HB 1202-FN - AS AMENDED BY THE SENATE

22Feb2024... 0706h
11Apr2024... 0971h
05/15/2024 1845s
05/23/2024 2192s

2024 SESSION

24-2357
11/05

HOUSE BILL ***1202-FN***

AN ACT relative to the issuance of permits for the alteration of driveways exiting onto public ways and relative to the definition of disability or special needs under the child care scholarship program.

SPONSORS: Rep. Alexander Jr., Hills. 29; Rep. Read, Rock. 10; Rep. Berry, Hills. 39; Rep. Sweeney, Rock. 25; Rep. Plett, Hills. 29; Rep. Yokela, Rock. 32; Rep. Seidel, Hills. 29; Rep. Damon, Sull. 8; Rep. Baroody, Hills. 39; Sen. Murphy, Dist 16

COMMITTEE: Public Works and Highways

AMENDED ANALYSIS

This bill:

I. Establishes certain deadlines for issuance of permits for the alteration of driveways exiting onto public ways.

II. Directs the department of health and human services to adopt rules relative to the definition of disability or special needs for purposes of the child care scholarship program and authorizes the department to suspend implementation for insufficient funding. The bill also makes an appropriation of available federal funds to the child care scholarship program.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to the issuance of permits for the alteration of driveways exiting onto public ways and relative to the definition of disability or special needs under the child care scholarship program.

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

1 Driveway Construction Permits. Amend RSA 236:13, IV-V to read as follows:

IV. No construction permit shall allow:

(a) A driveway, entrance, exit, or approach to be constructed more than 50 feet in width, except that a driveway, entrance, exit, or approach may be flared beyond a width of 50 feet at its junction with the highway to accommodate the turning radius of vehicles expected to use the particular driveway, entrance, exit or approach.

(b) More than 2 driveways, entrances, exits, or approaches from any one highway to any one parcel of land unless the frontage along that highway exceeds 500 feet.

IV-a. For any existing or proposed residential use of land, including multifamily development that is not classified as a major driveway under the department's policy relating to driveways and access to the state highway system, the department shall issue the permit described in paragraph II within 60 days of receiving a completed application.

V. The same powers concerning highways under their jurisdiction as are conferred upon the commissioner of transportation by paragraphs I, II, III, and IV shall be conferred upon the planning board or governing body in cities and towns in which the planning board or governing body has been granted the power to regulate the grading and improvement of streets within a subdivision as provided in RSA 674:35, and they shall adopt such regulations as are necessary to carry out the provisions of this section. Such regulations may delegate administrative duties, including actual issuance of permits, to a highway agent, board of selectmen, or other qualified official or body. Such regulations, or any permit issued under them, may contain provisions governing the breach, removal, and reconstruction of stone walls or fences within, or at the boundary of, the public right of way, and any landowner or landowner's agent altering a boundary in accordance with such provisions shall be deemed to be acting under a mutual agreement with the city or town pursuant to RSA 472:6, II(a). ***The planning board or its delegate shall act on permits under this section within 65 days after notification of issuance.***

2 New Subparagraph; New Hampshire Employment Program and Family Assistance Program; Rulemaking; Child Care Scholarship Program. Amend RSA 167:83, II by inserting after subparagraph (q) the following new subparagraph:

(r) The development and administration of the child care scholarship program as a component of the Child Care Development Block Grant. The department may suspend implementation of this subparagraph if the department lacks sufficient appropriation for implementation. Such rules shall:

(1) Identify a protected class for children at-risk of or diagnosed with a disability or special needs under the Child Care Development Block Grant.

(2) Consider in its definition delays across all domains of child development including but not limited to a child's physical, cognitive, communication, social, emotional, and/or behavioral skills.

(A) The definition of "disability" or "special needs" under the child care scholarship program shall include any child who displays, or is at risk for, delayed social or emotional development.

(B) An eligible child shall not require a formal diagnosis or formal special education code, but rather shall qualify under this category so long as the child is screened and found to be delayed or at risk of delay through an approved early childhood developmental screening tool and the results verified by an approved by a child care provider and licensed treating clinician, or other approved licensed professional.

(3) Identify the standardized and/or approved early childhood developmental screening tools necessary to determine eligibility and establish the verification process by which a child's child care provider, licensed treating clinician, or other licensed professional as reasonably identified by the department, shall verify, or otherwise certify the results of the tool.

3 Appropriation. The sum of $375,000 for the biennium ending June 30, 2025 is appropriated to the department of health and human services for the purpose of adopting rules and administering the child care scholarship program in accordance with the criteria specified in section 1 of this act. Of this amount, the governor shall determine if any remaining discretionary funds appropriated in the American Rescue Plan Act of 2021, Public Law 117-2, or any other federal funds can be used for this purpose and any remainder, not to exceed $1, shall be general funds. 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.

4 Effective Date.

I. Sections 3-4 shall take effect January 1, 2025.

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

LBA
24-2357
Amended 5/29/24

HB 1202-FN- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENT #2024-2192s)

AN ACT relative to the issuance of permits for the alteration of driveways exiting onto public ways and relative to the definition of disability or special needs under the child care scholarship program.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
Revenue	$0	$0	$0	$0
Revenue Fund(s)	None			
Expenditures	$0	$0 - $372,000	$744,000	$744,000
Funding Source(s)	Federal funds; up to $1 of general funds			
Appropriations	$0	$375,000	$0	$0
Funding Source(s)	Federal funds; up to $1 of general funds			

- Does this bill provide sufficient funding to cover estimated expenditures? [X] See Below
- Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill, section 1 specifically, provides 60 days for the Department of Transportation to review a completed application for a non-major residential driveway. The Department currently reviews most all residential driveway permits within this timeframe and does not foresee any additional expenditures.

This bill, sections 2 and 3 specifically, modifies the definition of "disability" or "special needs" to include any child who displays, or is at risk for, delayed social or emotional development. The Department of Health and Human Services states that its Women, Infant, and Children (WIC) program conducts developmental monitoring of young children. For calendar year 2023, the WIC program conducted 19,067 appointments that included developmental monitoring, and referred 1,195 parents to additional services for concerns their children might be at risk of or experiencing a delay. The Department assumes that the 6.3% of children referred by WIC for additional services is reflective of the percentage of childcare scholarship recipients experiencing or at risk of a delay that are awaiting formal diagnosis. There were an average of 2,268 scholarship recipients from February 2023 to January 2024; therefore, the Department expects 143 children to be eligible for additional supplemental payments. The amount of a supplemental payment varies based on level of service: $100 per week for full time, $75 per week for half time,

and $50 per week for part time. Since the Department assumes children experiencing or at risk of developmental delay will be more likely to need full time childcare, it assumes the $100 supplemental payment will be used. The Department therefore expects the bill will cost approximately $743,600 per year. This figure is an estimate only, and could be lower if the smaller supplemental payments are used, or higher if rate increases are implemented in subsequent years. Since these sections are effective January 1, 2025, it is assumed that the fiscal impact will be half of the full year cost identified above, or approximately $372,000, in FY25. For this reason, the bill contains a $375,000 appropriation in FY25, to be funded by federal funds if available. If such funds are not available, the bill allows the Department to suspend implementation. It is therefore unknown whether the changes will be effectuated in FY25.

AGENCIES CONTACTED:

Department of Transportation and Department of Health and Human Services