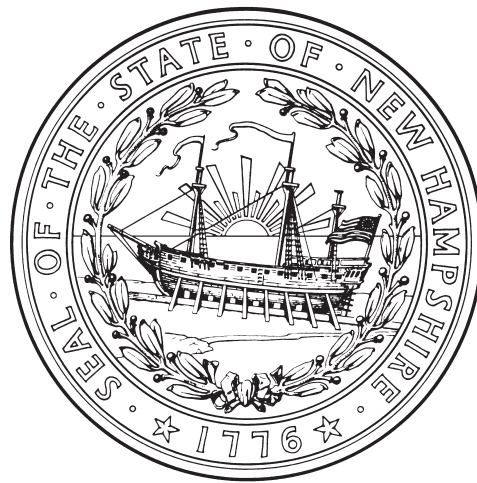


June 27, 2019  
Nos. 20-21

# STATE OF NEW HAMPSHIRE

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**First Year of the 166<sup>th</sup> Session of the  
New Hampshire General Court**

**Legislative Proceedings**

## SENATE JOURNAL

**ADJOURNMENT – JUNE 13, 2019 SESSION  
COMMENCEMENT – JUNE 27, 2019 SESSION**

# SENATE JOURNAL 20 *(continued)*

*June 13, 2019*

## HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 25-A, making appropriations for capital improvements.

HB 109-FN, requiring background checks for commercial firearms sales.

HB 110-FN-A, (New Title) relative to the cost of fiscal analysis of legislation relating to the retirement system and relative to the reclassification of jobs in the retirement system.

HB 112, relative to the mechanical licensing board.

HB 115, relative to the regulation of private investigators, security guards, and bail recovery agents.

HB 122, (New Title) allowing for gifts, grants, and donations to legislative employees or officers for expenses associated with state and national legislative association events.

HB 127, (New Title) relative to the board of medicine and the medical review subcommittee and relative to health care workforce survey data.

HB 175, relative to the requirements for school building aid grants.

HB 183, (Second New Title) establishing a committee to study the applications of microgrids in New Hampshire and changes in law necessary to allow for microgrids in electrical supply, and relative to baseload renewable generation credits for biomass energy facilities.

HB 198-FN, (New Title) clarifying the prohibition against the use of mobile electronic devices while driving.

HB 224-FN, making emergency medical technicians and rescue squad members eligible for a death benefit if killed in the line of duty.

HB 226, relative to the renomination of teachers.

HB 239, (New Title) relative to requirements for supervision for licensure of certain mental health and drug counselors.

HB 243, (Second New Title) relative to membership of the Pease development authority board of directors.

HB 258, (New Title) establishing a commission to study teacher preparation and education programs.

HB 261, requiring the commissioner of the department of environmental services to revise rules relative to arsenic contamination in drinking water.

HB 271, (New Title) relative to apprentice electricians and third party electrical inspections.

HB 349, relative to a second opinion on health care matters for state and county prisoners.

HB 359, relative to warning labels on prescription drugs containing opiates.

HB 364, (New Title) permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use and permitting qualifying patients and designated caregivers to donate excess cannabis to other qualifying patients.

HB 368-FN, (New Title) relative to medically recognized disorders identified on drivers' licenses.

HB 399-FN, relative to annulment of arrests or convictions for possession of a certain quantity of marijuana.

HB 429, establishing a committee to study ways to improve civic engagement in New Hampshire.

HB 435, relative to certain terminology in the rulemaking authority of the department of education.

HB 443, relative to municipal watering restrictions.

HB 446, relative to initiating amendments and corrections to birth records.

HB 468-FN-LOCAL, (New Title) relative to the inclusion of attendance stipends and certain additional pay for instructional activities as earnable compensation in the retirement system.

HB 480-FN, relative to sports betting.

HB 495, establishing a commission on drinking water.

HB 514-FN, imposing a waiting period between the purchase and delivery of a firearm.

HB 531, relative to the delivery of absentee ballots cast by elderly or disabled citizens.

HB 539-FN, (Second New Title) establishing a committee to study the implementation of Accessible Ballots.

HB 552-FN, relative to transparency and standards for acquisition transactions in health care.

HB 562, relative to the state building code.

HB 587, relative to organ donation on a driver's license.

HB 591, amending the laws governing OHRVs and snowmobiles.

HB 593, (New Title) relative to updating official voter checklists and expanding the voter information exemption under the right to know law.

HB 605-FN, relative to criminal penalties for possession, transfer, or manufacture of animal fighting paraphernalia with the intent to be present at, aiding in, or contributing to such fighting.

HB 608, expanding the law against discrimination based on gender identity to other areas of the law prohibiting discrimination.

HB 614-FN, (New Title) increasing penalties and fines for air pollution and water pollution.

HB 617, (New Title) establishing a committee to study recycling streams and solid waste management in New Hampshire.

HB 627, (Second New Title) relative to exceptions from certain pharmacy requirements for veterinarians.

HB 631, establishing a deaf child's bill of rights and an advisory council on the education of deaf children.

HB 637-FN, relative to criminal history background checks by employers and public agencies.

HB 651, allowing the use of campaign funds for child care expenses.

HB 656, (New Title) establishing a committee to study the impact of financial initiatives for commercially insured members by drug manufacturers on prescription drug prices and health insurance premiums.

HB 660-FN, relative to studying the economic and other impacts of OHRV use in New Hampshire.

HB 664-FN, relative to vehicle repair standards.

HB 692-FN, relative to dental care for Medicaid recipients.

HB 706-FN-A, establishing an independent redistricting commission.

HB 710-FN, relative to adoption of state building code and fire code amendments.

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.

#### HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 291, (New Title) establishing a committee to study certain findings regarding hospice and palliative care.

HB 410, (Second New Title) allowing all state agencies and political subdivisions to have access to enhanced 911 information.

HB 560-FN, (New Title) relative to required reporting on waste reduction.

HB 618-LOCAL, relative to the definition of contracts relative to official ballot default budgets.

HB 736, reestablishing the commission to study environmentally-triggered chronic illness.

#### CONFEREE CHANGES

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.

Conferee Change: Senator Kahn replaced Senator Reagan.

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

Conferee Change: Senator Kahn replaced Senator Reagan.

HB 295-FN-A, establishing a special marriage officiant license and relative to the assignment of temporary justices to the supreme court.

Conferee Change: Senator Levesque replaced Senator Chandley.

Conferee Change: Senator Soucy replaced Senator Levesque.

HB 315, relative to the Interstate Voter Registration Crosscheck Program and the accuracy and efficiency of voter registration systems.

Conferee Change: Senator Sherman replaced Senator Birdsell.

HB 459-FN, defining hemp, relative to its growth and use in New Hampshire, establishing a committee to study the federal guidelines on growing hemp, and relative to costs of care for animals seized in animal cruelty cases and prohibiting the future ownership of animals in certain animal cruelty cases.

Conferee Change: Senator Watters replaced Senator Feltes.

HB 511-FN, relative to vaping.

Conferee Change: Senator Soucy replaced Senator Morse.

HB 564, relative to possession of firearms on school property.

Conferee Change: Senator Fuller Clark replaced Senator French.

HB 582-FN, relative to the regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

Conferee Change: Senator Watters replaced Senator Bradley.

HB 696-FN, establishing a protective order for vulnerable adults.

Conferee Change: Senator Chandley replaced Senator Levesque.

SB 10, relative to the state minimum hourly rate.

Conferee Change: Senator Watters replaced Senator French.

SB 30, relative to the advisory board on services for children, youth, and families.

Conferee Change: Senator Chandley replaced Senator Rosenwald.

SB 226-FN, relative to registration of pharmacy benefit managers, and reestablishing the commission to study greater transparency in pharmaceutical costs and drug rebate programs.

Conferee Change: Senator Chandley replaced Senator Morgan.

Conferee Change: Senator Reagan replaced Senator French.

SB 228-FN, relative to multiple-employer welfare arrangements.

Conferee Change: Senator Feltes replaced Senator Cavanaugh.

SB 290-FN, relative to the New Hampshire granite advantage health care program.

Conferee Change: Senator Feltes replaced Senator Sherman.

Conferee Change: Senator Bradley replaced Senator Gray.

June 24, 2019  
2019-2637-EBA  
05/06

#### Enrolled Bill Amendment to HB 25-A

The Committee on Enrolled Bills to which was referred HB 25-A

AN ACT making appropriations for capital improvements.

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 25-A

This enrolled bill amendment makes technical corrections to session law citations.

#### Enrolled Bill Amendment to HB 25-A

Amend section 14, paragraph I of the bill by replacing 2017, 288:22 with 2017, 228:22 in the following subparagraphs: (a), (e), (f), (g), (h), (i), (j), (k), (l), (o), and (p).

Amend section 20, paragraph 98 of the bill by replacing line 3 with the following:

amended by 2018, 163:4, for APS repair/renovations-roof, windows and curtain wall, door

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

June 6, 2019  
2019-2454-EBA  
11/08

#### Enrolled Bill Amendment to HB 635-LOCAL

The Committee on Enrolled Bills to which was referred HB 635-LOCAL

AN ACT enabling a payment in lieu of taxes for a combined heat and power agricultural facility.

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 635-LOCAL

This enrolled bill amendment provides a contingency provision in the event HB 700 becomes law.

Enrolled Bill Amendment to HB 635-LOCAL

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

5 Appraisal of Taxable Property; Reference Added; Contingent Version. Amend RSA 75:1 is repealed and reenacted to read as follows:

75:1 How Appraised. The selectmen shall appraise open space land pursuant to RSA 79-A:5, open space land with conservation restrictions pursuant to RSA 79-B:3, land with discretionary easements pursuant to RSA 79-C:7, residences on commercial or industrial zoned land pursuant to RSA 75:11, earth and excavations pursuant to RSA 72-B, land classified as land under qualifying farm structures pursuant to RSA 79-F, buildings and land appraised under RSA 79-G as qualifying historic buildings, qualifying chartered public school property appraised under RSA 79-H, residential rental property subject to a housing covenant under the low-income housing tax credit program pursuant to RSA 75:1-a, renewable generation facility property subject to a voluntary payment in lieu of taxes agreement under RSA 72:74 as determined under said agreement, combined heat and power agricultural facility property subject to a voluntary payment in lieu of taxes agreement under RSA 72:74-a as determined under said agreement, telecommunications poles and conduits pursuant to RSA 72:8-c, electric, gas, and water utility company distribution assets pursuant to RSA 72:8-d, and all other taxable property at its market value. Market value means the property's full and true value as the same would be appraised in payment of a just debt due from a solvent debtor. The selectmen shall receive and consider all evidence that may be submitted to them relative to the value of property, the value of which cannot be determined by personal examination.

6 Contingency. If HB 700 of the 2019 regular legislative session becomes law, section 5 of this act shall take effect at 12:01 a.m. on the effective date of HB 700 and section 4 of this act shall not take effect. If HB 700 does not become law, then section 5 of this act shall not take effect.

7 Effective Date.

I. Sections 4 and 5 of this act shall take effect as provided in section 6 of this act.

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

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

June 11, 2019  
2019-2466-EBA  
05/01

Enrolled Bill Amendment to SB 111

The Committee on Enrolled Bills to which was referred SB 111

AN ACT relative to the collection of health care data.

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 111

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 111

Amend RSA 126:25, I as inserted by section 1 of the bill by replacing lines 2 and 3 with the following:

disclosure of data consistent with the Health Insurance Portability and Accountability Act of 1996 (HIPAA),

45 C.F.R. sections 160, 162, and 164, limited to public health activities, health care oversight,  
Senator Soucy moved adoption of the Enrolled Bill Amendment. Adopted.

June 20, 2019  
2019-2625-EBA  
05/01

Enrolled Bill Amendment to SB 111

The Committee on Enrolled Bills to which was referred SB 111

AN ACT relative to the collection of health care data.

Having considered the same, report the same with the following amendment to supercede amendment 2019-2466-EBA, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 111

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 111

Amend RSA 126:25, I as inserted by section 2 of the bill by replacing lines 2 and 3 with the following:

disclosure of data consistent with the Health Insurance Portability and Accountability Act of 1996 (HIPAA),  
45 C.F.R. sections 160, 162, and 164, limited to public health activities, health care oversight,

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

June 11, 2019  
2019-2464-EBA  
08/05

Enrolled Bill Amendment to SB 187

The Committee on Enrolled Bills to which was referred SB 187

AN ACT relative to OHRV dealer and rental agency registration fees and snowmobile registration fees.

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 187

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 187

Amend RSA 125-C:58, III(e) as inserted by section 11 of the bill by replacing line 1 with the following:

(e) Review and make recommendations about the existing snowmobile grant-in-aid

Amend RSA 125-C:58, IV as inserted by section 11 of the bill by replacing line 3 with the following:

members of the advisory commission. Five members of the advisory commission shall constitute a

Amend RSA 125-C:58, VI as inserted by section 11 of the bill by replacing lines 2 and 3 with the following:

and a final report on or before November 1, 2022 to the president of the senate, the speaker of the house of representatives, and the governor.

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

June 5, 2019  
2019-2457-EBA  
04/10

Enrolled Bill Amendment to SB 208

The Committee on Enrolled Bills to which was referred SB 208



AN ACT renaming the adjutant general's department to the department of military affairs and veterans services.

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 208

This enrolled bill amendment makes grammatical and technical corrections.

Enrolled Bill Amendment to SB 208

Amend RSA 110-B:84 as inserted by section 5 of the bill by replacing lines 2-3 with the following:  
of a director of veterans services:

I. Shall assist veterans who are residents of this state or their dependents to secure all benefits  
Amend RSA 110-B:84, II as inserted by section 5 of the bill by replacing line 1 with the following:

II. Shall biennially, beginning July 1, 2019, publish and distribute a state veteran's handbook  
Amend RSA 110-B:84, II(b) as inserted by section 5 of the bill by replacing line 2 with the following:  
under this subparagraph.

Amend RSA 110-B:85, I as inserted by section 5 of the bill by replacing line 2 with the following:  
director of the division of veterans services, who shall be a veteran as defined by RSA 21:50.

Amend RSA 110-B:87 as inserted by section 5 of the bill by replacing line 2 with the following:  
the state, all donations and bequests that may be made to support the delivery of state

Amend RSA 110-B:90, I as inserted by section 5 of the bill by replacing it with the following:

I. The adjutant general or his or her designated representative.

Amend the bill by replacing section 7 with the following:

7 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: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:3-a; 261-C:4, II; 261-C:7; 358-A:2, XVII; 465:3; 465:5; 465:11; 651:4-b, II(a).

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

June 25, 2019  
2019-2631-EBA  
04/05

Enrolled Bill Amendment to SB 242-FN

The Committee on Enrolled Bills to which was referred SB 242-FN

AN ACT providing for protection of private customer information and rights of New Hampshire remote sellers in connection with certain foreign sales and use taxes.

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 242-FN

This enrolled bill amendment removes an obsolete paragraph reference and corrects a paragraph number.

Enrolled Bill Amendment to SB 242-FN

Amend RSA 78-E:4, IV as inserted by section 1 by replacing line 1 with the following:

IV. A New Hampshire remote seller who elects immediate compliance under paragraph III

Amend RSA 78-E:5 as inserted by section 1 by replacing line 5 with the following:

A:4, may be used to enforce the provisions of this section. The exemptions provided for in RSA

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 105-FN, relative to domicile residency, voter registration, and investigation of voter verification letters.

HB 156, establishing a commission to study the establishment of a state department of energy.

HB 211, relative to inquiries by prospective employers concerning salary history.

HB 287, relative to nepotism in state employment.

HB 293, relative to employee credit privacy.

HB 335, relative to therapeutic cannabis dispensary locations.

HB 351, relative to exemptions from property attachments.

HB 394-FN, relative to crop theft.

HB 450, relative to examinations conducted by the banking department.

HB 476-FN, replacing the milk producers emergency relief fund with the dairy premium fund.

HB 486, relative to department of corrections procedures concerning the requirement for restoration of the voting rights of felons.

HB 491, relative to questioning and detaining suspects.

HB 504, relative to election-related amendments to the United States Constitution.

HB 524, establishing a committee to study issues and impediments to starting, running, and growing home and commercial day care facilities in New Hampshire.

HB 544, relative to the governance of the Manchester school district.

HB 549-FN, establishing gold star family decals for motor vehicles.

HB 577, relative to call blocking in an automated telephone dialing system.

HB 620-FN, relative to the penalty fee structure for late premium tax payments.

HB 621-FN, establishing the state commission on aging.

HB 657, relative to prescription drugs under the managed care law.

SB 4, relative to the group and individual health insurance market.

SB 17, relative to financial regulation technicals under insurance law.

SB 18, relative to authorized employee wage deductions.

SB 27, relative to certain unclassified positions within the department of health and human services.

SB 49, relative to the state fire code.

SB 53-LOCAL, relative to maintenance of roads and highways to summer cottages.

SB 64, relative to antifraud plans maintained by insurance companies.

SB 101, relative to procedures for county audits and recodifying provisions for performance and forensic audits.

SB 104-LOCAL, relative to the postponement of city, town, village, and school district elections.

SB 105-FN, relative to contributions to inaugural committees.

SB 119, directing hospitals to develop an operational plan for the care of patients with dementia.

SB 121-FN, relative to acquisition rights and easements at Weeks Crossing Dam in the town of Warren by the department of environmental services.

SB 125-FN, relative to parental reimbursement for voluntary services provided under the child in need of services (CHINS) program.

SB 131, reestablishing a commission to study grandfamilies in New Hampshire.

SB 149, relative to voluntary application of the uniform prudent management of institutional funds act to certain charitable trusts.

SB 156, relative to political contributions made by limited liability companies.

SB 178, relative to telemedicine for spectacle and contact lenses.

SB 180, relative to privileged communications under the law governing mental health practice.

SB 193-FN, prohibiting the sale of certain furniture and carpeting with flame retardant chemicals.

SB 197, relative to noncompete agreements for low-wage employees.

SB 218, relative to duties of the commissioner of transportation regarding air navigation facilities.

SB 232-FN, adopting the model psychology interjurisdictional compact.

SB 233, relative to the classification of certain state employee positions.

SB 241-FN-A, relative to funding for the project development phase of the capitol corridor rail project.

SB 252-FN, relative to the detection and prevention of financial exploitation of vulnerable adults.

SB 257-FN, prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires.

SB 272-FN, relative to mental health parity under the insurance laws.

SB 307-FN, relative to outdoor lighting.



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 21

*June 27, 2019*

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

The Reverend Mark Warren, chaplain to the Senate, offered the following prayer:

First of all, I want to say thank you for allowing me to serve here as one of your chaplains. It's a privilege. Thank you for your service to our state.

Let's pray. Lord, we thank you for today, another bright sunny day. We thank you for our Senators, their staff, we thank you for the staff of this chamber, the service that they have given the state of New Hampshire for this session. As the session comes to a close, I pray that you give our Senators rest and refreshment as they've given so much to the residents of New Hampshire. I pray that you refresh them, that they enjoy time with their family and friends, they come back renewed, revigorated, reenergized to continue their service. This we pray. Amen.

Senator Fuller Clark led the Pledge of Allegiance.

#### INTRODUCTION OF PAGES

Senator Levesque introduced Juliet Viola from Hollis-Brookline High School in Hollis, serving as Senate Page for the day.

Senator Feltes introduced Grace Burnett from Shaker Road School in Concord, serving as Senate Page for the day.

#### ANNOUNCEMENTS

PRESIDENT SOUCY: I did want to make a special thanks and I do have some remarks prepared. Many of you know Senator Ned Gordon who served in the Chamber, now a House member, that is from the town of Bristol. And Senator Gordon presented us with these flowers today in recognition of a very special person. So, the flowers are in recognition of the 100<sup>th</sup> anniversary of the 19<sup>th</sup> Amendment, and in honor of E. Maude Ferguson, the first woman to be elected and serve as a New Hampshire State Senator.

Edna Maude Fowler was born in 1883. Both of her parents came from prominent Bristol families. Her father Edgar Fowler, who was a much-admired physician, died when she was only 9 months old. Her mother was later remarried to another Bristol physician; Doctor George Calley.

Maude graduated from Tilton School in 1900, and from the Greeley School of Elocution and Dramatics in Boston in 1903. In 1912 she married Samuel Ferguson, who was immigrated from Northern Ireland and who worked as a highway contractor.

Maude was involved in the Bristol community, serving on the Board of Education, as trustee of the Library, as Grand Matron of the Eastern Order of Star, and as President of the Bristol Women's Club. But she was also active in the statewide women's suffrage movement and was chair of the Grafton County Republican Women.

Maude Ferguson ran for the New Hampshire House of Representatives in 1926. We don't know if she changed her name legally or simply adopted her father's first name, but the records show that when she ran for office, she did so as Edgar, not Edna Maude Ferguson. She was only the third woman to serve in the House of Representatives, she was re-elected to the House in 1928.

In 1930, Maude ran for the State Senate. She successfully won a three-way race against two men in the Republican primary. After she won the primary, the Democratic Party also endorsed her as its candidate. She was overwhelmingly elected as the first female State Senator with the blessing of both parties.

In his book *To This Day*, longtime State House reporter, Leon Anderson had the following to say about Maude:

“Mrs. Ferguson was greeted by the august Senate with flattering homage which she accepted. She was given the distinction of presiding as Chairman of the Senate’s Republican Caucus for choice of the session’s officials. She also became temporary President when the President convened as skeptical newsmen, including this writer reported she was officiating without flaw or miscues. A bouquet of roses from her Bristol neighbors graced Senator Ferguson’s desk on opening day to mark her presence. There was always a single rose in silent homage to Doctor George H. Calley of Bristol, Senator Ferguson’s late step-father, who filled the same seat in 1909. Senator Ferguson became so esteemed that the following spring the Republican Leadership nominated her for delegate to the party’s national convention and she readily won that election.”

Unfortunately, during the second year of her term, Maude learned she was fatally ill with cancer. She committed suicide in the rose garden behind her home in Bristol on June 23, 1932, ending her rising political career. If not for that turn of events, who knows what she may have been able to accomplish.

Maude Ferguson was a strong woman, the first of many, but the first to serve in the New Hampshire State Senate and today we pay tribute to Maude and all of the Senators that have followed, and I believe Representative Gordon is here, we want to thank you, former Senator and Representative Ned Gordon for helping us celebrate this important occasion and remembering Maude Ferguson. So, thank you, Senator Gordon.

### COMMITTEE OF CONFERENCE REPORTS CONSENT CALENDAR

Senator Feltes moved that the Senate adopt the Committee of Conference Reports that are on the Consent list before you today.

June 19, 2019  
2019-2605-CofC  
06/04

Committee of Conference Report on HB 131, establishing a commission on mental health education and behavioral health and wellness programs.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 193-E:6, II as inserted by section 1 of the bill by replacing it with the following:

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

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

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

(c) One teacher of health or related subjects, appointed by the governor.

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

(e) One member of the New Hampshire Association of School Principals, appointed by the association.

(f) One member of the New Hampshire School Administrators Association, appointed by the association.

(g) One member of the New Hampshire Association of Special Education Administrators, appointed by the association.

(h) One member of the New Hampshire Association of School Psychologists, appointed by the association.

(i) One member of the New Hampshire Psychological Association, appointed by the association.

(j) One member of the institute on disability of the university of New Hampshire, appointed by the institute.

(k) One member of the New Hampshire Center for Effective Behavioral Interventions and Supports, appointed by the center.

- (l) One representative of a New Hampshire mental health center, appointed by the governor.
- (m) One school resource officer, appointed by the governor.
- (n) One representative of the student assistance program of the department of health and human services, appointed by the commissioner.
- (o) One school nurse, appointed by the New Hampshire School Nurses' Association, appointed by the association.
- (p) One member of the Manchester health department, appointed by the director.
- (q) One New Hampshire pediatrician, appointed by the New Hampshire Medical Society.
- (r) One representative of the office of behavioral health, department of health and human services, appointed by the commissioner.
- (s) One member of NAMI New Hampshire, appointed by the alliance.
- (t) One member of the New Hampshire Charitable Foundation, appointed by the foundation.
- (u) One member of the New Hampshire School Counselor Association, appointed by the association.
- (v) One staff member of the department of education with expertise in health care, health education, or curriculum development, appointed by the commissioner of education.
- (w) One teacher of health or related subjects appointed by NEA-NH.

Amend RSA 193-E:6,V-VI as inserted by section 1 of the bill by replacing them with the following:

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

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

VII. The commission shall submit interim reports of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on January 30, 2020 and June 30, 2020, and a final report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on November 30, 2020. The reports shall evaluate the implementation of recommendations.

Amend the bill by replacing section 3 with the following:

### 3 Effective Date.

I. Section 2 of this act shall take effect November 30, 2020.

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

The signatures below attest to the authenticity of this Report on HB 131, establishing a commission on mental health education and behavioral health and wellness programs.

Conferees on the Part of the Senate  
 Sen. Kahn, Dist. 10  
 Sen. Dietsch, Dist. 9  
 Sen. Ward, Dist. 8

Conferees on the Part of the House  
 Rep. Myler, Merr. 10  
 Rep. Cornell, Hills. 18  
 Rep. Doherty, Merr. 20  
 Rep. Mullen, Hills. 7

June 18, 2019  
 2019-2546-CofC  
 05/10

Committee of Conference Report on HB 393, establishing a committee to study child care in New Hampshire.  
 Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 393, establishing a committee to study child care in New Hampshire.

Conferees on the Part of the Senate

Sen. Sherman, Dist. 24

Sen. Chandley, Dist. 11

Sen. Bradley, Dist. 3

Conferees on the Part of the House

Rep. Long, Hills. 10

Rep. Berrien, Rock. 18

Rep. Diggs, Graf. 16

Rep. Camarota, Hills. 7

June 19, 2019

2019-2614-CofC

08/10

Committee of Conference Report on HB 459-FN, defining industrial hemp, relative to its growth in New Hampshire, its use in food, and establishing a committee to study the federal guidelines on growing industrial hemp.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 4 with the following:

4 Therapeutic Cannabis; Hemp Excepted. Amend 126-X:1, III to read as follows:

III. "Cannabis" means all parts of any plant of the Cannabis genus of plants, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. Such term shall not include the mature stalks of such plants, fiber produced from such stalks, oil, or cake made from the seeds of such plants, any other compound, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such plants which are incapable of germination. ***In this chapter, cannabis shall not include hemp grown, processed, marketed, or sold under RSA 439-A.***

Amend RSA 644:8, IV(a) as inserted by section 10 of the bill by replacing it with the following:

(a)(1) Any person charged with animal cruelty under paragraphs III or III-a may have his or her animals confiscated by the arresting officer.

(2) A person charged under this section may petition the court to seek an examination of the animals by a veterinarian licensed under RSA 332-B of his or her choice at the expense of the person charged.

(3) Courts shall give cases in which animals have been confiscated by an arresting officer priority on the court calendar. In cases in which animals have been confiscated by an arresting officer or his or her agency, a status hearing shall be held by the court within 14 days of the confiscation of the animals.

(4) Any person with proof of sole ownership or co-ownership of an animal confiscated by an arresting officer in an animal cruelty case and who is not a defendant or party of interest in the criminal case may petition the court for temporary custody of the animal. The court shall give such person priority for temporary custody of the animal if the court determines it is in the best interest of the animal's health, safety, and wellbeing.

(5) No custodian of an animal confiscated under this section shall spay or neuter or otherwise permanently alter the confiscated animal in his or her custody pending final disposition of the court case unless a treating veterinarian deems such procedure necessary to save the life of the animal.

(6) Upon a person's conviction of cruelty to animals, the court shall dispose of the confiscated animal in any manner it decides except in a case in which the confiscated animal is owned or co-owned by persons other than the defendant. If the defendant does not have an ownership interest in the confiscated animal, the court shall give priority to restoring full ownership rights to any person with proof of ownership if the court determines that such is in the best interest of the animal's health, safety, and wellbeing. If the confiscated animal is co-owned by the defendant, the court shall give priority to transferring the defendant's interest in the property to the remaining owner or co-owners equitably if the court determines that such is in the best interest of the animal's health, safety, and wellbeing.

(7) The costs to provide the confiscated animals with humane care and adequate and necessary veterinary services, if any, incurred in boarding and treating the animal, pending disposition of the case, and in disposing of the animal upon a conviction of said person for cruelty to animals, shall be borne by the person so convicted in accordance with rules adopted by the department of agriculture, markets, and food.

Amend RSA 644:8, IV(c) as inserted by section 10 of the bill by replacing it with the following:

(c) If a person convicted of any offense of cruelty to animals appeals the conviction in an initial de novo or subsequent appeal and any confiscated animal remains in the custody of the arresting officer, the arresting officer's agency, or the arresting officer's agency's designee pending disposition of the appeal, in order for the defendant or appellant to maintain a future interest in the animal, the trial or appellate court, after consideration of the income of the defendant or appellant, may require the defendant or appellant to post a bond or other security in an amount not exceeding \$2,000 for each animal in custody for costs expected to be incurred for the board and care of the animal during the trial, trial de novo, or appeal. Such bond or security shall be posted to the court within 30 days. If such bond or security is not paid within 30 days after the court orders the bond or security to be posted, the animals shall be forfeited to the arresting officer, the arresting officer's agency, or the arresting officer's agency's designee. The court may, for good cause, extend the deadline by no more than 15 days. If the conviction is affirmed on appeal, the costs incurred for the board and care of the animal, from the date the animal or animals were originally confiscated, shall be paid to the custodial agency from the posted security and the balance, if any, shall be returned to the person who posted it. A court shall order the return of any bond or security upon a court approved agreement of the parties, a finding of not guilty, or the reversal of a conviction, unless it is a reversal with remand for further proceeding.

The signatures below attest to the authenticity of this Report on HB 459-FN, defining industrial hemp, relative to its growth in New Hampshire, its use in food, and establishing a committee to study the federal guidelines on growing industrial hemp.

Conferees on the Part of the Senate  
Sen. Fuller Clark, Dist. 21  
Sen. Watters, Dist. 4  
Sen. Bradley, Dist. 3

Conferees on the Part of the House  
Rep. Gourgue, Straf. 25  
Rep. Bixby, Straf. 17  
Rep. Pearl, Merr. 26  
Rep. Cushing, Rock. 21

June 20, 2019  
2019-2624-CofC  
06/10

Committee of Conference Report on HB 464, relative to the definitions of solar energy systems and wind-powered energy systems for assessed value of real estate exemptions.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 Solar Energy Systems; Definition. RSA 72:61 is repealed and reenacted to read as follows:

72:61 Definition of Solar Energy Systems.

I. For purposes of an exemption under RSA 72:62 adopted before January 1, 2020, in this subdivision "solar energy system" means a system which utilizes solar energy to heat or cool the interior of a building or to heat water for use in a building and which includes one or more collectors and a storage container. "Solar energy system" also means a system which provides electricity for a building by the use of photovoltaic panels.

II. In a municipality that adopts or re-adopts the exemption under RSA 72:62 on or after January 1, 2020, "solar energy system" means, in addition to the definition in paragraph I, a system which utilizes solar energy to produce electricity for a building and includes all photovoltaics, inverters, and storage. Systems may be off grid or connected to the grid in a net metered or group net metered arrangement pursuant to RSA 362-A:9 or in a direct retail sale arrangement pursuant to RSA 362-A:2-a.



2 Wind-Powered Energy Systems; Definition. RSA 72:65 is repealed and reenacted to read as follows:

72:65 Definition of Wind-Powered Energy System.

I. For purposes of an exemption under RSA 72:66 adopted before January 1, 2020, in this subdivision “wind-powered energy system” means any wind-powered devices which supplement or replace electrical power supplied to households or businesses at the immediate site.

II. In a municipality that adopts or re-adopts the exemption under RSA 72:66 on or after January 1, 2020, “wind-powered energy system” means a system that utilizes wind power to produce electricity for a building and includes all wind-powered devices, inverters, and storage. Systems may be off grid or connected to the grid in a net metered or group net metered arrangement pursuant to RSA 362-A:9 or in a direct retail sale arrangement pursuant to RSA 362-A:2-a.

The signatures below attest to the authenticity of this Report on HB 464, relative to the definitions of solar energy systems and wind-powered energy systems for assessed value of real estate exemptions.

Conferees on the Part of the Senate  
Sen. Fuller Clark, Dist. 21  
Sen. Watters, Dist. 4  
Sen. Giuda, Dist. 2

Conferees on the Part of the House  
Rep. McGhee, Hills. 40  
Rep. Saunderson, Merr. 9  
Rep. Moffett, Merr. 9  
Rep. Mann, Ches. 2

June 19, 2019  
2019-2615-CofC  
08/06

Committee of Conference Report on HB 494, relative to removal or containment of contaminants from the Coakley Landfill.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

2 Remedy.

I. The general court concurs with the New Hampshire department of environmental services that the migration of contaminants from the site groundwater at the Coakley Landfill superfund site to the headwaters of Berry’s Brook is unacceptable and that actions need to be implemented to provide additional removal or containment of the contamination in the surface water bodies that flow through all seacoast towns, including but not limited to Hampton, North Hampton, Rye, Greenland, and Portsmouth, and to public and private drinking water in the towns of Hampton, North Hampton, Rye, and Greenland.

II. Therefore, by November 1, 2019, the department of environmental services, working with the Coakley Landfill Group and the Environmental Protection Agency (EPA), shall propose, under the applicable consent decree involving the Coakley Landfill superfund site, an appropriate remedy including a design solution, its associated costs, and a reasonable timetable for implementing the proposed remedy, to ensure the substantial reduction of the contaminants entering Berry’s Brook from the Coakley Landfill superfund site.

III. By January 1, 2020, there shall be a written agreement among the appropriate parties, which may include without limitation the department of environmental services, the Coakley Landfill Group, and the EPA, as to an acceptable remedy, which shall include funding and an implementation schedule.

IV. The implementation of the remedy shall commence no later than September 1, 2020.

V. If any of the above deadlines are not met, the office of the attorney general shall seek such a remedy through any means appropriate, consistent with the consent decree.

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



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

The signatures below attest to the authenticity of this Report on HB 494, relative to removal or containment of contaminants from the Coakley Landfill.

Conferees on the Part of the Senate  
Sen. Fuller Clark, Dist. 21  
Sen. Sherman, Dist. 24  
Sen. Giuda, Dist. 2

Conferees on the Part of the House  
Rep. Bixby, Straf. 17  
Rep. Beaulieu, Hills. 45  
Rep. Andrew Bouldin, Hills. 12  
Rep. Cushing, Rock. 21

June 19, 2019  
2019-2586-CofC  
01/05

Committee of Conference Report on HB 508, establishing a committee to study direct primary care.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

5 Committee Established. There is established a committee to study direct primary care.

6 Membership and Compensation.

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

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

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

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

7 Duties.

I.(a) The committee shall study:

(1) How direct primary care is being offered and delivered in New Hampshire and in the United States.

(2) Whether direct primary care (DPC) is being regulated in other states and how it should be regulated in New Hampshire.

(3) How oversight of this segment of health care should occur and whether regular reporting should be required.

(4) The applicability of DPC fees and charges to cost sharing and coverage provisions of policy holder insurance plans and HSAs.

(5) The implementation and impact of DPC on the insurance market and health care coverage costs.

(b) The committee may solicit information from any person or entity the committee deems relevant to its study.

8 Chairperson; Quorum. 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 house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

9 Report. The committee shall make an interim report which shall include the impact of cost-sharing issues on the insurance market on or before November 1, 2019 and a final report which shall include an analysis of how DPC has been formalized in statute in other states, with any other findings and recommendations for

proposed legislation, to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, the executive director of the board of medicine, and the state library on or before November 1, 2020.

#### 10 Effective Date.

I. Sections 1-4 of this act shall take effect 60 days after its passage.

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

The signatures below attest to the authenticity of this Report on HB 508, establishing a committee to study direct primary care.

Conferees on the Part of the Senate  
Sen. Sherman, Dist. 24  
Sen. Fuller Clark, Dist. 21  
Sen. Gray, Dist. 6

Conferees on the Part of the House  
Rep. Butler, Carr. 7  
Rep. Indruk, Hills. 34  
Rep. Marsh, Carr. 8  
Rep. Campion, Graf. 12

2019-2586-CofC

#### AMENDED ANALYSIS

This bill declares that primary care providers providing direct primary care pursuant to a primary care agreement are not subject to the insurance laws, provided that certain conditions are met.

This bill also establishes a committee to study direct primary care.

June 17, 2019  
2019-2529-CofC  
05/08

Committee of Conference Report on HB 534-FN, relative to certain major state projects.

#### Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Major Projects; Exclusion from Competitive Bidding Requirement. Amend RSA 21-I:80, I(b) to read as follows:

(b) Projects for the department of fish and game, the adjutant general's department, and the department of natural and cultural resources, whose estimated total cost is not more than [~~\$250,000~~] **\$500,000**. ***The commissioner may grant other agencies an exclusion for specific projects whose estimated cost is not more than \$500,000 if he or she concludes to do so is in the best interests of the state.*** Such projects may be done on a force account basis, by contracts awarded through competitive bidding, by short term rental of construction equipment, or by any combination of these methods. These departments are authorized to rent construction equipment for periods not exceeding 6 months at rates the departments deem competitive through the use of quotes or bids.

The signatures below attest to the authenticity of this Report on HB 534-FN, relative to certain major state projects.

Conferees on the Part of the Senate  
Sen. Watters, Dist. 4  
Sen. Kahn, Dist. 10  
Sen. Ward, Dist. 8

Conferees on the Part of the House  
Rep. Edgar, Rock. 21  
Rep. Graham, Hills. 7  
Rep. Jack, Hills. 36  
Rep. Abbott, Ches. 1

2019-2529-CofC

#### AMENDED ANALYSIS

This bill exempts certain agency projects of not more than \$500,000 from the department of administrative services competitive bidding requirement. The current statute exempts such projects if the estimated total cost is not more than \$250,000. The bill also permits the commissioner of administrative services to grant the exemption to other agencies under certain circumstances.

June 18, 2019  
2019-2559-CofC  
04/10

Committee of Conference Report on HB 592, relative to OHRV operation and license.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 OHRV Operation and License. Amend RSA 215-A:29, I-a(b) to read as follows:

(b) Any person at least 12 years of age, who has successfully completed an approved snowmobile or OHRV training program, operating an OHRV along the traveled portion of a public highway, where permitted, who is not licensed to drive as described in subparagraph I(b)(2) shall be accompanied at all times by a person who is licensed to drive as described in subparagraph I(b)(2), who is at least ~~[18]~~ **25** years of age, and who shall be legally responsible and be liable according to the law for personal injury or property damage to others which may result from such operation by an unlicensed person. ***Operators of OHRVs pursuant to this subparagraph using such highway, or portion thereof, shall keep to the extreme right and shall yield to all conventional motor vehicle traffic.***

Amend RSA 215-A:32-a, II as inserted by section 4 of the bill by replacing it with the following:

II. The executive director shall ~~[approve]~~ ***administer*** snowmobile or OHRV safety training courses ~~[after consultation with the commissioner of the department of health and human services]~~ ***in accordance with rules adopted pursuant to RSA 541-A. The content of such courses shall be developed in consultation with the commissioner of the department of health and human services and the commissioner of the department of safety, and shall include information relative to operation of OHRVs at highway crossings and along approved highways in accordance with the statutory rules of the road.***

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

5 New Paragraph; OHRV Registration Fees. Amend RSA 215-A:23 by inserting after paragraph VIII the following new paragraph:

VIII-a. The executive director may use up to \$25,000 from funds appropriated to the fish and game department in each biennium to collaborate with local law enforcement agencies to enhance enforcement and compliance with OHRV laws in areas of the state where riding on public ways is permitted.

6 Fish and Game Department; Report Required. On or before September 1, 2021, the executive director of the fish and game department, in consultation with the bureau of trails and any other party with information deemed relevant by the executive director, shall brief the transportation committees of the house of representatives and senate, and the commissioner of the department of natural and cultural resources, on the status of OHRV operation by unlicensed riders on sanctioned public ways. The briefing shall include but not be limited to:

I. Safety certificate training, including requirements for rules-of-the-road training added in 2019.

II. Efforts by state agencies and the New Hampshire Off Highway Vehicle Association (NHOHVA) to educate riders regarding safe operation on public ways.

III. Efforts by the state, NHOHVA, and other entities, to cooperate and reduce OHRV use of public ways by shifting OHRV traffic to off-road trails as much as is practical for trail access and economic concerns.

IV. Accident statistics relative to youth rider operation on public ways.

7 Effective Date.

I. Sections 1-4 of this act shall take effect 60 days after its passage.

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

The signatures below attest to the authenticity of this Report on HB 592, relative to OHRV operation and license.

Conferees on the Part of the Senate  
 Sen. Watters, Dist. 4  
 Sen. Hennessey, Dist. 5  
 Sen. Birdsell, Dist. 19

Conferees on the Part of the House  
 Rep. Sykes, Graf. 13  
 Rep. Pickering, Hills. 3  
 Rep. O'Brien, Hills. 36  
 Rep. Steven Smith, Sull. 11

2019-2559-CofC

#### AMENDED ANALYSIS

This bill:

I. Requires a person operating an OHRV along the traveled portion of a public highway and who is not licensed to drive to be accompanied by a person who is at least 25 years of age and licensed to drive and keep to the extreme right when operating.

II. Requires any person under 14 years of age operating an OHRV to be accompanied by a person at least 25 years of age who shall be legally responsible for the OHRV operation.

III. Requires the executive director of the fish and game department to administer snowmobile and OHRV safety training courses pursuant to rules.

IV. Authorizes the executive director of fish and game to use appropriated funds to enhance law enforcement and compliance efforts relating to OHRV operation where permitted on public ways.

V. Requires the executive director of fish and game to report on the status of OHRV operation by unlicensed riders on sanctioned public ways.

Senator Giuda is in opposition to adoption of the Committee of Conference Report on HB 592.

The question is on the adoption of the Consent Calendar. Adopted.

#### HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HJR 3, making temporary appropriations for the expenses and encumbrances of the state of New Hampshire.

#### SUSPENSION OF THE RULES

Senator Feltes moved that the Senate suspend all rules necessary to permit consideration at the present time of HJR 3 and if adopted, to permit Third Reading and Final Passage in the Early Session. Adopted by the necessary 2/3 vote.

#### INTRODUCTION OF LEGISLATION

Senator Feltes offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following legislation shall be by this motion read a first and second time by the therein listed title. Adopted.

#### First and Second Reading

HJR 3, making temporary appropriations for the expenses and encumbrances of the state of New Hampshire.

Senator Feltes moved Ought to Pass on HJR 3.

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

#### EARLY SESSION

#### THIRD READING AND FINAL PASSAGE

Senator Feltes moved that, HJR 3, be by this resolution, read a third time, the title be the same as adopted, and that it be passed at the present time. Adopted.

#### COMMITTEE OF CONFERENCE REPORTS

Without objection, the clerk shall read the first recommendation and thereafter only the title of each bill shall be read. Adopted.

## COMMITTEE OF CONFERENCE REPORTS

June 19, 2019  
2019-2616-CofC  
05/01

Committee of Conference Report on 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.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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	\$404,000,000	\$388,900,000
BUSINESS ENTERPRISE TAX	<u>52,500,000</u>	<u>50,600,000</u>
SUBTOTAL BUSINESS TAXES	\$456,500,000	\$439,500,000
MEALS AND ROOMS TAX	357,400,000	375,300,000
TOBACCO TAX	110,900,000	109,500,000
TRANSFER FROM LIQUOR	130,600,000	132,600,000



INTEREST AND DIVIDENDS TAX	113,600,000	113,600,000
INSURANCE	125,100,000	130,900,000
COMMUNICATIONS TAX	38,400,000	35,700,000
REAL ESTATE TRANSFER TAX	106,800,000	109,500,000
COURT FINES & FEES	12,900,000	12,700,000
SECURITIES REVENUE	45,000,000	44,300,000
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	\$1,582,400,000	\$1,591,900,000

EDUCATION FUND	<u>FY 2020</u>	<u>FY 2021</u>
BUSINESS PROFITS TAX	\$94,800,000	\$91,200,000
BUSINESS ENTERPRISE TAX	<u>256,400,000</u>	<u>246,800,000</u>
SUBTOTAL BUSINESS TAXES	\$351,200,000	\$338,000,000
MEALS AND ROOMS TAX	11,100,000	11,600,000
TOBACCO TAX	87,100,000	86,000,000
REAL ESTATE TRANSFER TAX	52,600,000	53,900,000
TRANSFER FROM LOTTERY	96,000,000	96,000,000
TOBACCO SETTLEMENT	39,700,000	39,200,000
UTILITY PROPERTY TAX	43,400,000	44,200,000
STATEWIDE PROPERTY TAX	<u>363,100,000</u>	<u>363,100,000</u>
TOTAL EDUCATION FUND	\$1,044,200,000	\$1,032,000,000

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 signatures below attest to the authenticity of this Report on 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.

Conferees on the Part of the Senate  
 Sen. D'Allesandro, Dist. 20  
 Sen. Feltes, Dist. 15  
 Sen. Rosenwald, Dist. 13

Conferees on the Part of the House  
 Rep. Wallner, Merr. 10  
 Rep. Ley, Ches. 9  
 Rep. Lovejoy, Rock. 36  
 Rep. Ford, Graf. 3

## INTRODUCTION OF GUESTS

Senator Ward introduced the Antrim Senior Center visiting in the gallery.

The question is on the adoption of the Committee of Conference Report.

A roll call was requested by Senator Bradley, 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, Reagan, Birdsell, Morse.

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

Recess. Out of recess.

June 20, 2019  
2019-2630-CofC  
10/01

Committee of Conference Report on HB 2-FN-A-LOCAL, relative to state fees, funds, revenues, and expenditures.

## Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

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 motorboats, 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 [manage-**



~~ment 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.

[F.] 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 technical 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 Appropriation; Department of Employment Security. The sum of \$3,500,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of employment security for the purpose of funding start-up costs of family medical leave insurance with a third party administrator, provided that if either SB 1, HB 712, or similar legislation of the 2019 legislative session do not become law then such appropriation shall not take effect. Said sums shall be non-lapsing and continually appropriated to the department for this purpose. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

92 Appropriation; Education Trust Fund. The sum of \$6,400,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the education trust fund. Of this amount, \$3,000,000 shall not be expended until the biennium ending June 30, 2023. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

94 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].~~

95 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.

96 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.***

97 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.

98 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.

99 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.

100 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.



101 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.

102 Contingency; HB 595. If HB 595-FN of the 2019 regular legislative session becomes law then sections 99-101 of this act shall take effect January 1, 2020 at 12:01 am and sections 96-98 of this act shall not take effect. If HB 595-FN of the 2019 regular legislative session does not become law then sections 96-98 of this act shall take effect January 1, 2020 and sections 99-101 of this act shall not take effect.

103 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.**

104 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.

105 Contingency; Youth Access to and Use of Tobacco Products; Definition. If HB 511-FN of the 2019 regular legislative session becomes law, then section 104 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 104 of this act shall not take effect.

106 Access to and Use of Tobacco Products; Purpose. Amend RSA 126-K:1 to read as follows:

126-K:1 Purpose. The purpose of this chapter is to protect the ~~[children]~~ **citizens** of New Hampshire from the possibility of addiction, disability, and death resulting from the use of tobacco products by ensuring that tobacco products will not be supplied to ~~[minors]~~ **persons under the age of 21**.

107 Access to and Use of Tobacco Products; Proof of Age of Purchaser. Amend the introductory paragraph of RSA 126-K:3, I to read as follows:

I. For the purposes of this chapter, any person responsible for monitoring sales from a tobacco vending machine or any person making the sale of tobacco products, e-cigarettes, or liquid nicotine which vending machine or other sale is to be made to any person who does not appear to be at least ~~[18]~~ **21** years of age, shall require the purchaser to furnish any of the following documentation that such person is ~~[18]~~ **21** years of age or over:

108 Access to and Use of Tobacco Products; Proof of Age of Purchaser. Amend RSA 126-K:3, III to read as follows:



III. The establishment of all of the following facts by a person responsible for monitoring sales from a vending machine or a person or sampler making a sale or distribution of tobacco products, e-cigarettes, or liquid nicotine to a person under [18] **21** years of age shall constitute prima facie evidence of innocence and a defense to any prosecution for such sale:

(a) That the person falsely represented in writing and supported by some official documents that the person was [18] **21** years of age or older;

(b) That the appearance of the person was such that an ordinary and prudent person would believe such person to be at least [18] **21** years of age or older; and

(c) That the sale was made in good faith relying on such written representation and appearance in the reasonable belief that the person was actually [18] **21** years of age or over.

109 Access to and Use of Tobacco Products; Sale and Distribution. Amend the section heading and paragraph I of RSA 126-K:4 to read as follows:

126-K:4 Sale and Distribution of Tobacco Products, E-cigarettes, or Liquid Nicotine to ~~[Minors]~~ **Persons Who Have Not Attained 21 Years of Age** Prohibited.

I. No person shall sell, give, or furnish or cause or allow or procure to be sold, given, or furnished tobacco products, e-cigarettes, or liquid nicotine to a ~~[minor]~~ **person who has not attained 21 years of age**. The prohibition established by this paragraph shall not be deemed to prohibit ~~[minors]~~ **persons who have not attained 21 years of age** employed by any manufacturer, wholesaler, sub-jobber, vending machine operator, sampler, or retailer from performing the necessary handling of tobacco products, e-cigarettes, or liquid nicotine during the duration of their employment.

110 Access to and Use of Tobacco Products; Rolling Papers. Amend RSA 126-K:4-a to read as follows:

126-K:4-a Rolling Papers.

I. No person shall sell, give, or furnish rolling papers to a minor. Violations of this paragraph shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this paragraph shall not exceed \$250 for the first offense, \$500 for the second offense, and \$750 for the third and subsequent offenses.

II. No person under [18] **21** years of age shall purchase, ~~[attempt to purchase,]~~ possess, or use any rolling paper. Any ~~[minor]~~ **person** who violates this section shall be guilty of a violation and shall be punished by a fine not to exceed \$100 for each offense.

111 Access and Use of Tobacco Products; Distribution of Free Samples. Amend RSA 126-K:5, I and II to read as follows:

I. No person may distribute or offer to distribute samples of tobacco products, e-cigarettes, or liquid nicotine in a public place **or to a person who has not attained 21 years of age**. This prohibition shall not apply to sampling:

(a) In an area to which minors are denied access.

(b) In a store to which a retailer's license has been issued.

(c) At factory sites, construction sites, conventions, trade shows, fairs, or motorsport facilities in areas to which minors are denied access.

II. The commission shall adopt rules, pursuant to RSA 541-A, concerning the distribution of free samples of tobacco products, e-cigarettes, or liquid nicotine to prevent their distribution to ~~[minors]~~ **persons who have not attained 21 years of age**.

112 Access to and Use of Tobacco Products; Possession and Use of Tobacco Products, E-Cigarettes, or Liquid Nicotine. Amend RSA 126-K:6 to read as follows:

126-K:6 Possession and Use of Tobacco Products, E-cigarettes, or Liquid Nicotine by ~~[Minors]~~ **Persons Who Have Not Attained 21 Years of Age**.

I. No person under [18] **21** years of age shall purchase, attempt to purchase, possess, or use any tobacco product, e-cigarette, or liquid nicotine.

II. The prohibition on possession of tobacco products, e-cigarettes, or liquid nicotine shall not be deemed to prohibit minors employed by any manufacturer, wholesaler, sub-jobber, vending machine operator, sampler, or retailer from performing the necessary handling of tobacco products, e-cigarettes, or liquid nicotine during the duration of their employment.

III. A ~~minor~~ **person who has not attained 21 years of age** shall not misrepresent his or her age for the purpose of purchasing tobacco products.

IV. Notwithstanding RSA 169-B and RSA 169-D, a person 12 years of age and older who violates this section shall not be considered a delinquent or a child in need of services.

V. Any ~~minor~~ **person who has not attained 21 years of age** who violates this section ~~shall~~ **may** be guilty of a violation and shall be punished by a fine not to exceed \$100 for each offense or shall be required to complete up to 20 hours of community service for each offense, or both. Where available, punishment may also include participation in an education program.

113 Access to and Use of Tobacco Products; Special Provisions. Amend RSA 126-K:8, I to read as follows:

I.(a) No person shall sell, give, or furnish tobacco products, e-cigarettes, or liquid nicotine to a ~~minor~~ **person who has not attained 21 years of age** who has a note from an adult requesting such sale, gift, or delivery. **Tobacco products, e-cigarettes, or liquid nicotine shall only be delivered to a person who provides an identification as enumerated in RSA 126-K:3 establishing that the person has attained 21 years of age.**

**(b) Each school shall establish a policy regarding violations of this paragraph. The policy may include, but not be limited to, mandatory education classes on the hazards of using tobacco products, e-cigarettes, or liquid nicotine, and suspensions and other penalties.**

114 Delinquent Children; Limitations of Authority Conferred. Amend RSA 169-B:32 to read as follows:

169-B:32 Limitations of Authority Conferred. This chapter shall not be construed as applying to persons 16 years of age or over who are charged with the violation of a motor vehicle law, an aeronautics law, a law relating to navigation or boats, a fish and game law, a law relating to title XIII, a law relating to fireworks under RSA 160-B or RSA 160-C, any town or municipal ordinance which provides for a penalty not exceeding \$100 plus the penalty assessment, and shall not be construed as applying to any minor charged with the violation of any law relating to the possession, sale, or distribution of tobacco products to or by a person under ~~18~~ **21** years of age. However, if incarceration takes place at any stage in proceedings on such violations, incarceration shall be only in a juvenile facility certified by the commissioner of the department of health and human services.

115 Children in Need of Services; Limitations of Authority Conferred. Amend RSA 169-D:22 to read as follows:

169-D:22 Limitations of Authority Conferred. This chapter shall not be construed as applying to persons 16 years of age or over who are charged with the violation of a motor vehicle law, an aeronautics law, a law relating to navigation of boats, a fish and game law, a law relating to title XIII, or a law relating to fireworks under RSA 160-B or RSA 160-C, and shall not be construed as applying to any minor charged with the violation of any law relating to the possession, sale, or distribution of tobacco products to or by a person under ~~18~~ **21** years of age.

116 Retail Tobacco License. Amend RSA 178:19-a, III to read as follows:

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 to persons under age ~~18~~ **21**. Warning: violators of these provisions may be subject to a fine."

117 Cigar Bars. Amend RSA 178:20-a, II(c) to read as follows:

(c) Does not allow any person under the age of ~~18~~ **21** on the premises unless accompanied by a parent, legal guardian, or adult spouse.

118 Adequate Public Education; Policy Regarding Tobacco Products. Amend RSA 193-E:2-a, I(g) to read as follows:

(g) Health education, **including a policy for violations of RSA 126-K:8, I(a).**

119 Alcoholic Beverages; Definition of E-Cigarette and E-Liquid Added. Amend RSA 175:1, XXXI-a 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.

120 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.

121 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.

122 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.

123 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.

124 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.

125 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.

126 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.

127 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."

128 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.

129 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.

130 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.**

131 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.

132 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.***

133 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.

134 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.

135 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.

136 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.

137 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 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.

138 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.

139 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.

140 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**.

141 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.

142 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.

143 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

144 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.

145 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.

146 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.**

147 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.**

148 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**

149 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.

**150 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.***

**151 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.

152 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.

153 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**.

154 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).

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

156 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.

157 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.

158 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.

159 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**.

160 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.

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

162 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.**

163 New Subdivision; Community College System; Finish Line New Hampshire Program. Amend RSA 188-F by inserting after section 68 the following new subdivision:

#### Finish Line New Hampshire Program

188-F:69 Finish Line New Hampshire Program.

I. The community college system of New Hampshire may establish and administer the finish line New Hampshire program. The program shall be designed to support eligible students to complete a postsecondary credential.

II. The program shall be open to any student attending an institution within the community college system who is over 25 years of age and is enrolled in a field which the community college system has identified as being in high demand based on New Hampshire labor market and employment information.

III. The community college system shall establish procedures for the administration of the program, identification of high demand fields of employment, and the criteria by which a student shall qualify, provided that such procedures and criteria shall be consistent with this section.

164 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 and 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.

165 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.

166 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**.

167 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:

168 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.

169 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 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 20 percent shall be allocated to the New Hampshire college tuition savings plan UNIQUE endowment allocation program.**



170 New Hampshire Excellence in Higher Education Endowment Trust Fund; Transfers. On or before September 15, 2019, the state treasurer shall transfer the sum of \$5,000,000 from the New Hampshire excellence in higher education endowment trust fund established in RSA 6:38, I to the state regenerative manufacturing workforce development fund established in RSA 162-T:3 for the purpose of awarding forgivable loans to qualified individuals under the regenerative manufacturing workforce development program.

171 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*.

172 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.

173 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.

174 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.

175 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.

176 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.

177 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.]~~

178 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.

179 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.

180 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.]~~

181 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.

182 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.

183 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: including 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.

184 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.**

185 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].~~

186 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.

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State Treasurer

187 Repeal. RSA 162-I:9-b, II, relative to the total amount of state guarantees issued by the business finance authority, is repealed.

188 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.]~~



189 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.

190 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.**

191 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.

192 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:

193 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).

194 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.

195 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.

196 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.

197 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.

198 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 accept 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.

199 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.

200 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.

201 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.

202 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.

203 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).

204 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.

205 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.***

206 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.

207 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.

208 Short Title. Sections 209-215 of this act shall be known as the Granite State Jobs Act of 2019.

209 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.

210 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.

211 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.

212 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**.

213 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**.

214 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.

215 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.

216 Contingent Nullification. If sections 209-215 of this act, relative to the granite state jobs act of 2019 become law, then SB 2-FN of the 2019 regular legislative session is nullified and shall not take effect.

217 Applicability. If SB 2-FN of the 2019 regular legislative session becomes law, section 216 of this act shall take effect one minute after the effective date of SB 2-FN.

218 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.

219 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.

220 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.

221 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.

222 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.

223 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.

224 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**.

225 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.

226 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.

227 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.

228 Applicability. Sections 225 and 226 of this act shall apply to taxable periods ending on or after December 31, 2019.

229 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.

230 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.

231 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.

232 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.

233 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.

234 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.

235 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.

236 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.

237 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.

238 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.

239 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.

240 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.

241 Appropriation; Department of Health and Human Services; Inpatient Psychiatric Treatment Facility for Children.



I. There is hereby appropriated the sum of \$5,000,000 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 a psychiatric 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.(a) 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 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 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.

242 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.

243 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.

244 Appropriation; Department of Health and Human Services; Patients Residing in Hospital Emergency Rooms.

I. There is hereby appropriated to the department of health and human services the sum of \$750,000 for the fiscal year ending June 30, 2019, which shall be nonlapsing, and shall be expended for the purpose of providing due process for involuntary emergency admissions patients currently residing in emergency rooms in hospitals; 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.

II. If the expenditure is greater than the appropriation contained in this section, the commissioner of the department of health and human services may request and receive additional funding, with the prior approval of the fiscal committee of the general court and governor and council. The governor is hereby authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

245 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.

246 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.

247 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 April 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.

## 248 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.

249 Repeal. RSA 126-A:5, XIX(b), relative to relative to enrollment in the managed care program, is repealed.

250 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.

251 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.

252 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.

253 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.

254 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.~~

255 Repeal. RSA 198:48-c, III, relative to distribution of a kindergarten grant based on Keno revenue, is repealed.

256 School Money; Additional Aid Based on Free or Reduced Price Meals; Fiscal Capacity Disparity Aid. RSA 198:40-b and RSA 198:40-c are repealed and reenacted to read as follows:

198:40-b Additional Aid Based on Free or Reduced-Price Meals.

I. In a school district in which 48 percent or more of the ADMA is eligible to receive a free or reduced-priced meal, an additional \$350 for each pupil in the ADMA who is eligible for a free or reduced-priced meal.

II. In a school district in which at least 12 percent but less than 48 percent of the ADMA is eligible to receive a free or reduced-priced meal, an amount equal to \$87.50 plus \$0.0729 for each 0.01 percent that its free or reduced-priced meal eligibility rate exceeds 12 percent, for each pupil in the ADMA who is eligible for a free or reduced-priced meal.

III. A school district in which less than 12 percent of the ADMA is eligible to receive a free or reduced-priced meal shall receive no additional aid under this section.

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 \$1,750 per pupil in the municipality's ADMA.

(b) A municipality with an equalized valuation per pupil between \$350,001 and \$999,999 shall receive a grant equal to \$0.0027 for each dollar of difference between its equalized valuation per pupil and \$1,000,000, per pupil in the municipality's ADMA.

(c) A municipality with an equalized valuation per pupil of \$1,000,000 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.

257 School Money; Consumer Price Index Adjustment. Amend RSA 198:40-d to read as follows:

198:40-d Consumer Price Index Adjustment.

*I. Beginning July 1, 2017 and every biennium thereafter, the department of education shall adjust the cost of an adequate education under RSA 198:40-a 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 average change shall be calculated using the 3 calendar years ending 18 months before the beginning of the biennium for which the calculation is to be performed.*

*II. Beginning July 1, 2021 and every biennium thereafter, the department of education shall adjust the additional aid based on free or reduced-price meals as provided in RSA 198:40-b 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 average change shall be calculated using the 3 calendar years ending 18 months before the beginning of the biennium for which the calculation is to be performed.*



258 Determination of Adequate Education Grants. Amend RSA 198:41, I(b) to read as follows:

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

**(c) Add the municipality's additional aid for free or reduced-price meals pursuant to RSA 198:40-b and fiscal capacity disparity aid pursuant to RSA 198:40-c.**

259 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]~~ **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.

260 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.

261 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.

262 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.

263 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.

264 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.

265 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.

266 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.**

267 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.~~

268 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.

269 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.

270 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.

271 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.

272 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.

273 Applicability; Business Profits Tax; Adjustment. Section 272 of this act shall apply to taxable periods beginning on or after January 1, 2020.

274 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.

275 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:

276 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."***

277 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.

278 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.

279 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.

280 Applicability. Sections 274-279 of this act shall apply to taxable periods ending after December 31, 2019.

281 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.

282 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.

283 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

284 Appropriation; Housing Appeals Board. The sum of \$415,000 for the fiscal year ending June 30, 2021 is hereby appropriated to the housing appeals board established pursuant to RSA 679 for the proper administration of said chapter. Said sum 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.

285 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.

286 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.

287 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.

288 Committee to Study the Costs to the State for the Appointment of Counsel to Represent Indigent Defendants in Criminal Cases.

I. There is established a committee to study the costs to the state for the appointment of counsel to represent indigent defendants in criminal cases.

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

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

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

III. The committee shall convene an advisory group consisting of the following individuals, who shall not be voting members of the committee, but shall provide the committee members with information and expertise on matters related to the committee's objective:

(a) The chief justice of the supreme court, or designee.

(b) The commissioner of the department of administrative services, or designee.

(c) An individual representing the judicial council, appointed by the judicial council.

(d) An individual representing the New Hampshire Public Defender, appointed by that office.

IV. Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

V. The committee shall study the cost to the state for the appointment of counsel pursuant to RSA 604-A to represent indigent defendants in criminal cases. The committee shall:

(a) Determine, from the most recent information and data available, the percentage of indigent defendants in criminal cases who have been appointed counsel pursuant to RSA 604-A who are found guilty, and the percentage of indigent defendants in criminal cases who have been appointed counsel pursuant to RSA 604-A who are found not guilty.

(b) Calculate the cost to the state for the appointment of counsel pursuant to RSA 604-A for such indigent defendants.

VI. 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.

VII. 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, the fiscal committee of the general court, and the state library on or before January 1, 2020.

289 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 matter. The classification shall be a paralegal II, labor grade 19.

290 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.

291 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.

292 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.

293 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.

294 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.

295 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.

296 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.

297 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.**

298 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.

299 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.

300 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.

301 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.**

302 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:

303 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.

304 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.

305 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.

306 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.]~~

307 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:

308 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.]~~

309 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.

310 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.**

311 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.

312 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.

313 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.

314 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.

315 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.**

316 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.

317 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 trust fund. 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.

318 Contingency; Drinking Water and Groundwater Trust Fund; SB 169. If SB 169 of the 2019 regular legislative session becomes law, then sections 315-317 of this act shall not take effect.

319 Repeal. RSA 176:16-a, relative to liquor commission revenue shortfalls, is repealed.

320 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.**

321 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.

322 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.

323 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.

324 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.

325 Repeal. RSA 437:1, II, relative to the definition of commercial kennel, is repealed.

326 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.

327 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.

328 General Fund Surplus Account; Transfer to Sunny Day Fund. On June 30, 2019, the state treasurer shall transfer the sum of \$1,000,000 from the general fund surplus account to the sunny day fund established in RSA 12-O:21-a.

329 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.

#### 330 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.

331 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.

332 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 is 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.

333 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***.

334 Repeal. RSA 21-G:6, II(d), relative to division into subsections, is repealed.

335 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.

336 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.

337 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.



338 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.

339 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.

340 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).

341 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.

342 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.

343 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.

344 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 nonlapsing and continually appropriated. ***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, 2021 shall be transferred to the general fund.

345 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.

346 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.

347 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.~~]

348 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.

349 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.

350 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.

351 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.

352 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.

353 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.

354 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.

355 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, the department of health and human services shall 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.

356 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.

357 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.

358 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.

359 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.***

360 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.***

361 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.

362 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.

363 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 recommendations 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.

364 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.***

365 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.

366 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.

367 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.

368 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.

369 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.

370 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.

371 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.

372 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.

373 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 356-372 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.

374 Department of Health and Human Services; Medicaid Rate Increases.

I. 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.

II. The department of health and human services shall, beginning on October 1, 2019 and every 3 months thereafter, provide a report to the fiscal committee of the general court on the status of the rate increases described in paragraph I. Such reports shall include, but not be limited to, year-to-date expenditures compiled by funding source and provider type.

375 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 374 of this act. Said sums shall be charged as follows:

(a) The sum of \$51,238,000 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;

(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;

(d) The sums of \$92,000 in the fiscal year ending June 30, 2020 and \$92,000 in the fiscal year ending June 30, 2021 shall be a charge against state general funds appropriated in account 05-95-93-930010-7110; and

(e) The sums of \$353,000 in the fiscal year ending June 30, 2020 and \$353,000 in the fiscal year ending June 30, 2021 shall be a charge against state general funds appropriated in account 05-95-93-930010-7016.

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, 05-95-48-482010-2152, 05-95-93-930010-7110, and 05-95-93-930010-7016.

376 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.

377 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.***

378 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.

379 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.

380 Department of Health and Human Services; Appropriation. Notwithstanding RSA 126-AA:2, I(a) and RSA 126-AA:3, the sum of \$8,000,000 for the fiscal year ending June 30, 2019 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. The commissioner of the department of health and human services shall, within 21 days of the effective date of this section, issue a report to the finance committees of the senate and the house of representatives stating how he intends to expend the appropriation. 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.

381 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.

382 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; Community Residential Beds.

I.(a) The commissioner of the department of health and human services is authorized to enter into a contract with an acute care hospital to establish no fewer than 8 and no more than 10 new designated receiving facility (DRF) beds to be operational no later than October 1, 2019. If the contract is approved by the governor and executive council by September 15, 2019, the department shall be appropriated the amounts specified in paragraph II to increase the diagnosis related group (DRG) base rate reimbursement of all existing and newly established DRF beds. If a contract is not approved by the governor and executive council by September 15, 2019, then no funds in paragraph II shall be appropriated to increase the DRG base rate for all existing and new DRF beds.

(b) A hospital that establishes between 8 and 10 new DRF beds shall allocate the beds based on the statewide need. The commissioner shall report monthly to the oversight committee on health and human services established in RSA 126-A:13 commencing on November 1, 2019, relative to the county of residence of all community DRF admissions for all community DRF beds. The new beds shall be awarded based on a procurement process conducted by the department.

II. The sum of \$732,000 in the fiscal year ending June 30, 2020 and the sum of \$976,000 for the fiscal year ending June 30, 2021 are hereby appropriated for the purpose of increasing the DRG rates for all community based DRF beds in New Hampshire. Of the amounts appropriated, 50 percent shall be general funds and 50 percent shall be federal funds. Such funds shall be nonlapsing. The governor is authorized to draw a warrant for the general fund portion of said sums in the treasury not otherwise appropriated.

383 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 services 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 2 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.

384 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.

385 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 42 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.

386 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.

387 New Section; MOAD Work Incentive Program. Amend RSA 167 by inserting after section 3-l 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.

388 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.

389 Applicability; MOAD. Sections 386-388 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 legislative services that the state plan amendment submitted under section 385 of this act has been approved by the Centers for Medicare and Medicaid Services.

390 Appropriation; Department of Health and Human Services; Child Protective Service Workers and Supervisors. Amend 2019, 43:1 and 43:2 to read as follows:

43:1 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.

43:2 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.

391 Statement of Purpose. The purpose of sections 392-393 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.

392 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.

393 Applicability; Dementia Training. Section 392 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.

394 Repeal. 2017, 156:211, prohibiting reproductive health facilities from using state funds to provide abortion services, is repealed.

395 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 be in accordance with the approved Medicaid state plan amendment.**

396 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.

397 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.

398 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.

399 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.

400 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 399 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 399 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.

401 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.

402 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.

403 Repeal. Loans for Lead Hazard Remediation Projects. RSA 130-A:15-a, relative to loans for lead hazard remediation projects, is repealed.

404 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.

405 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.

406 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

407 Committee Established. There is established a committee to study the disparity in reimbursement among organizations that provide case management under Social Security Act Section 1915(c) waiver programs.

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

(a) Two members of the senate finance committee, 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.

(b) Two members of the house of representatives finance committee, one of whom shall from the majority party and one of whom shall be from the minority party, 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 reimbursement among organizations that provide case management under Section 1915(c) waiver programs and the potential causes of and solutions to such disparity.

(b) The study shall include a comparison between all Section 1915(c) waiver case management reimbursements, 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 shall meet in duly noticed public meetings, take testimony when the committee feels it is appropriate, and may accept and 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 15, 2019.

408 Statement of Purpose. The purpose of sections 409 and 410 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.

409 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.

410 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.

411 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.

412 Appropriation; Education Trust Fund. The sum of \$43,300,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the education trust fund. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

413 Board of Trustees, Community College System of New Hampshire. Amend RSA 188-F:4, II(j) to read as follows:

(j) Two members who shall be New Hampshire residents and who are ~~[full-time]~~ students enrolled in **a credit program at** one of the colleges within the community college system. The student trustees shall be voted from the colleges within the community college system of New Hampshire locations proceeding in alphabetical order and shall be elected by the student body of the campus responsible for providing the student trustee. The student trustees shall serve a one-year term commencing June 1 of the year for which the student was elected and ending May 31 of the next year. In the event that a student trustee ceases for any reason to attend the school from which the student was elected, the chancellor of the community college system of New Hampshire shall declare a vacancy in that student trustee position, and the next school in order shall elect the student trustee who shall serve for the remainder of the predecessor's term and an additional one-year term immediately.

414 Energy Infrastructure Development and Corridors; RSA 162-R; Contingency Revised. Amend 2016, 218:3 and 4 to read as follows:

218:3 Updated and Revised Utility Accommodation Manual. The department of transportation shall update and revise its utility accommodation manual in order to provide for the optional use of the energy infrastructure corridors designated pursuant to RSA 162-R:2. The updated and revised manual shall be approved by the Federal Highway Administration no later than ~~[June 1, 2017]~~ **April 1, 2018**.

218:4 Contingency. If the updated and revised utility accommodation manual required by section 3 of this act is adopted and approved by ~~[June 1, 2017]~~ **April 1, 2018**, sections 1 and 2 of this act shall take effect ~~[July 1, 2017]~~ **April 15, 2018**. If the updated and revised utility accommodation manual is not adopted and approved by ~~[June 1, 2017]~~ **April 1, 2018**, sections 1 and 2 of this act shall not take effect. The commissioner of the department of transportation shall certify the date of approval of the manual to the secretary of state and the director of legislative services.

415 Attorney General; Criminal Justice Bureau. Amend 2018, 127:3, III(b) to read as follows:

(b) There is established within the department of justice an unclassified full-time attorney position for the purpose of implementing and establishing a training program for regional, county, and state prosecutors as required in this paragraph. The salary for the full-time attorney 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]~~ **established as provided for in RSA 94:1-a, I(c)**.

416 Department of Health and Human Services; Emergency Shelter and Stabilization Services.

I. The sum of \$450,000 in general funds is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2019, which shall be nonlapsing, for the purpose of emergency shelter and stabilization services for persons experiencing substance use disorder. 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 is hereby authorized to accept and expend any federal fund match to the appropriation in this section without prior approval of the fiscal committee of the general court.

II. The commissioner of the department of health and human services shall allocate and disburse such funds through a sole source contract or contracts and shall prioritize the use of the funds to high need areas within the state of New Hampshire that are in immediate need for those services. The contracted services shall be operational on or before December 30, 2019.

417 Health and Human Services; Amendment, Waiver; Supportive Housing Services. The commissioner of the department of health and human services shall submit a state plan amendment as provided in Section 1915(i) of the Social Security Act or a waiver under other provisions of the Act to the Centers for Medicare and Medicaid Services to create a state Medicaid benefit for supportive housing services.

418 Parental Assistance Programs. Amend 2018, 337:14 to read as follows:

337:14 Department of Health and Human Services; Parental Assistance Programs; Funding Source. The department of health and human services may use up to [~~\$500,000 in the fiscal year~~] **\$400,000 for the biennium** ending June 30, [2019] **2021**, for the purpose of funding parental assistance programs under RSA 170-G:4 XX. This amount shall be a charge against the department of health and human services excess appropriation allocation account established in RSA 126-A:75.

419 Notice of Leased Interests in Public Property; Applicability to the Department of Transportation Temporarily Suspended. RSA 72:23, I(b)(1)(B), requiring lessors of public property to provide notice to assessing officials of the municipality in which the property is located, shall not apply to the department of transportation until January 1, 2021.

420 Seasonal Workers; Exempt from Work Search Requirements for Unemployment; SB 62. RSA 282-A:31, I(d)(4) is repealed and reenacted to read as follows:

(4) If availability is limited to part-time work, the claim for unemployment benefits is based on wages earned in part-time work; and

(5) If the individual furnishes evidence satisfactory to the commissioner that such individual has a definite date for returning to work which is within 11 weeks of the last day of work, such person shall be exempt from the work search requirements in subparagraph (d).

421 Contingency. If SB 62 of the 2019 regular legislative session becomes law, then section 420 of this act shall take effect one minute after the effective date of SB 62.

422 Adequate Representation for Indigent Defendants in Criminal Cases; Appointment of Counsel. Amend RSA 604-A:2, I to read as follows:

I. In every criminal case in which the defendant is charged with a felony or a class A misdemeanor and appears without counsel, the court before which he or she appears shall advise the defendant that he or she has a right to be represented by counsel and that counsel will be appointed to represent him or her if he or she is financially unable to obtain counsel. Unless the defendant waives the appointment of counsel, if the defendant indicates to the court that he or she is financially unable to obtain counsel, the court shall instruct the defendant to complete a financial [~~affidavit~~] **statement under oath** in such form as designated by the unit of cost containment. If after review of the financial [~~affidavit~~] **statement under oath** and application of the rules established pursuant to RSA 604-A:10, IV the court is satisfied that the defendant is financially unable to obtain counsel, the court shall appoint counsel to represent him or her; provided, however, that in any case in which the defendant is charged with a capital offense, the court may appoint 2 counsel to represent him or her. Whenever defendants have such conflicting interests that they cannot be properly represented by the same counsel, or when other good cause is shown, the court shall appoint separate counsel for each of them. In a post-conviction proceeding in which a defendant seeks to attack the validity of an underlying conviction, the court shall appoint counsel or approve a request for services other than counsel when the interests of justice or judicial economy require.

423 Appointment of Counsel for nonpayment or Nonperformance; Statement Under Oath. Amend RSA 604-A:2-f, II(a) to read as follows:

(a) Provide the defendant with a financial [~~affidavit~~] **statement under oath** and direct the defendant to complete the [~~affidavit~~] **financial statement under oath**;



424 New Subdivision; Statewide Threat Notification System for Schools. Amend RSA 21-P by inserting after section 52 the following new subdivision:

Statewide Threat Notification System for Schools

21-P:52-a Statewide Threat Notification System for Schools.

I. The department of safety, in conjunction with the United States Department of Homeland Security, shall commence a process of due diligence in anticipation of future deployment of a statewide, real-time threat notification system for schools, the purpose of which shall be to link school personnel directly to law enforcement in the event of a direct threat against the school community or a general emergency situation in which law enforcement would respond.

II. The department of safety shall solicit requests for information (RFI) for a statewide, real-time threat notification system based on the following criteria:

(a) The system would be activated by authorized school personnel using classroom desktop computers, laptop computers, mobile phones, fobs, and other suitable devices.

(b) Upon activation, the system would determine the location of the nearest law enforcement officers, regardless of jurisdiction, and directly notifies them of the activation.

(c) The system would notify the following state and local agencies of the activation:

(1) The bureau of emergency communications, or state 911 center.

(2) The New Hampshire state police.

(3) The New Hampshire information and analysis center.

(4) The department of safety, division of homeland security and emergency management.

(5) The appropriate local or regional dispatch center for the school.

(d) The system would provide electronic school floor plans and related documents to responding officers.

(e) The system would provide a communication method for responding officers to communicate with school personnel.

III. The threat notification system for schools shall be a state-funded program, available to all school districts and law enforcement agencies in the state. However, participation in the program by local school districts and local law enforcement agencies shall be voluntary.

IV. No state funds are appropriated for the due diligence process.

V. Deployment of a statewide real-time threat alert system is contingent on an appropriation of funds from surplus revenues received by the state during the 2020-2021 biennium.

VI. The commissioner of the department of safety shall adopt rules, under RSA 541-A, relative to implementation and operation of the real-time threat notification system for schools.

425 Statement of Purpose. The purpose of sections 426-447 of this act is to provide legislative authorization for initiatives to improve the health coverage available through this state's individual and small employer markets, including authorizing new forms of multiple employer welfare arrangements contingent on the establishment of the legal validity of the United States Department of Labor's Association Health Plan Rule codified at 29 C.F.R. section 2510.3-5(b), authorizing the insurance commissioner to apply for a waiver on an expedited basis under section 1332 of the Affordable Care Act to create a market stabilization mechanism for the individual market, and creating a legislative commission on the status of health coverage markets for individuals and small employers. The general court hereby seeks to help individuals and small businesses obtain more affordable health care coverage and new coverage options while preserving protections for higher risk individuals and groups and while protecting against adverse impacts on New Hampshire's existing individual and small group health insurance markets.

426 Title. Sections 426-447 of act shall be known as the Individual and Small Business Health Care Reform Act of 2019.

427 Multiple-Employer Welfare Arrangements; Definitions. RSA 415-E:1 is repealed and reenacted to read as follows:

415-E:1 Definitions. In this chapter:

- I. "Bona fide association" means a bona fide pathway I association or a bona fide pathway II association.
- II. "Bona fide pathway I association" means a group or association that satisfies the criteria established by the United States Department of Labor prior to the adoption in 2018 of 29 C.F.R. section 2510.3-5, including the guidance provided in the United States Department of Labor publication entitled "MEWAS, Multiple-Employer Welfare Arrangements under the Employee Retirement Income Security Act (ERISA): A Guide to Federal and State Regulation, Revised August 2013" and including published United States Department of Labor ERISA Advisory Opinion Letters.
- III. "Bona fide pathway II association" means a group or association that meets the requirements of 29 C.F.R. section 2510.3-5(b).
- IV. "Commissioner" means the insurance commissioner of the state of New Hampshire.
- V. "Eligible employee" means a full-time or part-time employee who meets the requirements for eligibility for group coverage set forth in RSA 415:18, I(q).
- VI. "Employee welfare benefit plan" has the same meaning as in 29 U.S.C. section 1002(1).
- VII. "Fully insured health benefit plan" means a policy, contract, certificate, or agreement to provide, deliver, arrange for, pay for, or reimburse any of the costs of health services, that is offered or issued to bona fide association by a health insurer licensed to do business in New Hampshire and that bears the risk under the plan.
- VIII. "Fund balance" means the total assets in excess of total liabilities, except that assets pledged to secure debts not reflected on the books of the multiple-employer welfare arrangement shall not be included in the fund balance. Fund balance shall include other contributed capital, retained earnings, and surplus notes.
- IX. "Insolvency termination" means the termination of an arrangement where the fund balance as of the termination date is inadequate.
- X. "Insurer" means any insurer, nonprofit hospital or medical service corporation, health maintenance organization, or managed care organization, including but not limited to an insurer offering health coverage as defined in RSA 420-G:2, IX.
- XI. "Multiple-employer welfare arrangement (MEWA)" or "association" means an employee welfare benefit plan or any other arrangement which is established or maintained for the purpose of offering or providing health benefits to the eligible employees of 2 or more employers, or to their beneficiaries, and shall include a MEWA as defined in the Employee Retirement Income Security Act of 1974, 29 U.S.C. section 1001 et seq. (ERISA). This shall include plans established by any political subdivision of the state or religious organization, but shall not include any plan or arrangement established or maintained under or pursuant to one or more agreements deemed collective bargaining agreements under section 3(40)(A)(i) of (ERISA). For the purposes of this chapter, 2 or more trades or businesses, whether or not incorporated, shall be deemed a single employer if such trades or businesses are under common ownership or within the same control group as defined under section 3(40)(B) of ERISA.

428 Multiple-Employer Welfare Arrangements; Applicability; General Eligibility. Amend RSA 415-E:2, I and II to read as follows:

I. No person shall~~[- after April 1, 1992,]~~ operate a multiple-employer welfare arrangement unless such arrangement is approved by the commissioner. ~~[No person shall, after April 1, 1992, operate a multiple-employer welfare arrangement in existence prior to April 1, 1992, unless such arrangement has submitted for approval in compliance with RSA 415-E:4, or otherwise meets the special requirements of paragraph III of this section.]~~ ***A foreign or domestic MEWA or association shall be subject to the jurisdiction of this state if it provides a health benefit plan that covers the employees of at least one employer that maintains a work location in New Hampshire, which is the primary workplace of at least one New Hampshire resident, including any self-employed New Hampshire resident who is qualified to enroll in the plan.***

II. This chapter shall not apply to a multiple-employer welfare arrangement ***that is a bona fide pathway I association*** which offers or provides benefits which are fully insured by an authorized insurer or under the provisions of RSA 5-B.

429 Multiple-Employer Welfare Arrangements. RSA 415-E:3 is repealed and reenacted to read as follows:

415-E:3 General Eligibility; Pathway I and Pathway II. To meet the requirements for approval and to maintain a multiple employer welfare arrangement, an association not exempted under RSA 415-E:2, II shall be approved either as a self-insured bona fide pathway I association or as a bona fide pathway II association as follows:

I. An association seeking approval as a self-insured bona fide pathway I association shall:

- (a) Meet the definition in RSA 415-E:1, II of a bona fide pathway I association.
- (b) Sponsor health coverage that is self-insured.
- (c) Be nonprofit.

(d) Be established by a trade association, industry association, political subdivision of the state, religious organization, or professional association of employers or professionals which has a constitution or bylaws and which has been organized and maintained in good faith for a continuous period of one year for purposes other than that of obtaining or providing insurance.

(e) Be operated pursuant to a trust agreement by a board of trustees which shall have complete fiscal control over the arrangement and which shall be responsible for all operations of the arrangement. The trustees selected shall be owners, partners, officers, directors, or employees of one or more employers in the arrangement. A trustee may not be an owner, officer, or employee of the administrator or service company of the arrangement. The trustees shall have the authority to approve applications of association members for participation in the arrangement and to contract with an authorized administrator or service company to administer the day-to-day affairs of the arrangement.

(f) Be neither offered nor advertised to the public generally.

(g) Be operated in accordance with sound actuarial principles.

II. An association seeking approval as a bona fide pathway II association shall:

(a) Meet the definition in RSA 415-E:1, III of a bona fide pathway II association.

(b) Have a formal organizational structure with a governing body, bylaws, and other similar indications of formality, and complies with RSA 415-E:3, I-a(e) and with all other organizational requirements under this chapter and, if the association offers fully insured coverage, under RSA 420-M.

(c) Have its functions and activities controlled by its employer members, and the association's employer members that participate in the group health plan shall control the plan, both in form and in substance.

(d) Have a commonality of interest with its employer members, such that one or both of the following standards are met, in a manner that is not a subterfuge for discrimination as prohibited under RSA 415-E:1-e:

- (1) The employers are in the same trade, industry, line of business, or profession; or
- (2) Each employer has a principal place of business in the same region.

(e) Have at least one substantial business purpose unrelated to offering and providing health coverage or other employee benefits to its employer members and their employees.

(f) Have each employer member of the association participating in the group health plan who is a person acting directly as an employer of at least one employee who is a participant covered under the plan.

(g) Not make health coverage through the association's group health plan available other than to:

- (1) An employee of a current employer member of the association; and
- (2) A beneficiary of an individual eligible under subparagraph (1).

(h) Not be a health insurance issuer, or owned or controlled by a health insurance issuer, or by a subsidiary or affiliate of a health insurance issuer, other than to the extent such entities participate in the association in their capacity as employer members of the association.

430 New Sections; Multiple-Employer Welfare Arrangements. Amend RSA 415-E by inserting after section 3 the following new sections:

415-E:3-a Bona Fide Pathway I and II Association Coverage; General Authorization. Bona fide pathway association coverage as set forth in the United States Department of Labor's June 21, 2018 amendment to 29 C.F.R. section 2510, 83 Fed. Reg. 28,961 (codified at 29 C.F.R. section 2510.3-5) shall be permissible in New Hampshire provided it conforms with this chapter and all of the provisions of Title XXXVII concerning this coverage.

415-E:3-b Bona Fide Pathway I and II Association Coverage: Option to Offer Fully-Insured Coverage.

I. A bona fide pathway I association may offer coverage on a fully insured basis if it is a qualified association trust as defined in RSA 420-G:2, XV.

II. A bona fide pathway II association may offer coverage on a fully insured basis if it is licensed as a qualified purchasing alliance under RSA 420-M and meets all of the pathway II requirements under this chapter.

III. No insurer shall issue a fully-insured health benefit plan to an association or MEWA with covered lives in New Hampshire unless the association or MEWA meets the requirements of either paragraphs I or II.

IV. A fully-insured association or MEWA that is a qualified association trust or that has been licensed by the department as a qualified purchasing alliance shall not be subject to the financial reporting and solvency requirements of this chapter that are applicable only to self-funded associations.

V. An insurer issuing a fully insured health benefit plan to an association or MEWA shall ensure that the terms of the plan conform with all applicable requirements of this chapter with respect to bona fide association coverage and that the coverage has received all required approvals from the department.

415-E:3-c Bona Fide Pathway II Association Coverage; Benefit Requirements.

I. Each health benefit plan offered to or by a bona fide pathway II association, whether on a fully insured or self-funded basis, shall, at a minimum, provide the following benefits:

(a) Coverage for each of the 10 essential health benefits as defined in 42 U.S.C. section 18022(b)(1), subject to approval of the commissioner based on the New Hampshire benchmark plan;

(b) Cost sharing requirements of 42 U.S.C. section 18022(c)(1)-(c)(3);

(c) Lifetime and annual limits as prescribed in 29 C.F.R. section 2590.715-2711;

(d) A level of coverage equal to or greater than that designed to provide benefits that are actuarially equivalent to 60 percent of the full actuarial value of the benefits provided under the plan; and

(e) All other benefits required to comply with applicable federal laws and regulations and with any provision of title XXXVII that applies to large group health insurance coverage.

II. Every health benefit plan offered by any bona fide pathway II association, whether offering coverage on a self-funded basis or fully insured basis, and any insurer contracting with an offering association, shall comply with the following:

(a) Except as otherwise specifically provided herein, all requirements of RSA 420-G, including claims data and other reporting requirements;

(b) Requirements contained in RSA 420-J, and any rules adopted thereunder by the commissioner including, but not limited to, network adequacy, balance billing protections, and appeal and grievance processes;

(c) Payment of premium tax as provided in RSA 400-A:31-35 and administrative assessment under RSA 400-A:39;

(d) Requirements pertaining to examinations under RSA 400-A:37;

(e) Requirements pertaining to unfair insurance trade practices under RSA 417;

(f) Vaccine association assessment under RSA 126-Q; and

(g) Individual market assessment under RSA 404-G.

III. No health benefit plan or related policy, contract, certificate, or agreement offered or issued in this state to a bona fide pathway II association, whether offering coverage on a self-funded basis or fully insured basis, shall reserve discretion to the insurer or sponsoring association to interpret the terms of the contract or to provide standards of interpretation or review that are inconsistent with the laws of this state. Any such policy, contract, certificate, or agreement shall be void and unenforceable to the extent it conflicts with this section.

IV. A bona fide pathway II association, whether offering coverage on a self-funded basis or fully insured basis, shall not offer, and an insurer shall not deliver or issue for delivery to such association, a health benefit plan covering lives located in this state that contains an exclusion or limitation for pre-existing conditions or a waiting period on the coverage of pre-existing conditions.



V. For any bona fide pathway II association, whether offering coverage on a self-funded basis or fully insured basis, if coverage is issued to a sole proprietor, the association sponsoring the coverage shall be responsible for monitoring and ensuring that the sole proprietor meets the requirements to qualify as an employer under 29 C.F.R. section 2510.3-5(b) and meets the per month hourly work requirement contained in RSA 126-AA:2, III. Failure to ensure compliance with this provision shall be a violation of this chapter.

415-E:3-d Rating Requirements for Bona Fide Pathway I Fully Insured Coverage and all Pathway II Coverage; Rating Requirements.

I. Any fully insured bona fide pathway I association and any pathway II association, whether self-funded or fully insured, or any insurer contracting with such bona fide pathway I or II association to provide a health benefit plan, shall comply with all requirements of RSA 420-G, except that, for any such association with 250 or more New Hampshire covered lives, the association as a whole may be rated as a single risk pool separately from the small employer market.

II. Coverage for a fully insured bona fide pathway I association with 250 or more New Hampshire covered lives and any bona fide pathway II association with 250 or more New Hampshire covered lives may be rated as a single large group based on the association's group experience and in accordance with all standards applicable to large employer groups under RSA 420-G. The following additional requirements shall apply to such coverage:

(a) All premium rates charged shall be guaranteed for a rating period of at least 12 months, and shall not be changed for any reason, including, but not limited to, a change in the group's case characteristics.

(b) For fully insured bona fide pathway I associations, the association may vary rates among member small employers only in accordance with the provisions in RSA 420-G:10 applying to qualified association trusts.

(c) For any pathway II association, whether self funded or fully insured, the association may vary rates among member small employers, including participating self-employed New Hampshire members, as follows:

(1) Variation associated with age shall not exceed 5:1.

(2) Variation associated with tobacco use shall not exceed 1.5 to 1.

(3) No other variation shall be permitted.

(d) The same rating methodology shall apply to newly covered member employer groups and employee members renewing at each annual renewal date or anniversary date. The rating methodology shall not be construed to include health carrier incentives to individual subscribers or members to participate in wellness and fitness programs provided such incentives are approved by the insurance department.

(e) Nothing in this chapter shall be construed to allow a member small employer group within any association to be rated separately under large group rating standards.

415-E:3-e Bona Fide Pathway II Association Coverage; Nondiscrimination Requirements. In accordance with 29 C.F.R. section 2590.702, bona fide pathway II association coverage shall comply with the following:

I. The group or association shall not condition employer membership in the group or association on any health factor of any individual who is or may become eligible to participate in the group health plan sponsored by the group or association.

II. The group health plan sponsored by the group or association shall comply with 29 C.F.R. section 2590.702(b) with respect to nondiscrimination in rules for eligibility of benefits.

III. The group health plan sponsored by the group or association shall comply with 29 C.F.R. section 2590.702(c) with respect to nondiscrimination in premiums or contributions required by any participant or beneficiary for coverage under the plan.

IV. In applying the nondiscrimination provisions of paragraphs II and III, the group or association shall not treat the employees of different employer members of the group or association as distinct groups of similarly-situated individuals based on a health factor of one or more individuals.

415-E:3-f Free Movement Between Bona Fide Association Coverage and Small Group Coverage. A small employer that leaves the small group market for bona fide pathway I or II association coverage or that leaves pathway I or II association coverage for the small group market shall not be subjected to a waiting period before being permitted to return to the original market, nor shall an insurer or administrator be permitted to impose such a waiting period.

415-E:3-g Bona Fide Pathway II Association Coverage; Mitigation of Small Group Market Impacts of Pathway II Association Coverage.

I. In order to mitigate potential adverse effects of pathway II association coverage on the existing small group markets, the commissioner shall retain an independent actuarial firm to model and quantify the impacts of pathway II coverage on the existing small group markets and to perform the actuarial review necessary to support the small group risk adjustment program required under RSA 420-K. The plan of operation for the small group risk adjustment program required under RSA 420-K shall be approved and in place before any pathway II association coverage may be issued.

II. Upon the recommendation of the commission on the status of health coverage markets for individuals and small employers established under RSA 404-J, or upon the commissioner's own initiative, the commissioner may limit pathway II associations to the writing of existing business only and may adjust the risk score differential amount in RSA 420-K:4, I(d) as necessary to prevent the pathway II association market from having an adverse impact on the availability and choice of coverage in the small group market and as necessary to prevent average premiums for small groups from increasing at a rate that is significantly higher than the trend in claims costs.

431 Multiple-Employer Welfare Arrangements; Filing of Application. Amend the section heading and the introductory paragraph of RSA 415-E:4 to read as follows:

415-E:4 ***Self-Funded Arrangements***; Filing of Application. ***For self-funded arrangements***, the sponsoring association shall file with the commissioner an application for approval of the arrangement upon a form to be furnished by the commissioner, which shall include or have attached the following:

432 Multiple-Employer Welfare Arrangements; Termination Liability Fund. RSA 415-E:5 is repealed and reenacted to read as follows:

415-E:5 Self-Funded Arrangements: Termination Liability Fund.

I. Each self-funded multiple-employer welfare arrangement shall maintain a termination liability fund wherein the fund balance of the multiple-employer welfare arrangement shall at no time, for a consecutive 90-day period, be less than \$750,000 or 33 percent of the aggregate premiums billed during the 12 prior months, whichever is greater. For purposes of this paragraph, that surety amount, if any, deposited with the commissioner pursuant to RSA 415-E:7, I, may be credited as a fund balance asset toward the termination liability fund amount.

II. Each self-funded multiple-employer welfare arrangement shall file with the commissioner, not later than 4 months following the end of each fiscal year, a report on the financial status of the termination liability fund, which report is filed under oath by a member of its board of trustees, or by an administrative executive duly appointed by the board, and further certified to by an independent certified public accountant.

433 Multiple-Employer Arrangements, Financial Condition, Loss Reserves. Amend RSA 415-E:6 to read as follows:

415-E:6 ***Self-Funded Arrangements***; Financial Condition, Loss Reserves, Reinsurance, or Working Capital; Determination of Inadequacy.

***I. Each self-funded arrangement shall maintain specific excess insurance with a retention level determined in accordance with sound actuarial principles and approved by the commissioner.***

***II. Each self-funded arrangement shall establish and maintain appropriate loss reserves determined in accordance with sound actuarial principles and approved by the commissioner.***

[E.] ***III.*** The commissioner may, upon reasonable notice, conduct an examination of the loss reserves, financial condition, specific excess insurance, and working capital of a multiple-employer welfare arrangement ***the costs of which shall be borne by the arrangement***. If the commissioner preliminarily finds that the reserves, specific excess insurance, or financial condition may be inadequate, or that the arrangement does not have a combined working capital in an amount establishing the financial strength and liquidity of the arrangement to pay claims promptly and showing evidence of the financial ability of the arrangement to meet its obligations to covered employees, the commissioner shall notify the arrangement of such inadequacy. Upon being so notified, the arrangement shall within 30 days file with the commissioner all information which, in the belief of the arrangement, proves the reasonableness and adequacy of the condition noted as being inadequate.

[H:] **IV.** If the commissioner determines, after reviewing the information filed, that an inadequate condition exists, the arrangement shall implement, within 30 days, a plan to correct the inadequacy and shall file proof of reasonable improvement or adequate condition with the commissioner within 6 months of the implementation of the plan. If the commissioner is satisfied that the plan submitted to improve the inadequate condition of the arrangement is sufficient, he shall so notify the arrangement. The arrangement shall report quarterly to the commissioner until the causes of the inadequate condition have been corrected.

[H:] **V.** The commissioner may suspend or revoke the approval of an arrangement if he finds that the arrangement has failed to correct or reasonably improve an inadequate condition within the time authorized by paragraph [H] **IV**.

434 Multiple-Employer Arrangements; Insolvency Protection. Amend RSA 415-E:7, I to read as follows:

I. To assure the faithful performance of its obligations to its member employers and covered employees **who are New Hampshire residents** and their dependents, every arrangement shall, within 30 days after the close of the arrangement's fiscal year, deposit with the commissioner cash, securities, or any combination of these or other measures acceptable to the commissioner, in an amount equal to ~~[25 percent of the preceding 12 months' health care claims expenditures or 5 percent of gross annual premiums for the succeeding year]~~, **\$100,000 or 25 percent of the aggregate premiums billed during the 12 prior months attributable to New Hampshire residents**, whichever is greater; ~~however, in no case shall the amount of the deposit exceed \$100,000~~. All income from deposits shall belong to the depositing arrangement and shall be paid to it as it becomes available. An arrangement that has made a securities deposit may withdraw that deposit, or any part of such deposit, after making a substitute deposit of cash, securities, or any combination of these or other measures of equal amount and value, upon approval by the commissioner. No judgment creditor or other claimant of a multiple-employer welfare association shall have the right to levy upon any of the assets or securities held in this state as a deposit under this section.

435 Multiple-Employer Arrangements. Amend RSA 415-E:8 through RSA 415-E:13 to read as follows:

415-E:8 Policy Forms.

I. **Whether an arrangement is self-funded or fully insured**, no policy or contract form, application form, certificate, rider, endorsement, summary plan description, or other evidence of coverage shall be **sponsored or** issued by an arrangement unless the form and all changes to it have been filed with the commissioner by or on behalf of the arrangement which proposed to use such form and have been approved by the commissioner.

II. The commissioner shall disapprove any form filed under this section, or withdraw any previous approval, only if the form:

- (a) Is in any respect in violation of, or does not comply with, this chapter.
- (b) Contains or incorporates by reference, where such incorporation is otherwise permissible, any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract.
- (c) Has any title, heading, or other indication of its provisions which is misleading.
- (d) Is printed or otherwise reproduced in such manner as to render any material provision of the form substantially illegible.
- (e) Contains provisions which are unfair or inequitable, or contrary to the public policy of this state or which encourage misrepresentation.

**III. Each self-funded arrangement shall issue to each covered employee a policy contract, certificate, summary plan description, or other evidence of the benefits and coverages provided. The evidence of the benefits and coverages provided shall contain in boldfaced print in a conspicuous location, the following statement: "The benefits and coverages described herein are provided through a trust fund established and funded by a group of employers."**

**IV. Each self-funded arrangement shall provide to each covered employee, on request, a written statement of the dollar amount of allowable benefit for any procedure which is requested by the appropriate procedure code.**

415-E:9 **Self-Funded Arrangements**; Employer Participants' Liability. **For self-funded arrangements:**

I. The liability of each employer participant for the obligations of the multiple-employer welfare arrangement shall be individual, several, and proportionate, but not joint.

II. Each employer participant shall have a contingent assessment liability pursuant to 415-E:10 for payment of actual losses and expenses incurred while the policy was in force.

III. Each policy issued by the arrangement shall contain a statement of the contingent liability. Both the application for insurance and policy shall contain, in contrasting color and not less than 10-point type, the following statement: "This is a fully assessable policy. In the event the arrangement is unable to pay its obligations, policyholders (employers) shall be required to contribute on a pro rata earned premium basis the money necessary to meet any unfulfilled obligations."

**415-E:10 *Self-Funded Arrangements*; Termination of Arrangement. *For self-funded arrangements*,** if an arrangement is terminated for any reason, it shall pay all outstanding claims, debts, and obligations. The arrangement may retain sufficient funds to provide coverage for such additional period as the trustees of the arrangement consider prudent. In addition, the trustees may purchase such additional insurance as they consider necessary for protection against potential future claims. Any funds remaining in the arrangement after satisfaction of all obligations upon termination shall be paid to participating employers and/or covered employees as of the termination date in some equitable manner meeting with the approval of the commissioner, including, without ruling out other alternatives, equally on a per capita basis to each participating employer and/or employee who is covered under the arrangement as of the effective date of termination.

**415-E:11 *Self-Funded Arrangements*; Annual Reports and Triennial Actuarial Reports. *For self-funded arrangements*:**

I. Every *such* arrangement shall, annually within 4 months of the end of the fiscal year or within such extension of time as the commissioner for good cause may grant, file a report with the commissioner, verified by the oath of a member of the board of trustees or by an administrative executive appointed by the board, showing its condition on the last day of the preceding fiscal year. The report shall contain a financial statement of the arrangement, including its balance sheet and a statement of operations for the preceding year certified by an independent certified public accountant. The report shall also include an analysis of the adequacy of reserves and contributions or premiums charged, based on a review of past and projected claims and expenses.

II. In addition to information called for and furnished in connection with the annual report, if reasonable grounds exist, the commissioner may request information which summarizes paid and incurred expenses, and contributions or premiums received, and may request evidence satisfactory to the commissioner that the arrangement is actuarially sound. Such information and evidence shall be furnished to the commissioner by the arrangement as soon as reasonably possible after requested by the commissioner, but no later than 30 days after such request, unless the commissioner, for good cause, grants an extension.

III. At least once every 3 years, each *such* arrangement shall have a report prepared by an actuary who is a member of the Society of Actuaries of the American Academy of Actuaries as to the actuarial soundness of the arrangement. The report shall be made available to the commissioner upon request. The report shall consist of, but shall not be limited to, the following:

(a) Adequacy of contribution rate in meeting the level of benefits provided and changes, if any, needed in the contribution rates to achieve or preserve a level of funding deemed adequate to enable payment of the benefit amounts provided under the arrangement, which shall include a valuation of present assets, based on statement value, and prospective assets and liabilities of the plan and the extent of any unfunded accrued liabilities.

(b) A plan to amortize any unfunded liabilities and a description of actions taken to reduce unfunded liabilities.

(c) A description and explanation of actuarial assumptions.

(d) A schedule illustrating the amortization of any unfunded liabilities.

(e) A comparative review illustrating the level of funds available to the arrangement from rates, investment income, and other sources realized over the period covered by the report, indicating the assumptions used.

(f) A statement by the actuary that the report is complete and accurate and that in his opinion the techniques and assumptions used are reasonable and meet the requirements and intent of this chapter.



(g) Other factors or statements as may be reasonably required by the commissioner in order to determine the actuarial soundness of the plan.

415-E:12 ~~[Place of Business;]~~ Maintenance of Records. Each arrangement shall ~~[have and maintain its principal place of business in this state and shall]~~ make available to the commissioner complete records of its assets, transactions, and affairs in accordance with such methods and systems as are customary for, or suitable to, the kind or kinds of business transacted.

415-E:13 ***Qualification for Approval and*** Suspension~~;~~ ***or*** Revocation of Approval.

I. Subject to other provisions in this chapter, the commissioner shall deny, suspend, or revoke an arrangement's approval if it finds that the arrangement:

(a) Has failed to meet the financial requirements of this chapter, RSA 420-G, or has violated any lawful order or rules.

(b) Has refused to be examined or to produce its accounts, records and files for examination, or if any of its officers has refused to give information with respect to its affairs or to perform any other legal obligation as to such examination, when required by the commissioner.

(c) Has failed to pay any final judgment rendered against it in this state within 60 days after the judgment became final.

(d) No longer meets the requirements for the authority originally granted.

II. The commissioner may, in his discretion, deny, suspend, or revoke the approval of any arrangement if it finds that the arrangement:

(a) Has violated any lawful order or rule of the commissioner, provision of this chapter, RSA 420-J, or relevant provision of RSA 161-H.

(b) Has refused to be examined or to produce its accounts, records, and files for examination, or if any of its officers have refused to give information with respect to its affairs or to perform any other legal obligation as to such examination, when required by the commissioner.

***III. The commissioner shall not grant or continue approval until such time as the arrangement replaces any trustee found by the commissioner, upon the presentation of sufficient evidence:***

***(a) To be incompetent;***

***(b) To be guilty of, or to have pled guilty or no contest to a felony, or a crime involving moral turpitude;***

***(c) To have had any type of insurance license revoked in this or any other state; or***

***(d) To have improperly manipulated assets, accounts, or specific excess insurance or to have otherwise acted in bad faith.***

***IV. To qualify for and retain approval to transact business, an arrangement shall make all contracts with administrators or service companies available for inspection by the department initially, and thereafter upon reasonable notice.***

***V. Failure to maintain compliance with applicable eligibility or filing requirements established by this section shall be grounds for suspension or revocation of approval of an arrangement, provided, however, that such arrangement shall have 60 days after notification by the commissioner to take such action necessary to correct the deficiency.***

436 Multiple Employer Arrangements; Rehabilitation; Rulemaking. Amend RSA 415-E:15 and RSA 415-E:16 to read as follows:

415-E:15 Rehabilitation, Dissolution. Any rehabilitation, liquidation, conservation, ***supervision***, or dissolution of a multiple-employer welfare arrangement shall be conducted under the supervision of the commissioner, who shall have all power with respect thereto granted to it under the laws governing the rehabilitation, liquidation, conservation, ***supervision***, or dissolution of insurers.

415-E:16 Rulemaking. The commissioner may adopt such rules, pursuant to RSA 541-A, as ~~[he deems]~~ ***are*** reasonable and necessary in order to carry out properly the functions and responsibilities assigned the

insurance department under ~~[the laws of the state]~~ **this chapter**. ~~[This rulemaking authority shall expire on January 1, 1993, at which time this section, unless replaced by a later legislative enactment, shall be deemed repealed. Any rules adopted under this section shall be drafted in as narrow a manner as possible, consistent with the authority granted the department under the laws of this state.]~~

437 Health Coverage; Definitions. Amend RSA 420-G:2, XVI(a) to read as follows:

XVI.(a) "Small employer" means a business or organization which employed on average, one and up to 50 employees, including owners and self-employed persons, on business days during the previous calendar year. A small employer is subject to this chapter whether or not it becomes part of an association, multi-employer plan, trust, or any other entity cited in RSA 420-G:3 provided it meets this definition. ***However, with respect to coverage written under RSA 415-E to a bona fide pathway II association, whether self funded or fully insured, if such association has at least 250 New Hampshire covered lives and meets all applicable standards under RSA 415-E and all large group standards under this chapter, coverage offered by such association may be offered to sole proprietors or self-employed persons.***

438 Purchasing Alliances; Definitions. Amend RSA 420-M:2, X to read as follows:

X. "Qualified purchasing alliance" means a purchasing alliance that has obtained certification from the commissioner under RSA 420-M:13 as a qualified purchasing alliance with authority to ~~[operate in the same manner as a qualified association trust pursuant to RSA 420-G:10]~~ ***sponsor fully-insured bona fide pathway II association coverage under RSA 415-E.***

439 Purchasing Alliances. RSA 420-M:13 is repealed and reenacted to read as follows:

420-M:13 Qualified Purchasing Alliance. A purchasing alliance that has a minimum of 500 enrollees may elect to obtain certification from the commissioner as a qualified purchasing alliance. To obtain certification, a purchasing alliance shall demonstrate:

I. That the purchasing alliance meets all requirements under RSA 415-E to operate as a bona fide pathway II association; and

II. That certification of the applicant as a qualified purchasing alliance will promote the purposes set out in RSA 420-M:1; and

III. That the purchasing alliance has the capacity to monitor and screen sole proprietor members purchasing pathway II association coverage to ensure that they meet all requirements to qualify as an "employee" under 29 C.F.R. section 2510.3-5(b) and meets the per month hourly work requirement contained in RSA 126-AA:2, III.

440 Definition of Qualified Association Trust. Amend the introductory paragraph of RSA 420-G:2, XV to read as follows:

XV. "Qualified association trust or other entity" means an association established trust or other entity in existence on January 1, 1995, and providing health coverage within the state of New Hampshire to at least ~~[1,000]~~ **250** employees and/or the dependents of association members, which association:

441 Health Coverage; Qualified Association Trust. Amend RSA 420-G:10 to read as follows:

420-G:10 Qualified Association Trust ~~[and Qualified Purchasing Alliance]~~.

I. A qualified association trust or other entity, as defined in RSA 420-G:2, XV~~[-and a qualified purchasing alliance, as defined in RSA 420-M:2, X-]~~ shall:

(a) Comply with the rating restrictions outlined in RSA 420-G:4 for all small employer members with 50 or fewer employees based upon the association's or alliance's group experience, except that ~~[for a qualified association trust,]~~ no rating factor shall be utilized without the express written consent of the association.

(b) Offer all eligible members, as defined under the applicable trust or other documents, coverage and rates on a guaranteed issue and renewable basis.

(c) Comply with the regulations concerning medical underwriting in RSA 420-G:5.

(d) Comply with the preexisting conditions provision of RSA 420-G:7.

~~[(e) Prohibit any employer that voluntarily discontinues participation in either a qualified association trust or a qualified purchasing alliance from rejoining for a period of at least 24 months.]~~

II. Nothing in this chapter shall be interpreted to limit the size of employers who may participate in coverage with a qualified association trust ~~[or a qualified purchasing alliance]~~.

442 Small Employer Health Reinsurance Pool. Amend the chapter heading of RSA 420-K to read as follows:

SMALL EMPLOYER HEALTH ~~[REINSURANCE POOL]~~  
**RISK ADJUSTMENT PROGRAM**

443 Small Employer Health Reinsurance Pool; Definitions. RSA 420-K:1 is repealed and reenacted to read as follows:

420-K:1 Definitions. In this chapter:

I. "Assessment" means the liability of the member insurer to the reinsurance pool.

II. "Board" means the board of directors of the small employer health reinsurance pool.

III. "Bona fide pathway II association coverage" means coverage, whether self-funded or fully insured, that constitutes an employee welfare benefit plan sponsored by a bona fide pathway II association as defined in RSA 415-E:1.

IV. "Commissioner" means the insurance commissioner.

V. "Covered lives" shall include all persons who have health insurance via a health carrier and who are employees or dependents of employees of a small employer, including sole proprietors covered under bona fide pathway II association coverage.

VI. "Health insurance" means "health insurance" as defined in RSA 404-G:2, VII.

VII. "Plan of operation" means the plan of operation of the small employer health risk adjustment program, including articles, bylaws and operating rules, procedures and policies approved by the commissioner and adopted by the pool.

VIII. "Small employer" means "small employer" as defined in RSA 420-G:2, XVI.

IX. "Small employer health carrier" means any entity licensed pursuant to RSA 402, RSA 420-A, or RSA 420-B that delivers, issues for delivery or maintains in force policies of health insurance in New Hampshire to any small employer. For purposes of this chapter, health carrier shall include any association, organization or arrangement offering or sponsoring bona fide pathway II association coverage.

444 Establishment of the Risk Adjustment Program. Amend RSA 420-K:2 to read as follows:

420-K:2 Establishment of the ~~[Pool]~~ **Risk Adjustment Program**.

I. There is established a nonprofit entity to be known as the "New Hampshire small employer health ~~[reinsurance pool]~~ **risk adjustment program**." All **small employer** health carriers~~[-, writers of health insurance, and other insurers]~~ issuing or maintaining health insurance in this state shall be members of the ~~[pool]~~ **program**.

II. ~~[On or before July 1, 2005,]~~ The commissioner shall give notice to all members of the ~~[pool]~~ **program** of the time and place for the initial organizational meeting~~[-, which shall take place by July 15, 2005]~~. The members shall select the initial board at the organizational meeting and such initial board shall be subject to approval by the commissioner. The members shall elect each subsequent board at the annual meeting of members and each such subsequent board shall be subject to approval by the commissioner. The initial board and each subsequent board shall consist of at least 5 and not more than 9 representatives of members. There shall be no more than one board member on the initial board and each subsequent board representing any one member company. In determining voting rights at the organizational meeting and all subsequent meetings of members, each member shall be entitled to vote in person or by proxy. All such votes shall be proportional to the member's covered lives. To the extent possible, at least 2/3 of members of each board shall be small employer health carriers. ~~[At least one member of each board shall be a small employer health carrier with less than \$100,000,000 in net small employer health insurance premium in this state.]~~ The commissioner, or designee, shall be an ex-officio voting member of the board. In approving selection of each board, the commissioner shall assure that all members are fairly represented.

III. If the initial board is not elected at the organizational meeting, the commissioner shall appoint the initial board within 15 days of the organizational meeting.

IV. Within 60 days after the appointment of such initial board, the board shall submit to the commissioner a plan of operation and thereafter any amendments to the plan necessary or suitable to assure the fair, reasonable, and equitable administration of the ~~[pool]~~ **program**. The commissioner shall, after notice and hearing, approve the plan of operation provided he or she determines it to be suitable to assure the fair, reasonable, and equitable administration of the ~~[pool, and provides for the sharing of pool gains or losses on an equitable proportionate basis in accordance with the provisions of paragraph VI of this section]~~ **program**. The plan of operation shall become effective upon approval in writing by the commissioner consistent with the date on which the coverage under this section shall be made available. If the board fails to submit a suitable plan of operation within 60 days after its appointment, or at any time thereafter fails to submit suitable amendments to the plan of operation, the commissioner shall, after notice and hearing, adopt and promulgate a plan of operation or amendments ~~[no later than October 1, 2005]~~. The commissioner shall amend any plan adopted by him or her, as necessary at the time a plan of operation is submitted by the board and approved by the commissioner.

V. The board shall select ~~[reinsurance pool]~~ **risk adjustment program** administrators through a competitive bidding process to administer the ~~[pool]~~ **program**. The board shall evaluate bids submitted based on criteria established by the board. ~~[Each month, total payments to administrators shall not exceed the larger of \$2,500 or an amount equal to \$10 per life for which the reinsurance pool has any potential claims liability.]~~

VI. The plan of operation shall establish procedures for:

(a) Handling and accounting of assets and moneys of the pool, and for annual fiscal reporting to the commissioner.

(b) Filling vacancies on the board, subject to the approval of the commissioner.

(c) Selecting an administrator and setting forth the powers and duties of the administrator.

(d) ~~[Reinsuring risks in accordance with the provisions of this chapter]~~ **Establishing risk adjustment parameters.**

(e) Collecting assessments from all members to provide for ~~[claims reinsured]~~ **risk adjustment payments** by the ~~[pool]~~ **program** and for administrative expenses incurred or estimated to be incurred during the period for which the assessment is made.

(f) Any additional matters at the discretion of the board.

445 Powers of the Program. RSA 420-K:3 and RSA 420-K:4 are repealed and reenacted to read as follows:

420-K:3 Powers of the Program. The program may:

I. Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter, including the authority, with the approval of the commissioner, to enter into contracts with programs of other states for the joint performance of common functions, or with persons or other organizations for the performance of administrative functions.

II. Sue or be sued, including taking any legal actions necessary or proper for recovery of any assessments for, on behalf of, or against members.

III. Take such legal action as necessary to avoid the payment of improper claims against the program.

IV. Define the array of health coverage products for which risk adjustment will be applied in accordance with the requirements of this chapter.

V. Establish rules, conditions, and procedures pertaining to the risk adjustment mechanism, including implementation and measurement time frames and the permitted risk corridor where no transfer of risk adjustment funds shall take place.

VI. Establish appropriate rates, rate schedules, rate adjustments, rate classifications, and any other actuarial functions appropriate to the operation of the program.

VII. Assess members in accordance with the provisions of this chapter, and to make advance interim assessments as may be reasonable and necessary for organizational and interim operating expenses and to pay claims by the program. Any such interim assessments shall be credited as offsets against any regular assessments due following the close of the fiscal year.



VIII. Appoint from among the members appropriate legal, actuarial, and other committees as necessary to provide technical assistance in the operation of the program, policy, and other contract design, and any other function within the authority of the program.

IX. Borrow money to effectuate the purposes of the program. Any notes or other evidence of indebtedness of the program not in default shall be legal investments for insurers and may be carried as admitted assets.

#### 420-K:4 Risk Adjustment Program.

##### I. The board shall:

(a) Develop and monitor a measure of risk to be used in comparing populations covered by small employer health insurance coverage and bona fide pathway II association coverage. The population covered by qualified association trust coverage or by bona fide pathway I association coverage, whether self-funded or fully insured, shall not be a part of the risk adjustment program and, for the purposes of this chapter, shall not be considered to be small group coverage.

(b) Access from the New Hampshire comprehensive health care information system (CHIS), as described under RSA 420-G:11-a, member level information, including length of coverage, gender, age, and diagnosis, sufficient to measure and monitor risk for carriers issuing or administering small employer health insurance.

(c) Perform risk adjustment analysis which may include the use of data from the CHIS, including calculating New Hampshire specific relative weights as necessary, to analyze the difference in the medical care resources expected to be necessary to treat the 2 different populations, one covered in the small group insurance risk pool and the other covered by bona fide pathway II association coverage.

(d) Subject to the limitation in paragraph II, establish risk adjustment payments between carriers that are triggered whenever the average risk over any calendar year between bona fide pathway II association coverage and all other small group coverage differs by more than the maximum allowed amount, and that serve to create a net effect of reducing future expected risk score differences after payments to approximately the target amount. The commissioner shall establish the maximum allowed amount and the target amount by retaining actuarial experts. The standard that the actuarial experts shall use in recommending values for the maximum allowed amount and the target amount is that such amounts should be so determined as to prevent the pathway II association market from having an adverse impact on the availability and choice of coverage in the small group market and to prevent adverse selection against the small group market that is sufficient to cause the average premiums for small groups to increase at a rate that is significantly higher than the trend in claims costs.

(e) Provide a report to the insurance commissioner in a form and format acceptable to the commissioner.

II. The board shall not implement any adjustments until the number of lives covered by bona fide pathway II association coverage exceeds 2,000 member months for 3 consecutive months.

#### 446 Immunity and Indemnification. Amend RSA 420-K:7 to read as follows:

##### 420-K:7 Immunity and Indemnification.

I. Neither the participation in the [pool] **program** as members, the establishment of rates, forms, or procedures, nor any other joint or collective action required by this chapter shall be the basis of any legal action against the [pool] **program** or any of its members.

II. Any person or member made a party to any action, suit, or proceeding because the person or member served on the board or on a committee or was an officer or employee of the [pool] **program** shall be held harmless and be indemnified by the [pool] **program** against all liability and costs, including the amounts of judgments, settlements, fines or penalties, and expenses and reasonable attorney's fees incurred in connection with the action, suit, or proceeding. The indemnification shall not be provided on any matter in which the person or member is finally adjudged in the action, suit, or proceeding to have committed a breach of duty involving gross negligence, dishonesty, willful misfeasance, or reckless disregard of the responsibilities of office. Costs and expenses of the indemnification shall be prorated and paid for by all members. The right of indemnification shall not be exclusive of other rights or defenses to which such person or the legal representative or successors of such person, may be entitled to as a matter of law. The commissioner may retain actuarial consultants necessary to carry out his or her responsibilities pursuant to this chapter and such expenses shall be paid by the [pool] **program** established in this chapter.

447 New Chapter; Commission on the Status of Health Coverage Markets for Individuals and Small Employers. Amend RSA by inserting after chapter 404-I the following new chapter:

CHAPTER 404-J  
COMMISSION ON THE STATUS OF HEALTH COVERAGE MARKETS  
FOR INDIVIDUALS AND SMALL EMPLOYERS

404-J:1 Commission Established.

I. There is hereby established a commission on the status of health coverage markets for individuals and small employers.

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

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

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

(3) The insurance commissioner, or designee.

(4) Three persons representing health carriers, appointed by the insurance commissioner, as follows:

(A) One person representing a health carrier with a significant presence in the individual market;

(B) One person representing a health carrier with a significant presence in the small employer market; and

(C) One person representing a health carrier with an interest in providing or administering health coverage in the pathway II association market.

(5) Two producers, appointed by the insurance commissioner, one of whom shall be a producer with a significant clientele in the individual market and the other a producer with a significant clientele in the small employer market.

(6) A public member from an academic institution or charitable foundation who has health care and health insurance expertise, appointed by the senate president.

(7) A public member who shall represent the interests of persons who obtain their coverage through that market, appointed by the speaker of the house of representatives.

(8) A public member who shall represent the interests of persons who obtain their coverage through the individual market, appointed by the president of the senate.

(9) Two public members from organizations that represent the interests of the medically underserved, persons with pre-existing conditions, or persons with chronic health conditions, including mental health or substance use disorders, appointed by the governor.

(10) A public member who shall represent the interests of small employers sponsoring health coverage for their employees, appointed by the governor.

(11) A public member from the Business and Industry Association of New Hampshire or a New Hampshire chamber of commerce, appointed by the governor.

(12) A public member from a national organization with a New Hampshire chapter that is interested in qualifying as a bone fide pathway II association, as defined in RSA 415-E:1, III, appointed by the governor.

(b) Of the commission members listed under subparagraph (a), only the 6 legislative members shall be voting members. All other members shall serve in an advisory capacity only.

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

(d) The commission shall be a public body subject to RSA 91-A, and its meetings shall be considered public proceedings.

II.(a) The commission shall evaluate the status of health coverage markets for individuals and small employers. This shall include the individual market, the small employer market, and alternative sources of

coverage that may be available to individuals and small employers, including pathway II association coverage, transitional coverage, and short-term limited duration coverage. These markets shall be evaluated in terms of their performance in making available to individuals and small employers affordable coverage that provides access to medically necessary care on affordable terms. Consideration shall be given to market competitiveness, price, choice of plans, market size, market segmentation, the risk profile of the covered population in each market, adverse selection against specific markets, migration between markets, the rate of growth or diminution in the overall number of covered lives, and other similar factors that may affect the coverage available to individuals and small employers. Specifically, the commission shall evaluate markets and make recommendations on the following:

(1) The performance and effectiveness of the small group market in itself and in conjunction with other markets that may be available to small employers and their employees, including, if applicable, pathway II association coverage. This shall include consideration of coverage for pre-existing conditions and essential health benefits, premium rates and product offerings, impact on premiums, the availability and choice of plans, the number of covered lives, and the overall impact on the availability and affordability of coverage for higher risk individuals and small employer groups. Based on this evaluation, the commission shall make recommendations in its annual report for future program or legislative modifications, including, if applicable, modifications to the risk adjustment program authorized under RSA 420-K, as well as a final recommendation as to whether the general court should allow the continuation or should phase out the market for pathway II association coverage.

(2) The performance and effectiveness of the individual market in itself and in conjunction with other markets that may be available to individuals and sole proprietors, including, if applicable, pathway II association coverage. This shall include consideration of the migration of sole proprietors to the pathway II market and the effectiveness of screening procedures in validating sole proprietorship status, the price and availability of coverage for individuals who do not qualify for an advanced premium tax credit or cost sharing reduction assistance through the marketplace exchange, and the design and effectiveness of the risk sharing mechanism and 1332 waiver for the individual market authorized under RSA 420-N:6-a. Based on this evaluation, the commission shall make recommendations concerning the individual market risk sharing mechanism under the 1332 waiver, any changes that are needed to screening and monitoring procedures for compliance with the hourly work standard to qualify as a sole proprietor under pathway II association coverage, and any other legislative or regulatory measures that would promote market stability and growth in the individual market.

(b) The commission shall not make any recommendation that includes the use of new general funds.

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

III. The insurance commissioner shall provide information and reports to the commission on a biannual basis concerning the status of the individual, small employer and, if applicable, pathway II association markets as necessary to allow the commission to carry out its duties. The commission shall have the authority, at any time, upon a finding that pathway II association coverage is having an adverse impact on the availability and choice of coverage in the individual or small employer markets or is causing average premiums for individuals or small groups to increase at a rate that is significantly higher than the trend in claims costs, to recommend that the commissioner limit pathway II associations to the writing of existing business only or adjust the risk score differential amount in RSA 420-K:4, I(d), and the commissioner shall have authority to implement this recommendation by order pursuant to RSA 400-A:14 and this paragraph.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four of the 6 voting members of the commission shall constitute a quorum.

V. The commission shall submit an annual report on or before November 1 of each year with its findings and any recommendations for proposed legislation, and a final report on December 1, 2024 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. If applicable, the commission's reports shall contain the commission's recommendation regarding whether the market for pathway II association coverage should continue or be phased out.

448 Individual Health Insurance; Market; Contingency. RSA 404-G:12, I and II are repealed and reenacted to read as follows:

I. Notwithstanding RSA 404-G:11, and if supported by the recommendations of actuarial experts retained by the department, the commissioner may request that the board of directors of the association develop a plan of operation to support the affordability and accessibility of health insurance in the state's individual health insurance market. The proposal may include resumption of a risk sharing program similar to that referenced in RSA 404-G:5, creation and operation of a reinsurance program, or such other program as the board finds will best support the availability and affordability of health insurance in the state and may also include the development of a waiver application under the Act. The commissioner shall approve the revised plan of operations if the commissioner finds that the plan will further the purpose of this chapter as stated in RSA 404-G:1, I, and is otherwise consistent with New Hampshire and federal law.

II. The board's proposal may include a recommendation that the state apply for a waiver under the Act, or any successor to the Act. If the approved plan includes an application for a waiver, the commissioner and the board shall proceed in accordance with RSA 420-N:6-a. If the waiver is approved by the federal government, the board shall prepare a revised plan of operations consistent with the terms of the waiver, and shall implement it upon approval by the commissioner.

449 Federal Health Care Reform 2010; Waiver. RSA 420-N:6-a is repealed and reenacted to read as follows:

420-N:6-a Waiver. If such action is supported by the recommendations of actuarial experts retained by the department as being consistent with the purposes of RSA 404-G:1, I, the commissioner shall, at the earliest practicable date, submit an application on behalf of the state to the United States Secretary of the Treasury, and if required, to the United States Secretary of Health and Human Services, to waive certain provisions of the Act, as provided in section 1332 of the Act, or any other applicable waiver provision in order to create a risk sharing or reinsurance mechanism for the individual market under RSA 404-G which is eligible to draw down federal pass-through funding to support such mechanism. The commissioner shall publish and accept public comment on the 1332 waiver application and the plan of operation for the individual market mechanism prior to approving such plans. Upon approval of the joint health care reform oversight committee, the commissioner shall implement any federally approved waiver, including but not limited to overseeing the implementation of a revised plan of operations under RSA 404-G:12.

450 Repeal. The following are repealed:

I. RSA 404-J, relative to the commission on the status of health insurance markets for individuals and small employers.

II. 2017, 221:8, relative to the 2020 repeal of RSA 404-G:12.

III. 2017, 221:11, relative to the 2020 repeal of RSA 420-N:6-a.

451 Applicability. Sections 426-447 of this act shall take effect 60 days after the insurance commissioner, with the advice of the department of justice, certifies to the secretary of state and the director of legislative services that the federal rule codified at 29 C.F.R. section 2510.3-5(b) is legally valid and the issues raised by the opinion issued on March 28, 2019 in *State of New York v. United States Department of Labor*, United States District Court of the District of Columbia, Civil Action No. 18-1747 have been resolved. However, in no event shall sections 426-447 of this act take effect at a date later than December 1, 2021.

452 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.*

453 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.***

454 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 ~~[H(a)]~~ **I(a)(1)(A)** plus the compensation factor in subparagraph ~~[H(b)]~~ **I(a)(1)(B)** plus 2 multiplied by the sales factor in subparagraph ~~[H(e)]~~ **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.

455 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;H(b)]~~ **77-A:3, I(a)(1)(B)**, provided that:

456 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.

457 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.

458 Applicability. Sections 452 and 453 of this act shall apply to taxable periods ending on or after December 31, 2021.

459 Legislative Committee on Apportionment; Enactment of Single Sales Factor. Amend RSA 77-A by inserting after section 23 the following new section:

77-A:23-a Legislative Committee on Apportionment. There is established a committee to study the apportionment of gross business profits under the business profits tax, and to authorize the enactment of the single sales factor for the business profits tax and business enterprise tax.

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

(a) Three members of the senate, appointed by the president of the senate.

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

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

III.(a) The committee shall study apportionment among states pursuant to RSA 77-A:3 of gross business profits under the business profits tax. The committee shall also monitor the laws and legislation of other states concerning market-based sourcing and may study any other related issues. The committee may solicit input or testimony from any person or organization the committee deems relevant to the study.

(b) The committee shall conduct meetings and on or before November 1, 2020, shall hold at least 2 public hearings on the enactment of the single sales tax provisions contained in sections 454-457 of HB 2-FN-A of the 2019 regular legislative session. In November 2020, the committee shall, by majority vote of the committee, vote on whether to rescind the enactment of the amendments contained in sections 454-457 of HB 2-FN-A of the 2019 regular legislative session. If the majority of the committee rescinds the enactment of sections 454-457 of HB 2-FN-A of the 2019 regular legislative session, such sections shall not take effect. The committee shall report on its actions to the chairpersons of the senate and house finance committees, the chairpersons of the senate and house ways and means committees, the secretary of state, and the director of the office of legislative services.

IV. The members of the committee shall elect a chairperson from among the members. The first meeting 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. Four members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2020.

460 Enactment of Single Sales Factor. Sections 454-457 of this act shall take effect January 1, 2022 unless upon the report of the committee established in RSA 77-A:23-a as inserted in this act, that by majority vote of the committee, sections 454-457 are rescinded.

461 Repeal. RSA 77-A:23-a, relative to the legislative committee on apportionment, is repealed.

462 Effective Date.



I. Sections 1, 36, 37, 63, 66, 72, 73, 91, 92, 197, 203, 238, 242-244, 260, 263-264, 266, paragraph I of section 312, 313, 327-330, 337, 340, 342-343, 350, 352-353, 379-383, 408-412, 416, and 418 of this act shall take effect June 30, 2019.

II. Sections 292-294 of this act shall take effect 60 days after its passage.

III. Section 415 of this act shall take effect July 1, 2019 at 12:01 a.m.

IV. Sections 106-118, 140-147, 235, 272, 273, 274-279, and 391-393, RSA 170-G:4-d, as inserted by section 370 shall take effect January 1, 2020.

V. Sections 256-258, 270, 281-287, and RSA 170-G:4-b, as inserted by section 370 of this act shall take effect July 1, 2020.

VI. Sections 315-317 of this act shall take effect as provided in section 318 of this act.

VII. Section 5 of this act shall take effect as provided in section 6 of this act.

VIII. Sections 96-101 of this act shall take effect as provided in section 102 of this act.

IX. Section 104 of this act shall take effect as provided in section 105 of this act.

X. Section 420 of this act shall take effect as provided in section 421 of this act.

XI. Sections 426-447 of this act shall take effect as provided in section 451 of this act.

XII. Paragraph I of section 450 of this act shall take effect December 1, 2024.

XIII. Sections 209-215 of this act shall take effect as provided in section 216 of this act.

XIV. Section 216 of this act shall take effect as provided in section 217 of this act.

XV. Sections 386-388 of this act shall take effect as provided in section 389 of this act.

XVI. Section 461 of this shall take effect December 1, 2020.

XVII. Sections 452 and 453 of this act shall take effect January 1, 2021.

XVIII. Sections 454-457 of this act shall take effect as provided in section 460 of this act.

XIX. The remainder of this act shall take effect July 1, 2019.

#### AMENDED ANALYSIS

1. Repeals 2017, 155:7, which directed the commissioner of administrative services to eliminate appropriations to class 027 transfers to OIT in all agencies and departments.

2. Establishes the unclassified position of director of plant and property within the department of administrative services.

3. Converts managers in the department of administrative services to directors, and renames divisions and units accordingly.

4. Authorizes the department of administrative services to consolidate state agency human resources, payroll, and business processing functions.

5. Provides that cost sharing and plan design for unrepresented active state employees who participate in the health plans offered by the state shall be the same as those for individuals covered by the collective bargaining agreement.

6. Extends the state heating systems savings account.

7. Establishes an additional surplus fund within the department of administrative services.

8. Establishes the building maintenance fund within the department of administrative services and assesses charge to state agencies.

9. Permits the supreme court to transfer funds among judicial branch accounts.

10. Provides the department of corrections with additional transfer authority for the biennium ending June 30, 2021 and establishes the cost of care reimbursement account and the unclassified position of director of nursing in the department of corrections.

11. Provides that chartered school lease aid shall not exceed more than \$30,000 per school in any fiscal year.
12. Directs the department of health and human services to raise the income eligibility for elderly and adult clients under the social services block grant program each January.
13. Increases the limit for county reimbursements under RSA 167:18-a.
14. Extends the prospective repeal for eligibility of state mental health services under 2011, 209:6, I.
15. Suspends direct and indirect graduate medical education payments to hospitals for the biennium ending June 30, 2021.
16. Suspends catastrophic aid to hospitals for the biennium ending June 30, 2021.
17. Makes an appropriation to the department of safety, division of fire standards and training and emergency medical services, for the purpose of providing grants to local firefighters for medical examinations conducted pursuant to RSA 281-A:17.
18. Requires the commissioner of the department of health and human services to make quarterly reports to the governor, speaker of the house of representatives, and president of the senate on the status of estimated Medicaid payments in relation to actual costs.
19. Permits the department of health and human services to fill unfunded positions during the biennium ending June 30, 2021.
20. Suspends RSA 151-E:18, relative to presumptive eligibility for home and community based services, for the biennium ending June 30, 2021.
21. Establishes certain revolving funds within the department of health and human services.
22. Directs that the Laconia state school trust shall be dissolved upon final distribution of the funds pursuant to court order.
23. Establishes a committee to study outdated non-regulatory boards.
24. Requires the department of health and human services to develop a plan to close the cliff effect for individuals and families who receive public benefits.
25. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2021.
26. Adds requirements for uses of system benefits charges for energy efficiency programs.
27. Suspends provisions of the RSAs that credit a portion of meals and rooms tax revenue to the division of travel and tourism development for the biennium ending June 30, 2021.
28. Suspends the integrated land development permit procedure for the biennium ending June 30, 2021.
29. Suspends certain environmental state aid grants.
30. Provides for reimbursement for sheriff's offices for court security.
31. Adds a representative from the New Hampshire Hospital Association and a representative from the state's faith-based community to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery.
32. Makes an appropriation to the department of employment security for the fiscal year ending June 30, 2019 for the purpose of funding start-up costs of family and medical leave insurance with a third party administrator.
33. Makes an appropriation to the education trust fund for the fiscal year ending June 30, 2019.
34. Modifies the provision of civil legal services funds for low-income persons to New Hampshire legal assistance and eliminates the dedicated civil services legal fund.
35. Requires Keno revenue to be deposited in the education trust fund.
36. Defines and regulates the sale of electronic cigarettes or e-cigarettes; and increases the minimum age for sales and possession of tobacco products.
37. Modifies the duties of the board of veterinary medicine.

38. Modifies the procedure for certified application 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. Permits the community college system to establish the finish line New Hampshire program to support eligible students completing postsecondary credentials in areas of high demand.
44. Transfers administration of the existing governor's scholarship program and fund to the college tuition savings plan advisory commission.
45. Provides funding for forgivable loans under the regenerative manufacturing workforce development program.
46. Authorizes the business finance authority to provide funding from bonds issued and repaid for regenerative manufacturing worker educational debt relief.
47. Authorizes the commissioner of the department of transportation to recommend the bulk disposal of real estate purchased with state or federal highway funds or both, or turnpike funds.
48. Repeals the Maine-New Hampshire interstate bridge authority.
49. Repeals witness fees for witnesses summoned before certain boards and commissions.
50. Amends the granite workforce program.
51. Exempts certain accounting units within the department of natural and cultural resources from transfer restrictions.
52. Requires payment of any transaction costs assessed for credit card payments on motor vehicle fines to be paid out of the fine amount which is credited to the highway fund.
53. Deletes obsolete limits on total bonds issued by the business finance authority.
54. Repeals the requirement for the Pease development authority to submit a comprehensive development plan.
55. Requires moneys in the office of professional licensure and certification fund to lapse each fiscal year.
56. Authorizes the attorney general, subject to the approval of the governor and council, to appoint a director of the office of victim/witness assistance and a director of communications.
57. Establishes an unclassified full-time investigator position in the department of justice for the purpose of working on officer-involved use of deadly force investigations and to provide training to local law enforcement officers.
58. Abolishes a position in the department of justice to fund the director of communication position and establishes the position of assistant attorney general.
59. Provides for the rehiring of laid-off classified state employees, if possible.
60. Makes an appropriation to the state treasurer for the fiscal year ending June 30, 2019 for the purpose of providing municipal aid grants to each city, town, and unincorporated place in the state by October 1 of the fiscal years ending in June 30, 2020 and June 30, 2021.
61. Establishes the community development fund for New Hampshire, which shall be administered by the community development finance authority, and makes an appropriation to the fund.
62. Makes appropriations to the department of environmental services for the purpose of funding state aid grant programs.
63. Establishes victim/witness specialist positions in the department of justice.

64. Establishes an unclassified, full-time elections attorney position within the department of justice.
65. Permits the department of natural and cultural resources to suspend curatorial responsibilities for the biennium ending June 30, 2021.
66. Allows for statewide public boat access funds to be used for payment of the cost of bonds for the Mount Sunapee state park beach boat ramp project of the department of natural and cultural resources.
67. Clarifies the qualifications of the director of the division of archives and records management.
68. Modifies the election fund to include monies received by the state pursuant to the 2018 Election Reform Program, and expands the list of authorized uses of monies deposited into the fund.
69. Makes changes to unemployment compensation contribution rates.
70. Transfers the job training program for economic growth from the department of business and economic affairs to the department of employment security and nullifies the provisions of SB 2 of the 2019 regular legislative session.
71. Makes an appropriation to the housing finance authority for affordable housing.
72. Establishes a separate account for funds acquired to provide financial and technical assistance associated with agricultural restricted covenants, funding developmental rights, or for farmland preservation and makes an appropriation therefor.
73. Suspends the position of state demographer for the biennium.
74. Changes the number of review appraisers the staff of the board of tax and land appeals is required to have.
75. Extends the Coos county job creation tax credit until 2027.
76. Establishes the rates of the business profits tax and the business enterprise tax for taxpayer tax years ending on or after December 31, 2019 and for subsequent tax years, and repeals rate reductions effective in 2021.
77. Directs the governor to submit a document to be known as the trailer bill to the legislature as part of the budget process and clarifies that the document shall not be considered a budget bill under the New Hampshire constitution.
78. Establishes the position of deputy director of administration in the department of safety, division of administration.
79. Provides that the current assistant director of the division of fire standards and training and emergency medical services, department of safety, shall be considered to have been properly enrolled as a member in group II of the New Hampshire retirement system as of his original date of hire.
80. Raises the fee for email or other computer-generated motor vehicle record requests by insurance companies or other authorized agents.
81. Establishes the fee for a Real ID Act compliant driver's license.
82. Permits the department of transportation to access certain federal funding for the purpose of completing the project development phase of the capital corridor rail project in the 2019-2028 Ten Year Transportation Improvement Plan and permits the department of transportation to use toll credits for this project.
83. Makes an appropriation to the department of transportation for the purpose of demolition and environmental mitigation of structures on state-owned property.
84. Exempts certain rules on the Medicaid rate of reimbursement methodology for nursing facilities from the administrative procedures act, RSA 541-A.
85. Clarifies disbursements of community benefit contributions from the alcohol abuse prevention and treatment fund.
86. Makes an appropriation to the department of health and human services for the purpose of operating a new treatment facility for children in need of inpatient psychiatric treatment.
87. Makes an appropriation to the department of health and human services for the purpose of repurposing the children's unit of New Hampshire hospital for adult beds.



88. Makes an appropriation to the department of health and human services for the purpose of constructing transitional housing beds.

89. Makes an appropriation to the department of health and human services for the purpose of providing due process for patients residing in emergency rooms in hospitals.

90. Requires fiscal committee approval for any transfer of funds required for operation of the Sununu youth services center.

91. Requires the Medicaid managed care program to provide dental benefits to covered persons beginning in 2021.

92. Establishes a child abuse specialized medical evaluation program in the department of health and human services.

93. Requires evaluation of a minor committed to the youth development center to determine whether an alternative placement in a safe, therapeutic, and cost-effective, residential treatment facility is feasible.

94. Provides for the availability of certain federal family planning funds.

95. Establishes a commission to study school funding.

96. Calculates kindergarten pupils as full day attendance for the purpose of adequate education grants.

97. Repeals distribution of kindergarten grants based on Keno revenue.

98. Permits additional education-related expenditures from the education trust fund for the biennium ending June 30, 2021, and revises the formula for fiscal disparity aid and stabilization grants.

99. Provides that any budget surplus in excess of \$5,000,000 at the close of the biennium ending June 30, 2019, shall not be deposited in the revenue stabilization reserve account but shall remain in the general fund.

100. Makes an appropriation to the Internet crimes against children fund.

101. Requires the governor's commission on disability to analyze the state's system of support for individuals with developmental disabilities and recommend reforms and improvements.

102. Requires the commissioner of the department of administrative services to conduct a study of the state's personnel system and makes an appropriation therefor.

103. Makes an appropriation to the department of administrative services for scheduling software.

104. Increases the annual appropriation to the joint legislative historical committee.

105. Provides that unexpended and unencumbered funds in the legislative branch special account shall not lapse.

106. Establishes the director of the division of technical professions and director of the division of health professions in the office of professional licensure and certification as unclassified officials.

107. Modifies the membership qualifications for the board of nursing.

108. Requires a portion of the revenue collected from the imposition of the real estate transfer tax to be transferred to the affordable housing fund.

109. Updates provisions and adjustments of the United States Internal Revenue Code applicable to the business profits tax.

110. Clarifies the applicability of the communications services tax to voice over Internet protocol (VoIP) and prepaid wireless telecommunications service.

111. Establishes a housing appeals board to hear appeals of decisions of municipal boards, committees, and commissions regarding questions of housing and housing development, and makes an appropriation to the housing appeals board for the administration of the board's duties.

112. Amends the procedure for determining an indigent defendant's ability to pay for services rendered by court appointed counsel in a criminal case, provides that a repayment obligation shall only apply to a defendant who has been convicted or a juvenile who has been found delinquent, and establishes a committee to study the cost to the state for the appointment of counsel to represent indigent defendants in criminal cases.

113. Prohibits off highway recreational vehicles from traveling on Hoit Road Marsh in the city of Concord.
114. Establishes the office of outdoor recreation industry development in the department of business and economic affairs and also establishes the position of director of the office.
115. Makes an appropriation to the department of business and economic affairs to support the small business development center and its programs.
116. Renames the wetlands and shoreland review fund as the water resources fund; clarifies that certain application and permit fees are non-refundable; and repeals the terrain alteration fund.
117. Makes a supplemental appropriation to the department of environmental services for the Ossipee Lake Dam reconstruction.
118. Adds an exception to the real estate transfer tax for any lease involving the Pease development authority.
119. Requires costs that are recovered from damages awarded in cases of hazardous waste clean up after expenditures from the drinking water and groundwater trust fund be deposited in such fund, contingent on SB 169 of the 2019 regular legislative session.
120. Repeals a provision relative to liquor commission revenue shortfalls.
121. Repeals the definition of commercial kennel and revises the definition of pet vendor; authorizes the department of agriculture, markets, and food to make rules relative to the number of amphibians, reptiles, fish, or small mammals a person may sell and qualify as a pet vendor; requires dogs, cats, and ferrets offered for transfer to be accompanied by a health certificate; and establishes and makes an appropriation to the cost of care fund.
122. Makes federal funds and internment fees received by the state veterans cemetery nonlapsing.
123. Establishes the sunny day fund and grant program in the department of business and economic affairs to obtain and disburse grants for research and development, support the infrastructure necessary to address critical gaps in the state's ability to attract research and development projects, increase commercialization of new technologies, leverage federal funds, and support business development and expansion. The bill also transfers funds from the general fund surplus account to fund the program.
124. Makes an appropriation to the department of environmental services to study, investigate, and test for contamination caused by perfluorinated chemicals and design a system to treat such contamination, and requires reporting on developments.
125. Defines terms for executive branch departments, agencies, commissions, and units, and provides for delegation of a departmental commissioner's authority.
126. Makes a transfer from the general fund to the highway fund.
127. Converts certain funds credited to the fish and game department to unrestricted revenue in the fish and game fund.
128. Exempts department of safety appropriations funded with income from motor vehicle fines from certain reductions for the fiscal year ending June 30, 2019.
129. Authorizes the department of safety to transfer funds between certain accounting units as necessary and upon approval of the department of administrative services budget office.
130. Makes appropriations to the department of safety for narcotics related law enforcement activities.
131. Makes an appropriation to the department of safety for the purpose of providing administrative support to the building code review board.
132. Authorizes the department of education to retain a certain percentage of public school infrastructure funds to administer the public school infrastructure program.
133. Permits the department of education to request funds for vocational rehabilitation programs and services.
134. Requires schools to make at least one free or reduced cost meal available to children who meet federal eligibility guidelines and increases reimbursement to schools offering breakfast at no cost to eligible students.

135. Establishes the position of school nurse coordinator in the division of learner support, department of education.

136. Provides family and medical leave to certain school district employees who are not otherwise eligible for leave under the federal Family and Medical Leave Act.

137. Makes an appropriation to the department of administrative services for the purchase and replacement of the heat and hot water systems in the Concord school district.

138. Makes an appropriation to the community college system of New Hampshire for the fiscal year ending June 30, 2019.

139. Makes an appropriation to the department of education to support the Granite State Independent Living IMPACCT program.

140. Makes an appropriation to the department of safety to fund the reallocation of certain state police troopers, and makes an appropriation to the department of administrative services to fund an assessment review for such reallocation.

141. Expands home and community-based behavioral health services for children and makes an appropriation to the department of health and human services for this purpose.

142. Requires the commissioner of the department of health and human services to increase Medicaid provider rates and makes an appropriation therefor.

143. Allows general funds to be used for the New Hampshire granite advantage health care program. Also allows moneys from the Medicaid enhancement tax to be used if necessary to pay for certain provider rate increases.

144. Makes an appropriation to the department of health and human services for safe stations in Manchester and Nashua.

145. Extends the funding for supported housing.

146. Makes an appropriation to the department of health and human services for the purpose of enhancing provider rates for mental health and substance use disorder inpatient and outpatient services.

147. Modifies appropriations and provisions for new designated receiving facilities (DRF) beds and diagnosis-related group (DRG) rates.

148. Makes an appropriation to the department of health and human services for the purpose of constructing a new secure psychiatric facility on the New Hampshire hospital grounds.

149. Repeals the ICF quality assessment imposed on intermediate care facilities for the intellectually disabled.

150. Expands eligibility for Medicaid for employed adults with disabilities age 65 and over.

151. Restricts the use of appropriations to the department of health and human services to hiring additional child protective service workers and child protective service supervisors.

152. Requires dementia training for direct care staff in residential facilities and community-based settings and grants rulemaking authority to the commissioner.

153. Repeals a prohibition on the use of state funds for abortion services.

154. Clarifies proportionate share payments to county nursing homes.

155. Provides for the transfer of funds from the department of health and human services to municipalities, counties, and nongovernmental organizations to encourage the development of local juvenile diversion programs and makes an appropriation to the department for this purpose.

156. Makes appropriations to the department of health and human services for the purpose of funding existing supervised visitation centers in New Hampshire.

157. Makes appropriations to the department of health and human services for the purpose of funding existing supervised visitation centers in New Hampshire.

158. Makes appropriations to the department of health and human services, rural health and primary care section to establish new positions and to fund the state loan repayment program.

159. Makes an appropriation to the department of business and economic affairs to support education programs with non-profit business incubators.

160. Establishes the lead paint hazard remediation fund in RSA 204-C and makes an appropriation for the purposes of the fund.

161. Makes an appropriation to the department of health and human services, division of public health services to fund a study to determine the causes of high levels of pediatric cancer in New Hampshire.

162. Grants authority to the New Hampshire Veterans' Home to transfer funds among accounts and classes for the biennium ending June 30, 2021.

163. Establishes a committee to study the disparity in reimbursement among organizations that provide case management under Social Security Act Section 1915(c) waiver programs.

164. Establishes the New Hampshire pharmaceutical assistance pilot program for seniors and makes an appropriation therefor.

165. Makes an appropriation to the department of health and human services for the purposes of upgrades to substance use disorder treatment facilities.

166. Makes an appropriation to the education trust fund for the fiscal year ending June 30, 2019.

167. Permits either full or part-time students to serve as student members of the community college system board of trustees.

168. Revises the contingency provision of 2016, 218 (HB 626-FN-A) to give effect to RSA 162-R, relative to energy infrastructure development and corridors.

169. Makes an appropriation to the department of health and human services for emergency shelter and stabilization services.

170. Requires the commissioner of health and human services to submit a state plan amendment or waiver to create a state Medicaid benefit for supportive housing services.

171. Modifies an allocation to the department of health and human services for parental assistance programs.

172. Provides that the department of transportation shall not be required to comply with the notice of lease provisions in RSA 72:73, I(b)(1)(B) until January 1, 2021.

173. Modifies exemptions for certain seasonal workers who are temporarily laid off from the requirement to search for work to qualify for unemployment compensation.

174. Requires indigent defendants to complete a financial statement under oath, rather than a financial affidavit, prior to appointment of counsel in criminal cases.

175. Directs the department of safety to solicit requests for information regarding the future deployment of a statewide, real-time threat notification system for schools.

176. Makes changes to the law governing multiple-employer welfare arrangements.

177. Revises the method of apportionment of gross business profits in this state under the business profits tax and the apportionment of dividends under the business enterprise tax. The bill also establishes a committee to study the apportionment of gross business profits under the business profits tax, and to hold hearings and vote on rescinding the enactment of the single sales factor for business taxes.

The signatures below attest to the authenticity of this Report on HB 2-FN-A-LOCAL, relative to state fees, funds, revenues, and expenditures.

Conferees on the Part of the Senate  
Sen. D'Allesandro, Dist. 20  
Sen. Feltes, Dist. 15  
Sen. Rosenwald, Dist. 13  
Sen. Kahn, Dist. 10

Conferees on the Part of the House  
Rep. Wallner, Merr. 10  
Rep. Ley, Ches. 9  
Rep. Lovejoy, Rock. 36  
Rep. Nordgren, Graf. 12  
Rep. Ford, Graf. 3

#### ANNOUNCEMENTS

(The Chair recognized Senator Morse.)



SENATOR MORSE: Thank you, Madam President. Madam President, before I speak I was just notified that a statesman from Salem just passed away. Wally Stickney, so if we could have a moment of silence. Thank you, Madam President.

The question is on the adoption of the Committee of Conference Report.

A roll call was requested by Senator Bradley, 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.

June 18, 2019  
2019-2566-CofC  
11/04

Committee of Conference Report on HB 315, relative to the Interstate Voter Registration Crosscheck Program.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Centralized Voter Registration Database. Amend 654:45, VIII to read as follows:

VIII.(a) The secretary of state may ~~[enter into an agreement to share]~~ ***become a member of a program or organization whose membership is composed of state, local, District of Columbia, or voting territory election officials from the United States and whose purpose is to share and exchange information to improve the accuracy and efficiency of voter registration systems. The secretary of state may enter into a membership agreement with such program or organization no later than January 1, 2020 and shall remain in good standing with such program or organization thereafter. On or before January 15, 2020, the secretary of state shall file a report with the speaker of the house of representatives, the president of the senate, and the chairpersons of the appropriate house and senate standing committees with jurisdiction over election law, that outlines the basis for the determination to participate or not participate in such program or organization. The report shall take into account such factors as standards, policies and procedures, security requirements, and usability. The secretary of state shall share with such program or organization*** voter information or data from the statewide centralized voter registration database for the purpose of comparing duplicate voter information with other states or groups of states. The secretary of state shall only provide information that is necessary for matching duplicate voter information with other states and shall take precautions to make sure that information in the database is secure in a manner consistent with RSA 654:45, VI. The secretary of state may solicit input from the department of safety and the department of information technology and shall ensure that any information or data shared between the agencies ***is protected by security processes and protocols and that any information or data*** that is of a confidential nature remains confidential.

(b) The secretary of state shall investigate any duplicate matches of voters resulting from any comparisons of the statewide centralized voter registration database ***and other voter information or data*** with other states. If the investigation results in the inability to confirm the eligibility of a person or persons who voted, or there is reason to believe a person or persons voted who were not eligible, the secretary of state shall forward the results to the attorney general for further investigation or prosecution.

(c) ***Upon the effective date or subparagraph (a), the secretary of state shall cease any activity or data transfer with the Kansas-based Interstate Voter Registration Crosscheck Program.***

(d) Upon completion of any investigation authorized under RSA 654:45, VIII(b), the attorney general and the secretary of state shall forward a report summarizing the results of the investigation to the speaker of the house of representatives, the president of the senate, and the chairpersons of the appropriate house and senate standing committees with jurisdiction over election law.

The signatures below attest to the authenticity of this Report on HB 315, relative to the Interstate Voter Registration Crosscheck Program.

Conferees on the Part of the Senate  
 Sen. Levesque, Dist. 12  
 Sen. Morgan, Dist. 23  
 Sen. Sherman, Dist. 24

Conferees on the Part of the House  
 Rep. Moynihan, Coos 2  
 Rep. Bergeron, Hills. 29  
 Rep. W. Pearson, Ches. 16  
 Rep. Cote, Hills. 31

2019-2566-CofC

#### AMENDED ANALYSIS

This bill repeals the authorization of the secretary of state to enter into an agreement to share voter information and data through the Interstate Voter Registration Crosscheck Program and authorizes the secretary of state to enter, by January 1, 2020, into an agreement with a program or organization to share voter information or data from the statewide centralized voter registration database.

The question is on the adoption of the Committee of Conference Report.

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.

June 19, 2019  
 2019-2596-CofC  
 08/06

Committee of Conference Report on HB 326, relative to the definition of prime wetland.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Prime Wetlands; Definition. Amend RSA 482-A:15, I-a and I-b to read as follows:

**I-a.** For the purposes of this chapter, "prime wetlands" shall mean any contiguous areas falling within the jurisdictional definitions of RSA 482-A:2, X and RSA 482-A:4 that, because of their size, unspoiled character, fragile condition, or other relevant factors, make them of substantial significance. A prime wetland shall be at least 2 acres in size, ***excluding those areas described in paragraph I-b***, shall not consist of a water body only, shall have at least 4 primary wetland functions ***within the 2 acre or greater area***, one of which shall be wildlife habitat. ***A prime wetland*** ~~[-and]~~ shall have a width of at least 50 feet at its narrowest point ***across and perpendicular to its longitudinal axis***.

***I-b. A prime wetland may include additional connected narrower wetland areas less than 50 feet at their narrowest point across and perpendicular to their longitudinal axis if the municipality can demonstrate that any such narrower portion provides a significant contribution to the primary wetland functions of the prime wetland. To qualify as a significant contribution, a narrower portion shall contain 4 or more primary wetland functions as defined in RSA 482-A:2, XI and shall not include any man-made structures under RSA 482-A:3, IV(b). The municipality shall consider any potential adverse effects on the landowner from including any narrower portion.***

***I-c.*** ~~[The]~~ ***The*** boundary of a prime wetland shall coincide, where present, with the upland edge of any wetland, as defined in RSA 482-A:2, X, that is part of the prime wetland. On-site verification of proposed prime wetland boundaries shall be performed where landowner permission is provided.

***I-d. For the purposes of this paragraph existing state highway rights-of-way, including associated permanent easements, shall not include prime wetlands or their adjacent buffers.***

~~[I-b.]~~ **I-e.** The commissioner shall adopt rules under RSA 541-A relative to the form, criteria, and methods that shall be used to designate, map, and document prime wetlands, determine boundaries in the field, and amend maps and designations once filed and accepted by the department under paragraph II.

The signatures below attest to the authenticity of this Report on HB 326, relative to the definition of prime wetland.

Conferees on the Part of the Senate  
Sen. Fuller Clark, Dist. 21  
Sen. Watters, Dist. 4  
Sen. Bradley, Dist. 3

Conferees on the Part of the House  
Rep. Suzanne Smith, Graf. 8  
Rep. Spang, Straf. 6  
Rep. Grassie, Straf. 11  
Rep. Rung, Hills. 21

2019-2596-CofC

#### AMENDED ANALYSIS

This bill further defines prime wetland for local protection in fill and dredge permits.

The question is on the adoption of the Committee of Conference Report.

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

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

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

Roll Call, Yeas: 16 - Nays: 8. Adopted.

June 18, 2019  
2019-2554-CofC  
01/04

Committee of Conference Report on HB 511-FN, relative to vaping.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 126-K:2, II-b as inserted by section 1 of the bill by replacing it with the following:

**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.

Amend the bill by replacing section 10 with the following:

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

The signatures below attest to the authenticity of this Report on HB 511-FN, relative to vaping.

Conferees on the Part of the Senate  
Sen. Cavanaugh, Dist. 16  
Sen. Morse, Dist. 22  
Sen. Morgan, Dist. 23

Conferees on the Part of the House  
Rep. Marsh, Carr. 8  
Rep. Weber, Ches. 1  
Rep. Knirk, Carr. 3  
Rep. Schapiro, Ches. 16

The question is on the adoption of the Committee of Conference Report. Adopted.

June 19, 2019  
2019-2591-CofC  
06/04

Committee of Conference Report on HB 564, relative to possession of firearms on school property.

## Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

1 New Section; Possession of Firearms on School Property. Amend RSA 159 by inserting after section 159:19-a the following new section:

159:19-b Possession of a Firearm on School Property.

I. No person shall knowingly carry a firearm on public school property, including buildings, grounds, school buses, and vans. Any person who violates the provisions of this paragraph shall be guilty of a class A misdemeanor.

II. This section shall not apply to:

(a) Any person or persons picking up or dropping off a student, provided the firearm remains in a motor vehicle.

(b) Any person authorized by name and in writing by the school board or duly authorized designee to possess a firearm. Such authorization shall not be subject to RSA 91-A and shall specify the weapon or weapons that have been authorized, the purpose and scope of the authorization, and the time period for which the authorization applies. Prior to adopting such authorization the school board shall hold at least one public hearing, noticed in the usual manner, which shall also include written notice designed to reach the general student population for the purpose of soliciting their input and participation.

(c) Any law enforcement officer, when on duty or serving as a school resource officer, or member of the armed services of the United States or National Guard when on duty.

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

The signatures below attest to the authenticity of this Report on HB 564, relative to possession of firearms on school property.

Conferees on the Part of the Senate  
Sen. Chandley, Dist. 11  
Sen. Feltes, Dist. 15  
Sen. French, Dist. 7

Conferees on the Part of the House  
Rep. Luneau, Merr. 10  
Rep. Myler, Merr. 10  
Rep. Heath, Hills. 14  
Rep. Cushing, Rock. 21

The question is on the adoption of the Committee of Conference Report.

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

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.

June 18, 2019  
2019-2555-CofC  
08/10

Committee of Conference Report on HB 582-FN, relative to the regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

## Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.



The signatures below attest to the authenticity of this Report on HB 582-FN, relative to the regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

Conferees on the Part of the Senate  
Sen. Fuller Clark, Dist. 21  
Sen. Feltes, Dist. 15  
Sen. Bradley, Dist. 3

Conferees on the Part of the House  
Rep. Backus, Hills. 19  
Rep. Saunderson, Merr. 9  
Rep. McWilliams, Merr. 27  
Rep. Mann, Ches. 2

The question is on the adoption of the Committee of Conference Report.

A roll call was requested by Senator Bradley, 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, Reagan, Birdsell, Morse.

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

Recess. Out of recess.

June 18, 2019  
2019-2561-CofC  
01/04

Committee of Conference Report on HB 628-FN, relative to universal changing stations in certain places of public accommodation.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

2 Repeal. The subdivision heading preceeding RSA 155:79 and RSA 155:79 and RSA 155:80, relative to universal changing stations in certain places of public accommodation, are repealed.

3 Contingency. Section 2 of this act shall take effect on the date that the chairperson of the building code review board certifies to the director of the office of legislative services that pursuant to RSA 155-A:10, V, the state building code review board has adopted, and the legislature has ratified, a rule to amend the state building code that incorporates the requirements of RSA 155:79 and RSA 155:80. If the board does not adopt such a rule, or such a rule is not ratified by the legislature, section 2 of this act shall not take effect.

4 Effective Date.

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

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

The signatures below attest to the authenticity of this Report on HB 628-FN, relative to universal changing stations in certain places of public accommodation.

Conferees on the Part of the Senate  
Sen. Carson, Dist. 14  
Sen. Cavanaugh, Dist. 16  
Sen. Chandley, Dist. 11

Conferees on the Part of the House  
Rep. Williams, Hills. 4  
Rep. Le, Rock. 31  
Rep. Van Houten, Hills. 45  
Rep. Potucek, Rock. 6

The question is on the adoption of the Committee of Conference Report.

A division vote was requested.

Yeas: 14 - Nays: 10. Adopted.

June 17, 2019  
2019-2523-CofC  
01/04

Committee of Conference Report on HB 696-FN, establishing a protective order for vulnerable adults.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 173-D:5, I(b) as inserted by section 1 of the bill by deleting subparagraph (4).

Amend RSA 173-D:6 as inserted by section 1 of the bill by replacing it with the following:

173-D:6 Relief.

I. A finding of abuse, exploitation, or neglect shall mean the defendant represents a credible threat to the safety of the plaintiff or physical, mental, or financial well-being. Upon a showing of abuse, exploitation, or neglect of the plaintiff by a preponderance of the evidence, the court shall grant such relief as is necessary to bring about a cessation of abuse, exploitation, or neglect. Such relief may include:

(a) Protective orders:

(1) Restraining the defendant from abusing, exploiting or neglecting the plaintiff.

(2) Restraining the defendant from entering the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and is allowed entry by the plaintiff for the sole purpose of retrieving personal property specified by the court.

(3) Restraining the defendant from contacting the plaintiff or entering the plaintiff's place of employment, school, or any specified place frequented regularly by the plaintiff or by any family or household member.

(4) Restraining the defendant from abusing the plaintiff, plaintiff's relatives, regardless of their place of residence, or plaintiff's household members in any way.

(5) Restraining the defendant from taking, converting, or damaging property in which the plaintiff has a legal or equitable interest.

(6) Granting the plaintiff exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by the plaintiff or by the plaintiff jointly with the defendant in either household, and ordering the defendant to stay away from the animal and forbidding the defendant from taking, transferring, encumbering, concealing, committing an act of cruelty or neglect, or disposing of the animal.

(b) Other relief including, but not limited to:

(1) Granting the plaintiff the exclusive use and possession of the premises and curtilage of the plaintiff's place of residence, unless the defendant exclusively owns or leases and pays for the premises and the defendant has no legal duty to support the plaintiff and provided, however, that such relief shall not extend to, extinguish, encumber, or otherwise limit the rights of creditors, mortgagees, or secured parties in such property.

(2) Restraining the defendant from withholding items of the plaintiff's personal property specified by the court. A peace officer shall accompany the plaintiff in retrieving such property to protect the plaintiff.

(3) Granting to the plaintiff the exclusive right of use and possession of the household furniture, furnishings, or a specific automobile, unless the defendant exclusively owns such personal property and the defendant has no legal duty to support the plaintiff.

(4) Ordering the defendant to make automobile, insurance, health care, utilities, rent, or mortgage payments if the defendant has a legal or fiduciary duty to do so.

(5) Ordering the defendant to pay the plaintiff monetary compensation for losses suffered as a direct result of the abuse, exploitation, or neglect which may include, but not be limited to, misappropriated funds, loss of earnings or support, medical and dental expenses, damage to property, out-of-pocket losses for injuries sustained, and moving and shelter expenses.

(6) Ordering the defendant to pay reasonable attorney's fees.

II. The court shall not deny the plaintiff protective orders based solely on a lapse of time between an act of abuse, exploitation, or neglect and the filing of a petition, provided that the underlying act presents a credible threat to the plaintiff's current safety or physical, mental, or financial well-being.

III. No order made under this section shall supersede or affect any court order pertaining to the possession of a residence or household furniture as determined by a circuit court, or title to real or personal property.

IV. The findings of fact with respect to the protective order shall be final, but questions of law may be transferred from the circuit court to the supreme court.

V. Any order under this section shall be for a fixed period of time not to exceed one year, but may be extended by order of the court upon a motion by the plaintiff, showing good cause, with notice to the defendant, for one year after the expiration of the first order and thereafter each extension may be for up to 5 years, upon the request of the plaintiff and at the discretion of the court. The court shall review the order and each renewal thereof and shall grant such relief as may be necessary to provide for the safety and well-being of the plaintiff. A defendant shall have the right to a hearing on the extension of any order under this paragraph to be held within 30 days of the extension. The court shall state in writing, at the respondent's request, its reason or reasons for granting the extension. The court shall retain jurisdiction to enforce and collect any financial compensation due to the plaintiff which accrued prior to the expiration of the protective order.

VI. Both parties shall be issued written copies of any orders issued by the court, and all orders shall bear the following language: "A willful violation of this order is a crime, as well as contempt of court. Violations of the protective provisions shall result in arrest and may result in imprisonment." Orders shall clearly state how any party can request a further hearing and how the plaintiff may bring a criminal complaint or a petition for contempt if there is a violation of any court order.

VII.(a) No order issued under this chapter shall be modified other than by the court.

(b) If either party wishes the defendant to be excused from any provisions of an order of protection, the remedy is to petition the court for modification of such order.

(c) A defendant who is restrained from contacting the plaintiff or entering the premises of the plaintiff is prohibited from doing so even if invited by the plaintiff unless the restraining order has been modified by the court.

(d) This paragraph shall give unequivocal direction to peace officers that orders for protection are to be enforced as written and that no action by a party relieves them of the duty to enforce the order.

VIII. Upon issuing an order against a defendant, in which a defendant is restrained from having any contact with the plaintiff, the court shall advise the plaintiff that it would be unwise and possibly unsafe for the plaintiff to contact the defendant. If the plaintiff wishes to contact the defendant for any reason, the court shall advise the plaintiff that such contact be made only after petitioning the court for a modification of the order. In an emergency situation, the plaintiff or plaintiff's family may request that the local police department notify the defendant and the local police may accompany the defendant to a designated location, such as a hospital, if appropriate.

IX.(a) A copy of each protective order issued under this chapter shall be transmitted to the administrative office of the courts by facsimile or computer. An emergency protective order issued telephonically shall be transmitted by telephone or facsimile to the department of safety.

(b) The administrative office of the courts shall enter information regarding the protective orders into the state database which shall be made available to police and sheriff departments statewide. The department of safety shall make available information regarding emergency protective orders issued telephonically to police and sheriff departments statewide.

(c) The administrative office of the courts shall update the database upon expiration or termination of a protective order.

(d) Notwithstanding any other provision of law, the administrative office of the courts, the department of health and human services, or the department of safety, their employees and agents, and law enforcement officials shall not be held criminally or civilly liable for action taken under this chapter or RSA 458:16, provided they are acting in good faith and without gross negligence, and within the scope of their duties and authority.

Amend RSA 173-D:10, I as inserted by section 1 of the bill by replacing it with the following:

I. When the defendant violates either a temporary or permanent protective order issued or enforced under this chapter, peace officers shall arrest the defendant and ensure that the defendant is detained until

arraignment, provided that in extreme circumstances, such as when the health of the defendant would be jeopardized by the temporary detention, a judge in response to a request by the arresting law enforcement officer or agency, may order an alternative to detention pending arraignment. Such arrests may be made within 12 hours without a warrant upon probable cause, whether or not the violation is committed in the presence of a peace officer.

Amend RSA 173-D:12, II(g) and (h) as inserted by section 1 of the bill by replacing them with the following:

(g) Ordering the defendant to pay reasonable attorney's fees.

The signatures below attest to the authenticity of this Report on HB 696-FN, establishing a protective order for vulnerable adults.

Conferees on the Part of the Senate  
Sen. Hennessey, Dist. 5  
Sen. Chandley, Dist. 11  
Sen. French, Dist. 7

Conferees on the Part of the House  
Rep. Cushing, Rock. 21  
Rep. Welch, Rock. 13  
Rep. Weber, Ches. 1  
Rep. R. Osborne, Graf. 7

The question is on the adoption of the Committee of Conference Report. Adopted.

Senators Birdsell, Bradley, Gray and Ward are in opposition to adoption of the Committee of Conference Report on HB 696-FN.

Senator Giuda is in favor of adoption of the Committee of Conference Report on HB 696-FN.

Without objection, the Clerk is instructed to enter all House Messages into the Senate Journal. Adopted.

#### HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 10, (New Title) relative to the state minimum hourly rate.

#### HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 30, relative to the advisory board on services for children, youth, and families.

#### HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 31, (New Title) adding a member to the New Hampshire community development advisory committee and exempting the community development finance authority from the administrative procedure act.

#### HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 82-FN, relative to school food and nutrition programs.

#### HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 86, establishing a commission to study programs for serving individuals with certain developmental and mental health disabilities.

#### HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 118, establishing a child fatality review committee.



## HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 167-FN, establishing a clean energy resource procurement commission.

## HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 190-FN, (New Title) relative to apportionment of sales under the business profits tax and the apportionment of dividends under the business enterprise tax.

## HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 194-FN, relative to the insurance data security law.

## HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 216-FN, (New Title) establishing an autonomous vehicle advisory commission, establishing an autonomous vehicle testing pilot program, and providing requirements for automated vehicle deployment.

## HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 226-FN, relative to registration of pharmacy benefit managers, and reestablishing the commission to study greater transparency in pharmaceutical costs and drug rebate programs.

## HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 235-FN, relative to sexual harassment complaints in the general court and authorizing an independent human resources professional.

## HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 246-FN, relative to licensing of child daycare, residential care, and child-placing agencies.

## HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 267, relative to the release of student assessment information and data.

## HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 279-FN, relative to access to fertility care.

## HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 290-FN, relative to the New Hampshire granite advantage health care program.

## COMMITTEE OF CONFERENCE REPORTS

## CONSENT CALENDAR

Senator Feltes moved that the Senate adopt the Committee of Conference Reports that are on the Consent list before you today.

June 19, 2019  
2019-2594-CofC  
05/04

Committee of Conference Report on SB 30, relative to the advisory board on services for children, youth, and families.

## Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 30, relative to the advisory board on services for children, youth, and families.

Conferees on the Part of the Senate  
Sen. Carson, Dist. 14  
Sen. Chandley, Dist. 11  
Sen. Cavanaugh, Dist. 16

Conferees on the Part of the House  
Rep. Long, Hills. 10  
Rep. Berrien, Rock. 18  
Rep. French, Graf. 14  
Rep. Fowler, Rock. 20

June 19, 2019  
2019-2597-CofC  
05/06

Committee of Conference Report on SB 31, relative to membership of the New Hampshire community development advisory committee.

## Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 31, relative to membership of the New Hampshire community development advisory committee.

Conferees on the Part of the Senate  
Sen. Carson, Dist. 14  
Sen. Cavanaugh, Dist. 16  
Sen. Chandley, Dist. 11

Conferees on the Part of the House  
Rep. Josephson, Graf. 11  
Rep. Mombourquette, Hills. 5  
Rep. Porter, Hills. 1  
Rep. MacDonald, Carr. 6

June 17, 2019  
2019-2518-CofC  
06/04

Committee of Conference Report on SB 82-FN, relative to school food and nutrition programs.

## Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 82-FN, relative to school food and nutrition programs.

Conferees on the Part of the Senate  
Sen. D'Allesandro, Dist. 20  
Sen. Fuller Clark, Dist. 21  
Sen. Giuda, Dist. 2

Conferees on the Part of the House  
Rep. Cornell, Hills. 18  
Rep. Luneau, Merr. 10  
Rep. Ford, Graf. 3  
Rep. Weyler, Rock. 13

June 18, 2019  
2019-2551-CofC  
01/10

Committee of Conference Report on SB 86, establishing a commission to study programs for serving individuals with certain developmental and mental health disabilities.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 171-A:34, IV as inserted by section 1 of the bill by replacing it with the following:

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

(b) In the performance of its duties, the commission may solicit information and testimony from any person or entity with expertise or experience relevant to the study.

The signatures below attest to the authenticity of this Report on SB 86, establishing a commission to study programs for serving individuals with certain developmental and mental health disabilities.

Conferees on the Part of the Senate  
Sen. Sherman, Dist. 24  
Sen. Fuller Clark, Dist. 21  
Sen. Gray, Dist. 6

Conferees on the Part of the House  
Rep. Weber, Ches. 1  
Rep. MacKay, Merr. 14  
Rep. Nutter-Upham, Hills. 33  
Rep. Guthrie, Rock. 13

June 18, 2019  
2019-2547-CofC  
05/04

Committee of Conference Report on SB 118, establishing a child fatality review committee.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 132:41, III as inserted by section 1 of the bill by inserting after subparagraph (g) the following and renumbering the original subparagraphs (h)-(aa) to read as (i)-(bb), respectively:

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

Amend the introductory paragraph of RSA 132:41, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Members of the child fatality review committee appointed under subparagraphs III(a)-(n) shall serve a term coterminous with their term in office. Members appointed under subparagraphs III(o)-(bb) shall serve a 6-year term, provided that initial appointments shall be for staggered terms of one to 6 years.

The signatures below attest to the authenticity of this Report on SB 118, establishing a child fatality review committee.

Conferees on the Part of the Senate  
Sen. Sherman, Dist. 24  
Sen. Hennessey, Dist. 5  
Sen. Gray, Dist. 6

Conferees on the Part of the House  
Rep. Long, Hills. 10  
Rep. Berrien, Rock. 18  
Rep. Diggs, Graf. 16  
Rep. Camarota, Hills. 7

June 17, 2019  
2019-2531-CofC  
10/04

Committee of Conference Report on SB 190-FN, relative to apportionment of sales under the business profits tax.

## Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 77-A:3, I(c)(2)(C) as inserted by section 1 of the bill by replacing it with the following:

***(C) In the case of sale of a service, if and to the extent the service is delivered to a location in this state;***

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Legislative Study Committee on Apportionment. There is established a committee to study the apportionment of gross business profits under the business profits tax.

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

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

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

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

III. The committee shall study apportionment among states pursuant to RSA 77-A:3 of gross business profits under the business profits tax. The committee shall also monitor the laws and legislation of other states concerning market-based sourcing and may study any other related issues. The committee may solicit input or testimony from any person or organization the committee deems relevant to the study.

IV. The members of the committee shall elect a chairperson from among the members. The first meeting 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.

V. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2020.

The signatures below attest to the authenticity of this Report on SB 190-FN, relative to apportionment of sales under the business profits tax.

Conferees on the Part of the Senate  
Sen. D'Allesandro, Dist. 20  
Sen. Dietsch, Dist. 9  
Sen. Birdsell, Dist. 19

Conferees on the Part of the House  
Rep. Malloy, Rock. 23  
Rep. Griffith, Hills. 18  
Rep. Major, Rock. 14  
Rep. Abrami, Rock. 19

2019-2531-CofC

## AMENDED ANALYSIS

This bill modifies the apportionment to this state of sales of a business organization with activity in other states and the apportionment of dividends of a business enterprise based on sales made within this state. The bill also establishes a committee to study apportionment under the business profits tax and monitor the laws and legislation of other states concerning market-based sourcing.

June 19, 2019  
2019-2609-CofC  
01/04

Committee of Conference Report on SB 194-FN, relative to the insurance data security law.

## Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and



That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 420-P:9, I(e) and (f) as inserted by section 1 of the bill by replacing them with the following:

(e) A licensee that is a bank or a credit union, as defined in RSA 383-A:2-201, that has established and maintains programs and procedures regarding administrative, technical, and physical safeguards for customer information that are prescribed by section 501(b) of the Gramm-Leach-Bliley Act, 15 U.S.C. section 6801 et seq. and by section 216 of the Fair and Accurate Credit Transaction Act of 2003, and that is subject to examination by its federal regulatory authorities, shall be exempt from RSA 420-P:4, and those provisions of this chapter that apply to a bank or credit union apply only to the extent that it involves insurance. Notification to affected consumers for security breaches relating to insurance business shall be made consistent with the requirements of the Gramm-Leach Bliley Act. Notification to the commissioner shall be made consistent with that received by federal regulatory authorities.

(f) A motor vehicle retail seller or a motor vehicle sales finance company, as defined in RSA 361-A, shall be exempt from RSA 420-P:4, and those provisions of this chapter that apply to a motor vehicle retail seller or a motor vehicle sales finance company apply only to the extent that it involves insurance. Notification to affected consumers for security breaches relating to the insurance business shall be made consistent with the requirements of the Gramm-Leach Bliley Act. Notification to the commissioner shall be made consistent with that received by federal regulatory authorities.

(g) A vendor, as defined under RSA 402-K:1, shall be exempt from this chapter.

The signatures below attest to the authenticity of this Report on SB 194-FN, relative to the insurance data security law.

Conferees on the Part of the Senate  
Sen. Cavanaugh, Dist. 16  
Sen. Morgan, Dist. 23  
Sen. Morse, Dist. 22

Conferees on the Part of the House  
Rep. Butler, Carr. 7  
Rep. Williams, Hills. 4  
Rep. Indruk, Hills. 34  
Rep. Herbert, Hills. 43

June 18, 2019  
2019-2549-CofC  
11/01

Committee of Conference Report on SB 216-FN, requiring the New Hampshire transportation council to conduct a review of automated vehicle testing and deployment, establishing an automated vehicle testing pilot program, and providing requirements for automated vehicle deployment.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 238-A:3, IV as inserted by section 1 of the bill by inserting after subparagraph (d) the following new subparagraph:

(e) The insurance industry.

Amend RSA 242:1, II(a) as inserted by section 4 of the bill by replacing it with the following:

(a) "Automated driving system" means the hardware and software that are collectively capable of performing all aspects of the dynamic driving task within its operational design domain, if any, including achieving a minimal risk condition, without any intervention or supervision by a conventional human driver. ADS shall be used to describe vehicles equipped with autonomous or both autonomous and connected technologies that provide level 4 or 5 automation as defined in SAE International, J3016.

The signatures below attest to the authenticity of this Report on SB 216-FN, requiring the New Hampshire transportation council to conduct a review of automated vehicle testing and deployment, establishing an automated vehicle testing pilot program, and providing requirements for automated vehicle deployment.

Conferees on the Part of the Senate  
Sen. Watters, Dist. 4  
Sen. Birdsell, Dist. 19  
Sen. Levesque, Dist. 12

Conferees on the Part of the House  
Rep. Sykes, Graf. 13  
Rep. Steven Smith, Sull. 11  
Rep. O'Brien, Hills. 36  
Rep. Pickering, Hills. 3

June 19, 2019  
2019-2610-CofC  
01/10

Committee of Conference Report on SB 226-FN, relative to registration of pharmacy benefit managers, and re-establishing the commission to study greater transparency in pharmaceutical costs and drug rebate programs.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 402-N:6, II as inserted by section 2 of the bill by replacing it with the following:

II. Information reported to the commissioner pursuant to this section shall be confidential and protected from disclosure under the commissioner's examination authority and shall not be considered a public record subject to disclosure under RSA 91-A. Based on this reporting, the commissioner shall make public aggregated data on the overall amount of rebates collected on behalf of covered persons in the state, but shall not release data that identifies a specific insurer or pharmacy benefit manager.

Amend RSA 402-N:7 as inserted by section 2 of the bill by replacing it with the following:

402-N:7 Authority to Examine and Directly Bill Pharmacy Benefits Managers for Certain Examinations. The commissioner may examine and directly bill a pharmacy benefits manager required to be registered under this chapter for the costs of any examination pursuant to RSA 400-A:37 as necessary to determine and enforce compliance with this chapter. In addition, if the commissioner finds through an investigation or examination that a carrier has not received information required under RSA 420-J:7-b, XI from a pharmacy benefit manager, the commissioner may require that the pharmacy benefit manager provide the required information, and the commissioner may investigate or examine and directly bill the pharmacy benefit manager for the cost of any portion of the examination or investigation pertaining to obtaining the required information.

Amend the bill by replacing all after section 8 with the following:

9 Pharmacy Benefits Managers; Reference. Amend RSA 402-N:7 as inserted by section 2 of the bill by replacing it with the following:

402-N:7 Authority to Examine and Directly Bill Pharmacy Benefits Managers for Certain Examinations. The commissioner may examine and directly bill a pharmacy benefits manager required to be registered under this chapter for the costs of any examination pursuant to RSA 400-A:37 as necessary to determine and enforce compliance with this chapter. In addition, if the commissioner finds through an investigation or examination that a carrier has not received information required under RSA 420-J:7-b, from a pharmacy benefit manager, the commissioner may require that the pharmacy benefit manager provide the required information, and the commissioner may investigate or examine and directly bill the pharmacy benefit manager for the cost of any portion of the examination or investigation pertaining to obtaining the required information.

10 Contingency. If HB 670-FN of the 2019 regular legislative session becomes law, RSA 402-N:7 as inserted by section 2 of this act shall take effect January 1, 2020 and section 9 shall not take effect. If HB 670-FN of the regular 2019 legislative session does not become law, RSA 402-N:7 as inserted by section 9 of this act shall take effect at 12:01 am on January 1, 2020.

11 Effective Date.

I. Sections 1-4 of this act shall take effect January 1, 2020.

II. Section 6 of this act shall take effect November 1, 2020.

III. Section 7 of this act shall take effect June 30, 2020.

IV. Section 9 of this act shall take effect as provided in section 10 of this act.

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

The signatures below attest to the authenticity of this Report on SB 226-FN, relative to registration of pharmacy benefit managers, and reestablishing the commission to study greater transparency in pharmaceutical costs and drug rebate programs.

Conferees on the Part of the Senate  
Sen. Soucy, Dist. 18  
Sen. Chandley, Dist. 11  
Sen. Reagan, Dist. 17

Conferees on the Part of the House  
Rep. Butler, Carr. 7  
Rep. Hunt, Ches. 11  
Rep. Abel, Graf. 13  
Rep. Indruk, Hills. 34

June 19, 2019  
2019-2601-CofC  
10/08

Committee of Conference Report on SB 235-FN, relative to sexual harassment complaints in the general court and authorizing an independent human resources professional.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 14:52, III as inserted by section 1 of the bill by replacing it with the following:

III. A sexual harassment complaint filed with the general court administrative office shall be confidential and not subject to disclosure to any third party, including but not limited to the attorney general's office; provided that the complainant may waive such confidentiality protections with informed, written consent. Nothing in this paragraph shall prevent the independent human resources professional from consulting with any person reasonably necessary to conduct an investigation.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect January 1, 2020.

The signatures below attest to the authenticity of this Report on SB 235-FN, relative to sexual harassment complaints in the general court and authorizing an independent human resources professional.

Conferees on the Part of the Senate  
Sen. Carson, Dist. 14  
Sen. Cavanaugh, Dist. 16  
Sen. Rosenwald, Dist. 13

Conferees on the Part of the House  
Rep. Wall, Straf. 6  
Rep. Ley, Ches. 9  
Rep. Wilhelm, Hills. 42  
Rep. Nutting-Wong, Hills. 32

June 19, 2019  
2019-2600-CofC  
05/04

Committee of Conference Report on SB 246-FN, relative to licensing of child daycare, residential care, and child-placing agencies.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 170-E:7, I-II as inserted by section 1 of the bill by replacing them with the following:

I. Child day care **agencies and** providers who are required to be licensed or registered according to the provisions of this chapter shall ~~[, prior to the date an individual is responsible for the care of, or has regular contact with children, and upon adding new household members or other individuals who will have regular~~

contact with children,] submit to the department[, the names, birth names, **aliases**, birth dates, and **resident** addresses during the preceding 5 years of [such individuals] **all owners, household members, and directors prior to the issuance of a permit or license**, and [other information] **subsequent to licensure, for all individuals as** required by the department [as prescribed by] **in** rules adopted [by the commissioner] under RSA 541-A.

I-a. The persons described in paragraph I shall **complete a Federal Bureau of Investigation fingerprint check using the biometric identification system through a qualified law enforcement agency or an authorized employee of the division of state police, department of safety and** [submit directly to the department of safety a criminal history records release form, as provided by the New Hampshire division of state police, which authorizes] **authorize** the release of the person's criminal records, if any, to the department. [The person shall complete a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System through a qualified law enforcement agency or an authorized employee of the department of safety. The department of safety shall complete the criminal history records check and forward such record, if any, to the department.] In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

II.(a) For every name submitted on an application, in the registration process, and for each individual for whom information is required to be submitted pursuant to paragraph I, the department shall search for such persons against the New Hampshire sex offender and abuse and neglect registries, **and** the sex offender [and abuse and neglect] registries of each state where the individual resided in the past 5 years[, and the National Sex Offender Registry]. **The individual shall submit all forms and any required payments to the department to request from each state a check of the criminal history repository and abuse and neglect registry offices where the individual resided in the past 5 years.**

(b) [The department of safety shall submit the criminal history record information authorization form to the New Hampshire division of state police, which] **Under the authority of the Child Care and Development Block Grant Act of 2014, the division of state police** shall conduct [a] **the** criminal history records check **pursuant to paragraph I-a**, through its records and through the Federal Bureau of Investigation, **to include a check of the National Sex Offender Registry file in the National Crime Information Center records**. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department **and shall indicate whether the individual is registered on the National Sex Offender Registry file in the National Crime Information Center records**. The department shall maintain the confidentiality of all criminal history records information received [pursuant to this paragraph].

(c) The costs of criminal history record **and abuse and neglect registry** checks shall be borne by the child day care **agency or** provider; provided, that the child day care **agency or** provider may require an applicant to pay the actual costs of the criminal history check **and abuse and neglect registry checks** of the employee.

**(d) Any individual who refuses to consent to the criminal background check or knowingly makes a materially false statement in connection with such criminal background checks shall be ineligible for employment.**

Amend RSA 170-E:29-a, I-II as inserted by section 2 of the bill by replacing them with the following:

I. Child care institutions and child care agencies, with the exception of foster family homes, that are required to be licensed according to the provisions of this chapter shall **submit to the department the names, birth names, aliases, birth dates, and resident addresses during the previous 5 years of all owners, household members, and program directors prior to the issuance of a permit or license and** prior to making a final offer of employment, [to a person who will be responsible for the care of, or who will have regular contact with children, and upon adding a new household member, or other persons who will have regular contact with children, submit to the department, the names, birth names, birth dates, and addresses during the preceding 5 years of such persons and other information] **for all individuals as** required by the department [as prescribed by] **in** rules adopted [by the commissioner] under RSA 541-A.

I-a. The persons described in paragraph I shall [submit directly to the department of safety a criminal history record information authorization form as provided by the New Hampshire division of state police, which authorizes] **complete a Federal Bureau of Investigation fingerprint check using the biometric identification system through a qualified law enforcement agency or an authorized employee of the**



**division of state police, department of safety and authorize** the release of the person's criminal records, if any, to the department. ~~[The persons shall complete a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System through a qualified law enforcement agency or an authorized employee of the department of safety. The department of safety shall complete the criminal history records check and forward such record, if any, to the department.]~~ In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

II.(a) For every name submitted on an application and for each person for whom information is required to be submitted pursuant to paragraph I, the department shall search for such persons against the New Hampshire sex offender and abuse and neglect registries, **and** the sex offender and abuse and neglect registries of each state where the individual resided in the past 5 years~~[, and the National Sex Offender Registry]~~. **The individual shall submit all forms and any required payments to the department to request from each state a check of the abuse and neglect registry records where the individual resided in the past 5 years.**

(b) ~~[The department of safety shall submit the criminal history records release form to the New Hampshire division of state police, which]~~ **Under the authority of the Child Care and Development Block Grant Act of 2014, the division of state police** shall conduct [a] **the** criminal history records check **pursuant to paragraph I-a**, through its records and through the Federal Bureau of Investigation, **to include a check of the National Sex Offender Registry file in the National Crime Information Center records**. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department **and shall indicate whether the individual is registered on the National Sex Offender Registry file in the National Crime Information Center records**. The department shall maintain the confidentiality of all criminal history records information received ~~[pursuant to this paragraph]~~.

(c) The costs of criminal history record **and abuse and neglect registry** checks shall be borne by the licensee; provided, that the licensee may require an applicant to pay the actual costs of the criminal history check **and abuse and neglect registry checks** of the employee.

**(d) Any individual who refuses to consent to the criminal background check or knowingly makes a materially false statement in connection with such criminal background checks shall be ineligible for employment.**

The signatures below attest to the authenticity of this Report on SB 246-FN, relative to licensing of child daycare, residential care, and child-placing agencies.

Conferees on the Part of the Senate  
Sen. Carson, Dist. 14  
Sen. Rosenwald, Dist. 13  
Sen. Chandley, Dist. 11

Conferees on the Part of the House  
Rep. Long, Hills. 10  
Rep. Berrien, Rock. 18  
Rep. Rice, Hills. 37  
Rep. French, Graf. 14

June 19, 2019  
2019-2602-CofC  
01/04

Committee of Conference Report on SB 279-FN, relative to access to fertility care.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 279-FN, relative to access to fertility care.

Conferees on the Part of the Senate  
Sen. Cavanaugh, Dist. 16  
Sen. Morgan, Dist. 23  
Sen. Morse, Dist. 22

Conferees on the Part of the House  
Rep. Butler, Carr. 7  
Rep. McBeath, Rock. 26  
Rep. Van Houten, Hills. 45  
Rep. Weston, Graf. 8

The question is on the adoption of the Consent Calendar. Adopted.

## COMMITTEE OF CONFERENCE REPORTS

June 19, 2019  
 2019-2606-CofC  
 04/10

Committee of Conference Report on SB 10, establishing the state minimum hourly rate based on whether an employer offers paid sick days to an employee.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Minimum Hourly Rate. Amend the introductory paragraph of RSA 279:21 to read as follows:

279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended ***or the following, whichever is higher:***

***From January 1, 2020 to December 31, 2021, \$10 per hour.***

***From January 1, 2022 and thereafter, \$12 per hour.***

Tipped employees of a restaurant, hotel, motel, inn or cabin, or ballroom who customarily and regularly receive more than \$30 a month in tips directly from the customers will receive a base rate from the employer of not less than 45 percent of the applicable minimum wage. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal ~~the minimum wage~~ ***\$12 per hour*** for all hours worked, the employer shall pay the employee the difference to guarantee the ~~[applicable minimum wage]~~ ***\$12 hourly rate***.

***Tipped employees who are licensed as secondary game operators pursuant to RSA 287-D and who customarily and regularly receive more than \$30 a month in tips directly from the customers will receive a base rate from the employer of not less than \$7.25 per hour. If such an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal \$12 per hour for all hours worked, the employer shall pay the employee the difference to guarantee the \$12 hourly rate.***

The limitations imposed hereby shall be subject to the following exceptions:

The signatures below attest to the authenticity of this Report on SB 10, establishing the state minimum hourly rate based on whether an employer offers paid sick days to an employee.

Conferees on the Part of the Senate  
 Sen. Cavanaugh, Dist. 16  
 Sen. Soucy, Dist. 18  
 Sen. French, Dist. 7

Conferees on the Part of the House  
 Rep. Sullivan, Sull. 1  
 Rep. Soucy, Merr. 16  
 Rep. DiSilvestro, Hills. 9  
 Rep. Bouchard, Hills. 11

2019-2606-CofC

## AMENDED ANALYSIS

This bill increases the minimum hourly rate and amends the hourly rate for tipped employees.

The question is on the adoption of the Committee of Conference Report.

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

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.

June 18, 2019  
 2019-2570-CofC  
 06/04

Committee of Conference Report on SB 167-FN, establishing a clean energy resource procurement commission.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 374-F:9, II as inserted by section 2 of the bill by replacing it with the following:

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, at least one of whom shall be a member of the science, technology and energy committee, appointed by the speaker of the house of representatives.
- (c) The director of the office of strategic initiatives, or designee.
- (d) A chairperson of the public utilities commission, or designee.
- (e) The consumer advocate, or designee.
- (f) The commissioner of the department of environmental services, or designee.
- (g) A representative of Clean Energy NH, appointed by that association.
- (h) A representative of the Business and Industry Association of New Hampshire, appointed by its president.
- (i) A representative of the New England Power Generators Association, appointed by the association.
- (j) A representative of the New Hampshire Electric Cooperative, appointed by the executive director.
- (k) A representative of the land conservation community, appointed by the governor.
- (l) A representative of Eversource, appointed by its president.
- (m) A representative of Unitil, appointed by its president.
- (n) A representative of Liberty Utilities, appointed by its president.
- (o) A representative of the renewable energy development industry, appointed by the governor.
- (p) A representative of the renewable wind energy development industry, appointed by the president of the senate.
- (q) A representative of the renewable solar energy development industry, appointed by the speaker of the house of representatives.
- (r) A representative of the Conservation Law Foundation, appointed by the foundation.
- (s) A representative of Great River Hydro LLC, appointed by the LLC.
- (t) A representative of the New Hampshire Timberland Owners Association, appointed by the association.

Amend RSA 374-F:9, VI as inserted by section 2 of the bill by replacing it with the following:

VI. The commission shall have a budget of up to \$100,000 in order to hire technical and consulting support. The public utilities commission is authorized to contract for such services on behalf of the commission and to undertake an assessment for the same.

The signatures below attest to the authenticity of this Report on SB 167-FN, establishing a clean energy resource procurement commission.

Conferees on the Part of the Senate  
 Sen. Fuller Clark, Dist. 21  
 Sen. Watters, Dist. 4  
 Sen. Bradley, Dist. 3

Conferees on the Part of the House  
 Rep. Backus, Hills. 19  
 Rep. Oxenham, Sull. 1  
 Rep. Cali-Pitts, Rock. 30  
 Rep. Mann, Ches. 2

The question is on the adoption of the Committee of Conference Report. Adopted.

June 19, 2019  
 2019-2595-CofC  
 06/10

Committee of Conference Report on SB 267, relative to the release of student assessment information and data.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 193-C:12 as inserted by section 1 of the bill by replacing it with the following:

193-C:12 Pupil Assessment Information. The department shall provide the testing entity as defined in RSA 189:65, VIII, with individual pupil names and unique pupil identifiers. The testing entity shall maintain the results, scores, or other evaluative materials for the purpose of measuring and reporting individual student growth. The department may provide the assessment results and comparative data to a parent, a legal guardian, or the pupil's school as provided in RSA 193-C:11. The testing entity shall destroy all student data after 8 years.

The signatures below attest to the authenticity of this Report on SB 267, relative to the release of student assessment information and data.

Conferees on the Part of the Senate  
 Sen. Kahn, Dist. 10  
 Sen. Morgan, Dist. 23  
 Sen. Starr, Dist. 1

Conferees on the Part of the House  
 Rep. Myler, Merr. 10  
 Rep. Luneau, Merr. 10  
 Rep. Tanner, Sull. 9  
 Rep. Mullen, Hills. 7

The question is on the adoption of the Committee of Conference Report. Adopted.

Senators Birdsell and Giuda are in opposition to adoption of the Committee of Conference Report on SB 267.

June 20, 2019  
 2019-2626-CofC  
 01/04

Committee of Conference Report on SB 290-FN, relative to the New Hampshire granite advantage health care program.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

1 New Hampshire Granite Advantage Health Care Program. Amend RSA 126-AA:2, III to read as follows:

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

(1) Unsubsidized employment including by nonprofit organizations.



(2) Subsidized private sector employment.

(3) Subsidized public sector employment.

(4) On-the-job training.

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

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

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

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

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

(10) Community service or public service.

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

(12) Participation in substance use disorder treatment ***or recovery activities and/or mental health treatment.***

(b) If an individual in a family receiving benefits under this paragraph fails to comply with the work or community engagement activities required in accordance with this paragraph, the assistance shall be ~~terminated~~ ***suspended.*** The commissioner shall adopt rules under RSA 541-A to determine good cause and other exceptions to termination. Following approval by the joint health care reform oversight committee, pursuant to RSA 161:11, to initiate rulemaking, any rules proposed under this subparagraph shall be submitted to the fiscal committee of the general court, which shall review the rules prior to submission to the joint legislative committee on administrative rules and make recommendations to the commissioner regarding the rules. An individual may apply for good cause exemptions which shall include, at a minimum, the following verified circumstances:

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

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

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

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

~~[(5) The beneficiary is a custodial parent or caretaker of a child 6 to 12 years of age who, as determined by the commissioner on a monthly basis, is unable to secure child care in order to participate in qualifying work and other community engagement either due to a lack of child care scholarship or the inability to obtain a child care provider due to capacity, distance, or another related factor.]~~

(c) This paragraph shall only apply to those considered able-bodied adults as described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act of 1935, as amended, 42 U.S.C. section 1396a(a)(10)(A)(i).

(d) This paragraph shall not apply to:

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

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

(3) A parent or caretaker [~~as identified in RSA 167:82, H(g)~~] where the required care ***of an individual who may or may not reside in the household*** is considered necessary by a licensed physician, APRN, board-certified psychologist, physician assistant, or licensed behavioral health professional who shall certify the duration that such care is required.

(4) A custodial parent or caretaker of a dependent child [~~under 6 years of age~~] ***through 12 years of age*** or a child with developmental disabilities who is residing with the parent or caretaker; provided that the exemption shall only apply to one parent or caretaker in the case of a 2-parent household ***where responsibility for the child the exemption is based on is shared by the 2 parents or caretakers.***

(5) Pregnant women.

(6) A beneficiary who has a disability as defined by the Americans with Disabilities Act (ADA), section 504 of the Rehabilitation Act, or section 1557 of the Patient Protection and Affordable Care Act [~~and is unable to meet the requirement for reasons related to that disability~~] ***with or without an accommodation***; or who has an immediate family member in the home with a disability under federal disability rights laws and who is unable to meet the requirement for reasons related to the disability of that family member, or the beneficiary or an immediate family member who is living in the home or the beneficiary experiences a hospitalization or serious illness.

(7) Beneficiaries who are identified as medically frail, under 42 C.F.R. section 440.315(f), and as defined in the alternative benefit plan and in the state plan and who are certified by a licensed physician or other medical professional to be unable to comply with the work and community engagement requirement as a result of their condition as medically frail. The department shall require proof of such limitation annually, including the duration of such disability, on a form approved by the department.

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

***(9) Any beneficiary who is homeless as defined by the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. section 11301 et seq.***

(e) The commissioner shall adopt rules under RSA 541-A pertaining to the community engagement requirement. Following approval by the joint health care reform oversight committee, pursuant to RSA 161:11 to initiate rulemaking, any rules proposed under this subparagraph shall be submitted to the fiscal committee of the general court, which shall review the rules prior to submission to the joint legislative committee on administrative rules and make recommendations to the commissioner regarding the rules. The rules shall be consistent with the terms and conditions of any waiver issued by the Centers for Medicare and Medicaid Services for the program, ***provided that any waiver issued by the Centers for Medicare and Medicaid Services is not unreasonably inconsistent with any provision of this chapter***, and shall address, at a minimum, the following:

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

(2) Verification of compliance with community engagement activities.

(3) Verification of exemptions from participation.

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

(5) Good cause exemptions.

(6) Education and training of enrollees.

(7) Annual certification of medical frailty pursuant to 42 C.F.R. section 440.315(f), including proof and duration of such condition on a form supplied by the department.

2 New Paragraphs; New Hampshire Granite Advantage Health Care Program. Amend RSA 126-AA:2 by inserting after paragraph VIII the following new paragraphs:

IX. The commissioner shall, as expeditiously as possible, submit to the Centers for Medicare and Medicaid Services an amendment to the waiver for approval of a revised waiver of retroactive eligibility permitting coverage for the 45-day period immediately preceding the determination of eligibility for all persons insured in the program.

X. The commissioner shall waive the application of the work and community engagement requirement in subparagraph III(a) or the suspension from coverage for noncompliance for any period of time up to but not after July 1, 2021 upon a finding of one or more of the following circumstances that impact a substantial number of program members who are mandatory for the requirement:

(a) The inability to communicate verbally and in writing and directly counsel all members who are mandatory for the requirement and not already exempted or are in compliance in accordance with the rules of the work and community engagement requirement adopted under 541-A.

(b) The unavailability of qualifying activities in any region of the state that may result in a disproportionate impact upon program members located elsewhere.

(c) The impact of seasonal employment opportunities on the ability of members to achieve the minimum hours for qualifying activities.

(d) The inability to achieve the minimum hours of qualifying activities after taking into account all applicable exemptions despite good faith efforts to comply.

(e) The unavailability of transportation and other supports for members who are not eligible for assistance through granite workforce.

(f) Other unforeseen circumstances that impact the administration and verification of the program and that more likely than not would cause members to be suspended from the program.

XI. The commissioner shall notify the governor, the president of the senate and the speaker of the house of representatives in writing no later than 7 days after making a finding under paragraph X with a detailed explanation as to the basis of the findings, the steps the department can and is taking to address the circumstances that gave rise to the findings, and any recommendations regarding how the suspension of the requirement may be lifted and the compliance provisions of the program resumed. The commissioner may submit an amendment to the program waiver (CMS # 11-W-00298/1) to incorporate the authority to waive the suspension of coverage consistent with this provision, to the extent required by the Centers for Medicare and Medicaid Services.

3 New Hampshire Granite Advantage Health Care Program; Commission to Evaluate the Effectiveness and Future of the New Hampshire Granite Advantage Health Care Program. Amend RSA 126-AA:4, II to read as follows:

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

(1) Review the program's financial metrics.

(2) Review the program's product offerings.

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

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

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

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

(7) Review the granite workforce pilot program.

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

(9) Review the number of people who are found ineligible or who are dropped from the rolls of the program because of the work requirement ***and determine whether the age of beneficiaries subject to the requirement should be changed. The commission shall issue any recommendation for change by December 1, 2019.***

**(10) Review the reasons beneficiaries are found ineligible or are dropped from program and determine if the number of required hours should be changed. The commission shall issue any recommendation for change by December 1, 2019.**

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

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

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

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

4 New Hampshire Granite Advantage Health Care Program; Commission to Evaluate the Effectiveness and Future of the New Hampshire Granite Advantage Program. Amend RSA 126-AA:4, I(b) and (c) to read as follows:

~~(b) [Of the commission members listed in this paragraph, only the 6 legislative members shall be voting members. All other members shall serve in an advisory capacity only.]~~

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

5 New Hampshire Granite Advantage Health Care Program; Commission to Evaluate the Effectiveness and Future of the New Hampshire Granite Advantage Health Care Program. Amend RSA 126-AA:4, III to read as follows:

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. ~~[Four of the 6 voting]~~ **Eight** members of the commission shall constitute a quorum.

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

The signatures below attest to the authenticity of this Report on SB 290-FN, relative to the New Hampshire granite advantage health care program.

Conferees on the Part of the Senate  
Sen. Rosenwald, Dist. 13  
Sen. Feltes, Dist. 15  
Sen. Bradley, Dist. 3

Conferees on the Part of the House  
Rep. Martin, Hills. 23  
Rep. Nordgren, Graf. 12  
Rep. Campion, Graf. 12  
Rep. Weber, Ches. 1

2019-2626-CofC

#### AMENDED ANALYSIS

This bill makes various changes to the New Hampshire granite advantage health care program, including:

I. Clarifying which beneficiaries may be subject to the work and community engagement requirement.

II. Adding exemptions for certain persons from the community engagement requirement.

III. Adding circumstances for the elimination of the community engagement requirement.

The question is on the adoption of the Committee of Conference Report. Adopted.

Senators Giuda and Ward are in opposition to adoption of the Committee of Conference Report on SB 290-FN.

#### ANNOUNCEMENTS

PRESIDENT SOUCY: At this time I believe that we have some guests that we are going to bring onto the floor.

Having completed our action earlier on House Bill 1 and 2 and 25, I thought it was very important that we ask the LBA staff to join us so we can thank them. All the great work we do, all the great ideas we have are



implemented because of their hard work and we truly appreciate it and we thank Deb Martone for working with the Finance Committee as well and for indulging all of us and I think the Chair of Senate Finance would like to say something as well.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Madam President. Very few states operate the way we do. We have a Legislative Budget Office that serves the minority and the majority in both the House and the Senate. That's a task, and they do it extremely well. Michael Kane has been losing his hair for the last few weeks, but he's A-OK as we speak, he got a good haircut. Chris is always available, always available. I call him at what time? I call him at 8 o'clock, he's there. Kevin is the master, Cindy will attest to that and if we ever have a problem; bang, bang.

Mike senior, Senior Exec. Senior. A man who's switched position from Administrative Services and back, but we owe a great deal of gratitude to these ladies and gentlemen. Nancy's fantastic, she helped me when I was in the House, was marvelous there and is great here. Deb is outstanding. Ceil has the best fingers in America. Never, never a bad, never a bad character, she does great, great, great work. There is a woman in the LBA who's on loan, who's going by a fictitious name, but we'll find out her real name later, later in the game. But to all of you, my deepest gratitude for a job, job, job well done. Thank you so much and...

PRESIDENT SOUCY: Well we certainly, as I said want to thank all of you. I think I would add one comment to what Senator D'Allesandro said; several years ago, we at NCSL did a personnel classification study. They told us we had the smallest budget office in the country, with the largest legislature in the country. And the fact that you serve each and every one of the 424 members so ably is greatly appreciated, and we want to thank you once again for all of your great work. At this point having completed our business, we still have to wait for the House who are acting on other pieces of legislation. I know Senator Starr wanted to take a moment of personal privilege. I think this would be an appropriate time to do so, and then we can go into recess. Would the members just take their seats for a moment.

(The Chair recognized Senator Starr.)

SENATOR STARR: I would like to take a moment for personal privilege to recognize those who were lost in one of the most tragic motor vehicle accidents in New Hampshire's history.

Last Friday a truck collided with a group of motorcyclists on Route 2 in Randolph, killing seven individuals. Five men were members of the Jarheads Motorcycle Club, a club that supports Marines and Fleet Marine Force Navy Corpsmen. Two others were supporters of the club.

These were the people who served our country and worked to better the lives of other veterans. It is a loss that is not only heartbreaking for our state, but to the victim's families who will never be able to see their loved ones return home. No words could begin to describe their pain and anguish. Our thoughts and prayer go out to those families.

Madam President, I would like to read the names of those lost into the Senate record and ask the body rise for a moment of silence following the reading.

Michael Ferazzi of Contoocook, New Hampshire. Albert Mazza of Lee, New Hampshire. Daniel Pereira of Riverside, Rhode Island. Jo-Ann and Edward Corr both of Lakeville, Massachusetts. Desma Oakes of Concord, New Hampshire. Aaron Perry of Farmington, New Hampshire.

Thank you, Madam President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you very much, Madam President. Yesterday James Tamposi celebrated his 100<sup>th</sup> birthday. Now the Tamposi name is famous in New Hampshire. Sam Tamposi and Jerry Nash almost built Southern New Hampshire. They were the driving economic force in the 60s and the 70s that just built New Hampshire. I met Jim Tamposi when I was a teacher at New Hampshire College. He was a trustee of Daniel Webster College, New England Aeronautical Institute. Warren Rudman was the Chairman of the Board and they asked me to come to the college as the President of the school. Jim gave me a wonderful reception and really was inspirational in terms of moving my life forward. Yesterday at the Athens Restaurant in Manchester, surrounded by his family, Jim celebrated his 100<sup>th</sup> birthday.

Now many of you don't know it but his brother was a Pan Am senior pilot and he flew the first flight from Washington to Bucharest because they were Romanians. He flew the inaugural flight and Jim has a great

interest in aviation and the Aviation Institute, which is at the Manchester Airport, he's a frequent visitor to that and he was a pilot as Warren was, Warren Rudman was a pilot. And they had this great interest in founding the New England Aeronautical Institute which became Daniel Webster College.

Jim had four boys. They're all involved in New Hampshire. Actually Cindy, one of the was the welfare director in Nashua for a long period of time. And one of the ran the hotel in Nashua which was owned by the Tamposi family and he ran that for a long period of time. Jim's son, Jim Jr. is a lawyer, he had a firm and now practices with Shaheen and Gordon.

But 100 years old and he looks great, he feels great, has made a marvelous contribution to New Hampshire. They had a big farm in Nashua, some of you may remember the farm that was on Amherst Street. Amherst Street doesn't look the same now, but they had a farm, Sam was a vacuum cleaner salesman. A door to door vacuum cleaner salesman before he hit the bigtime, and when he hit the bigtime, he engaged Presidents and was truly a giant in the history of New Hampshire economy and his brother Jim was right there with him all the time. Great family man, great human being. A hundred years old and Doc, he looks like a million bucks. I can't believe it, his health is terrific, he's robust and I hope we all live that long. Thank you, Madam President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Madam President. Thirty-eight years ago today I said those words "I do," to a lady who is not able to be with us today, but I would just like to acknowledge her contribution and continue to enrich my life and the lives of those who care for her. Thank you.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you, Madam President. Tomorrow, I'm jumping off 1000 Elm Street. Yep, it's the New Futures' annual fundraiser that's being organized by the Greater Nashua United Way. And New Futures is very venerable organization in our state and if you want to go on the Greater Nashua United Way's website, you can make a contribution to New Futures. When I signed up to do this, it made sense at the time. Now I'm reminded of one of my favorite mottos in life; be prepared for what you ask for, you might just get it. We'll see how many friends we really have, right? You going to come over and watch this, Senator D? Alright, 2:30 at 1000 Elm Street. 2:30. Thank you, Madam President.

(The Chair recognized Senator Dietsch.)

SENATOR DIETSCH: Thank you, Madam President. Matter of personal privilege, because I was just reading what it means for personal privilege and it says a Senator as a matter of personal privilege may respond against unfair or unwarranted criticism. So, I am just going to spend one moment because I have had an awful lot of attention despite the fact that what I suggested was not even included in any budget or bill that we discussed this morning. So, I just want everyone to be clear that I do not believe that we should have a general income tax and my response is that I feel that our system is very unfair because I have seen when I was a boss, I saw my employees' wages go, or taxes go up and mine go down. And during last year I saw the property taxes of many of my neighbors and across town go up by as much as 53 percent in one year. And mine went up \$20, not \$20 per thousand, \$20, okay, for the year. So, I think that we need to do something, not so much about the totality of the tax system, but the way that the taxes are distributed. So, I just wanted to clarify that I am not in favor of general income tax despite what has been said today. Thank you.

Recess. Out of recess.

#### 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 Chandley: HB 696-FN

Senator Giuda: HB 393

#### ANNOUNCEMENTS

(The Chair recognized Senator Kahn.)

SENATOR KAHN: It's not an announcement, Madam President. I thought maybe on Senate Bill 267 it might have been the last bill that we were going to consider and we're actually going to have a break. I'll so miss this body, but actually I think we all need that break. But I wanted to say thank you to the Senate President, how much I appreciated your leadership and I think the session has been well-managed, the Senate Clerk and your staff, how well we have operated this year, how smoothly, how you've transitioned from leadership to leadership and I just appreciate all the work that people have put in this year. Madam President, thank you so much for your leadership.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: I am just hoping to also rise and compliment you and the Senate staff here, Tammy's team and thank you so very much for an extraordinarily well-run session and to wish you and everyone here a very good summer, however we spend it, may everybody have a very good summer. And thank you again for your graciousness, for your leadership and for your ability to bring us all together.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you. Thank you, Madam President and colleagues. It was a good session. Thank you very much for all of your hard work, the Finance Committee in particular, I think did a terrific job. It was great to have the former Finance Chair offer his assistance, I appreciate that, and it's well served. But to all of my colleagues, all the best and enjoy your time off, because we'll be back and thank you, Madam President, and as I said, thanks to all of my colleagues and it's great to be a servant of the public, but it's even greater to be with people who want to do the same thing and who want to work together to make it a better world. And believe me, we've got a job ahead of us so, if we stay together we can make a difference. Thank you, Madam President.

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17). Adopted.

#### 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 sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

#### SENATE CLERK'S NOTE

The information below reflects the work that was processed in recess June 27, 2019.

#### OUTSTANDING BILLS

On Friday, June 21, 2019 the following Legislation was not signed off in Committee of Conference:

SB 228-FN, relative to multiple-employer welfare arrangements.

HB 295-FN-A, establishing a special marriage officiant license and relative to the assignment of temporary justices to the supreme court.

#### HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled House Bill(s):

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.

#### HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled House Bill(s):

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

#### HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled House Bill(s):

HB 131, (New Title) establishing a commission on mental health education and behavioral health and wellness programs.

HB 315, (Second New Title) relative to the Interstate Voter Registration Crosscheck Program and the accuracy and efficiency of voter registration systems.

HB 326, relative to the definition of prime wetland.

HB 393, (Second New Title) 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 459-FN, (Second New Title) defining hemp, relative to its growth and use in New Hampshire, establishing a committee to study the federal guidelines on growing hemp, and relative to costs of care for animals seized in animal cruelty cases and prohibiting the future ownership of animals in certain animal cruelty cases.

HB 464, (New Title) relative to the definitions of solar energy systems and wind-powered energy systems for assessed value of real estate exemptions and enabling municipalities to adopt a property tax exemption for electric energy storage systems.

HB 494, relative to removal or containment of contaminants from the Coakley Landfill.

HB 508, (Second New Title) relative to direct primary care.

HB 511-FN, relative to vaping.

HB 534-FN, relative to certain major state projects.

HB 564, (New Title) relative to possession of firearms on school property.

HB 582-FN, relative to the regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

HB 592, relative to OHRV operation and license.

HB 628-FN, relative to universal changing stations in certain places of public accommodation.

HB 696-FN, establishing a protective order for vulnerable adults.

June 27, 2019  
2019-2652-EBA  
10/01

#### Enrolled Bill Amendment to HB 2-FN-A-LOCAL

The Committee on Enrolled Bills to which was referred HB 2-FN-A-LOCAL

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

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

FOR THE COMMITTEE

#### Explanation to Enrolled Bill Amendment to HB 2-FN-A-LOCAL

This enrolled bill amendment makes grammatical and technical changes.

#### Enrolled Bill Amendment to HB 2-FN-A-LOCAL

Amend section 2 of the bill by replacing line 2 with the following:

paragraph of RSA 21-I:11-c, I(a) to read as follows:

Amend RSA 374-F:3, VI as inserted by section 79 of the bill by replacing line 15 with the following:

***Efficiency Resource Standard framework established by commission Order No. 25,932***

Amend the bill by replacing section 105 with the following:



105 Contingency; Youth Access to and Use of Tobacco Products; HB 511; Definitions. If HB 511-FN of the 2019 regular legislative session becomes law, then sections 103 and 104 of this act shall not take effect. If HB 511-FN of the 2019 regular legislative session does not become law, section 103 of this act shall take effect July 1, 2019 and section 104 of this act shall not take effect.

Amend RSA 178:19-a, III as inserted by section 116 of the bill by replacing line 3 with the following:

tobacco products or e-cigarettes to persons under age [18] **21**. Warning: violators of these provisions may be

Amend RSA 170-E:59, I(j) as inserted by section 142 of the bill by replacing line 2 with the following:

epinephrine auto-injector is not prescribed, should such a child receive a dose of the medication.

Amend section 147 of the bill by replacing line 1 with the following:

147 Cross Reference Changed; Safety Regulations for Camps. Amend RSA 275:35, IX to read as

Amend RSA 110-B:87 as inserted by section 152 of the bill by replacing line 2 with the following:

the state, all donations and bequests that may be made to support the delivery of state

Amend section 203 of the bill by replacing line 2 with the following:

Specialist Positions Established. Amend RSA 21-M:8-b by inserting after paragraph IV the following

Amend RSA 541-A:21, III-a as inserted by section 239 of the bill by replacing lines 2 and 3 with the following:

rate of reimbursement methodology for nursing facilities shall be exempt from the provisions of RSA 541-A:5 through RSA 541-A:14 provided that the budget adjustment factor applied to the reimbursement

Amend RSA 193-E:2-e, IV(h) as inserted by section 252 of the bill by replacing line 1 with the following:

(h) Consider other policy issues as the commission deems necessary. The commission

Amend RSA 604-A:9, II as inserted by section 286 of the bill by replacing line 3 with the following:

BY COURT APPOINTED COUNSEL ***IF I AM CONVICTED*** UNLESS THE COURT FINDS THAT I

Amend RSA 437:1, IV as inserted by section 320 of the bill by replacing lines 2 and 3 with the following:

~~business of transferring live animals or birds]~~ ***that transfers 25 or more dogs, 25 or more cats, 30 or more ferrets, or 50 or more birds***, customarily used as household pets to the public, with or

Amend section 396 of the bill by replacing lines 3-4 with the following:

paragraph XXI the following new paragraph:

XXII. Encourage cities, towns, counties, and non-governmental organizations to develop and

Amend section 397 of the bill by replacing line 5 with the following:

pursuant to RSA 170-G:4, XXII, as inserted by this act. The governor is authorized to draw a

Amend section 409 of the bill by replacing lines 2-5 to read as follows:

Pharmaceutical Assistance Pilot Program for Seniors. Amend RSA 126-A by inserting after section 79 the following new subdivision:

New Hampshire Pharmaceutical Assistance Pilot Program for Seniors

126-A:80 New Hampshire Pharmaceutical Assistance Pilot Program for Seniors.

Amend RSA 420-K:2, VI(a), as inserted by section 444 of the bill, by replacing line 1 with the following:

(a) Handling and accounting of assets and moneys of the ~~[pool]~~ ***program***, and for annual fiscal

Amend paragraph II of section 450 of the bill by replacing it with the following:

II. 2017, 221:8, relative to the 2020 amendment of RSA 404-G:12.

Amend the bill by inserting after section 461 the following new sections and renumbering the original section 462 as section 463:

462 Contingencies.

I. Department of Environmental Services; Ossipee Lake Dam Reconstruction. If HB 600 of the 2019 regular legislative session becomes law, then RSA 78-B:2, XXIII as inserted by section 314 of this act shall be renumbered as RSA 78-B:2, XXIV.

II. Deposits to Drinking Water and Groundwater Trust Fund. If HB 495 of the 2019 regular legislative session becomes law, then RSA 485-F:6 as inserted by section 316 of this act shall be renumbered as RSA 485-F:7.

III. Department of Military Affairs and Veterans Services. If SB 208 of the 2019 regular legislative session becomes law, then sections 148-155 of this act shall not take effect. If SB 208 of the 2019 regular legislative session does not become law, sections 148-155 of this act shall take effect July 1, 2019.

Amend paragraph III of section 463 of the bill by replacing it with the following:

III. Sections 246-248 and 415 of this act shall take effect July 1, 2019 at 12:01 a.m.

Amend paragraph IX of section 463 of the bill by replacing it with the following:

IX. Sections 103 and 104 of this act shall take effect as provided in section 105 of this act.

Amend paragraph XIX of section 463 of the bill by replacing it with the following:

XIX. Sections 148-155 of this act shall take effect as provided in paragraph III of section 462 of this act.

XX. The remainder of this act shall take effect July 1, 2019.

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

June 27, 2019  
2019-2656-EBA  
08/10

#### Enrolled Bill Amendment to HB 109-FN

The Committee on Enrolled Bills to which was referred HB 109-FN

AN ACT requiring background checks for commercial firearms sales.

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 109-FN

This enrolled bill amendment inserts a contingency provision if HB 514 of the regular session becomes law.

#### Enrolled Bill Amendment to HB 109-FN

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Contingent Renumbering. If HB 514-FN of the 2019 regular legislative session becomes law, RSA 159-E:1 through RSA 159-E:5 and all references to RSA 159-E as inserted by sections 1 and 2 of this act shall be renumbered as RSA 159-F.

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

June 25, 2019  
2019-2650-EBA  
01/04

#### Enrolled Bill Amendment to HB 115

The Committee on Enrolled Bills to which was referred HB 115

AN ACT relative to the regulation of private investigators, security guards, and bail recovery agents.

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 115

This enrolled bill amendment makes a grammatical and a technical correction.

Enrolled Bill Amendment to HB 115

Amend RSA 106-F:6, V as inserted by section 1 of the bill by replacing line 2 with the following:  
cause. An appeal from such decision shall be permitted as set forth in RSA 106-F:13.

Amend section 2 of the bill by replacing line 2 with the following:

safety in effect on the effective date of this act shall continue and be effective until they expire or are

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

June 25, 2019  
2019-2642-EBA  
05/01

Enrolled Bill Amendment to HB 175

The Committee on Enrolled Bills to which was referred HB 175

AN ACT relative to the requirements for school building aid grants.

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 175

This enrolled bill amendment inserts an RSA section heading.

Enrolled Bill Amendment to HB 175

Amend section 1 of the bill by replacing line 2 with the following:

198:15-c Approval of Plans, Specifications, and Costs of Construction or Purchase.

I.(a) A school district maintaining approved schools, desiring to avail itself of the grants

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

June 25, 2019  
2019-2651-EBA  
10/06

Enrolled Bill Amendment to HB 224-FN

The Committee on Enrolled Bills to which was referred HB 224-FN

AN ACT making emergency medical technicians and rescue squad members eligible for a death benefit if killed in the line of duty.

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 224-FN

Makes a grammatical correction and makes a technical correction for purposes of consistency.

Enrolled Bill Amendment to HB 224-FN

Amend RSA 21-I:29-a, I(b)(2) as inserted by section 1 of the bill by replacing line 2 with the following:  
earnings of the police officer, [or] firefighter, ***emergency medical technician, or rescue***

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

June 26, 2019  
2019-2654-EBA  
05/10

Enrolled Bill Amendment to HB 364

The Committee on Enrolled Bills to which was referred HB 364

AN ACT permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use and permitting qualifying patients and designated caregivers to donate excess cannabis to other qualifying patients.

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 364

This enrolled bill amendment makes a technical and grammatical correction.

Enrolled Bill Amendment to HB 364

Amend section 3 of the bill by replacing line 1 with the following:

3 New Paragraphs; Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1

Amend RSA 126-X:2, II-a(a)(3) as inserted by section 6 of the bill by replacing line 2 with the following:

***seedlings, where the plants are not subject to public view, including view from another***

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

June 25, 2019  
2019-2648-EBA  
01/04

Enrolled Bill Amendment to HB 368-FN

The Committee on Enrolled Bills to which was referred HB 368-FN

AN ACT relative to medically recognized disorders identified on drivers' licenses.

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 368-FN

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 368-FN

Amend RSA 263:41-b, IV as inserted by section 1 of the bill by replacing line 1 with the following:

IV. If the name of the medically recognized disorder exceeds 25 characters in length,

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

June 28, 2019  
2019-2658-EBA  
11/05

Enrolled Bill Amendment to HB 393

The Committee on Enrolled Bills to which was referred HB 393

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.

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 393

This enrolled bill amendment makes a technical correction.



Enrolled Bill Amendment to HB 393

Amend section 10 of the bill by replacing line 2 with the following:

Membership. RSA 12-K:13, I(e) is repealed and reenacted to read as follows:

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

July 1, 2019  
2019-2661-EBA  
11/04

Enrolled Bill Amendment to HB 459-FN

The Committee on Enrolled Bills to which was referred HB 459-FN

AN ACT defining hemp, relative to its growth and use in New Hampshire, establishing a committee to study the federal guidelines on growing hemp, and relative to costs of care for animals seized in animal cruelty cases and prohibiting the future ownership of animals in certain animal cruelty cases.

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 459-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 459-FN

Amend RSA 437:9, V as inserted by section 12 of the bill by replacing line 2 with the following:

***confiscated under RSA 644:8, IV.***

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

July 3, 2019  
2019-2674-EBA  
01/10

Enrolled Bill Amendment to HB 464

The Committee on Enrolled Bills to which was referred HB 464

AN ACT relative to the definitions of solar energy systems and wind-powered energy systems for assessed value of real estate exemptions and enabling municipalities to adopt a property tax exemption for electric energy storage systems.

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 464

This enrolled bill amendment inserts a contingency to resolve a conflict with HB 635 of the 2019 regular legislative session.

Enrolled Bill Amendment to HB 464

Amend the bill by replacing all after section 6 with the following:

7 Department of Revenue Administration; Equalization; Reference Added. RSA 21-J:3, XIII is repealed and reenacted to read as follows:

XIII. Equalize annually by May 1 the valuation of the property as assessed in the several towns, cities, and unincorporated places in the state including the value of property exempt pursuant to RSA 72:37, RSA 72:37-b, RSA 72:39-a, RSA 72:62, RSA 72:66, RSA 72:70, and RSA 72:85, property which is subject to tax relief under RSA 79-E:4, and property which is subject to tax relief under RSA 79-E:4-a, by adding to or deducting

from the aggregate valuation of the property in towns, cities, and unincorporated places such sums as will bring such valuations to the true and market value of the property, and by making such adjustments in the value of other property from which the towns, cities, and unincorporated places receive taxes or payments in lieu of taxes, including renewable generation facility property subject to a payment in lieu of taxes agreement under RSA 72:74 and combined heat and power agricultural facility property subject to a payment in lieu of taxes agreement under RSA 72:74-a, as may be equitable and just, so that any public taxes that may be apportioned among them shall be equal and just. In carrying out the duty to equalize the valuation of property, the commissioner shall follow the procedures set forth in RSA 21-J:9-a.

8 Contingency. If HB 635-LOCAL of the 2019 regular legislative session becomes law, section 7 of this act shall take effect 60 days after the passage of this act and section 5 of this act shall not take effect. If HB 635-LOCAL does not become law section 5 of this act shall take effect 60 days after its passage and section 7 of this act shall not take effect.

9 Effective Date.

I. Sections 5 and 7 of this act shall take effect as provided in section 8 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

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

July 1, 2019  
2019-2664-EBA  
06/10

Enrolled Bill Amendment to HB 494

The Committee on Enrolled Bills to which was referred HB 494

AN ACT relative to removal or containment of contaminants from the Coakley Landfill.

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 494

This enrolled bill amendment corrects a reference and makes a grammatical correction.

Enrolled Bill Amendment to HB 494

Amend section 1 of the bill by replacing line 11 with the following:

concert with the department of fish and game, to determine whether the surface water quality in

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

June 24, 2019  
2019-2633-EBA  
10/04

Enrolled Bill Amendment to HB 495

The Committee on Enrolled Bills to which was referred HB 495

AN ACT establishing a commission on drinking water.

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 495

This enrolled bill amendment corrects a reference.

Enrolled Bill Amendment to HB 495

Amend RSA 485-F:6, II(j) as inserted by section 1 of the bill by replacing it with the following:

(j) The executive director of the Rockingham planning commission, or designee.

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

July 1, 2019  
2019-2659-EBA  
05/01

Enrolled Bill Amendment to HB 508

The Committee on Enrolled Bills to which was referred HB 508

AN ACT relative to direct primary care.

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 508

This enrolled bill amendment corrects the title of the bill to accurately reflect the contents of the bill.

Enrolled Bill Amendment to HB 508

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

AN ACT relative to direct primary care and establishing a committee to study direct primary care.

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

July 1, 2019  
2019-2557-EBA  
04/08

Enrolled Bill Amendment to HB 552-FN

The Committee on Enrolled Bills to which was referred HB 552-FN

AN ACT relative to transparency and standards for acquisition transactions in health care.

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 552-FN

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to HB 552-FN

Amend section 1 of the bill by replacing line 8 with the following:

***or communities' need for access to quality and affordable physical and mental health care***

Amend section 2 of the bill by replacing line 7 with the following:

***communities*** which it serves, ***including the community's or communities' need for access to***

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

July 1, 2019  
2019-2660-EBA  
05/01

Enrolled Bill Amendment to HB 582-FN

The Committee on Enrolled Bills to which was referred HB 582-FN

AN ACT relative to the regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

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 582-FN

This enrolled bill amendment inserts a renumbering contingency.

Enrolled Bill Amendment to HB 582-FN

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7.

6 Contingency. If SB 205 of the 2019 regular legislative session becomes law, RSA 125-O:5-a, I(k), as inserted by section 1 of this act, shall be renumbered as RSA 125-O:5-a, I(l).

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

July 5, 2019

2019-2675-EBA

01/10

Enrolled Bill Amendment to HB 593

The Committee on Enrolled Bills to which was referred HB 593

AN ACT relative to updating official voter checklists and expanding the voter information exemption 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 593

This enrolled bill amendment inserts a contingency to resolve a conflict with HB 105-FN of the 2019 regular legislative session.

Enrolled Bill Amendment to HB 593

Amend the bill by replacing all after section 3 with the following:

4 Voters and Checklists; Right to Know Exemption. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, domicile address, mailing address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, qualified voter affidavits and domicile affidavits, affidavit of religious exemption, [and] application for absentee ballot, **and contact information, including but not limited to a phone number and email address, provided to the secretary of state or other election officials for the purpose of receiving information about elections** shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. Notwithstanding the foregoing, qualified voter and domicile affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual registering to vote or voting, challenging ballots to be recounted, to the extent that such ballot challenges are specifically authorized by law, or determining the accuracy of any qualified voter or domicile affidavit. Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, qualified voter and domicile affidavits, affidavits of religious exemption, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

5 Contingency; HB 105-FN. If HB 105-FN of the 2019 regular legislative session becomes law, section 4 of this act shall take effect at 12:01 a.m. on the date that HB 105-FN takes effect and section 3 of this act shall not take effect. If HB 105-FN does not become law, section 3 of this act shall take effect 60 days after its passage and section 4 of this act shall not take effect.

6 Effective Date.

I. Sections 3 and 4 of this act shall take effect as provided in section 5 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

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

June 24, 2019  
2019-2638-EBA  
11/06

Enrolled Bill Amendment to HB 605-FN

The Committee on Enrolled Bills to which was referred HB 605-FN

AN ACT relative to criminal penalties for possession, transfer, or manufacture of animal fighting paraphernalia with the intent to be present at, aiding in, or contributing to such fighting.

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 605-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 605-FN

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

AN ACT relative to criminal penalties for possession, transfer, or manufacture of animal fighting paraphernalia with the intent to be present at, aid in, or contribute to such fighting.

Amend RSA 644:8-a, III(c) as inserted by section 2 of the bill by replacing line 5 with the following:

***to persons whom he or she knows or should reasonably know intend to use the object to***

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

July 11, 2019  
2019-2677-EBA  
08/01

Enrolled Bill Amendment to HB 608

The Committee on Enrolled Bills to which was referred HB 608

AN ACT expanding the law against discrimination based on gender identity to other areas of the law prohibiting discrimination.

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 608

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 608

Amend RSA 651:6, I(f) as inserted by section 9 of the bill by replacing lines 2 and 3 with the following:

victim's religion, race, creed, sexual orientation as defined in RSA 21:49, national origin [øø], sex, ***or gender identity as defined in RSA 21:53;***

Amend RSA 53-C:3-g as inserted by section 10 of the bill by replacing line 3 with the following:

basis of age, race, religion, sex, ***gender identity, sexual orientation,*** physical disability, or country

Amend RSA 135-C:56, IV as inserted by section 12 of the bill by replacing line 2 with the following:

manner because of race, color, sex, ***gender identity, sexual orientation,*** religion, national origin,



Amend RSA 167:83, III(e) as inserted by section 13 of the bill by replacing line 2 with the following:

***identity, sexual orientation***, age, disability, political affiliation or beliefs, religion, or national

Amend RSA 195-E:14, I as inserted by section 14 of the bill by replacing line 7 with the following:

creed, national origin, sex, ***gender identity, sexual orientation***, or age. In the case of student loans

Amend RSA 204-C:1, X as inserted by section 15 of the bill by replacing line 2 with the following:

persons, irrespective of race, creed, national origin [or], sex, ***or gender identity***, determined by the

Amend RSA 273-C:10, VI(b) as inserted by section 16 of the bill by replacing line 3 with the following:

because of age, sex, ***gender identity, sexual orientation***, race, color, creed, marital status or

Amend RSA 415-C:7, I(h) as inserted by section 17 of the bill by replacing line 3 with the following:

service, ~~gender~~ ***sex, gender identity, sexual orientation***, religion, or blindness or other disability.

Amend RSA 420-C:5 as inserted by section 18 of the bill by replacing lines 2 and 3 with the following:

provider on the basis of religion, race, color, national origin, age, sex, ***gender identity, sexual orientation***, or marital status. Reasonable terms and conditions including, but not limited to, those

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

July 15, 2019

2019-2678-EBA

06/01

#### Enrolled Bill Amendment to HB 611-FN

The Committee on Enrolled Bills to which was referred HB 611-FN

AN ACT allowing voters to vote by absentee ballot.

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 611-FN

This enrolled bill amendment makes technical and grammatical corrections.

#### Enrolled Bill Amendment to HB 611-FN

Amend RSA 657:1, I as inserted by section 2 of the bill by replacing line 1 with the following:

~~[F:] Any person who is [absent on the day of any state election from the city, town, or~~

Amend RSA 657:4, I as inserted by section 3 of the bill by replacing lines 69 and 70 with the following:

The applicant must sign this form to receive an absentee ballot ***unless he or she is unable to do so because of a disability, in which case he or she may be assisted by another, who shall print and***

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

June 17, 2019

2019-2528-EBA

04/06

#### Enrolled Bill Amendment to HB 627

The Committee on Enrolled Bills to which was referred HB 627

AN ACT relative to exceptions from certain pharmacy requirements for veterinarians.

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 627

This enrolled bill amendment corrects a misspelling.

Enrolled Bill Amendment to HB 627

Amend section 2 of the bill by replacing line 4 with the following:

***Pharmacopeia chapter 797.***

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

July 1, 2019

2019-2662-EBA

10/04

Enrolled Bill Amendment to HB 628-FN

The Committee on Enrolled Bills to which was referred HB 628-FN

AN ACT relative to universal changing stations in certain places of public accommodation.

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 628-FN

This enrolled bill amendment makes a technical correction and a grammatical change for consistency.

Enrolled Bill Amendment to HB 628-FN

Amend RSA 155:79, II as inserted by section 1 of the bill by replacing line 4 with the following:

malls, or stores of at least 40,000 square feet; places of public display or collection, including

Amend RSA 155:80, I as inserted by section 1 of the bill by replacing line 2 with the following:

public building or facility shall install and maintain at least one universal changing station in a

Amend RSA 155:80, II(b) as inserted by section 1 of the bill by replacing line 1 with the following:

(b) The powered, height adjustable adult changing table in the universal changing station

Amend RSA 155:80, II(c) as inserted by section 1 of the bill by replacing line 2 with the following:

have accessible signage indicating the location of the changing station, and, if the building or venue

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

June 24, 2019

2019-2634-EBA

01/05

Enrolled Bill Amendment to HB 651

The Committee on Enrolled Bills to which was referred HB 651

AN ACT allowing the use of campaign funds for child care expenses.

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 651

This enrolled bill amendment makes a gender neutral correction.

Enrolled Bill Amendment to HB 651

Amend RSA 664:2, VIII as inserted by section 2 of the bill by replacing line 5 with the following:

pay therefor or the use of personal resources by a candidate on behalf of his ***or her*** candidacy.

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

June 24, 2019  
2019-2636-EBA  
04/10

Enrolled Bill Amendment to HB 664-FN

The Committee on Enrolled Bills to which was referred HB 664-FN

AN ACT relative to vehicle repair standards.

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 664-FN

This enrolled bill amendment changes the heading of a definition for consistency.

Enrolled Bill Amendment to HB 664-FN

Amend RSA 417:4, XXIV(d) as inserted by section 1 by replacing line 1 with the following:

(d) In this paragraph, "manufacturer's procedures" means a manufacturer's written procedures,  
Senator Soucy moved adoption of the Enrolled Bill Amendment. Adopted.

June 27, 2019  
2019-2653-EBA  
11/10

Enrolled Bill Amendment to HB 737

The Committee on Enrolled Bills to which was referred HB 737

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.

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 737

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 737

Amend section 1 of the bill by replacing line 2 with the following:

Perfluorinated Chemicals. Amend RSA 126-A by inserting after section 79 the following new

Amend section 1 of the bill by replacing line 6 with the following:

126-A:79-a Commission on the Environmental and Public Health Impacts of Perfluorinated

Amend RSA 126-A:79-a, III(a)(11) as inserted by section 1 of the bill by replacing line 2 with the following:  
public health and proposing legislation, as necessary, to protect public health.

Amend RSA 126-A:79-a, III(a)(13) as inserted by section 1 of the bill by replacing line 2 with the following:  
protective of the environment and public health and recommending changes necessary.

Amend RSA 126-A:79-a, III(a)(14) as inserted by section 1 of the bill by replacing line 1 with the following:

(14) Assessing agreements between the state and Saint Gobain and proposing

Amend section 2 of the bill by replacing line 1 with the following:

2 Repeal. RSA 126-A:79-a, relative to the commission on the environmental and public health

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

July 1, 2019  
2019-2665-EBA  
06/01

Enrolled Bill Amendment to SB 10

The Committee on Enrolled Bills to which was referred SB 10

AN ACT establishing the state minimum hourly rate based on whether an employer offers paid sick days to an employee.

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 10

This enrolled bill amendment corrects the title of the bill to accurately reflect the contents of the bill.

Enrolled Bill Amendment to SB 10

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

AN ACT relative to the state minimum hourly rate.

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

June 17, 2019  
2019-2632-EBA  
10/05

Enrolled Bill Amendment to SB 39

The Committee on Enrolled Bills to which was referred SB 39

AN ACT relative to the repair of roads not maintained by a municipality.

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 39

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 39

Amend RSA 231:81-a, II as inserted by section 2 of the bill by replacing line 2 with the following:

damages any portion of such road shall be solely responsible for repairing or restoring the portion

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

June 27, 2019  
2019-2655-EBA  
06/01

Enrolled Bill Amendment to SB 43

The Committee on Enrolled Bills to which was referred SB 43

AN ACT establishing a commission to study barriers to increased land development in New Hampshire.

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 43

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 43

Amend RSA 4-C:8-a, I(m) as inserted by section 1 of the bill by replacing line 1 with the following:

(m) One representative of the New Hampshire Business and Industry Association,

Amend RSA 4-C:8-a, I(n) as inserted by section 1 of the bill by replacing line 2 with the following:

Advisory Council, chosen by the council.

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

July 2, 2019

2019-2670-EBA

08/10

Enrolled Bill Amendment to SB 118

The Committee on Enrolled Bills to which was referred SB 118

AN ACT establishing a child fatality review committee.

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 118

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to SB 118

Amend RSA 132:41, III(m) as inserted by section 1 of the bill by replacing line 1 with the following:

(m) The director of the women, infants, and children program, division of public health

Amend RSA 132:41, IV(c) as inserted by section 1 of the bill by replacing line 3 with the following:

committee to carry out its duties under this subdivision. No material shall be used for reasons other

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

June 25, 2019

2019-2644-EBA

04/05

Enrolled Bill Amendment to SB 120

The Committee on Enrolled Bills to which was referred SB 120

AN ACT relative to the controlled drug prescription health and safety 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 120

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 120

Amend RSA 318-B:32, III, as inserted by section 3 of the bill, by replacing line 3 with the following:

and analytical purposes in perpetuity.

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

June 25, 2019

2019-2646-EBA

08/05

Enrolled Bill Amendment to SB 134-FN

The Committee on Enrolled Bills to which was referred SB 134-FN



AN ACT relative to the administration of the meals and rooms tax.

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 134-FN

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to SB 134-FN

Amend RSA 78-A:3, XVII(b) as inserted by section 2 of the bill by replacing line 3 with the following:  
deeded interest is granted to the purchaser for his or her time-share rights.

Amend RSA 78-A:6-c, VIII as inserted by section 7 of the bill by replacing it with the following:

VIII. Meals provided to any employee of an operator as pay for his or her employment.

Amend RSA 78-A:8-b, I as inserted by section 9 of the bill by replacing line 12 with the following:

or the commissioner's designee ~~[issues an order requiring]~~ **requires** an operator to file a surety bond

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

June 18, 2019  
2019-2550-EBA  
06/04

Enrolled Bill Amendment to SB 141

The Committee on Enrolled Bills to which was referred SB 141

AN ACT establishing a committee to study violence in schools.

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 141

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 141

Amend section 1 of the bill by replacing line 4 with the following:

II. Effective legislative activities in the area of public education require a thorough

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

July 1, 2019  
2019-2666-EBA  
11/05

Enrolled Bill Amendment to SB 167-FN

The Committee on Enrolled Bills to which was referred SB 167-FN

AN ACT establishing a clean energy resource procurement commission.

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 167-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 167-FN

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

Established. Amend RSA 374-F by inserting after section 9 the following new section:

374-F:10 Procurement of Renewable Energy Generation Resources; Commission Established.

Amend RSA 374-F:10, III as inserted by section 2 of the bill by re-lettering subparagraphs (g)-(k) to read as (e)-(i), respectively.

Amend RSA 374-F:10, V as inserted by section 2 of the bill by replacing line 3 with the following:  
public utilities commission. The report shall describe the activities and findings of the commission

Amend section 3 of the bill by replacing line 1 with the following:

3 Repeal. RSA 374-F:10, relative to the commission to investigate the cost-effective procurement

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

July 2, 2019

2019-2671-EBA

04/01

Enrolled Bill Amendment to SB 190-FN

The Committee on Enrolled Bills to which was referred SB 190-FN

AN ACT relative to apportionment of sales under the business profits tax and the apportionment of dividends under the business enterprise tax.

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 190-FN

This enrolled bill amendment amends the title of the bill to accurately reflect its content.

Enrolled Bill Amendment to SB 190-FN

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

AN ACT relative to apportionment of sales under the business profits tax and the apportionment of dividends under the business enterprise tax and establishing a committee to study the apportionment of gross business profits under the business profits tax.

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

July 2, 2019

2019-2668-EBA

11/10

Enrolled Bill Amendment to SB 194-FN

The Committee on Enrolled Bills to which was referred SB 194-FN

AN ACT relative to the insurance data security 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 SB 194-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 194-FN

Amend RSA 420-P:3, III as inserted by section 1 of the bill by replacing lines 1-2 with the following:

III. "Consumer" means an individual, including, but not limited to, an applicant, policyholder, insured, beneficiary, claimant, and certificate holder, who is a resident of this

Amend RSA 420-P:4, I as inserted by section 1 of the bill by replacing line 4 with the following:

possession, custody, or control. Each licensee shall develop, implement, and maintain a  
Senator Soucy moved adoption of the Enrolled Bill Amendment. Adopted.

July 2, 2019  
2019-2672-EBA  
08/10

Enrolled Bill Amendment to SB 216-FN

The Committee on Enrolled Bills to which was referred SB 216-FN

AN ACT establishing an autonomous vehicle advisory commission, establishing an autonomous vehicle testing pilot program, and providing requirements for automated vehicle deployment.

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 216-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 216-FN

Amend RSA 241:5 as inserted by section 3 of the bill by replacing line 4 with the following:

council on or before November 1 of each year. The commission shall also

Amend RSA 242:1, II(a) as inserted by section 4 of the bill by replacing line 1 with the following:

(a) "Automated driving system" or "ADS" means the hardware and software that are collectively

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

July 2, 2019  
2019-2669-EBA  
05/08

Enrolled Bill Amendment to SB 226-FN

The Committee on Enrolled Bills to which was referred SB 226-FN

AN ACT relative to registration of pharmacy benefit managers, and reestablishing the commission to study greater transparency in pharmaceutical costs and drug rebate programs.

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 226-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 226-FN

Amend section 8 of the bill by replacing line 3 with the following:

transparency in pharmaceutical costs and drug rebate programs established in section 5 of this act

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

July 1, 2019  
2019-2639-EBA  
01/06

Enrolled Bill Amendment to SB 240-FN

The Committee on Enrolled Bills to which was referred SB 240-FN

AN ACT relative to reciprocal toll collection.

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 240-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 240-FN

Amend section 1 of the bill by replacing line 1 with the following:

1 Evasion of Tolls and Charges; Definitions. Amend RSA 236:31, I(c)-(d) to read as follows:

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

June 27, 2019  
2019-2657-EBA  
08/05

Enrolled Bill Amendment to SB 251

The Committee on Enrolled Bills to which was referred SB 251

AN ACT relative to the life and health insurance guaranty association and relative to an unfair insurance practice regarding certain prescriptions.

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 251

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 251

Amend RSA 408-F:5, II(b) as inserted by section 1 of the bill by replacing line 1 with the following

(b) Except as otherwise provided in subparagraph (c), this chapter shall not provide

Amend RSA 408-F:5, III(b)(1)(B)(ii) as inserted by section 1 of the bill by replacing line 2 of the following: care insurance, as defined in RSA 415-D; or

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

June 25, 2019  
2019-2643-EBA  
05/10

Enrolled Bill Amendment to SB 258

The Committee on Enrolled Bills to which was referred SB 258

AN ACT relative to telemedicine and telehealth services.

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 258

This enrolled bill amendment makes a technical correction and inserts a contingency to renumber an RSA paragraph based on the passage of SB 274 of the 2019 regular legislative session.

Enrolled Bill Amendment to SB 258

Amend RSA 167:4-d, III(a)(1) as inserted by section 1 of the bill by replacing line 4 with the following: psychotherapeutic services as provided in He-M 426.08 and 426.09;

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as section 6:

5 Contingent Renumbering. If SB 274 of the 2019 regular legislative session becomes law, RSA 167:3-c, XV, as inserted by section 2 of this act, shall be renumbered to read as RSA 167:3-c, XVI.

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

July 1, 2019  
2019-2663-EBA  
10/04

Enrolled Bill Amendment to SB 267

The Committee on Enrolled Bills to which was referred SB 267

AN ACT relative to the release of student assessment information and data.

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 267

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 267

Amend section 2 of the bill by replacing line 1 with the following:

2 Statewide Assessment Program; Disclosure of Information. Amend RSA 189:67, II to read as

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

June 25, 2019  
2019-2641-EBA  
05/01

Enrolled Bill Amendment to SB 276-FN-A

The Committee on Enrolled Bills to which was referred SB 276-FN-A

AN ACT relative to career readiness credentials for high school students.

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 276-FN-A

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 276-FN-A

Amend section 2 of the bill by replacing line 2 with the following:

workforce needs as articulated in the study, 65 by 25 Achieving Economic Prosperity Through Post-

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

June 24, 2019  
2019-2635-EBA  
11/04

Enrolled Bill Amendment to SB 286-FN-LOCAL

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

AN ACT relative to aggregation of electric customers by municipalities and counties.

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 286-FN-LOCAL

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 286-FN-LOCAL

Amend RSA 53-E:4, IV as inserted by section 4 of the bill by replacing line 2 with the following:

energy services, and near real-time customer access to such data, a municipal and county aggregator

Amend RSA 53-E:4, IV as inserted by section 4 of the bill by replacing line 5 with the following:

addition to a utility provided meter, subject to the commission finding in the public good and approval

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

July 2, 2019

2019-2667-EBA

05/04

Enrolled Bill Amendment to SB 290-FN

The Committee on Enrolled Bills to which was referred SB 290-FN

AN ACT relative to the New Hampshire granite advantage health care 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 290-FN

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 290-FN

Amend RSA 126-AA:4, II(a)(10) as inserted by section 3 of the bill by replacing line 2 with the following:

from the program and determine if the number of required hours should be changed. The

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

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

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:

HJR 3, making temporary appropriations for the expenses and encumbrances of the state of New Hampshire.

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 25-A, making appropriations for capital improvements.

HB 110-FN-A, relative to the cost of fiscal analysis of legislation relating to the retirement system and relative to the reclassification of jobs in the retirement system.

HB 112, relative to the mechanical licensing board.

HB 122, allowing for gifts, grants, and donations to legislative employees or officers for expenses associated with state and national legislative association events.

HB 127, relative to the board of medicine and the medical review subcommittee and relative to health care workforce survey data.

HB 183, establishing a committee to study the applications of microgrids in New Hampshire and changes in law necessary to allow for microgrids in electrical supply, and relative to baseload renewable generation credits for biomass energy facilities.

HB 198-FN, clarifying the prohibition against the use of mobile electronic devices while driving.

HB 239, relative to requirements for supervision for licensure of certain mental health and drug counselors.

HB 243, relative to membership of the Pease development authority board of directors.

HB 258, establishing a commission to study teacher preparation and education programs.

HB 261, requiring the commissioner of the department of environmental services to revise rules relative to arsenic contamination in drinking water.

HB 271, relative to apprentice electricians and third party electrical inspections.

HB 349, relative to a second opinion on health care matters for state and county prisoners.

HB 359, relative to warning labels on prescription drugs containing opiates.

HB 399-FN, relative to annulment of arrests or convictions for possession of a certain quantity of marijuana.

HB 435, relative to certain terminology in the rulemaking authority of the department of education.

HB 443, relative to municipal watering restrictions.

HB 446, relative to initiating amendments and corrections to birth records.

HB 468-FN-LOCAL, relative to the inclusion of attendance stipends and certain additional pay for instructional activities as earnable compensation in the retirement system.

HB 514-FN, imposing a waiting period between the purchase and delivery of a firearm.

HB 531, relative to the delivery of absentee ballots cast by elderly or disabled citizens.

HB 562, relative to the state building code.

HB 587, relative to organ donation on a driver's license.

HB 591, amending the laws governing OHRVs and snowmobiles.

HB 614-FN, increasing penalties and fines for air pollution and water pollution.

HB 631, establishing a deaf child's bill of rights and an advisory council on the education of deaf children.

HB 692-FN, relative to dental care for Medicaid recipients.

HB 710-FN, relative to adoption of state building code and fire code amendments.

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 109-FN, requiring background checks for commercial firearms sales.

HB 131, establishing a commission on mental health education and behavioral health and wellness programs.

HB 175, relative to the requirements for school building aid grants.

HB 326, relative to the definition of prime wetland.

HB 364, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use and permitting qualifying patients and designated caregivers to donate excess cannabis to other qualifying patients.

HB 368-FN, relative to medically recognized disorders identified on drivers' licenses.

HB 511-FN, relative to vaping.

HB 534-FN, relative to certain major state projects.

HB 552-FN, relative to transparency and standards for acquisition transactions in health care.

HB 564, relative to possession of firearms on school property.

HB 592, relative to OHRV operation and license.

HB 605-FN, relative to criminal penalties for possession, transfer, or manufacture of animal fighting paraphernalia with the intent to be present at, aiding in, or contributing to such fighting.  
HB 627, relative to exceptions from certain pharmacy requirements for veterinarians.  
HB 637-FN, relative to criminal history background checks by employers and public agencies.  
HB 696-FN, establishing a protective order for vulnerable adults.  
HB 706-FN-A, establishing an independent redistricting commission.  
SB 30, relative to the advisory board on services for children, youth, and families.  
SB 31, adding a member to the New Hampshire community development advisory committee and exempting the community development finance authority from the administrative procedure act.  
SB 39, relative to the repair of roads not maintained by a municipality.  
SB 43, establishing a commission to study barriers to increased land development in New Hampshire.  
SB 82-FN, relative to school food and nutrition programs.  
SB 86, establishing a commission to study programs for serving individuals with certain developmental and mental health disabilities.  
SB 120, relative to the controlled drug prescription health and safety program.  
SB 134-FN, relative to the administration of the meals and rooms tax.  
SB 141, establishing a committee to study violence in schools.  
SB 225-FN, adding physician assistants to certain New Hampshire laws.  
SB 235-FN, relative to sexual harassment complaints in the general court and authorizing an independent human resources professional.  
SB 240-FN, relative to reciprocal toll collection.  
SB 246-FN, relative to licensing of child daycare, residential care, and child-placing agencies.  
SB 258, relative to telemedicine and telehealth services.  
SB 276-FN-A, relative to career readiness credentials for high school students.  
SB 279-FN, relative to access to fertility care.  
SB 286-FN-LOCAL, relative to aggregation of electric customers by municipalities and counties.

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 429, establishing a committee to study ways to improve civic engagement in New Hampshire.  
HB 480-FN, relative to sports betting.  
HB 617, establishing a committee to study recycling streams and solid waste management in New Hampshire.  
HB 635-LOCAL, enabling a payment in lieu of taxes for a combined heat and power agricultural facility.  
HB 656, establishing a committee to study the impact of financial initiatives for commercially insured members by drug manufacturers on prescription drug prices and health insurance premiums.  
SB 56, establishing a committee to study motor vehicle registrations and drivers' licenses of active duty military personnel.  
SB 142-LOCAL, requiring menstrual hygiene products in school restrooms.  
SB 164, establishing a committee to study unprotected drinking water sources.

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 522, establishing a commission to study the environmental and health effects of evolving 5G technology.  
HB 539-FN, establishing a committee to study the implementation of Accessible Ballots.  
HB 615, relative to the regulation of pharmacies and pharmacists.  
HB 645-FN, establishing a dock registration procedure.  
HB 660-FN, relative to studying the economic and other impacts of OHRV use in New Hampshire.  
SB 59-FN, adding post traumatic stress disorder and acute stress disorder to the definition of "injury" for purposes of workers' compensation, establishing the commission to study the incidence of post-traumatic stress disorder in first responders, and clarifying workers' compensation for firefighter and heart, lung, or cancer disease.  
SB 62, relative to temporary layoffs of certain seasonal workers and establishing a commission to study school bus driver background checks.

SB 154, establishing a committee to study tax incentives for promoting development of dense workforce housing in community centers, and authorizing the sale of certain property by the town of Milton.

SB 176, establishing a committee to study mental health and human service business process alignment and information system interoperability.

SB 187, relative to OHRV dealer and rental agency registration fees and snowmobile registration fees.

SB 208, renaming the adjutant general's department to the department of military affairs and veterans services.

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 2-FN, relative to funding for job training programs in the department of business and economic affairs.

SB 12-FN-A, establishing the New Hampshire college graduate retention incentive partnership program and making an appropriation therefor.

SB 22, relative to the construction property tax exemption.

SB 26, relative to the New Hampshire health care quality assurance commission.

SB 37, relative to the registration of motor vehicles.

SB 51, establishing a commission to study expanding mental health courts statewide.

SB 58-FN, relative to payment for low-dose mammography coverage.

SB 74-FN-A, relative to register of deeds fees used to support the land and community heritage investment program (LCHIP), and establishing a committee to study the economic impact of land conservation and to review the LCHIP surcharge.

SB 80, relative to membership on the board of mental health practice, applications for licensure by mental health practitioners, and insurance credentialing of out-of-state mental health practitioners and psychologists.

SB 85, reestablishing the commission to study environmentally-triggered chronic illness.

SB 88-FN, relative to registry identification cards under the use of cannabis for therapeutic purposes law.

SB 98, clarifying the New Hampshire trust code and establishing a committee to study the effects of past trust code legislation.

SB 99-FN, relative to gainful employment and partial disability in workers' compensation.

SB 100, relative to discrimination in employment based on criminal background checks.

SB 103-LOCAL, authorizing municipalities to engage in multi-town bonding projects.

SB 110, relative to the investigations by the state fire marshal.

SB 111, relative to the collection of health care data.

SB 115, establishing a commission to study the business environment for mental health providers in New Hampshire.

SB 127, relative to the Hampton judicial district and establishing the Hampton district court as a site for judicial branch family division cases

SB 128, relative to the court accreditation commission.

SB 148, relative to notification to public employees regarding their right to join or not join a union.

SB 163, relative to permits for operation of solid waste management facilities.

SB 165, relative to net energy metering by low-moderate income community solar projects.

SB 168, relative to class 2 obligations under the electric renewable portfolio standards.

SB 177, relative to the use of physical restraints on persons who are involuntarily committed.

SB 185-FN-A, relative to development of the New Hampshire state rail trails plan by the department of transportation and making an appropriation therefor.

SB 192, relative to self-service storage facility liens.

SB 196, relative to non-academic surveys administered by a public school to its students.

SB 200, relative to wildlife corridors.

SB 205, relative to energy efficiency programs funded from the systems benefits charge and the duties and members of the energy efficiency and sustainable energy board.

SB 206, excluding the cost of lobbying and political activity from the rates of public utilities.

SB 207, relative to rules adopted by the department of environmental services pursuant to the 2014 report of the coastal risks and hazards commission.

SB 210, relative to emergency medical and trauma services.

SB 212, relative to limited driving privilege after revocation or suspension.

SB 214, relative to transportation projects.  
SB 215, relative to learning to drive and commercial motor vehicles designed to transport passengers.  
SB 224-FN, relative to insurance coverage for pediatric autoimmune neuropsychiatric disorders.  
SB 238-FN, relative to the registration of motor vehicles owned by veterans.  
SB 242-FN, providing for protection of private customer information and rights of New Hampshire remote sellers in connection with certain foreign sales and use taxes.  
SB 245-FN, relative to fees for simulcast racing.  
SB 250-FN, relative to forgery of a certificate of insurance.  
SB 263, relative to anti-discrimination protection for students in public schools.  
SB 270-FN, establishing a tax credit against the business profits tax for donations to career and technical education centers.  
SB 273-FN, relative to the board of nursing and establishing a committee to study the regulation of nursing assistants by the board of nursing and criminal history record checks for nurses.  
SB 274, relative to the newborn home visiting program.  
SB 282-FN, relative to suicide prevention education in schools.  
SB 284-FN, establishing a statewide, multi-use online energy data platform.  
SB 285-FN, establishing a coastal resilience and economic development program.  
SB 289-FN, relative to health and human services.  
SB 292-FN, relative to implementation of the new mental health 10-year plan.  
SB 296-FN, relative to live medical testimony in courts.

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 290-FN, relative to the New Hampshire granite advantage health care program.

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 106, relative to the terms “resident,” “inhabitant,” “residence,” and “residency.”

SB 10, relative to the state minimum hourly rate.

SB 118, establishing a child fatality review committee.

SB 167-FN, establishing a clean energy resource procurement commission.

SB 190-FN, relative to apportionment of sales under the business profits tax and the apportionment of dividends under the business enterprise tax and establishing a committee to study the apportionment of gross business profits under the business profits tax.

SB 194-FN, relative to the insurance data security law.

SB 216-FN, establishing an autonomous vehicle advisory commission, establishing an autonomous vehicle testing pilot program, and providing requirements for automated vehicle deployment.

SB 226-FN, relative to registration of pharmacy benefit managers, and reestablishing the commission to study greater transparency in pharmaceutical costs and drug rebate programs.

SB 251, relative to the life and health insurance guaranty association and relative to an unfair insurance practice regarding certain prescriptions.

SB 267, relative to the release of student assessment information and data.

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 115, relative to the regulation of private investigators, security guards, and bail recovery agents.

HB 224-FN, making emergency medical technicians and rescue squad members eligible for a death benefit if killed in the line of duty.



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 459-FN, defining hemp, relative to its growth and use in New Hampshire, establishing a committee to study the federal guidelines on growing hemp, and relative to costs of care for animals seized in animal cruelty cases and prohibiting the future ownership of animals in certain animal cruelty cases.

HB 464, relative to the definitions of solar energy systems and wind-powered energy systems for assessed value of real estate exemptions and enabling municipalities to adopt a property tax exemption for electric energy storage systems.

HB 494, relative to removal or containment of contaminants from the Coakley Landfill.

HB 495, establishing a commission on drinking water.

HB 508, relative to direct primary care.

HB 582-FN, relative to the regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

HB 593, relative to updating official voter checklists and expanding the voter information exemption under the right to know law.

HB 608, expanding the law against discrimination based on gender identity to other areas of the law prohibiting discrimination.

HB 628-FN, relative to universal changing stations in certain places of public accommodation.

HB 651, allowing the use of campaign funds for child care expenses.

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.

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

The Senate is in recess to the Call of the Chair.