hear appeals of decisions of municipal boards, committees, and commissions regarding questions of housing and housing development, and makes an appropriation to the housing appeals board for the administration of the board's duties.

114. Amends the procedure for determining an indigent defendant's ability to pay for services rendered by court-appointed counsel in a criminal case and provides that a repayment obligation shall only apply to a defendant who has been convicted or a juvenile who has been found delinquent.

115. Authorizes the attorney general to hire an investigator and an investigative paralegal to be assigned to campaign finance, election law, inaugural committee oversight, and lobbying matters, in the civil law bureau.

116. Requires a certain amount of excess moneys from the investor education fund to be deposited in the FRM victims' contribution recovery fund.

117. Prohibits off highway recreational vehicles from traveling on Hoit Road Marsh in the city of Concord.

118. Establishes the office of outdoor recreation industry development in the department of business and economic affairs and also establishes the position of director of the office.

119. Makes an appropriation to the department of business and economic affairs to support the small business development center and its programs.

120. Renames the wetlands and shoreland review fund as the water resources fund; clarifies that certain application and permit fees are non-refundable; and repeals the terrain alteration fund.

121. Makes a supplemental appropriation to the department of environmental services for the Ossipee Lake Dam reconstruction.

122. Adds an exception to the real estate transfer tax for any lease involving the Pease development authority.

123. Requires costs that are recovered from damages awarded in cases of hazardous waste clean up after expenditures from the drinking water and groundwater trust fund be deposited in such fund, contingent on SB 169 of the 2019 regular legislative session.

124. Repeals a provision relative to liquor commission revenue shortfalls.

125. Repeals the definition of commercial kennel and revises the definition of pet vendor; authorizes the department of agriculture, markets, and food to make rules relative to the number of amphibians, reptiles, fish, or small mammals a person may sell and qualify as a pet vendor; requires dogs, cats, and ferrets offered for transfer to be accompanied by a health certificate; and establishes and makes an appropriation to the cost of care fund.

126. Makes federal funds and internment fees received by the state veterans cemetery nonlapsing.

127. Establishes the sunny day fund and grant program in the department of business and economic affairs to obtain and disburse grants for research and development, support the infrastructure necessary to address critical gaps in the state's ability to attract research and development projects, increase commercialization of new technologies, leverage federal funds, and support business development and expansion. The bill also transfers funds from the general fund surplus account to fund the program.

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

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

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

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

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

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

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

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

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

137. Permits the department of education to request funds for vocational rehabilitation programs and services.
138. Requires schools to make at least one free or reduced cost meal available to children who meet federal eligibility guidelines and increases reimbursement to schools offering breakfast at no cost to eligible students.
139. Establishes the position of school nurse coordinator in the division of learner support, department of education.
140. Provides family and medical leave to certain school district employees who are not otherwise eligible for leave under the federal Family and Medical Leave Act.
141. Makes an appropriation to the department of administrative services for the purchase and replacement of the heat and hot water systems in the Concord school district.
142. Makes an appropriation to the community college system of New Hampshire for the fiscal year ending June 30, 2019.
143. Makes an appropriation to the department of transportation to provide a state aid construction program match for the project named Tilton project number 29753, to reconstruct and reclassify 1.97 miles of Calef Hill Road.
144. Makes an appropriation to the department of education to support the Granite State Independent Living IMPACCT program.
145. Makes an appropriation to the department of safety to fund the reallocation of certain state police troopers.
146. Expands home and community-based behavioral health services for children and makes an appropriation to the department of health and human services for this purpose.
147. Requires the commissioner of the department of health and human services to increase Medicaid provider rates and makes an appropriation therefor.
148. Allows general funds to be used for the New Hampshire granite advantage health care program. Also allows moneys from the Medicaid enhancement tax to be used if necessary to pay for certain provider rate increases.
149. Makes an appropriation to the department of health and human services for safe stations in Manchester and Nashua.
150. Extends the funding for supported housing.
151. Makes an appropriation to the department of health and human services for the purpose of enhancing provider rates for mental health and substance use disorder inpatient and outpatient services.
152. Modifies appropriations and provisions for new or expanded designated receiving facilities (DRF) beds and diagnosis-related group (DRG) rates.
153. Makes an appropriation to the department of health and human services for the purpose of constructing a new secure psychiatric facility on the New Hampshire hospital grounds.
154. Repeals the ICF quality assessment imposed on intermediate care facilities for the intellectually disabled.
155. Expands eligibility for Medicaid for employed adults with disabilities age 65 and over.
156. Makes a contingent appropriation to the department of health and human services for the purpose of hiring 27 child protective service workers, and 20 child protective service supervisors.
157. Requires dementia training for direct care staff in residential facilities and community-based settings and grants rulemaking authority to the commissioner.
158. Repeals a prohibition on the use of state funds for abortion services.
159. Clarifies proportionate share payments to county nursing homes.
160. Suspends liability for support and reimbursement for assisted persons for the biennium ending June 30, 2021.
161. Provides for the transfer of funds from the department of health and human services to municipalities, counties, and nongovernmental organizations to encourage the development of local juvenile diversion programs and makes an appropriation to the department for this purpose.

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

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

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

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

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

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

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

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

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

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

Senator Bradley moved to divide the question on Committee Amendment 2019-2403s: Sections 68, 72-73, 85, 141-148, 185-189, 195-197, 210, 216, 233-236, 242, 244-247, 249-251, 279, 332-335, 359, 369, 371, 373-393, 396-398, 408-410, 417-419, 421, 423-426, 430-433, 337-341; and then the balance of the amendment.

The Chair ruled the question divisible.

The question is on the adoption of Committee Amendment 2019-2403s: Sections 68, 72-73, 85, 141-148, 185-189, 195-197, 210, 216, 233-236, 242, 244-247, 249-251, 279, 332-335, 359, 369, 371, 373-393, 396-398, 408-410, 417-419, 421, 423-426, 430-433, 337-341.

A roll call was requested by Senator Birdsell, seconded by Senator Giuda.

The following Senators voted Yes: Starr, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Carson, Feltes, Cavanaugh, Reagan, Birdsell, D'Allesandro, Fuller Clark, Morse, Morgan, Sherman, Soucy.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

The question is on the adoption of Committee Amendment 2019-2403s: the balance of the amendment.

A roll call was requested by Senator Feltes, seconded by Senator Birdsell.

The following Senators voted Yes: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

The following Senators voted No: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

Roll Call, Yeas: 14 - Nays: 10. Adopted.

Recess. Out of recess.

INTRODUCTION OF GUESTS

PRESIDENT SOUCY: Before we begin I'd like to introduce in the gallery Justice Hantz Marconi and her associates that are with her today. Welcome to the New Hampshire Senate.

Recess. Out of recess.

Senator Gray offered a Floor Amendment.

Sen. Gray, Dist 6
June 5, 2019
2019-2446s
08/01

Floor Amendment to HB 2-FN-A-LOCAL

Delete section 59.

Delete section 77.

2019-2446s

AMENDED ANALYSIS

Delete paragraph 25, relative to the revenue sharing suspension.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Birdsell, seconded by Senator Giuda.

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19
June 5, 2019
2019-2447s
06/04

Floor Amendment to HB 2-FN-A-LOCAL

Delete sections 226-227.

2019-2447s

AMENDED ANALYSIS

Delete paragraph 79, relative to raising the fee for email or other computer-generated motor vehicle record requests by insurance companies or other authorized agents.

Delete paragraph 80, establishing the fee for a Real ID compliant driver's license.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Birdsell, seconded by Senator French.

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2
June 5, 2019
2019-2445s
10/04

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by deleting sections 289-295.

2019-2445s

AMENDED ANALYSIS

Delete paragraph 112, relative to the applicability of the communications services tax to voice over Internet protocol (VoIP) and prepaid wireless telecommunications service.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Giuda, seconded by Senator Birdsell.

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Morse offered a Floor Amendment.

Sen. Morse, Dist 22

June 5, 2019

2019-2448s

04/06

Floor Amendment to HB 2-FN-A-LOCAL

Delete sections 394-395.

2019-2448s

AMENDED ANALYSIS

Delete paragraph 148, relative to using general funds for the New Hampshire granite advantage health care program and allowing moneys from the Medicaid enhancement tax to be used if necessary to pay for certain provider rate increases.

Without objection, Senator Morgan moved to call the question. Adopted.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Birdsell, seconded by Senator Giuda.

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19

June 5, 2019

2019-2450s

01/10

Floor Amendment to HB 2-FN-A-LOCAL

Delete section 414.

2019-2450s

AMENDED ANALYSIS

Delete paragraph 158, relative to repealing a prohibition on the use of state funds for abortion services.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Birdsell, seconded by Senator Giuda.

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Morse offered a Floor Amendment.

Sen. Morse, Dist 22

June 4, 2019

2019-2428s

11/06

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by deleting sections 91-93.

Amend the bill by replacing section 347 with the following:

347 Appropriation; Department of Environmental Services. The sum of \$6,000,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of environmental services for the purpose of studying, investigating, and testing for contamination caused by perfluorinated chemicals, and the preliminary design for a treatment system for such contamination. The appropriation shall not lapse until June 30, 2021. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend the bill by replacing section 427 with the following:

427 Appropriation; Division of Public Health Services. The sum of \$1,200,000 is hereby appropriated to the department of health and human services, division of public health services to fund a study to determine the causes of high levels of pediatric cancer in New Hampshire. These funds shall not lapse until June 30, 2021. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2019-2428s

AMENDED ANALYSIS

Delete paragraph 32, establishing a system of paid family and medical leave insurance.

Replace paragraph 128 with the following:

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

Without objection, Senator Sherman moved to call the question. Adopted.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Birdsell, seconded by Senator Giuda.

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Recess. Out of recess.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

June 5, 2019

2019-2432s

04/05

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by deleting sections 91-93, 344-366, and 399.

Amend the bill by replacing sections 400-401 with the following:

400 Department of Health and Human Services; Designated Receiving Facilities; Residential Beds; Hospital Renovations. Amend 2019, 41:3 to read as follows:

41:3 Department of Health and Human Services; Designated Receiving Facilities; Residential Beds; Hospital Renovations.

I. The sum of [~~\$4,400,000~~] **\$3,000,000** is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2019 for the purpose of renovating existing hospital facilities for up to 3 new or expanded designated receiving facilities (DRF), as set forth in RSA 135-C:26, of no fewer than 8 beds per new DRF. In no event shall the total number of beds funded under this section exceed 30. Said sum shall be a charge against any general fund surplus for the fiscal year ending June 30, 2019, and shall not lapse until June 30, 2021. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The commissioner of the department of health and human services shall allocate and disburse such funds through a request for applications (RFA) and shall prioritize the use of the funds to areas within the state of New Hampshire that are underserved for inpatient psychiatric treatment. Any hospital receiving such funding shall operate the new or expanded DRF beds for no less than 5 years. The RFA shall be issued no later than December 1, 2019 and the new or expanded DRF beds shall be operational by [~~January 1, 2020~~] **October 1, 2020**.

III. The sum of \$1,400,000 is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2019 for reimbursement rates for designated receiving facilities (DRFs). Said sum shall be a charge against any general fund surplus for the fiscal year ending June 30, 2019, and shall not lapse until June 30, 2021. Notwithstanding RSA 14:30-a, VI, the department may accept and expend any matching federal funds without prior approval of the fiscal committee of the general court. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

401 Secure Psychiatric Unit Facility; Appropriation.

I. The sum of \$26,000,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of health and human services and shall be expended for the purpose of constructing a new 60-bed secure psychiatric unit facility on the New Hampshire hospital grounds. The sum appropriated shall be nonlapsing, provided that any unexpended amount following construction shall lapse to the general fund. The department of administrative services shall prioritize this project in its workload. Said facility shall be operational by June 1, 2021. The department of administrative services and the department of health and human shall provide reports each quarter to the fiscal committee of the general court and the senate finance and house finance committees concerning the progress of the project. This facility shall be operated and managed by the department of health and human services. The state shall not enter into a contract with a private or for-profit prison company for the construction or operation of the secure psychiatric facility unit. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The commissioner of the department of health and human services, in consultation and collaboration with the attorney general, the commissioner of the department of corrections, and the commissioner of the department of administrative services, shall recommend proposed legislation for any changes to statutes or administrative rules that are deemed necessary for the transition of patients to and the operation of the new facility. In developing such recommendations, the commissioner of the department of health human services shall solicit input from public and private stakeholders as the commissioner deems necessary and appropriate. The commissioner of the department of health human services shall submit the plans and recommendations required by this paragraph to the governor, the speaker of the house of representatives, and the president of the senate no later than January 1, 2020.

434 Effective Date. Sections 400 and 401 of this act shall take effect June 30, 2019.

2019-2432s

AMENDED ANALYSIS

Delete paragraphs 32, 127, and 152.

Replace:

153. Appropriates funds to the department of health and human services for the purpose of constructing a new 60-bed secure psychiatric unit facility on the New Hampshire Hospital grounds and for reimbursement rates for designated receiving facilities.

Senator Bradley withdrew Floor Amendment 2019-2432s.

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2

June 5, 2019

2019-2436s

11/04

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by replacing section 372 with the following:

372 Department of Safety Position Reallocation; Appropriation.

I. The sum of \$1,450,000 is hereby appropriated, upon approval of the fiscal committee of the general court by June 30, 2020, to the department of safety for the biennium ending June 30, 2021 for the purpose of funding reallocation of all sworn police troopers from the rank of probationary trooper through the rank of executive major for the last 6 months of the biennium ending June 30, 2021. The department of administrative services shall conduct an assessment review of the reallocation request and shall report its findings to the fiscal committee prior to the fiscal committee vote. Reallocated pay shall take effect January 1, 2021.

II. The sum of \$50,000 for the biennium ending June 30, 2021 is hereby appropriated to the department of administrative services for the purpose of retaining a consultant to assist with the assessment review conducted pursuant to paragraph I.

III. The governor is authorized to draw a warrant for said sums in this section out of any money in the treasury not otherwise appropriated. Such funds shall not lapse until June 30, 2021.

2019-2436s

AMENDED ANALYSIS

Replace paragraph 145 with the following:

145. Makes an appropriation to the department of safety to fund the reallocation of certain state police troopers, and makes an appropriation to the department of administrative services to fund an assessment review for such reallocation.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Giuda, seconded by Senator Birdsell.

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

June 6, 2019

2019-2458s

06/04

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by deleting sections 91-93, 344-346, and 399.

Amend the bill by replacing sections 400-401 with the following:

400 Department of Health and Human Services; Designated Receiving Facilities; Residential Beds; Hospital Renovations. Amend 2019, 41:3 to read as follows:

41:3 Department of Health and Human Services; Designated Receiving Facilities; Residential Beds; Hospital Renovations.

I. The sum of [~~\$4,400,000~~] **\$3,000,000** is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2019 for the purpose of renovating existing hospital facilities for up to 3 new or expanded designated receiving facilities (DRF), as set forth in RSA 135-C:26, of no fewer than 8 beds per new DRF. In no event shall the total number of beds funded under this section exceed 30. Said sum shall be a charge against any general fund surplus for the fiscal year ending June 30, 2019, and shall not lapse until June 30, 2021. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The commissioner of the department of health and human services shall allocate and disburse such funds through a request for applications (RFA) and shall prioritize the use of the funds to areas within the state of New Hampshire that are underserved for inpatient psychiatric treatment. Any hospital receiving such funding shall operate the new or expanded DRF beds for no less than 5 years. The RFA shall be issued no later than December 1, 2019 and the new or expanded DRF beds shall be operational by [~~January 1, 2020~~] **October 1, 2020**.

III. The sum of \$1,400,000 is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2019 for reimbursement rates for designated receiving facilities (DRFs). Said sum shall be a charge against any general fund surplus for the fiscal year ending June 30, 2019, and shall not lapse until June 30, 2021. Notwithstanding RSA 14:30-a, VI, the department may accept and expend any matching federal funds without prior approval of the fiscal committee of the general court. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

401 Secure Psychiatric Unit Facility; Appropriation.

I. The sum of \$26,000,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of health and human services and shall be expended for the purpose of constructing a new 60-bed secure psychiatric unit facility on the New Hampshire hospital grounds. The sum appropriated shall be nonlapsing, provided that any unexpended amount following construction shall lapse to the general fund. The department of administrative services shall prioritize this project in its workload. Said facility shall be operational by June 1, 2021. The department of administrative services and the department of health and human shall provide reports each quarter to the fiscal committee of the general court and the senate finance and house finance committees concerning the progress of the project. This facility shall be operated and managed by the department of health and human services. The state shall not enter into a contract with a private or for-profit prison company for the construction or operation of the secure psychiatric facility unit. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The commissioner of the department of health and human services, in consultation and collaboration with the attorney general, the commissioner of the department of corrections, and the commissioner of the department of administrative services, shall recommend proposed legislation for any changes to statutes or administrative rules that are deemed necessary for the transition of patients to and the operation of the new facility. In developing such recommendations, the commissioner of the department of health human services shall solicit input from public and private stakeholders as the commissioner deems necessary and appropriate. The commissioner of the department of health human services shall submit the plans and recommendations required by this paragraph to the governor, the speaker of the house of representatives, and the president of the senate no later than January 1, 2020.

434 Effective Date. Sections 400 and 401 of this act shall take effect June 30, 2019.

2019-2458s

AMENDED ANALYSIS

Delete paragraphs 32, 127, and 152.

Replace:

153. Appropriates funds to the department of health and human services for the purpose of constructing a new 60-bed secure psychiatric unit facility on the New Hampshire Hospital grounds and for reimbursement rates for designated receiving facilities.

Without objection, Senator Hennessey moved to call the question. Adopted.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Birdsell, seconded by Senator Ward.

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Reagan offered a Floor Amendment.

Sen. Reagan, Dist 17

June 4, 2019

2019-2427s

01/06

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by replacing section 252 with the following:

252 Appropriation; Internet Crimes Against Children Fund. The sum of \$250,000 for the fiscal year ending June 30, 2020, and \$250,000 for the fiscal year ending June 30, 2021 are hereby appropriated to the New Hampshire Internet crimes against children fund established in RSA 21-M:17. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Birdsell, seconded by Senator French.

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2

June 5, 2019

2019-2444s

06/01

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by deleting sections 91-93.

Amend the bill by inserting after section 433 the following new sections:

434 New Subdivision; The Twin State Voluntary Leave Plan. Amend RSA 21-I by inserting after section 95 the following new subdivision:

The Twin State Voluntary Leave Plan.

21-I:96 The Twin State Voluntary Leave Plan. There is hereby established the twin state voluntary leave plan, which shall be implemented in accordance with this subdivision and RSA 282-B.

21-I:97 Purpose and Policy. The purpose of this subdivision is to leverage the purchasing power and economies of scale available to the state when it is acting as purchaser on behalf of state employees to make available to other private and public employers in the state, on a voluntary basis, advantageously priced family and medical leave insurance (FMLI) wage replacement benefits. By purchasing FMLI coverage for state employees through the medium of commercial insurance and by acting as premium aggregator for individuals and smaller employers, the state will position itself to create a market for advantageously priced FMLI benefits. In order to derive additional purchasing power and economies of scale above what is available through a single state solution, this subdivision also authorizes the department of administrative services to jointly procure with the Vermont Department of Human Resources an FMLI insurance contract or contracts that provide wage replacement benefits, contingent upon each state enacting appropriately similar authorizing legislation. It is the intent of this subdivision to significantly increase the number of employees in the state

who have access to FMLI wage replacement benefits. The social benefits of increasing the rate of FMLI coverage include attracting and retaining workers, including younger workers, to the state; enabling parents to bond with biological, adopted, or foster children; helping to meet the needs of an aging population; advancing the health of the state's workforce and workplace stability; and enhancing worker retention and productivity. Many larger employers provide paid FMLI benefits through self-insurance, but this is not feasible for most mid-sized and smaller businesses. Over 90 percent of New Hampshire and Vermont businesses have fewer than 50 employees and face difficulties associated with providing paid FMLI to their employees. The general court therefore finds that it is in the public interest for the state to strategically use its purchasing power to establish a marketplace in the state for advantageously priced FMLI wage replacement benefits.

21-I:98 Definitions. In this subdivision:

- I. "Child" has the same meaning as "son or daughter" in 29 U.S.C. section 2611(12).
- II. "Commissioner" means the commissioner of the department of administrative services.
- III. "Department" means the department of administrative services.
- IV. "Family member" means a child, a biological, adoptive, or foster parent, stepparent, or legal guardian of the child or the child's spouse or domestic partner, a biological, adoptive, or foster grandparent or step grandparent, or a spouse or domestic partner under RSA 457.
- V. "Family and medical leave" means leave from work because of:
 - (a) The birth of a child of the employee, within the past 12 months;
 - (b) The placement of a child with the employee for adoption or fostering within the past 12 months;
 - (c) A serious health condition of a family member;
 - (d) A serious health condition of the employee that isn't related to employment; or
 - (e) Any qualifying exigency arising from foreign deployment with the armed forces, or caring for a service member with a serious injury or illness as permitted under the federal Family and Medical Leave Act, 29 U.S.C. section 2612(a)(1)(E) and 29 C.F.R. section 825.126(a)(1) through (8), as they existed on October 19, 2017, for family members as defined in paragraph IV.
- VI. "FMLI" means family and medical leave insurance providing wage replacement benefits under specified conditions.
- VII. "Family and Medical Leave Act" means the federal Family and Medical Leave Act of 1993, Public Law 103-3, 29 U.S.C. section 2601 et seq.
- VIII. "Serious health condition" means any illness covered by the Family and Medical Leave Act including treatment for addiction as prescribed by a treating clinician, consistent with American Society of Addiction Medicine criteria, as well as treatment for a mental health condition, consistent with American Psychiatric Association criteria.
- IX. "State rate" means the per employee premium amount that is charged by the successful bidder or bidders for the state contract for FMLI coverage for state government employees as provided in this subdivision. The state rate shall be expressed as a percentage of wages.

21-I:99 Contracting and Administrative Authority.

- I. The commissioner may solicit proposals for, negotiate, enter into, and administer group insurance contracts with duly authorized accident and life insurance carriers as necessary and appropriate to provide to qualifying state employees, at state expense and at no cost to such employees, an FMLI plan of wage replacement as described in this subdivision. The provision of this coverage shall be considered a matter of legislatively established public policy that is designed to benefit all employers and employees in the state and that is "confined exclusively to the public employer by statute" as provided in RSA 273-A:1 XI and shall not be subject to collective bargaining. Nor shall the meaning of this subdivision be construed to invalidate any portion of a collective bargaining agreement entered into by the state.
- II. The state shall provide to all permanent state employees wage replacement coverage for qualified leave, which shall be available for the same types of leave as protected under the Family and Medical Leave Act. This shall include leave for:
 - (a) The birth of a child and caring for the newborn child within one year of birth;

(b) The placement with the employee of a child for adoption or foster care and caring for the newly placed child within one year of placement;

(c) Caring for the employee's spouse, child, or parent who has a serious health condition;

(d) A serious health condition that makes the employee unable to perform the essential functions of his or her job; or

(e) Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on covered active duty, or caring for a covered service-member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin.

III. The wage replacement benefits under this FMLI plan shall be structured as follows:

(a) Eligible employees shall receive 60 percent of their average weekly wage.

(b) The maximum duration of wage replacement shall be 6 weeks per year, with no minimum duration required.

(c) Wages used to determine the 60 percent FMLI coverage shall be capped at the amount of the Social Security maximum taxable earnings as amended from time to time.

IV. The commissioner shall establish, through the commissioner's discretionary authority in administering the request for information and the request for proposals process, the following additional elements of the benefit structure for the coverage to be provided to state employees consistent with the purposes and policy of this subdivision:

(a) The base period by which the average weekly wage shall be determined.

(b) The tenure requirement, expressed in terms of months of work, before an employee is eligible to be covered; provided, however, that no tenure requirement shall apply to an employee who has already met the requirement and then changes jobs.

(c) A waiting period or elimination period; provided, however, that a waiting or elimination period shall not be a required element of the benefit structure, and the commissioner shall have authority to implement a plan with no such requirement.

21-I:100 Coverage Offerings for Other Employers and Individuals. The commissioner shall include in the request for proposals for FMLI benefits for state employees a requirement that the winning bidder or bidders shall, as a condition of the state contract, also offer FMLI coverage to private employers and other public employers and individual employees on the following terms:

I. Employers with 100 percent employee enrollment shall be eligible to purchase coverage with the same benefit structure as the coverage provided to state employees.

II. Employers with 20 employees or more may contract directly with the winning bidder or bidders.

III. Employers with fewer than 20 employees may contract indirectly with the winning bidder or bidders through the purchasing pool for family and medical leave insurance authorized under RSA 282-B and administered by the department of employment security.

IV. Individuals who work for employers who choose not to offer FMLI coverage under this subdivision or who fail to meet minimum participation requirements and who do not offer an FMLI benefit that is at least equivalent to the twin state voluntary leave plan shall have the opportunity to contract indirectly with the winning bidder or bidders through the purchasing pool for family and medical leave insurance authorized under RSA 282-B and administered by the department of employment security. Coverage for this group may be experience rated, and the coverage may be subject to elimination and/or waiting periods, within parameters established by the commissioner.

V. The commissioner shall establish, through the commissioner's discretionary authority in administering the request for information and the request for proposals process, the following additional elements of the benefit structure and plan administration specifically for employees of non-state employers consistent with the purposes and policy of this subdivision:

(a) The minimum participation requirement, if any, provided however, that in no event shall the minimum participation requirement exceed 50 percent.

- (b) The parameters for open enrollment periods.
- (c) Procedures for contributory plans, partially contributory plans, and non-contributory plans.
- (d) Procedures for payroll deduction and premium remittance.
- (e) Permissible rating parameters for employer groups.

(f) Permissible parameters for experience rating, elimination periods, and waiting periods for coverage offered to individuals under paragraph IV.

21-I:101 Conditions of Non-State Employer Participation. Participation in the plan by non-state employers shall be voluntary. In addition, non-state employers may choose to provide FMLI at no cost to their employees or on a contributory or partially contributory basis.

21-I:102 Twin State Voluntary Leave Plan Joint Procurement Process. The commissioner may enter into an interstate compact whereby the department will jointly procure with the Vermont Department of Human Resources an FMLI insurance contract or contracts conforming to this subdivision, provided that each state enact appropriately similar authorizing legislation. It is the intent of this subdivision that the authority to enter into a compact and to engage in a joint procurement process herein delegated to the department and the Vermont Department of Human Resources shall constitute an exercise of governing authority that is within those powers reserved to the states under the federal constitution and shall not operate in any way as an infringement on federal authority or on the authority of any other state, nor, for this reason, shall the compact require congressional approval. The commissioner and the Vermont Department of Human Resources shall enter into a memorandum of agreement setting out the governing principles that apply to the 2 agencies and the 2 states and providing the terms and conditions for the joint procurement process. The memorandum of agreement shall be approved by the governor and council and the joint fiscal committee prior to implementation. Under this agreement, the commissioner may issue a joint request for proposals with the Vermont Department of Human Resources to secure FMLI coverage for all eligible employees of the states of New Hampshire and Vermont and to make advantageously priced coverage available to all other private and public employers in the twin states as provided in this subdivision and in the Vermont enabling legislation subject to all of the requirements contained herein and therein. The department and the Vermont Department of Human Resources shall jointly evaluate the proposals received in response to the request for proposals and jointly contract with an insurance carrier or carriers to provide FMLI coverage. The contract with the winning bidder or bidders shall be subject to governor and council approval. The selected insurance carriers shall be licensed by the states of New Hampshire and Vermont and in good standing in both states. The selected insurance carriers shall be subject to all applicable insurance laws and regulations of the states of New Hampshire and Vermont, and the rates and forms for the FMLI contracts shall be filed for approval with the insurance commissioners of both states. If the Vermont legislature does not enact appropriately similar authorizing legislation, then the commissioner shall proceed under this subdivision on a single state basis.

21-I:103 Family and Medical Leave Insurance Advisory Board. There is hereby established the family and medical leave insurance advisory board within the department which shall hereinafter be called the FMLI advisory board. The FMLI advisory board shall consist of 9 members to be appointed, with the exception of the legislative members, by the governor. Three of the appointees of the advisory board shall be persons who, because of their vocations, employment, or affiliations, shall represent employers; 3 shall be persons who, because of their vocations, employment, or affiliations, shall represent employees; one shall be a senator appointed by the senate president; one shall be a representative appointed by the speaker of the house of representatives; the remaining appointee, who shall be the chairman, shall be a person whose training and experience qualify such person to deal with FMLI procurement, eligibility, benefit design, and program administration. The advisory board shall meet no later than 45 days after each calendar quarter and shall aid the commissioner in formulating policies and discussing problems related to the implementation and administration of this subdivision and RSA 282-B and in assuring impartiality and freedom from political influence. Advisory board meetings shall provide opportunity for public comment.

21-I:104 Report and Outreach.

I. Working in coordination with the commissioner of administrative services as provided in RSA 282-B:5, I, the department shall jointly produce, on an annual basis, a summary report on the twin state voluntary leave plan. This report shall be made public and submitted to the governor, the senate president, and the

speaker of the house of representatives. It shall include but not be limited to, a description of progress in carrying out the processes under this subdivision, progress in improving the rate of FMLI coverage of employees in the state, and recommendations for more fully achieving the purposes and policy goals of this subdivision.

II. Working in coordination with the department of employment security as provided in RSA 282-B:5, II, the department shall develop and implement an outreach program to ensure that employers who may benefit from sponsoring FMLI coverage for their employees and individuals who may be eligible to receive FMLI coverage under this subdivision are made aware of this program. Outreach information shall explain in an easy to understand format, eligibility requirements, benefit structures, and the process for accessing coverage and enrolling individuals.

21-I:105 Rulemaking. The commissioner may adopt rules, pursuant to RSA 541-A, as deemed necessary for the implementation of this chapter.

21-I:106 Program Start-up. The request for proposals for FMLI coverage as described in this subdivision shall be issued no later than September 30, 2019. The FMLI coverage as described in this subdivision shall be in place for state government employees and available for purchase by other public and private employers and individuals by July 1, 2020.

435 Exemption from State Premium Tax. Amend RSA 400-A:34, I to read as follows:

I. **(a)** The provisions of RSA 400-A:31 and 32 shall not apply to mutual insurance companies that operate on an assessment plan and require as a condition for granting insurance the signing of a premium deposit note by the insured, which note is given for the purpose of establishing a limit of liability to assessment, while their total receipts from policyholders is less than \$10,000 per year.

(b) The provisions of RSA 400-A:31 and RSA 400-A:32 shall not apply to premiums written by duly authorized insurance companies for family and medical leave insurance written in connection with the administration of RSA 21-I:96-RSA 21-I:106 or RSA 282-B.

436 New Chapter; Purchasing Pool for Family and Medical Leave Insurance. Amend RSA by inserting after chapter 282-A the following new chapter:

CHAPTER 282-B

PURCHASING POOL FOR FAMILY AND MEDICAL LEAVE INSURANCE

282-B:1 Purpose. The purpose of this chapter is to establish a group purchasing mechanism whereby employers with fewer than 20 employees and individuals who work for employers who do not offer either family and medical leave insurance (FMLI) coverage under the twin state voluntary leave plan as authorized under RSA 21-I:96-RSA 21-I:106 or an FMLI benefit that is at least equivalent to such coverage will have the opportunity to purchase twin state voluntary leave plan coverage through a mechanism established by the state in conjunction with the state government employee FMLI plan.

282-B:2 Definitions. In this chapter:

I. "Child" has the same meaning as "son or daughter" in 29 U.S.C. section 2611(12).

II. "Commissioner" means the commissioner of the department of employment security.

III. "Department" means the department of employment security.

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

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

VI. "Family member" means a child, a biological, adoptive or foster parent, stepparent, or legal guardian of the child or the child's spouse or domestic partner, a biological, adoptive, or foster grandparent or step grandparent, or a spouse or domestic partner under RSA 457.

VII. "Family and medical leave" means leave from work because of:

(a) The birth of a child of the employee, within the past 12 months;

(b) The placement of a child with the employee for adoption or fostering within the past 12 months;

(c) A serious health condition of a family member;

(d) A serious health condition of the employee that isn't related to employment; or

(e) Any qualifying exigency arising from foreign deployment with the armed forces, or caring for a service member with a serious injury or illness as permitted under the Federal Family and Medical Leave Act, 29 U.S.C. section 2612(a)(1)(E) and 29 C.F.R. section 825.126(a)(1) through (8), as they existed on October 19, 2017, for family members as defined in paragraph VI.

VIII. "FMLI" means family and medical leave insurance providing wage replacement benefits under specified conditions.

IX. "Family and Medical Leave Act" means the federal Family and Medical Leave Act of 1993, Public Law 103-3 (29 U.S.C. section 2601 et seq.).

X. "Serious health condition" means any illness covered by the federal family and medical leave act including treatment for addiction as prescribed by a treating clinician, consistent with American Society of Addiction Medicine criteria, as well as treatment for a mental health condition, consistent with American Psychiatric Association criteria.

282-B:3 Employer and Employee Rights and Responsibilities.

I. Individuals who are employed by private employers who do not offer either FMLI coverage under the twin state voluntary leave plan as authorized under RSA 21-I:96 or an FMLI benefit that is at least equivalent to such coverage will have the opportunity to purchase twin state voluntary leave plan coverage through payroll deduction whereby premiums are paid into an FMLI premium fund administered by the department as provided in this chapter and established in coordination with the commissioner of administrative services acting pursuant to RSA 21-I:96-RSA 21-I:106.

II. Employers with fewer than 20 employees who wish to purchase FMLI coverage through the twin state voluntary leave plan shall have the opportunity to purchase such coverage by making premium remittances into an FMLI premium fund administered by the department as provided in this chapter and established in coordination with the commissioner of administrative services acting pursuant to RSA 21-I:96 and RSA 21-I:106.

III. Individuals opting into this group purchasing mechanism shall be required to make their premium remittances to the department in a manner as directed by the commissioner. All private employers who have employees who have individually opted into this group purchasing mechanism or who have, as an employer with fewer than 20 employees, opted into the mechanism shall remit FMLI premium payments to the department in a manner as directed by the commissioner.

282-B:4 FMLI Premium Fund Administration. The department shall create and administer an FMLI premium fund for deposits of insurance premium payments paid pursuant to RSA 282-B:3 and for remittance of such premiums to the FMLI carrier or carriers participating in the twin state voluntary leave plan. The department shall develop standard enrollment procedures in coordination with participating carriers and shall transmit enrollment and eligibility information to such carriers on a timely basis. The department shall establish procedures and mechanisms for the billing and collection of premiums from employers. The department shall specify in contracts with participating carriers how all premiums shall be transmitted and the frequency of that transmission and how penalties and grace periods on late payments of premiums shall be calculated. The department may contract with qualified, independent vendors for the services necessary to carry out some or all of the duties under this paragraph.

282-B:5 Report and Outreach.

I. Working in coordination with the commissioner of employment security as provided in RSA 21-I:104, I, the department shall produce, on an annual basis, a summary report on the twin state voluntary leave plan. This report shall be made public and submitted to the governor, senate president, and speaker of the house of representatives. It shall include but not be limited to, a description of progress in implementing the provisions of this chapter, payments into and out of the fund, the number of employees in the state participating in the purchasing mechanism, and recommendations for improvement of the program and for further increasing the rate at which New Hampshire employees have FMLI coverage.

II. Working in coordination with the department of administrative services as provided in RSA 21-I:104, II, the department shall develop and implement an outreach program to ensure that individuals who may be eligible to receive FMLI benefits under this chapter or under RSA 21-I:96-RSA 21-I:106 are made aware of these benefits. Outreach information shall explain in an easy to understand format, eligibility requirements, benefit structures, and the process for accessing coverage and enrolling.

282-B:6 Rulemaking. The commissioner may adopt rules, pursuant to RSA 541-A, as deemed necessary for the implementation of this chapter.

282-B:7 Program Start-up. The FMLI premium fund shall be operational and available for use by individuals, the self-employed, and qualifying employers on a timetable that is sufficient to ensure that FMLI coverage shall be available for purchase by July 1, 2020.

437 New Section; Discrimination in the Workplace. Amend RSA 275:37 by inserting after section 37-b the following new section:

275:37-c Family and Medical Leave Insurance. If an employer has 20 or more employees and sponsors family and medical leave insurance pursuant to RSA 21-I:96, then any employee of that employer who takes family or medical leave and accesses wage replacement benefits under such family and medical leave insurance coverage shall be restored to the position she or he held prior to such leave or to an equivalent position by her or his employer consistent with the job restoration provisions of the federal Family and Medical Leave Act of 1993, Public Law 103-3, 29 U.S.C. section 2601 et seq. Such employers shall continue to provide health insurance to employees during the leave. However, employees shall remain responsible for any employee-shared costs associated with the health insurance benefits. Such employers shall not discriminate or retaliate against any employee for accessing family or medical leave wage replacement benefits. However, employers of employees participating in the twin state voluntary leave plan authorized under RSA 21-I:96 or RSA 282-B may require that paid leave taken under this program be taken concurrently or otherwise coordinated with leave allowed under the terms of a collective bargaining agreement or other established employer policy or the Family and Medical Leave Act, as applicable.

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

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

2019-2444s

AMENDED ANALYSIS

Delete paragraph 93.

Insert new paragraph:

172. Establishes the twin state voluntary leave plan.

Without objection, Senator Kahn moved to call the question.

Senator Morse objects to the motion to call the question.

Without objection, Senator Kahn moved to call the question. Adopted.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Birdsell, seconded by Senator Giuda.

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Reagan offered a Floor Amendment.

Sen. Reagan, Dist 17

June 5, 2019

2019-2443s

08/04

Floor Amendment to HB 2-FN-A-LOCAL

Delete sections 91-93.

Amend the bill by inserting after section 433 the following new section:

434 Appropriation; Governor's Scholarship Fund. The sum of \$3,000,000 for the fiscal year ending June 30, 2020 and the sum of \$5,000,000 for the fiscal year ending June 30, 2021 are hereby appropriated to the governor's scholarship fund established in RSA 4-C:32. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

2019-2443s

AMENDED ANALYSIS

Deletes paragraph 32 relative to establishing a system of paid family and medical leave insurance.

1. Makes an appropriation to the governor's scholarship fund.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Birdsell, seconded by Senator French.

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Starr offered a Floor Amendment.

Sen. Starr, Dist 1

June 5, 2019

2019-2434s

05/10

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by inserting after section 433 the following new section:

434 Appropriation; Department of Health and Human Services; Division of Behavioral Health; Coos County Family Health Services Berlin Facility Expansion. The sum of \$750,000 for the biennium ending June 30, 2021 is hereby appropriated to the department of health and human services, division of behavioral health for the purpose of funding the Coos County Family Health Services Berlin facility expansion. The governor is authorized to draw a warrant for such sum from any money in the treasury not otherwise appropriated.

2019-2434s

AMENDED ANALYSIS

172. Makes an appropriation to the department of health and human services, division of behavioral health for the purpose of funding the Coos County Family Health Services Berlin facility expansion.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Birdsell, seconded by Senator French.

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19

June 4, 2019

2019-2416s

11/05

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by inserting after section 433 the following new sections:

434 Department of Health and Human Services; School Mental Health Services. The commissioner of the department of health and human services shall undertake a 2-year demonstration project to provide school crisis response and prevention services to school districts in Rockingham County. The commissioner shall contract with the Center of Life Management in Rockingham County for these services within the area served by the Center. Following the first year of the program, the commissioner shall report to the governor, the president of the senate, and the speaker of the house of representatives on the implementation of the program and how the program may be expanded to other areas of the state.

435 Appropriation; Department of Health and Human Services. The sum of \$400,000 for the fiscal year ending June 30, 2020, and the sum of \$400,000 for the fiscal year ending June 30, 2021 are hereby appropriated to the department of health and human services for the purposes of section 434 of this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

Insert:

172. Authorizes the department of health and human services to undertake a demonstration project to provide school crisis response and prevention services to school districts in Rockingham county, and makes an appropriation for the project.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Birdsell, seconded by Senator French.

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse, Morgan.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Sherman, Soucy.

Roll Call, Yeas: 11 - Nays: 13. Failed.

Senator Starr offered a Floor Amendment.

Sen. Starr, Dist 1
Sen. Giuda, Dist 2
June 5, 2019
2019-2452s
11/10

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by inserting after section 433 the following:

434 Appropriation; New Hampshire Community College System. There is hereby appropriated to the New Hampshire community college system the sum of \$5,200,000 for the biennium ending June 30, 2021, for the purpose of redeveloping the former Hitchiner Manufacturing site in Littleton to expand the system. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated and such funds shall not lapse until June 30, 2021.

2019-2452s

AMENDED ANALYSIS

Insert:

172. Makes an appropriation to the New Hampshire community college system to be used for the redevelopment of the former Hitchiner Manufacturing site in Littleton.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Birdsell, seconded by Senator French.

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2
June 5, 2019
2019-2440s
10/06

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by inserting after section 433 the following:

434 New Section; Department of Education; State Accountability Administrator. Amend RSA 21-N by inserting after section 7 the following new section:

21-N:7-a State Accountability Administrator. There is established within the division of education analytics and resources, the unclassified position of state accountability administrator. The state accountability administrator shall be qualified to hold such position by reason of education and experience and shall serve at the pleasure of the commissioner. The position shall be subject to any other employment requirements as determined by the commissioner. The state accountability administrator shall coordinate and monitor the accountability for delivery of an adequate education through both input-based and performance-based accountability systems, as required in RSA 193-E. The state accountability administrator shall evaluate work procedures and plan the development and modification of policies and procedures for state accountability programs and verify, review, and evaluate all information submitted by schools in meeting the requirements of input-based and performance-based accountability systems. The salary of the state accountability administrator shall be determined after assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

435 Appropriation; Department of Education. The sum of \$120,000 for the fiscal year ending June 30, 2020, and the sum of \$121,000 for the fiscal year ending June 30, 2021 are hereby appropriated to the department of education, division of education analytics and resources, for the position of state accountability administrator established in this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

2019-2440s

AMENDED ANALYSIS

172. Establishes the unclassified position of state accountability administrator in the department of education.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Birdsell, seconded by Senator French.

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2
June 5, 2019
2019-2439s
08/10

Floor Amendment to HB 2-FN-A-LOCAL

Delete sections 261-273.

2019-2439s

AMENDED ANALYSIS

Delete section 107 relative to the controlled drug prescription health and safety program.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Birdsell, seconded by Senator French.

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Birdsell, Morse.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, Reagan, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

Roll Call, Yeas: 9 - Nays: 15. Failed.

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2

June 5, 2019

2019-2449s

01/04

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by inserting after section 433 the following new section:

434 Department of Administrative Services; Study Required. The department of administrative services, in consultation with the department of health and human services shall study the feasibility of offering optional 12-hour shifts at state-operated direct care facilities. In conducting its study, the department of administrative services shall solicit input from labor unions, relevant state agencies, and any other person or entity deemed relevant to the study. The commissioner of the department of administrative services shall file a report, together with the findings, to the president of the senate, the speaker of the house of representatives, the governor and the state library on or before December 1, 2019.

2019-2449s

AMENDED ANALYSIS

172. Requires the department of administrative services to study the feasibility of 12-hour shifts at state-operated direct care facilities.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Birdsell, seconded by Senator French.

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Cavanaugh, Reagan, Birdsell, Morse.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

Roll Call, Yeas: 11 - Nays: 13. Failed.

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2

June 4, 2019

2019-2430s

01/10

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by deleting sections 126-128 and section 130.

2019-2430s

AMENDED ANALYSIS

Replace paragraph 39 with the following:

39. Clarifies emergency closures for public bathing facilities.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Birdsell, seconded by Senator French.

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

June 4, 2019

2019-2431s

06/10

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by deleting sections 91-93, 191, 217-220, and 344-346.

Amend section 434 of the bill by replacing paragraph VIII with the following:

VIII. Sections 248 and 306 of this act shall take effect July 1, 2022.

Amend the bill by inserting after section 433 the following:

434 Department of Health and Human Services; Appropriation Reduction. The department of health and human services shall reduce state general fund appropriations to account 05-95-47-470010-8009, expenditures class 102 contracts for program services, by \$5,913,184 for the fiscal year ending June 30, 2020, and by \$6,284,055 for the fiscal year ending June 30, 2021.

2019-2431s

AMENDED ANALYSIS

Delete paragraphs 32, 59, 75, and 127.

Add paragraph:

172. Reduces general fund appropriations to a certain account within the department of health and human services.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Birdsell, seconded by Senator French.

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Birdsell, Morse.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

The following Senators were excused: Reagan.

Roll Call, Yeas: 9 - Nays: 14. Failed.

Senator Bradley moved to divide the question on Ought to Pass with Amendment 2019-2403s: Sections 68, 72-73, 85, 141-148, 185-189, 195-197, 210, 216, 233-236, 242, 244-247, 249-251, 279, 332-335, 359, 369, 371, 373-393, 396-398, 408-410, 417-419, 421, 423-426, 430-433, 337-341; then the balance of the bill as amended.

Without objection, the Chair ruled the question divisible.

Senator D'Allesandro objects to dividing the question.

The question is on: is HB 2 FN-A-L divisible based on the sections list by Senator Bradley.

A roll call was requested by Senator Birdsell, seconded by Senator French.

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Birdsell, Morse.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman.

The following Senators were excused: Reagan.

Roll Call, Yeas: 9 - Nays: 13. Failed.

Recess. Out of recess.

Without objection, Senator Watters moved to call the question. Adopted.

PRESIDENT SOUCY: The parliamentary situation is this: the vote is Ought to Pass as Amended on House Bill 2-FN-A-L.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Bradley for a parliamentary inquiry.)

SENATOR BRADLEY: Parliamentary inquiry of both you and the Clerk. All the sections of House Bill 2 that were previously divided out in this final vote, will the *Journal* reflect that vote that we divided out the question in earlier today?

PRESIDENT SOUCY: The Clerk will respond.

SENATE CLERK: What will be in the *Journal* is the dividing of the question of House Bill 2, the Committee Amendment, with the first divide that you took with all the sections. And then the second part will be reflected with the balance of the entire Committee Amendment of House Bill 2.

SENATOR BRADLEY: And will the record reflect what the Clerk just said?

PRESIDENT SOUCY: Yes, the record will reflect what the Clerk just stated. Further parliamentary inquiry? If not, the question has been called.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

The Chair Rescinded Order to Third Reading.

MOTION OF RECONSIDERATION

Senator Watters, having voted on the prevailing side, moved to reconsider the following action taken by the body on HB 2-FN-A-LOCAL, relative to state fees, funds, revenues, and expenditures.: the vote on Ought to Pass with Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Morse, seconded by Senator Giuda.

The following Senators voted Yes: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

The following Senators voted No: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Birdsell, Morse.

The following Senators were excused: Reagan.

Roll Call, Yeas: 14 - Nays: 9. Adopted, bill ordered to Third Reading.

MOTION TO ADJOURN FROM EARLY SESSION

Senator Feltes moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Senator Giuda: HB 393

LATE SESSION

Third Reading and Final Passage

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021.

HB 2-FN-A-LOCAL, relative to state fees, funds, revenues, and expenditures.

HB 106, relative to the terms “resident,” “inhabitant,” “residence,” and “residency.”

HB 393, establishing a committee to study child care in New Hampshire, relative to tuition waivers for children in state foster care or guardianship, relative to penalties for violations related to obtaining public assistance, relative to designated receiving facilities, relative to the membership of the commission to study the environmental and health effects of evolving 5G technology, and relative to the moratorium on health facility licensure.

HB 504, relative to election-related amendments to the United States Constitution.

HB 544, relative to the governance of the Manchester school district.

HB 618-LOCAL, relative to the definition of contracts relative to official ballot default budgets.

HB 664-FN, relative to vehicle repair standards.

HB 737, establishing a commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford and Litchfield.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator Feltes moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments, and forming committees of conference and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.