

Amendment to SB 485-FN-A

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

2
3 AN ACT establishing a state grant program to assist state and local law enforcement
4 agencies in addressing the opioid crisis and making an appropriation therefor,
5 relative to the health care premium contribution for retired state employees who
6 are eligible for Medicare Parts A and B due to age or disability, relative to
7 funding of retiree health benefits, and making an appropriation to the
8 department of administrative services.
9

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

11
12 1 Legislative Findings. The legislature finds:

13 I. From 2010 through October 21, 2015 drug overdoses in New Hampshire have claimed
14 1,322 lives, of which 315 were related to heroin and 377 to fentanyl. Heroin-related hospital
15 emergency department visits in New Hampshire during the first 9 months of 2015 increased by 70.4
16 percent over the same period the previous year; and between July and September 2015, the anti-
17 opioid drug Naloxone was administered by emergency responders to prevent an opioid death 866
18 times.

19 II. Drug-related deaths currently are eclipsing by far the number of deaths in highway
20 fatalities. At the same time, however, there was a 21.43 percent increase in persons killed in
21 highway crashes as of mid-October 2015 compared with the same period in 2014 and nearly 500
22 additional serious but not fatal injury crashes, with significant numbers involving drugged driving.
23 Armed robberies and burglaries and other street crimes involving drugs have become a weekly
24 occurrence and every county in the state has been affected.

25 III. Increased information sharing and more visible police presence on the streets and
26 highways along with intensive enforcement of the traffic laws is strongly correlated to the
27 deterrence of crime, cutting off the supply of drugs, apprehension of criminals, and a reduction in
28 highway deaths.

29 IV. Sections 1-6 of this act are intended to make additional resources available to provide
30 for more, better, and smarter law enforcement approaches to the current crisis.

31 2 New Subdivision; Substance Abuse Enforcement Program. Amend RSA 21-P by inserting
32 after section 65 the following new subdivision:

33 Substance Abuse Enforcement Program

34 21-P:66 Substance Abuse Enforcement Program.

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1 I. The commissioner of safety shall establish a substance abuse enforcement program which
2 shall make grants available to county and local law enforcement agencies, and also provide funding
3 for the division of state police for the following purposes:

4 (a) Overtime costs for officers performing law enforcement activities under this
5 program.

6 (b) Overtime, supplies, and other costs of the state forensic science laboratory.

7 II. The commissioner shall establish protocols and conditions for increased state police
8 patrols and conditions for eligibility for grants to local and county law enforcement agencies. The
9 protocols and conditions shall be based on the principles of intelligence-driven, problem-oriented
10 policing, using statistics and information to place additional police patrol and investigative presence
11 at the locations, times, and places where there have been a significant convergence of motor vehicle
12 crashes, crimes, and drug use, or in corridors known to be used by drug dealers for shipments of
13 illegal drugs into the state. The protocols and conditions shall:

14 (a) Require dedicated patrol units relieved of taking calls for service absent an
15 emergency.

16 (b) Insure that the officers assigned to such patrol units have been trained in the
17 concept of data-driven policing and have an appropriate knowledge of the requirements of the state
18 and federal constitutions.

19 III. The commissioner shall give equal consideration to all local and county law
20 enforcement agencies and the division of state police when allocating available program funding.

21 IV. The program shall include the following prohibitions on allowable uses of funds:

22 (a) No funds shall be granted for “purchase of evidence” or for “confidential funds.”

23 (b) No funds shall be used for the purchase of operational equipment, except for direct
24 supply costs for state forensic science laboratory testing.

25 (c) No funds shall be used for supplanting locally budgeted and approved funds for
26 routine law enforcement.

27 V. The program shall include semi-annual reporting, to the governor, senate president, and
28 speaker of the house of representatives, which includes measurable program results and a detailed
29 accounting of program funding and uses. The first report shall be submitted on or before December
30 15, 2016.

31 21-P:67 Rulemaking. The commissioner of safety shall adopt rules to implement this
32 subdivision. Notwithstanding any other provisions of law, such rules shall be exempt from the
33 provisions of RSA 541-A.

34 3 Substance Abuse Enforcement Program; Rulemaking; July 1, 2017. RSA 21-P:67 is repealed
35 and reenacted to read as follows:

36 21-P:67 Rulemaking. The commissioner of safety shall adopt rules, pursuant to RSA 541-A, to
37 implement this subdivision.

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1 4 New Subparagraph; Administrative Procedures Act; Exceptions. Amend RSA 541-A:21, I by
2 inserting after subparagraph (hh) the following new subparagraph:

3 (ii) RSA 21-P:68, relative to the substance abuse enforcement program.

4 5 Repeal. RSA 541-A:21, I(ii), relative to a rulemaking exception for the substance abuse
5 enforcement program, is repealed.

6 6 Appropriation; Department of Safety; Substance Abuse Enforcement Program.

7 I. The sum of \$1,500,000 for the biennium ending June 30, 2017 is hereby appropriated to
8 the department of safety, for the purpose of funding the substance abuse enforcement program
9 under RSA 21-P:66.

10 II.(a) For the purposes of funding the appropriation made in paragraph I, the governor
11 shall identify excess appropriations from sums appropriated pursuant to 2015, 275 and 276, and
12 shall transfer said sums to 2 separate accounting units as follows:

13 (1) An accounting unit for enforcement activities, including grants to local and
14 county agencies.

15 (2) An accounting unit for division of forensic science laboratory activities.

16 (b) Prior to making such transfers, the governor shall certify to the fiscal committee of
17 the general court that any excess appropriations identified pursuant to this section are in addition
18 to the projected lapses assumed during the adoption of the state operating budget for the biennium
19 ending June 30, 2017. Any transfers made pursuant to this section shall not require the prior
20 approval of the fiscal committee of the general court and the governor and council and shall not be
21 subject to the provisions of RSA 9:16-a, 9:17-a, and RSA 9:17-c.

22 7 Department of Administrative Services; State Employees Group Insurance; Retiree Medical
23 Benefits. Amend RSA 21-I:30, II to read as follows:

24 II.(a) The state shall pay a ***partial*** premium for each Medicare-eligible retired employee,
25 as defined in paragraphs VI and VII of this section, and his or her spouse for their lifetimes, toward
26 group hospitalization, hospital medical care, surgical care and other medical benefits plan or a self-
27 funded alternative within the limits of the funds appropriated at each legislative session and
28 providing any change in plan is approved by the fiscal committee of the general court prior to its
29 adoption.

30 (b) Retired employees who are eligible for Medicare may voluntarily cease participation
31 in plan benefits at any time and may reenroll without restriction.

32 8 Department of Administrative Services; State Employees Group Insurance; Retiree Medical
33 Benefits; Premium Contribution. Amend RSA 21-I:30, XIII to read as follows:

34 XIII.(a) The commissioner of administrative services shall invoice and collect from retired
35 state employees and/or each applicable spouse [~~who are not Medicare-eligible and~~] receiving medical
36 and surgical benefits provided under this section, who do not receive a retirement allowance as
37 defined in RSA 100-A:1, XXII, [a] ***the*** premium contribution amount ***for either Medicare-eligible***

1 *or non-Medicare-eligible retiree health benefit plans* based on a percentage of the total
2 monthly premium attributable to the applicable retiree and/or spouse, as determined by the
3 commissioner of administrative services, with prior approval by the fiscal committee of the general
4 court[; ~~provided the percentage is not lower than 12.5 percent~~]. *Beginning January 1 2017, the*
5 *commissioner of administrative services shall determine, with prior approval by the fiscal*
6 *committee of the general court, a premium contribution amount for Medicare-eligible*
7 *retiree health benefit plans and a premium contribution amount for non-Medicare-*
8 *eligible retiree health benefit plans.*

9 (b) The commissioner of administrative services is also authorized to invoice and collect
10 from such other participants contribution amounts as specified by law.

11 (c) Collected amounts shall be deposited in the employee and retiree benefit risk
12 management fund. Failure to remit payment of the contribution amount in full within 30 days of
13 billing shall be grounds for terminating benefits, effective from the beginning of the billing period.
14 Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts
15 within 6 months of the termination date. If a participant fails to remit payment in full for
16 participation within 30 days of billing, on the 30th day the participant shall be notified by certified
17 mail, return receipt requested, that he or she shall remit payment to the department within 10
18 business days of receiving the letter or his or her benefits shall be terminated effective upon the
19 10th business day after receipt of the letter and that reenrollment shall be dependent upon payment
20 of any outstanding contribution or other amount within 6 months of the termination date.

21 9 New Hampshire Retirement System; Deductions; Retiree Medical Benefits. Amend RSA 100-
22 A:54, III to read as follows:

23 III.(a) The retirement system shall deduct from the monthly retirement allowance of
24 retired state employees and/or each applicable spouse [~~who are not Medicare-eligible and~~] receiving
25 medical and surgical benefits provided pursuant to RSA 21-I:30, [a] *the* premium contribution
26 amount *for either Medicare-eligible or non-Medicare-eligible retiree health benefit plans*
27 based on a percentage of the total monthly premium attributable to the applicable retiree and/or
28 spouse, as determined by the commissioner of administrative services with prior approval by the
29 fiscal committee of the general court [~~provided the percentage is not lower than 12.5 percent~~] *under*
30 *RSA 21-I:30, XIII.*

31 (b) The department of administrative services shall provide information as to the total
32 monthly premium cost for each participant to the retirement system for purposes of calculating this
33 deduction. Deducted amounts, which shall be in addition to and notwithstanding any amounts
34 payable by the retirement system pursuant to RSA 100-A:52, RSA 100-A:52-a, and RSA 100-A:52-b,
35 shall be deposited in the employee and retiree benefit risk management fund. In the event the
36 retiree's monthly allowance is insufficient to cover the certified contribution amount, the retirement
37 system shall so notify the department of administrative services, which shall invoice and collect

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1 from the retiree and/or each applicable spouse the remaining contribution amount. Failure to remit
2 payment of the contribution amount in full within 30 days of billing shall be grounds for
3 terminating benefits, effective from the beginning of the billing period. Reenrollment shall be
4 dependent upon payment of any outstanding contribution or other amounts within 6 months of the
5 termination date. The department of administrative services shall provide notice of the termination
6 of benefits as provided in RSA 21-I:30, XIII.

7 10 Judicial Retirement Plan; Deductions; Retiree Health Insurance. Amend RSA 100-C:11-a to
8 read as follows:

9 100-C:11-a Retiree and Spouse Health Insurance Premium Contribution.

10 **I.** Retired judges and their applicable spouses [~~who are not Medicare-eligible and~~] receiving
11 medical and surgical benefits shall be responsible for payment of [a] **the** premium contribution
12 amount **for either Medicare-eligible or non-Medicare-eligible retiree health benefit plans**
13 based on a percentage of the total monthly premium attributable to the applicable retiree and/or
14 spouse, as determined by the commissioner of administrative services, with prior approval by the
15 fiscal committee of the general court[~~, provided the percentage is not lower than 12.5 percent~~]
16 **under RSA 21-I:30, XIII.**

17 **II.** The department of administrative services shall provide information as to the total
18 monthly premium cost for each participant to the judicial retirement plan for purposes of
19 calculating this deduction. The judicial retirement plan shall deduct the payment required under
20 this section from the retiree's monthly retirement allowance. Deducted amounts shall be remitted
21 to the administrative office of the courts within 14 days along with a statement identifying from
22 whom the deduction was made, and shall be used to pay for plan retiree and spouse health care
23 expenses and any administrative costs related thereto.

24 11 Appropriation; Department of Administrative Services; Risk Management; Overtime. In
25 addition to any other sums appropriated, the sum of \$20,000 for the biennium ending June 30, 2017
26 is hereby appropriated to the department of administrative service for the purpose of overtime
27 charged to the risk management accounting unit, class 18. The governor is authorized to draw a
28 warrant for said sum out of any money in the treasury not otherwise appropriated.

29 12 Health Care Consultant Contract; Benefit Plan; Appropriation.

30 **I.** The commissioner of administrative services is hereby authorized to contract with a
31 health care consultant for the purpose of a long-term design for funding state retiree health benefits
32 and to provide training for state retirees on the benefit plan and its funding. The total amount
33 expended by the department of administrative services for the health care consultant contract,
34 benefit plan design, and training shall not exceed \$300,000.

35 **II.** The sum of up to \$300,000 for the biennium ending June 30, 2017 is hereby appropriated
36 to the commissioner of the department of administrative services for the purpose of payment for the
37 cost of the contract with the health care consultant under paragraph I. The source of funds for the

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1 appropriation shall be the employee and retiree benefit risk management fund under RSA 21-I:30-e.

2 13 New Paragraph; Legislative Budget Assistant; Fiscal Committee; Retiree Health Advisory
3 Council. Amend RSA 14:30-a by inserting after paragraph VI the following new paragraph:

4 VII. The committee shall establish a retiree health advisory council as a subcommittee to
5 the committee. The advisory council shall convene public meetings as needed to review options
6 under consideration for changes to the retiree health plan if additional changes are needed after the
7 new retiree health benefits plan is established. The advisory council shall also receive testimony
8 from retirees and other interested members of the public.

9 14 Contingent Nullification. If SB 388 of the 2016 regular legislative session becomes law, the
10 amendment to RSA 21-I:30, II, as inserted by section 1 of SB 388, shall not take effect.

11 15 Effective Date.

12 I. Sections 3 and 5 of this act shall take effect July 1, 2017.

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

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2016-1857h

AMENDED ANALYSIS

This bill:

I. Requires the commissioner of safety to establish a substance abuse enforcement program within the department of safety, division of state police, to assist state, county, and local law enforcement agencies in addressing the opioid crisis. The bill makes an appropriation for the program.

II. Requires premium contribution amounts for retiree health benefits for retired state employees who are Medicare eligible, and provides for separate premium contribution rates for Medicare-eligible and non-Medicare eligible retirees to be determined beginning January 1, 2017.

III. Makes an appropriation to the department of administrative services for a health care consultant to design a long-term retiree health care funding plan, and transfers certain judicial branch funds for health plan costs.

IV. Nullifies an amendment made by SB 388, relative to public hearings on retiree health plan changes, if it becomes law.