HB 186 - AS AMENDED BY THE HOUSE

7Apr2021... 0869h

2021 SESSION

21-0194
05/10

HOUSE BILL ***186***

AN ACT repealing certain inactive committees and revising the membership or duties of certain committees, councils, and boards.

SPONSORS: Rep. Ebel, Merr. 5; Rep. Heath, Hills. 14; Sen. Rosenwald, Dist 13; Sen. Carson, Dist 14

COMMITTEE: Legislative Administration

ANALYSIS

This bill repeals certain inactive committees and revises the membership and duties of others.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT repealing certain inactive committees and revising the membership or duties of certain committees, councils, and boards.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Repeals. The following are repealed:

I. RSA 5:42, relative to the state historical records advisory board.

II. RSA 5:50, relative to the grants review committee.

III. RSA 21-R:9, relative to the joint legislative information technology oversight committee.

IV. RSA 263:6-b, relative to the medical/vision advisory board.

V. RSA 374:22-h, relative to the oversight committee on telecommunications.

VI.(a) RSA 420-N:3, relative to the joint health care reform oversight committee.

(b) RSA 420-N:2, III, defining the oversight committee.

(c) RSA 420-N:4, relative to the role of the committee in implementing the federal act.

(d) RSA 161:11, relative to the role of the committee in rulemaking and waiver requests.

VII. RSA 621:10, relative to the youth development center population oversight panel.

VIII. RSA 621-A:9 - 621-A:11, relative to the juvenile justice advisory board.

IX. RSA 652:24, relative to the voter identification advisory board.

2 Repeal; Effective July 1, 2023. The following are repealed:

I. RSA 9-A:5, relative to the commission on rural affairs.

II. RSA 238:20, relative to the scenic and cultural byways council.

3 Joint Legislative Information Technology Oversight Committee; Reference Removed. Amend RSA 21-R:14, II to read as follows:

II. The information policy developed under paragraph I shall include a mechanism for adoption and review by each state agency. Each agency that adopts the policy shall designate a contact person responsible for oversight and implementation of open government data standards for that agency. The contact shall act as a liaison between the department, the implementing agency, and the public in matters related to open government data standards. [~~The commissioner shall include the status of the development and implementation of the statewide information policy based on open government data standards in the quarterly report to the legislative oversight committee under RSA 21-R:9.~~]

4 Population Oversight Panel; Youth Development Center; Reference Removed. Amend RSA 169-B:19, I(j) to read as follows:

(j) Commit the minor to the custody of the department of health and human services for the remainder of minority. Commitment under this subparagraph may only be made following

written findings of fact by the court, supported by clear and convincing evidence, that commitment is necessary to protect the safety of the minor or of the community, and may only be made if the minor has not waived the right to counsel at any stage of the proceedings. If there is a diagnosis or other evidence that a minor committed under this subparagraph may have a serious emotional disturbance or other behavioral health disorder, the minor shall, with the consent of the minor and the minor's family, be referred to a care management entity pursuant to RSA 135-F:4, III. The care management entity shall develop and oversee the implementation of a care plan for the minor, intended to reduce the period of commitment. Commitment may not be based on a finding of contempt of court if the minor has waived counsel in the contempt proceeding or at any stage of the proceedings from which the contempt arises. Commitment may include, but is not limited to, placement by the department of health and human services at a facility certified for the commitment of minors pursuant to RSA 169-B:19, VI, ***or*** administrative release to parole pursuant to RSA 621:19, [~~or administrative release consistent with the cap on youth development center population under RSA 621:10,~~] provided that the appropriate juvenile probation and parole officer is notified. Commitment under this subparagraph shall not be ordered as a disposition for a violation of RSA 262 or 637, possession of a controlled drug without intent to sell under RSA 318-B, or violations of RSA 634, 635, 641, or 644, which would be a misdemeanor if committed by an adult. However, commitment may be ordered under this subparagraph for any offense which would be a felony or class A misdemeanor if committed by an adult if the minor has previously been adjudicated under this chapter for at least 3 offenses which would be felonies or class A misdemeanors if committed by an adult. A court shall only commit a minor based on previous adjudications if it finds by clear and convincing evidence that each of the prior offenses relied upon was not part of a common scheme or factual transaction with any of the other offenses relied upon, that the adjudications of all of the prior offenses occurred before the date of the offense for which the minor is before the court, and that the minor was represented by counsel at each stage of the prior proceedings following arraignment.

5 Advisory Committee on State Procurement. Amend RSA 21-I:14-d, I to read as follows:

(a) Four members of the house of representatives, [~~3~~] ***2*** of whom shall be members of the house executive departments and administration committee***, one of whom shall be a member of the house committee with jurisdiction over public works,*** and one of whom shall be a member of the ***house*** finance committee, appointed by the speaker of the house of representatives.

6 New Subparagraph; Information Technology Council; Senator Added. Amend RSA 21-R:6, II by inserting after subparagraph (o) the following new subparagraph:

(p) One state senator, appointed by the president of the senate, for the duration of the legislative term.

7 Joint Committee on Tax Expenditure Review; Membership. Amend RSA 71-C:3, I to read as follows:

I. A joint committee on tax expenditure review is hereby established to review all qualifying tax expenditures on a rotating basis every 5 years and recommend continuance, amendment, or repeal of relevant provisions. The joint committee shall be composed of [~~2~~] ***3*** members of the house of representatives appointed by the speaker of the house of representatives and [~~one member~~] ***2 members*** of the senate appointed by the senate president, provided that such appointments shall include the chair or vice-chair of the ways and means committee of the respective bodies. The first meeting shall be within 60 days after the effective date of this paragraph and called by the first-named house member.

8 Advisory Committee on Marine Fisheries; Membership Qualifications. Amend RSA 211:60, I to read as follows:

I. There is established an advisory committee on marine fisheries to recommend programs and policies regarding marine fisheries to the fish and game commission. The advisory committee shall consist of 5 members and one alternate member, [~~all~~] ***the majority*** of whom shall be residents of the seacoast region, appointed by the governor and council.

9 Public Water Access Advisory Board; Membership. Amend RSA 233-A:2, I(h) and (i) to read as follows:

(h) [~~Two senators,~~] ***One senator from the standing policy committee with jurisdiction over natural resources,*** appointed by the president of the senate.

(i) Two house members, one from [~~the resources, recreation and development committee and one from the wildlife and marine resources committee~~] ***the standing policy committee with jurisdiction over natural resources and one from the standing policy committee with jurisdiction over fish and game***, appointed by the speaker of the house.

10 Legislative Oversight Committee on Electric Utility Restructuring; Membership. Amend RSA 374-F:5, I to read as follows:

I. There is established a legislative oversight committee to monitor the transformation of delivery of electric services consisting of [~~7~~] ***5*** members as follows:

(a) [~~Five~~] ***Three*** members of the house, at least [~~3~~] ***2*** of whom shall be members of the committee with jurisdiction over utilities and energy, and at least one of whom shall be a member of a minority party, appointed by the speaker of the house.

(b) Two members of the senate, at least one of whom shall be a member of the committee with jurisdiction over utilities and energy, and at least one of whom shall be a member of the minority party, appointed by the president of the senate.

11 Legislative Oversight Committee on Electric Utility Restructuring; Quorum. Amend RSA 374-F:5, IV to read as follows:

IV. The committee shall meet quarterly or as often as is necessary to conduct its business. [~~Four~~] ***Three*** members of the committee shall constitute a quorum.

12 Law Enforcement Memorial Oversight Committee. Amend RSA 4:9-b to read as follows:

4:9-b Committee Established; Special Account.

I. A committee is established to [~~select the design for a law enforcement memorial, to oversee the construction of the memorial, to privately raise all the funds which shall be necessary for its construction, and to expend the funds which are raised~~] ***oversee the law enforcement memorial. The committee shall approve any changes in the memorial, including the addition of names to the memorial. The committee, through the New Hampshire law enforcement community, shall privately raise all the money necessary for maintenance of the law enforcement memorial. The committee shall have the authority to expend the money which is raised without the approval of governor and council***. The governor is authorized to accept for the committee, in the name of the state, the gifts of money which are donated to [~~construct~~] ***maintain*** the memorial.

II. The gifts of money which are donated to [~~construct~~] ***maintain*** the memorial shall be placed in a special nonlapsing account in the state treasury, to be expended for the purposes of the law enforcement memorial. Any money remaining in the special account after construction of the memorial is completed shall be used for the care, maintenance, and repair of, and additions to, the memorial, or for any other purpose deemed appropriate by the committee.

III. [~~The committee shall remain in existence upon the completion of the law enforcement memorial for the purpose of approving any changes in the memorial, such as the addition of names to the memorial.~~] Any site changes in the memorial shall be made under the supervision of the administrator of the division of plant and property, in the department of administrative services, according to the provisions of RSA 4:9-a, II.

13 Repeal; Law Enforcement Memorial Oversight Committee. RSA 4:9-d, relative to duties of the law enforcement memorial oversight committee, is repealed.

14 McAuliffe-Shepard Discovery Center; Definitions. Amend RSA 12-L:1 to read as follows:

12-L:1 Definitions. In this chapter:

I. [~~"Commission" means the McAuliffe-Shepard discovery center commission.~~] ***"Corporation" means the McAuliffe-Shepard discovery center corporation, incorporated in New Hampshire in May 2012 as an independent nonprofit operation responsible for the management and operation of the discovery center beginning January 1, 2013.***

II. "Discovery center" means the McAuliffe-Shepard discovery center, which includes the planetarium and related exhibits pertaining to astronomy, aviation, and earth and space sciences.

III. [~~"Touch the Future" means the nonprofit corporation organized to promote the welfare of the discovery center and to assist the discovery center director and the commission.~~

~~IV.~~] "Planetarium" means the discovery center planetarium.

~~[V. "Private operator" means the McAuliffe-Shepard discovery center corporation established in RSA 12-L:13 and the corporation's board established in RSA 12-L:14 which is responsible for the management and operation of the discovery center beginning January 1, 2013.~~]

15 .McAuliffe-Shepard Discovery Center Corporation; References to Board Removed. RSA 12-L:14 is repealed and reenacted to read as follows:

12-L:14 McAuliffe-Shepard Discovery Center Corporation.

I. The corporation is a body politic and corporate which has a distinct legal existence separate from the state and does not constitute a department of state government. The corporation was established to carry out the provisions of this chapter.

II. The corporation is empowered to manage and operate the McAuliffe-Shepard discovery center beginning January 1, 2013.

16 Discovery Center Equipment. Amend RSA 12-L:15, IV to read as follows:

IV. The state shall enter into a 10-year, renewable lease with the [~~private operator~~] ***corporation*** to occupy and operate the discovery center buildings and grounds and utilize the equipment and software beginning on January 1, 2013, at a charge of $1 per year. Either party may terminate this lease with 90 days notice if the other party fails to make a good faith effort to meet all of its obligations under RSA 12-L.

17 Discovery Center Exhibits. Amend RSA 12-L:16 - 12-L:18 to read as follows:

12-L:16 Discovery Center Exhibits, Equipment, Software Licenses, and Supplies.

I. The [~~commission~~] ***discovery center*** shall compile a comprehensive inventory of all equipment, including exhibits and software owned by the discovery center, on June 30, 2012, which shall be updated through December 31, 2012.

II. The annual lease to the [~~private operator~~] ***corporation*** shall include the use of all exhibits and equipment owned by the discovery center on December 31, 2012. The state shall allow the [~~private operator~~] ***corporation***, at its own expense, to make any upgrades to the equipment, software, and exhibits the [~~private operator~~] ***corporation*** deems necessary.

III. All equipment and exhibits on loan to the discovery center on June 30, 2012, shall be identified and updated in a timely manner through December 31, 2012.

IV. The discovery center director shall work with the [~~private operator~~] ***corporation*** to contact the loaners and arrange for transfer of the loans to the [~~private operator~~] ***corporation***, for those loans that the [~~private operator~~] ***corporation*** wishes to continue.

V. The state shall transfer at no cost all supplies belonging to the discovery center on December 31, 2012, to the [~~private operator~~] ***corporation***.

12-L:17 Discovery Center Visitor, Donor, Program Records and Archives. All publicly available donor, visitor, and program records and archival materials owned by the discovery center on December 31, 2012, shall continue to be available to the public and to the [~~private operator~~] ***corporation***.

12-L:18 State Funds.

I. All funds appropriated to the McAuliffe-Shepard discovery center in 2011, 224:88 shall be transferred to the [~~private operator~~] ***corporation*** on December 31, 2012.

II. All funds in the discovery center transition fund established in RSA 12-L:10, II shall be transferred to the [~~private operator~~] ***corporation*** on December 31, 2012.

III. The [~~private operator~~] ***corporation*** may apply for state grants for which it is eligible and shall receive due consideration in the state's selection of grant recipients.

18 Repeal; McAuliffe-Shepard Discovery Center. The following are repealed:

I. RSA 12-L:7, relative to the powers and duties of the commission.

II. RSA 12-L:12, relative to the gift store.

III. RSA 12-L:13, relative to establishing the corporation.

19 Relative to the Communicable Disease Ethics Committee. Amend RSA 141-C:27, IV-VI to read as follows:

IV. The commissioner shall appoint a member of the committee to act as chairperson. The committee shall meet initially within 30 days of the effective date of this section and then as regularly as the chairperson shall direct***, but no less than annually***.

V. The commissioner may at any time direct questions to the committee or request guidance on ethical issues.

VI. The committee shall be solely advisory in nature**.** [~~and~~] Any guidance, guidelines, or protocols issued by the committee ***shall be submitted to the commissioner and to the health and human services oversight committee established in RSA 126-A:13 and*** shall not be binding on the commissioner.

20 Skyhaven Airport Advisory Council. Amend RSA 422:37, III and IV to read as follows:

III. The advisory council shall elect one of its members as chairman, one as a vice-chairman, and one as a secretary/treasurer. The members of the advisory council shall receive no compensation for their services, but their reasonable expenses incurred in the performance of their duties shall be paid [~~from the Skyhaven airport maintenance and operations fund~~]. The advisory council shall have the right to establish bylaws for the management of its affairs within the meaning of this section and the laws of the state. The Pease development authority shall provide the advisory council with administrative support necessary to carry out its responsibilities under this section.

IV. The advisory council shall [~~provide oversight and~~] consult with and advise the Pease development authority and its airport manager with respect to the policy, programs, and goals for Skyhaven airport; all operations of Skyhaven airport, including the preparation of its operating and capital budget; the procurement of services of a fixed based operating firm; and the use of Skyhaven airport property. In order to accomplish said purposes, the advisory council shall meet with the airport manager no less frequently than quarterly, or at the call of the chairman or any 3 council members. The council shall file annually a report of its deliberations and recommendations with the Pease development authority board of directors and executive director. In all instances, the authority shall retain the power to make the final decision regarding the management and operations of Skyhaven airport.

21 Federal Health Care Reform 2010; Purpose and Scope. Amend RSA 420-N:1 to read as follows:

420-N:1 Purpose and Scope. The intent of this chapter is to preserve the state's status as the primary regulator of the business of insurance within New Hampshire and the constitutional integrity and sovereignty of the state of New Hampshire under the Tenth Amendment to the United States Constitution and part I, article 7 of the New Hampshire constitution and [~~to create a legislative oversight committee to supervise~~] the insurance commissioner's administration of the insurance reforms required under the Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, including any federal regulations, interpretations, standards, or guidance issued thereunder (hereinafter "the Act").

22 Authority of the Commissioner. Amend the introductory paragraph of RSA 420-N:5 to read as follows:

420-N:5 Authority of the Commissioner. [~~Only with such prior approvals from the oversight committee as are required under RSA 420-N:4,~~] The commissioner shall have authority to:

23 Waiver. Amend RSA 420-N:6-a 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.

24 Prohibition on State-Based Health Exchange. Amend RSA 420-N:7, III to read as follows:

III. Subject to the requirements of this chapter [~~with respect to oversight committee approval~~], state agencies or departments may operate specific functions of a federally-facilitated exchange consistent with this subdivision to enable the continuation of traditional areas of state regulation and authority.

25 Federally-Facilitated Exchange; Authority of Commissioner. Amend RSA 420-N:8, V to read as follows:

V. The commissioner may adopt rules, pursuant to RSA 541-A [~~and in accordance with RSA 420-N:4, II~~], as necessary to perform the duties specified in this section and to protect against

adverse selection by creating a level playing field between a federally-facilitated exchange and the commercial health insurance market.

26 Federally-Facility Exchange; Authority of Health and Human Services Commissioner. Amend RSA 420-N:9, III to read as follows:

III. The commissioner of health and human services may adopt rules, pursuant to RSA 541-A [~~and subject to oversight committee approval under RSA 161:11~~], as necessary to fulfill the purposes of this subdivision.

27 New Hampshire Granite Advantage Health Care Program. Amend the introductory paragraph of RSA 126-AA:2, III(b) to read as follows:

(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 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:

28 New Hampshire Granite Advantage Health Care Program. Amend the introductory paragraph of RSA 126-AA:2, III(e) to read as follows:

(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:

29 New Hampshire Granite Advantage Health Care Program. Amend RSA 126-AA:2, VIII to read as follows:

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

30 Effective Date.

I. Section 2 of this act shall take effect July 1, 2023.

II. The remainder of this act shall take effect 60 days after its passage.