



State of
New Hampshire

HOUSE RECORD

Second Year of the 165th General Court Calendar and Journal of the 2018 Session

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Friday, April 27, 2018

No. 17

**Contains: House Deadlines; Amendment to House Rule 65; Bills Laid on Table;
House Bills Amended by Senate; Revised Fiscal Notes; Governor's Veto Message
for HB 143; Reports and Amendments; Meetings and Notices**

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The next House session will be on **Wednesday, May 2nd, at 10:00 a.m. and Thursday, May 3rd, at 9:30 a.m.**
The House will also be in session on May 10th, May 23rd, and May 24th (if necessary).

Gene G. Chandler, Speaker

NOTICE

There will be a meeting of chairs and vice chairs on **Tuesday, May 1st, at 9:00 a.m.** in Rooms 202-204 of the Legislative Office Building.

Gene G. Chandler, Speaker

NOTICE

There will be a Republican caucus on **Tuesday, May 1st at 10:00 a.m.** in Representatives Hall.
There will be a Republican caucus on **Wednesday, May 2nd at 9:00 a.m.** in Representatives Hall.
There will be a Republican caucus on **Thursday, May 3rd at 8:45 a.m.** in Representatives Hall.

Rep. Dick Hinch

NOTICE

There will be a Democratic caucus on **Wednesday, May 2nd at 9:00 a.m.** in Rooms 210-211, LOB.
There will be a Democratic caucus on **Thursday, May 3rd at 8:45 a.m.** in Rooms 210-211, LOB.

Rep. Stephen Shurtleff

NOTICE

ALL reports, scheduling and notices are due in the House Clerk's Office by **3:00 p.m. on WEDNESDAYS**. Reports and scheduling shall be turned in to House Committee Services for processing **no later than 1:00 p.m.** on Wednesday. Please be sure to complete that work in a timely fashion to meet the Calendar deadline.

CLOSES AT 3:00 p.m. ON:

Wednesday, May 2, 2018
Wednesday, May 9, 2018
Wednesday, May 16, 2018

AVAILABLE ON:

Friday, May 4, 2018
Friday, May 11, 2018
Friday, May 17, 2018

Paul C. Smith, Clerk of the House

2018 HOUSE DEADLINES

Thursday, May 3, 2018
Thursday, May 10, 2018
Thursday, May 17, 2018
Thursday, May 24, 2018

Last day to act on all remaining Senate Bills
Last day to form committees of conference
Last day to sign committee of conference reports (4:00 p.m.)
Last day to act on committee of conference reports

AMENDMENT TO HOUSE RULE 65

AS PROPOSED BY THE HOUSE RULES COMMITTEE

Monday, September 10, 2018	First day for incumbents running for re-election to file LSRs with complete information
Friday, September 21, 2018	Last day prior to the General Election for incumbents running for re-election to file LSRs with complete information
Friday, October 26, 2018	Last day to file 2018 Interim Study reports
Tuesday, November 13, 2018	First day for all Representatives to file LSRs with complete information
Monday, December 3, 2018 (3:00 p.m.)	Last day to file LSRs with complete information Ten day sign-off period begins
Friday, January 4, 2019 (12:00 p.m.)	Last day to sign-off on all LSRs
Friday, January 18, 2019	Last day to introduce House Bills Last day to amend House Rules by majority vote

BILLS LAID ON TABLE

HB 156-FN, including a fetus in the definition of “another” for purposes of certain criminal offenses. (Pending Question: Inexpedient To Legislate)

HB 236, relative to determination of parental rights and responsibilities and establishing a presumption in favor of shared residential responsibility. (No Pending Question)

HB 249, relative to showing a ballot. (Pending Question: Inexpedient To Legislate)

HB 477, relative to free speech on campuses in the university system and the community college system. (Pending Question: Refer for Interim Study)

HB 505, establishing an independent commission as an additional authorizing entity for chartered public schools. (Pending Question: Refer for Interim Study)

HB 579-FN, relative to registration of semi-trailers. (Pending Question: Inexpedient To Legislate)

HB 1210, establishing a committee to study the effect of current use taxation on small and rural municipalities. (Pending Question: Ought To Pass with Amendment)

HB 1259, relative to passenger restraints. (Pending Question: Inexpedient To Legislate)

HB 1275, relative to the placement of minors at the Sununu Youth Drug Treatment Center. (Pending Question: Inexpedient To Legislate)

HB 1301-FN, including the legislature as a public employer under the public employee labor relations act. (Pending Question: Inexpedient To Legislate)

HB 1358, relative to decisions by the site evaluation committee. (Pending Question: Ought To Pass with Amendment)

HB 1381, relative to determining the taxable value of utility property for local property taxation. (Pending Question: Ought To Pass with Amendment)

HB 1412-FN, relative to cruelty to non-captive wildlife. (Pending Question: Refer for Interim Study)

HB 1479-LOCAL, relative to the nomination of political candidates. (Pending Question: Inexpedient To Legislate)

HB 1511-FN, relative to the death of a fetus for the purpose of certain homicide charges. (Pending Question: Refer for Interim Study)

HB 1568-FN, allowing voters to register as members of political organizations. (Pending Question: Inexpedient To Legislate)

HB 1576, creating managed asset trusts for real property. (Pending Question: Inexpedient To Legislate)

HB 1680-FN, relative to abortions after viability. (Pending Question: Ought to Pass)

HB 1701, making the Coakley Landfill Group subject to the provisions of RSA 91-A. (Pending Question: Refer for Interim Study)

HB 1702, relative to the management of the Gunstock Area. (Pending Question: Inexpedient To Legislate)

HB 1728-FN-LOCAL, removing the homestead exemption. (Pending Question: Inexpedient To Legislate)

HB 1757-FN, relative to the reduction in the calculation of state retirement system annuities at age 65. (Pending Question: Ought To Pass with Amendment)

SB 33, relative to the definition of political advocacy organization. (Pending Question: Refer for Interim Study)

SB 378-FN, relative to an exemption from the board of registration of medical technicians. (Pending Question: Ought To Pass)

2018 HOUSE BILLS AMENDED BY THE SENATE

- HB 143**, relative to recommitment of a prisoner by the parole board. (House Concurs 3/15/2018)
- HB 151**, (New Title) establishing a committee to study the feasibility of using hemp in agricultural and industrial processes and to further study the licensing, registration, and permitting of industrial hemp growers. (House Concurs 4/19/2018)
- HB 225-FN**, (New Title) relative to information collection concerning electric renewable portfolio standards. (House Nonconcurs; C of C 4/12/2018)
- HB 305**, clarifying lessee liability for month-to-month leases. (House Concurs 4/5/2018)
- HB 252**, relative to pro se litigants under the right-to-know law. (House Nonconcurs; C of C 4/19/2018)
- HB 298**, (Second New Title) relative to the mechanical licensing board. (House Nonconcurs 4/26/2018)
- HB 372**, relative to construction of the terms “resident,” “inhabitant,” “residence,” and “residency.” (House Nonconcurs; C of C 4/26/2018)
- HB 390**, (New Title) relative to parties on certain election forms and ballots. (House Concurs 4/26/2018)
- HB 410**, relative to the legislative youth advisory council. (House Concurs 4/12/2018)
- HB 549-FN**, relative to beverage vendor fees. (House Nonconcurs; C of C 3/21/2018)
- HB 561-FN**, (Second New Title) relative to part-time employment of a retirement system retiree by a participating employer. (House Nonconcurs; C of C 4/5/2018)
- HB 587-FN**, relative to conversion therapy seeking to change a person’s sexual orientation. (SJ 4/19/2018)
- HB 1215**, relative to voting on variances. (House Concurs 4/26/2018)
- HB 1252-FN**, relative to certificates of insurance. (House Concurs 4/12/2018)
- HB 1265**, relative to the release of criminal conviction records. (House Concurs 4/26/2018)
- HB 1273**, (Second New Title) relative to licensure of health care professionals employed at the Manchester Veterans Affairs Medical Center. (House Nonconcurs; C of C 4/19/2018)
- HB 1278**, (New Title) naming the rest area in Colebrook in honor of Frederick W. King, Sr. and naming a bridge in Farmington in honor of Major John W. Lawrence, Jr. (House Concurs 4/5/2018)
- HB 1286**, (New Title) relative to fishing and hunting licenses for permanently disabled veterans. (House Nonconcurs; C of C 4/19/2018)
- HB 1331**, relative to incidental uses for agricultural plates. (House Concurs 4/19/2018)
- HB 1346**, (New Title) establishing a commission to study the New Hampshire veterans cemetery. (House Concurs 4/5/2018)
- HB 1352-FN**, (New Title) eliminating the nonresident freshwater bait dealers license and relative to hunting adventure permits. (House Concurs 4/19/2018)
- HB 1354**, (New Title) relative to the speaker of the house of representatives and senate president as members of the university system board of trustees. (SJ 4/19/2018)
- HB 1370**, relative to a school’s emergency management plan. (House Concurs 3/21/2018)
- HB 1473-FN**, relative to the timber yield tax. (House Concurs 4/26/2018)
- HB 1495**, relative to standards for determining an adequate education. (SJ 4/19/2018)
- HB 1496**, (New Title) relative to requirements for performance based accountability for an adequate education and relative to reporting requirements for the civics competency assessment. (SJ 4/19/2018)
- HB 1506-FN**, (Second New Title) relative to the commission on primary care workforce issues. (SJ 4/19/2018)
- HB 1564-FN**, relative to sexual assault of a victim who is incarcerated in a correctional institution by a person with supervisory or disciplinary authority over the victim. (House Concurs 4/19/2018)
- HB 1577**, relative to the administration of anesthesia by dentists. (House Concurs 4/26/2018)
- HB 1612**, relative to data security in schools. (SJ 4/19/2018)
- HB 1637**, requiring school districts to establish policies relating to suspensions and expulsions. (SJ 4/19/2018)
- HB 1638**, (New Title) declaring April 28, 2018 as tabletop gaming day in New Hampshire. (House Concurs 4/19/2018)
- HB 1651**, (New Title) establishing a committee to study the use of liquid de-icers and solid salt on roads. (House Concurs 4/19/2018)
- HB 1661**, (New Title) relative to a marriage petition by a party under age. (House Concurs 4/26/2018)
- HB 1697-FN**, (Second New Title) relative to organizations authorized to issue decals for multi-use decal plates. (House Nonconcurs; C of C 4/26/2018)
- HB 1719-FN**, relative to donations of liquor to nonprofits. (House Concurs 4/26/2018)
- HB 1738**, transferring the division of film and digital media to the division of travel and tourism in the department of business and economic affairs. (House Concurs 4/26/2018)
- HB 1739-FN**, prohibiting female genital mutilation. (House Concurs 4/19/2018)
- HB 1753-FN**, (New Title) relative to transportation of alcoholic beverages by a minor. (House Nonconcurs; C of C 4/26/2018)
- HB 1761**, (Second New Title) relative to the math learning communities program in secondary schools. (SJ 4/19/2018)

GOVERNOR'S VETO MESSAGE REGARDING HOUSE BILL 143

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on March 30th, 2018, I have vetoed House Bill 143, relative to recommitment of a prisoner by the Parole Board.

Current law provides that when a prisoner who is out on parole has their parole revoked, that prisoner must be recommitted for at least 90 days. RSA 651-A:19, VII allows the Parole Board to impose a term of recommitment of less than 90 days under certain conditions, including situations where the Parole Board determines that a lesser period of recommitment will aid in the rehabilitation of the parolee. House Bill 143 would expand these conditions by allowing the Parole Board to impose a recommitment period of less than 90 days for a prisoner who enters and successfully completes a residential substance abuse treatment program deemed acceptable by the Board.

While based on good intentions, this bill will have concerning consequences. It does not distinguish between individuals who have committed a crime related to substance abuse and those who have committed an unrelated crime. The bill also does not require the Parole Board to determine that a shorter recommitment period is necessary to assist a prisoner with their recovery efforts.

I fully support efforts to reduce recidivism among those suffering from substance abuse disorders by ensuring that such individuals have access to treatment. However, current law already gives the Parole Board the option of imposing shorter recommitment periods if they determine it will aid in the parolee's rehabilitation. Importantly, those who are incarcerated have access to many of the same treatment programs as those who are not.

It is concerning that there is strong opposition to this bill by law enforcement and at the same time, there are members of the recovery community who still have questions about its impacts. This only reinforces the conclusion that more due diligence is needed before we change current law.

For the reasons stated above, I have vetoed House Bill 143.

Respectfully submitted,
Christopher T. Sununu Governor
Date: April 2, 2018

WEDNESDAY, MAY 2 CONSENT CALENDAR

COMMERCE AND CONSUMER AFFAIRS

SB 379, relative to retroactive denials of previously paid claims. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill changes the time frame for insurance companies and managed care organizations to recover payments from a health care provider for services completed. This is known as "clawback." The bill changes the time period from 18 months to 12 months; 12 months is considered the industry standard. **Vote 19-0.**

SB 413, (New Title) relative to name availability for business organizations and relative to reinstatement of a limited liability company. **OUGHT TO PASS.**

Rep. John Plumer for Commerce and Consumer Affairs. This bill establishes criteria for determining whether a proposed business name is distinguishable from an existing business name for purposes of registration with the Secretary of State. The bill also revises the procedure for reinstatement of a limited liability company by the Secretary of State. **Vote 17-0.**

SB 415, relative to condominium unit owners' special meetings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill allows a specific percentage of residents of a condominium association to call for a special meeting, and to notify unit owners of the meeting if the association fails to do so. As amended, meeting participants can vote on any proposal set forth in the meeting notice. The second portion of the amendment modifies the limitation on a single person casting undirected proxies. Current law limits that person to casting proxies representing no more than 10% of the votes in the association. The amendment allows members of small associations, 20 units or less, to vote undirected proxies for less than a majority of votes in the association. **Vote 18-0.**

SB 418, (Second New Title) relative to beverage manufacturers and nano breweries and defining table wine. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. As it came to the Commerce Committee, this bill would have expanded the definition of table wine and allow beverage manufacturers and nano breweries to sell one sample per label and 2 pints per person for consumption on premises with a maximum of 48 ounces per person. The House addressed the issue of serving pints in addition to samples in a bill passed earlier this session. HB 1725, allows wineries and beverage manufacturers to serve one pint of their products in lieu of 4 oz samples and two full pints if food is available, which is similar to the Nano Brewery law. The committee

is opposed to the Senate version of this bill because it has no food requirement and conflicts too much with the spirit of our current liquor laws. The amendment replaces the entire bill with the what the House passed in HB 1725. **Vote 18-1.**

SB 425, relative to limited liability companies. **OUGHT TO PASS.**

Rep. Michael Costable for Commerce and Consumer Affairs. This bill eliminates the fiduciary rights of former members of limited liability companies and modifies requirements for limited liability company mergers. The latter change was a technical correction. The former change rolls back language in RSA 304-C:99 that was enacted in 2014 and inadvertently went beyond the original intent. **Vote 16-0.**

SB 566-FN, (New Title) establishing a commission to study the school bus driver shortage. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Butler for Commerce and Consumer Affairs. As amended this bill will look at the challenges faced by our school bus drivers and the school districts that employ them. Because of the part-time nature of their work, low wages and the fact that many do not work through the summer and may be required to file for unemployment, it is difficult to find enough school bus drivers to fill all needed schedules in many of our school districts. This bill will create a study commission to look at the problem in general but will focus on one, hopefully resolvable, restriction which is the requirement that drivers be hired by district and cannot, in most circumstances, work for multiple school districts. **Vote 15-3.**

EDUCATION

SB 357, (New Title) relative to safe school zones and relative to syringe service programs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert Elliott for Education. This bill, as amended, requires school employees to report crimes that would prevent a person from being hired as a school teacher for crimes that include assault, unlawful possession or sale of a firearm or other dangerous weapon under RSA 159, arson, burglary, robbery, theft, illegal sale of a controlled drug, and other offenses enumerated in RSA 189:13-a, V. Further, the bill supports current law stating that no syringe service program shall be located within a drug-free school zone; however, the amended bill provides that exceptions to this prohibition may be granted by the applicable district school board when a request is initiated by a syringe service program administrator. **Vote 20-0.**

SB 358, relative to reorganization of the department of education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. In 2017, HB 356 was signed into law and through this legislation a committee was formed to study the organizational structure of the Department of Education (DOE) and the duties and responsibilities of the commissioner and department divisions. This bill, as amended, reflects recommendations made by the study committee. Amending language requires the commissioner to seek State Board of Education advice and consult with the deputy commissioner, the directors of affected divisions, and the legislative oversight committee pursuant to RSA 193-C:8 when transferring or assigning functions, programs, or services within or between any division. In summary, this legislation puts in place a DOE organizational structure that results in stronger accountability and use of personnel and fiscal resources. **Vote 20-0.**

SB 382, relative to withdrawal from cooperative school districts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James Grenier for Education. This bill, as amended, would require all newly formed cooperative school districts to adopt, as part of the articles of agreement, a plan for a possible dissolution of the cooperative district. Once formed, a cooperative district is likely to have great difficulty developing a plan of dissolution if the coop breaks up. Dissolutions of, or withdrawals from, cooperative school districts are most contentious and seem to have no reasonable solution. **Vote 19-0.**

SB 435, relative to alternative programs for granting credit leading to graduation. **OUGHT TO PASS.**

Rep. Victoria Sullivan for Education. This bill is facilitating legislation whereby the State Board of Education will be able to encourage the development of strong instructional partnerships with business and other providers throughout the state helping students gain valuable 21st century skills including work-based learning opportunities. **Vote 17-3.**

SB 437, relative to the robotics education development program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Wolf for Education. The legislature established a fund last year to provide grants that would support some funding for robotics teams at the local level. This bill allows the Department of Education to award funds to additional teams if initial application grant requests have been fulfilled. The committee amendment clarifies the eligibility criteria for schools and fixes the timeline for funding the grants. **Vote 20-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 386, relative to access to criminal records. **OUGHT TO PASS.**

Rep. Kristina Schultz for Executive Departments and Administration. This bill allows someone to submit an electronic hand scan for criminal record purposes without having to have the request notarized – which is the only remaining paper step in the process. Requests sent by mail still need to be notarized, to confirm identity, but that's not needed if the subject comes in person to get a hand scan. **Vote 15-0.**

SB 407, relative to membership of the McAuliffe-Shepard discovery center board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey Goley for Executive Departments and Administration. This bill removes the legislative members from the McAuliffe-Shepard Discovery Center Board. This bill was brought forward by the legislative members who currently sit on the board, and testified that there was no longer a need for them to serve on this board, as the Discovery Center no longer receives state funding. The amendment is housekeeping and removes language that addressed the initial funding review by the Fiscal Committee when the board was set up in 2012 that is no longer needed. **Vote 15-0.**

SB 459, relative to reciprocity for licensure as a real estate broker or salesperson. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill corrects an issue found in a performance audit of the Real Estate Commission, which found insufficient statutory language for reciprocity licenses for brokers and salespeople. The committee amendment deletes some additional language that would repeal the current reciprocity program, which is working effectively for both brokers and salespeople. **Vote 19-0.**

SB 461, relative to continuing education for real estate brokers and salespersons. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey Goley for Executive Departments and Administration. This bill, with the amendment, adds to the specification to the continuing education requirements for real estate salespersons that “the initial 12 hours of continuing education for salespersons prior to their first license renewal shall be established by the commission in specified topics or courses related to the salesperson’s practice.” This will ensure that new a licensee receives education in topics pertinent to their practice. **Vote 19-0.**

SB 477, establishing a therapeutic cannabis medical oversight board. **OUGHT TO PASS.**

Rep. Jacalyn Cilley for Executive Departments and Administration. This bill establishes a medical oversight board comprised of the Department Health and Human Services (DHHS) Medical Director, a qualifying patient, a clinical representative from an alternative treatment center and ten medical providers from a variety of fields. The duties of this board include providing recommendations to DHHS relative to clinical, quality and public health related matters regarding the use of cannabis for therapeutic purposes, a program established five years ago and now serving 4,000 patients in New Hampshire. Although some concern was expressed that this proposed medical oversight board may duplicate certain duties of the advisory board established with the program, the committee heard testimony that the advisory board will be submitting a report this year and will be phased out. In addition, the specific function of this board is to review therapeutic results, laboratory tests of therapeutic cannabis available in New Hampshire, and data from other state cannabis experiences. The medical oversight board will perform important functions to ensure the health of NH patients and the desired outcomes of the therapeutic cannabis program. **Vote 16-3.**

SB 487, relative to license requirements for certain alcohol and other drug use professionals and establishing a state substance use disorder treatment services program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven Beaudoin for Executive Departments and Administration. This bill, with the amendment, codifies the Department of Health and Human Services oversight of drug and alcohol misuse treatment centers. The department already oversees these centers, so statutorily recognizing this will simply allow them to bill third party payers for the services they provide. The bill also adds a certified recovery support worker to the Board of Licensing for Alcohol and Other Drug Use Professionals (LADC Board). It also allows clinical social workers and clinical mental health counselors to gain their post-master’s degree experience under the supervision of either a licensed independent clinical social worker or a licensed clinical mental health counselor supervisor. This provision eases training requirements, since many mental health clinics have limited senior personnel available to supervise others; these professions have significantly overlapping processes and requirements. The amendment also authorizes the LADC Board to establish training and application procedures for certified recovery support worker supervisors. **Vote 19-0.**

SB 581-FN, (New Title) relative to compounding of drugs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Proulx for Executive Departments and Administration. This bill, as amended, redefines compounding to exempt certain infusion procedures being provided in home or clinical settings, which have been widely performed for years with no adverse incidents. The amendment establishes a 2 hour time limit for the

administration of a single dose of a reconstituted, non-hazardous, commercially available drug administered in accordance with the manufacturer's approved labeling. The amendment also establishes a committee to study rulemaking authority for reconstituted drugs. This language has broad support from insurers, home health and clinical providers across the state and will ensure that patient access and safety continue to be maintained. **Vote 17-1.**

ELECTION LAW

SB 527-FN-LOCAL, relative to absentee voting. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Griffin for Election Law. This bill establishes additional procedures for the verification of absentee voters. It clarifies the process as to the verification of signatures. The amendment adopted by the committee further clarifies the process for those who assist disabled persons with completing their ballot by alerting the voter and their assistant that the signature on the ballot will be compared to the original signature on the voter registration form if the assistant does not sign an affidavit attesting to their assistance. This will help moderators make better informed decisions regarding the validity of absentee ballots. The amendment also adds a provision which allows persons who are elderly infirm or disabled, or those who provide care for children or infirm adults to use absentee ballots the day before an election if the National Weather Service has issued a weather warning for Election Day in the city town or unincorporated place and they are concerned about their ability to get to the polls. The committee unanimously recommends this bill with the amendment as a benefit to the voters and our local election officials. **Vote 18-0.**

FINANCE

SB 541-FN-A, (New Title) establishing a fund to reimburse costs associated with firefighters who have cancer and establishing a commission to study the funding and operations of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Tracy Emerick for Finance. This bill amends RSA 281-A:17, Workers' Compensation; Firefighter With Heart, Lung, and Cancer Disease, which had been ruled a violation of 28-A when passed in the 1980s. Using the scientific research continuously performed by the International Agency for Research on Cancer, the amendment provides methods for firefighters who have worked for 5 or more years, and who can prove each lives a tobacco-free lifestyle, to finally get much-needed workers compensation. Scientific research has proven that many of the materials found in today's world emit carcinogen elements when burned. The Fire Marshall's office testified that every fire department is required to file lengthy, detailed after-action reports with the state and that these can be used to document a claim made for workers' comp. Because cancer often shows much later than initial exposure, retired firefighters may file a delayed claim. Existing state law allows this and provides workers comp' payment for 5 years, but after that time a retired firefighter would only be eligible for medical expenses if the claim was found to be valid. All other American workers have access to workers comp if injured on the job, and with the growth of scientific evidence about carcinogen factors, it is time to ensure this RSA can be fully implemented. **Vote 26-0.**

SB 575-FN, relative to electric vehicle charging stations. **OUGHT TO PASS.**

Rep. Kenneth Weyler for Finance. As we continue to see the popularity of electric cars in our state, and perhaps for out-of-state visitors also, then electric charging stations become an expected amenity. We have also received about \$31 million in the settlement of the Volkswagen case. The settlement has some of the money specifically targeted to increase the use and availability of electric cars. There was some thought of adding this settlement money to the bill, but that was not necessary, and there are still details to work out. These moneys can be authorized later through the fiscal committee. The bill called for a few thousand to make and erect signs on the inter-states to tell electric car drivers where the charging stations are. The charging stations already exist and are not part of the bill. Since the Department of Transportation sign shop testified that they had sufficient funds to make and erect the signs, the committee was spared the task of making a new appropriation, and happily passed the bill as it came to us. **Vote 26-0.**

SB 578-FN, relative to unclassified positions within the department of health and human services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Tracy Emerick for Finance. This bill clarifies the terms of appointment and salary for the following positions in the Department of Health and Human Services (DHHS): Deputy Commissioner, Associate Commissioner of Human Services and Behavioral Health, Associate Commissioner of Operations, and Associate Commissioner for Population Health. The bill is a request of DHHS. It provides the necessary statutory language to codify the previous ministerial action of the Joint Committee on Employee Classification in approving the recommendations of Korn Ferry International, a consultant hired by the state to determine appropriate salaries for state employees. The amendment cleans up job titles found in RSA 94:1-a and brings them up to date. There is no cost to the state. **Vote 26-0.**

SB 588-FN, (New Title) relative to inspections of laboratories and relative to loans for lead hazard remediation projects. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Erin Hennessey for Finance. This bill reduces costs to laboratories and state inspections and also clarifies the language surrounding the lead hazard remediation loan program signed into law in February of this year. Currently, the Department of Health and Human Services inspects licensed laboratories as defined in RSA 151:2, I(c). Many of these laboratories also undergo a comprehensive inspection under Clinical Laboratory Improvement Amendments (CLIA) that duplicates much of the work by the same state inspectors. This bill establishes that those laboratories receiving compliance and accreditation under a CLIA inspection would be deemed in compliance with state regulation where CLIA and state regulation overlap. By avoiding duplication of efforts, this bill would allow the facility to receive one comprehensive inspection every two years, thus reducing cost to the laboratories and the state while assuring public health safety and quality control. The bill also adds clarifying language around the lead hazard remediation loan program established in SB 247 that has already been signed into law. The clarifying language better protects the state's interests, provides clarity on the default process, and establishes prerequisites for a lender applying to the State Treasury for payment of the guaranty for any deficiency after a foreclosure proceeding. **Vote 24-1.**

RESOURCES, RECREATION AND DEVELOPMENT

SB 453, relative to requirements and criteria for a competitive grant program for drinking water protection. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Smith for Resources, Recreation and Development. The NH Drinking and Groundwater Trust Fund Advisory Commission is a statutory committee which oversees the Exxon MTBE settlement funds. The commission is charged with providing funding through cost-sharing grants and loans to municipalities and others to insure safe drinking and groundwater. This bill defines the duties of the commission and clarifies eligible entities for grants and loans. For example, privately owned water utilities, which includes condo associations and trailer parks, will now be eligible to apply for the loans and grants. The amendment addresses the situation where communities that need water may buy it from a system that contains fluoride and notes that the fluoride level may be so low as to have little or no health impact. Passage of this bill, as amended, is important to facilitate providing clean drinking water to the municipalities of Windham, Plaistow, Salem, Derry, and others where many wells have been contaminated by MTBE. This bill is a request of the commission. **Vote 18-0.**

SCIENCE, TECHNOLOGY AND ENERGY

SB 446, relative to net energy metering limits for customer-generators. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Vose for Science, Technology and Energy. The net metering law allows small-system generators to send electricity to the grid for which they receive a credit. Systems that generate between 100 kilowatts and 1 megawatt (MW) currently collect credits at their utility's default service rate. This bill expands the size of systems that can obtain these credits to 5 MW. This expansion will permit municipalities, schools, and community groups to install solar or wind generation to produce their own power without wasting any of the excess power they make. The bill also permits small-scale hydro producers of up to 5 MW to move behind the meter and thus to reduce the grid's electricity load while receiving a higher price for the power they generate. The amendment removes a provision that allowed generators up to 25 MW to net meter the first 5 MW of their output. This provision was intended to help wood burning electricity plants, but it was not clear how net metering would help this class of profit-making producers. The amendment also grandfatheres the tariff for 1 MW to 5 MW producers for a period of twelve years, and it restricts the exemption from the statewide utility property tax of eligible customer generators to 1 MW. An ongoing proceeding at the Public Utilities Commission will eventually set a permanent tariff for all net metered systems. **Vote 19-1.**

SB 452, relative to renewable energy fund incentive payments. **INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Thomas for Science, Technology and Energy. This bill allows residential owners of property who install a leased solar electric power system to receive renewable fund incentive payments. The committee felt that the owner of the capital equipment should be the one to benefit from the incentive payments. The lessee benefits from having lower electric bills. Because of these considerations, the committee does not recommend the bill's passage. **Vote 21-0.**

SB 577, (New Title) requiring the public utilities commission to consider its order affecting the Burgess BioPower plant in Berlin, prohibiting the import of certain liquid fuels, and relative to the production of useful thermal energy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Douglas Thomas for Science, Technology and Energy. This bill, as amended, has three separate parts. Part I requires the Public Utilities Commission to suspend the operation of the cap on the cumulative reduction factor for the Burgess BioPower plant. Part II prohibits the import of certain liquid fuels and prohibits the sale of such fuels in 2019. Part III changes the requirements for inclusion in class I of the Renewable

Portfolio Standard (RPS) for methane gas. Due to unexpected and continued very low natural gas prices and without the three year suspension noted in Part I, Burgess would be forced to shut down sometime in 2020. This would have affected the state's electrical capacity and fuel diversity situation in addition to numerous lost jobs in related fields. The extra time is needed to secure a more permanent solution to protect our energy infrastructure. Part II ensures that by 2019 fuel oil above the allowable sulfur content is no longer sold, delivered, or used in the state, except for quantities left in storage tanks. Part III allows methane gas energy in the form of useful thermal energy produced by facilities beginning operation after 2013 to be included in Class I of the RPS statute. **Vote 19-1.**

TRANSPORTATION

SB 398, relative to information contained in certain motor vehicle records. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas Walsh for Transportation. This bill allows records of motor vehicle accidents to be accessed by authorized legal representatives. Current law states that only the owner, operator, and passenger can request that information. The committee amendment clarifies the change and adds language dealing with insurance companies and pedestrians involved in an accident. **Vote 15-0.**

SB 512, relative to compact sections of towns. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven Smith for Transportation. The Commissioner of Transportation is currently authorized to establish compact sections in certain municipalities by statute. Towns and cities would like the flexibility to enter into these agreements outside of the legislative process. The committee amendment removes the existing list of cities and towns eligible for compact sections from RSA 229:5 and directs the department to maintain one complete list on their website. **Vote 15-0.**

SB 520-FN, (Second New Title) relative to organizations authorized to issue decals for multi-use decal plates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven Smith for Transportation. This bill authorizes various non-profit organizations to participate in the multi-use decal plate program. The committee amendment adds in the language of HB 314, which was passed by the House on the consent calendar. This establishes permitting and oversight for testing autonomous vehicles. With the fate of HB 314 being uncertain, and in light of the recent pedestrian death in Arizona, it is critical to not allow unsupervised testing in NH. **Vote 15-0.**

WEDNESDAY, MAY 2 REGULAR CALENDAR

COMMERCE AND CONSUMER AFFAIRS

SB 112, establishing a council on the creative economy. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kenneth Gidge for the **Majority** of Commerce and Consumer Affairs. This bill creates a permanent statutory Council on the Creative Economy. The Commission to Study the Economic Impact of the Arts and Culture in New Hampshire was established in 2015 and met regularly from August 2015 until October, 2016. This commission was charged with recommending ways in which the state could enhance and expand the creative economy. It filed a comprehensive report on November 1, 2016. The committee believes that the proposed council would only duplicate the work already completed by the commission. **Vote 13-4.**

Rep. Richard Abel for the **Minority** of Commerce and Consumer Affairs. The 'creative economy' refers to all economic activity that results from individual creativity for its economic value. In New Hampshire, this rapidly growing economic sector encompasses the arts, design and media, architecture, advertising, publishing, and performing arts, among others. These activities create tens of thousands of jobs, attract younger professionals, and stimulate tourism. The minority believes the creative economy is a powerful engine of growth and community vitality. Together, artists, cultural nonprofits, and creative businesses produce and distribute cultural goods and services that generate jobs, revenue, and quality of life. A thriving cultural sector leads to thriving communities. Establishing a state council will enhance cooperation and collaboration among state entities to stimulate building New Hampshire's creative economy.

SB 189-FN, requiring insurance policies to cover 3-D mammography. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Barbara Biggie for the **Majority** of Commerce and Consumer Affairs. This bill requires insurance policies to cover 3-D mammography tests. Currently, most mammography facilities are transitioning from 2-D to 3-D machines. The difference in cost is about \$50-100. Patients seeking this procedure are typically informed that their insurance may not cover the cost of the more expensive machine. The majority of the Commerce Committee believes that further review of this bill will allow us to gather more information on the transition to the newer machines. It will allow us to determine if legislation in this area is truly necessary or if time will fix this issue with new studies demonstrating that 3-D is worth the extra expense and the increase in radiation. **Vote 11-8.**

Rep. Christy Bartlett for the **Minority** of Commerce and Consumer Affairs. The committee heard hours of testimony on this bill from all stakeholders. Currently, most hospitals and imaging providers are offering 3-D mammography as the standard of care and many insurance carriers are covering the service. We were told by some insurance representatives that some states already require coverage for the cost of this test and administratively it is too difficult to single out NH residents, so they do pay already. Other companies choose not to pay. With a 3-D mammogram it has been proven that there are fewer "call backs," false positives, and that this provides earlier detection of breast cancer, and thus, precludes the need for more invasive treatment, reducing the overall costs. Medicare currently pays for 3-D mammography. The older 2-D mammography is a 25-year-old technology, being quickly replaced by 3-D mammography. Patients may be warned that their insurance company may not pay for the 3-D mammogram and this warning might keep them from moving forward with the technology proven to be more effective in detecting cancer. This is an example of being penny wise, but pound foolish and trivializing good basic health care.

SB 383, (New Title) establishing a commission to recommend policies that will enhance access to affordable health care for all New Hampshire residents. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Hunt for the **Majority** of Commerce and Consumer Affairs. This bill will establish a commission to recommend policies that will enhance access to affordable health care for all New Hampshire residents. The majority of the Commerce Committee is opposed to creating yet another study commission with a laudable purpose that is in reality just another forum for those who want Medicare for everyone i.e. - single payer health care. Given that there is an election coming up, the majority of the committee believes that there will be plenty of venues and opportunities for those who want an opportunity to expound on their desire for a single payer/Medicare for everyone health insurance plan. **Vote 11-7.**

Rep. Edward Butler for the **Minority** of Commerce and Consumer Affairs. This bill originally was directed towards a study of 'health care for all.' As amended unanimously by the Senate, it creates a commission to study access to affordable health care. The preamble states 'many residents of New Hampshire remain uninsured or underinsured, and costs continue to soar.' We all know that costs for health care and insurance policies are continuing to climb at rates well beyond the consumer price index. Establishing a commission

of practitioners, administrators, advocates and consumers to continue to analyze the reasons for these costs and to discuss possible NH solutions only makes sense. Yes, this is an incredibly difficult and complex issue. But we must not shy away. We should continue to look for ways to control costs and enhance access to the health care our constituents need.

SB 421, relative to insurance coverage for prescription contraceptives. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Christy Bartlett for the **Majority** of Commerce and Consumer Affairs. This bill is a result of a study commission that met several times over the Summer/Fall of 2017 and with unanimous support recommended improving access to contraception to prevent unplanned pregnancies. Among those represented on the commission was Planned Parenthood of Northern New England, New Futures, New Hampshire Nurses Association, the New Hampshire Medical Society and others. Preventing unplanned pregnancies is important to the health of the woman, her family and our society as a whole. This bill specifically deals with insurance coverage and does not interfere with the doctor/patient relationship in any way. It allows for a 12-month prescription for FDA-approved oral contraceptives and for contraceptive devices. The committee amendment clarifies the intent and allows for generic substitution when acceptable. **Vote 14-3.**

Rep. Elizabeth Ferreira for the **Minority** of Commerce and Consumer Affairs. The 2017 study commission, which was the genesis of this legislation, as well as the other contraceptive bill that passed the House earlier this year (HB 1822), was heavily weighted with people representing pharmacies, yet did not include any private insurers. The minority of the committee found this unbalanced representation of stakeholders in the development of this legislation problematic, particularly because the original bill (and to a large extent in the amended version) included the provision that “a deductible, co-payment, co-insurance, or other cost-sharing requirement shall not be imposed” with respect to prescription contraceptive drugs, devices, or services. We felt it was unfair to impose this kind of mandate on an industry (even one that may engender little sympathy from many) without actively seeking their input until the eleventh hour. Moreover, the minority believes that it is unfair, and constitutionally questionable, for the Granite State to mandate a special carve out of free coverage for certain medications and services for one group, while those who may be receiving medication or treatment for other (and in many cases life-threatening) conditions, such as diabetes, high blood pressure, and heart conditions, for example, still will be expected to make their co-payments. Furthermore, the additional costs that will be borne by the industry by giving special consideration to one group will be passed on to the others. Although the mandate for free contraceptive medication and services for insurance plans currently exists under federal law, passing this legislation would result in codifying parts of the Affordable Care Act (Obamacare) into New Hampshire law. Considering the unequal treatment among those insured, as already noted, as well as concerns about gender parity (e.g. sterilization for women is covered, but not for men), this could create additional constitutional concerns; however, in order to resolve these issues, especially with respect to gender parity, we then would need to expand ACA language further than originally intended. It should be noted that before Massachusetts passed a similar bill in November 2017, the cost analysis for their legislation anticipated an annual increase between \$1.9 million and \$5.7 million over the next five years. Although these numbers presumably would be lower for the Granite State (adjusting for population differences between our two states, among other factors), this likely would result in a notable increase in cost to our health care system nonetheless.

SB 427, limiting the liability of successor corporations for asbestos-related claims. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Laurie Sanborn for the **Majority** of Commerce and Consumer Affairs. Just like the laws enacted in 25 other states, this bill addresses the liability for asbestos-related injury of successor companies after a merger under specific conditions. It limits the liability of certain successor companies to the amount of the predecessor’s total gross assets at the time of the merger, plus an upward adjustment to reflect what those assets would be worth today after inflation, as long as the successor did not continue in any business activities whatsoever related to asbestos. This bill applies only where the original transfer of successor asbestos-related liabilities occurred before the federal government began regulating asbestos in 1972. This bill will not leave those who have suffered asbestos-related injuries without recourse or the ability to seek the justice they deserve. Claimants will continue to have the ability to file a claim with one of the court-established trusts; these trusts with collective assets in excess of \$25 billion were established to compensate victims who have suffered asbestos-related harm. Current trends indicate there is no end in sight for asbestos litigation. Litigants will potentially look to states like New Hampshire as they seek to avoid states that have adopted the very reforms contained in this legislation. Litigation continues to move to less culpable companies outside of the asbestos and building-materials industries and threatens the continued viability of US companies. Adoption of this bill will send a strong message that New Hampshire business laws are based on fairness and common sense. **Vote 11-6.**

Rep. Christy Bartlett for the **Minority** of Commerce and Consumer Affairs. This is a very well-financed and well-organized effort by an out state entity across many states. We heard articulate testimony from a representative of a large corporation, Crown, Cork & Seal, and their story about purchasing a company from a widow who just wanted to sell her late husband’s company which had an asbestos insulation business. We

were told that the big company had no intention of using those asbestos-related assets and quickly sold off that part and though innocent of any exposure, later became involved in litigation. Further, they just want this bill to absolve any other business of this liability, even though, the litigation for them is still ongoing. Asbestos-related injuries occur to workers in shipyards, which may affect veterans, auto service industry works, and workers in construction where asbestos was used for years. The minority feels that it is unfair to ask New Hampshire residents unwittingly exposed to deadly asbestos fibers through no fault of their own to bail out a solvent out-of-state company that has not decided to take steps to adequately compensate claims against liabilities it acquired. Without being able to point victims to another means of recovery if Crown, Cork and Seal is taken out of the equation, we cannot support this bill.

SB 473, relative to employment contract restrictions upon health care providers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard Abel for Commerce and Consumer Affairs. This bill is an extension of a bill we passed two years ago, which prevented future non-compete agreements for physicians, as in most other states, so doctors would not be restricted from practicing their profession within a reasonable geographic area upon leaving current employment. The committee majority felt this was important to maintain adequate medical coverage particularly in rural and under served areas, and to address the opioid crisis. As referred to the House, this bill expanded this same provision to a very broad list of professions. The committee amendment focused the bill to apply the preclusion from non-compete clauses to nurses, nurse practitioners, and podiatrists, who testified in support of the bill. **Vote 13-6.**

SB 502-FN, relative to transparency and standards for acquisition transactions in health care. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. John Hunt for the **Majority** of Commerce and Consumer Affairs. Whenever a non-profit hospital merges with another non-profit hospital, the current law requires the Charitable Trust Division of the Attorney General's office to review the merger and approve the transaction if it is "in the best interest of the health care charitable trust and the community which it serves." These mergers have already occurred here in NH and there has been no public outcry that the mergers have been detrimental to the communities that the hospitals are in or that the Charitable Trust Division should not have approved the mergers. The only tangible change this bill makes from the current law is to extend how many days the AG's office has to make its decision or request further information. The other two additions are already being done and are redundant to what the Charitable Trust Division is already doing. Since there are mergers in process right now the majority of the Commerce Committee decided that the best course of action, so as not to disrupt the timing of the current and mergers, would be to hold off on this legislation and wait till the current mergers have been approved or disapproved and at that time it would then be appropriate for the committee to review the process and decide if further legislation is necessary. **Vote 11-7.**

Rep. David Luneau for the **Minority** of Commerce and Consumer Affairs. New Hampshire is in the midst of mental health and opioid public health epidemics. At the same time, we are also in the midst of a rapidly increasing trend of New Hampshire hospitals merging or being acquired, sometimes by out-of-state interests. Over the last three years, there have been ten merger or acquisition transactions involving hospitals in New Hampshire, two are in the works now and another is expected soon. This bill deals with the only review and oversight New Hampshire has over these acquisitions directly affecting the health care of Granite Staters. The proposed changes in the bill reinforce that the "community's need to access quality and affordable physical and mental health care services" can and must be considered by the Charitable Trusts Division when reviewing the impact of these mergers and acquisitions. It also provides for greater transparency about these mergers and acquisitions for the general public, and a slightly longer time frame to review these acquisitions. These are modest, straight forward changes. These modest enhancements are supported by consumer advocates in health care ranging from New Futures to NAMI-NH. The minority of the House Commerce Committee believes that now is the time to help protect New Hampshire's health care system, ensure the health care of Granite Staters when mergers and acquisitions occur, and to provide greater transparency about these mergers and acquisitions for the general public.

SB 537, (New Title) conferring extraterritorial financing powers on the New Hampshire business finance authority. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Kermit Williams for the **Majority** of Commerce and Consumer Affairs. This bill would allow the three state finance authorities – the Business Finance Authority, the New Hampshire Housing Authority, and the Health and Education Facilities Authority – to use their existing expertise in processing tax-exempt conduit bond requests to better serve today's New Hampshire companies and non-profits, and provide that same service to entities outside of New Hampshire that are considering expanding their operations. This bill encourages the viewpoint that New Hampshire is the best place to locate your business or non-profit, and does so in a way that uses the expertise and capacity already in place today. This type of activity will help the three finance authorities to further their collective mission of encouraging growth and attracting new companies to New Hampshire. **Vote 14-4.**

Rep. Michael Costable for the **Minority** of Commerce and Consumer Affairs. The minority of the committee believes the proper motion is Refer for Interim Study. This bill originally established a new stand-alone agency with broad new powers (it is safe to assume that a new agency would face more scrutiny). It very quickly moved under the Business Finance Authority's (BFA) control. We were told the BFA was the perfect place for the new agency and new powers because they have the knowledge and expertise to handle these transactions, but then were told that they don't have the necessary skills, tools or time so they will contract out the new authority to a private firm. There is nothing in the bill regarding their compensation package or marketing budget or where initial startup costs will come from. The original charter requiring the BFA to fund projects in New Hampshire for the sole benefit of New Hampshire inhabitants has not been amended. It is the genesis for which the BFA can issue tax exempt bonds in the first place. This bill takes the position that the fees generated from foreign transactions with zero connection to New Hampshire are not only a direct benefit to New Hampshire, but "shall be regarded as performing an essential governmental function" (page 1, line 11). This argument may hold more water if the fees were guaranteed to the General Fund or earmarked for projects here in New Hampshire, but sadly they are not. We were told that the previous quote is just a throw away line to satisfy the IRS admitting that this shouldn't be considered essential and thus opening up a fault line. They technically do not have legitimate authority to issue these bonds (this could have been addressed by requiring some nexus to NH, but that was opposed). Abusing the powers of tax exemption in exchange for a fee is "crony capitalism" and has no place in a free society. It further opens up the BFA (and this state) to possible litigation from the federal government, other state agencies or from investors. It also undercuts legitimate corporate and «backed» municipal bond activity. All of this grants questionable new power with limited oversight. The bill states that "Bonds may be issued under this chapter without obtaining the consent of the Governor or Council or any department" (page 5, line 34) unless they are compelled to under Internal Revenue Code 147(f). Other concerns/questions that deserve further study include but are not limited to: the BFA can apply subsidies on behalf of a company, can receive gifts, can invest proceeds in any security and they can acquire, operate, buy, own or lease property outside of the state and a quorum of only three members can result in two board members controlling tens of millions of dollars or more of financing. The minority feels this open ended broad new power needs more time and scrutiny before we enact this legislation.

EDUCATION

SB 432-FN-LOCAL, (New Title) establishing a commission to study whether it is in the best interest of students to require schools to offer an SAT preparation course as an elective. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James Grenier for the **Majority** of Education. This bill would have created a commission to study if it is in the best interest of students to require school districts to provide an SAT preparation course. The majority of the committee felt that the ultimate reason for the study would be an unfunded mandate. It is also the case that the ACT is an alternate test that can be used for student assessment and is not mentioned in this bill. The SAT is a test that measures student success in courses such as math and English/language arts. The SAT is supposed to show what a student got out of his or her schoolwork. It is not supposed to be the school work or a separate course. Review for the SAT is important, but should not be a course of study. Many school districts currently offer test preparation material developed by Khan Academy as a free, online service. Lastly, the commission requested in this bill lacks a school counselor or guidance personnel and is ill-timed at the close of the legislative session. This bill is not needed. **Vote 11-9.**

Rep. Wayne Burton for the **Minority** of Education. SAT scores can make or break college applicants and be used to assess the quality of a school system. Yet, both students and school districts can be unfairly undervalued if they do not have access to SAT preparatory instruction. The Milton school system for example, on observing how SAT preparation instruction could serve both their students and their school, utilized an in-school course, offered at no cost, utilizing existing faculty, during the school day, raising their students' scores by a significant amount. A student's zip code should not determine how well they fare on this widely used standardized test. This bill establishes a commission to look into this disparity between schools that offer SAT preparatory courses and those that do not. The commission will report back on their findings so that legislative action can be taken to ensure that all students receive the benefits of teacher-taught, free SAT preparation and all districts are assessed fairly when the SAT yard stick is applied.

SB 434, relative to school nurse certification. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Wolf for the **Majority** of Education. In 2016, the legislature required all school nurses to be certified by the Department of Education and for a school nurse to have completed a board of nursing approved registered nursing program at the bachelor's degree level or higher. In addition, a school nurse applicant is required to have three years of current experience in pediatric nursing or other related nursing area. When signed into law in 2016, the certification was an amendment attached to a Health, Human Services, and Elderly Affairs Committee bill that never went to the House Education Committee nor did it receive a public

hearing during the rulemaking process. Under the current law, a nurse could have twenty years of experience as a pediatric nurse and still need to get certified by the Department of Education in order to work in a school. Early this session, the House passed HB 1217, which intended to restore the law to the way it was prior to passage of the 2016 bill, stating that a school nurse be a registered professional nurse licensed in New Hampshire. The current law that requires certification and a 4-year degree or to obtain a 4-year degree in six years has raised the issue of affordability and availability in large and smaller school districts. The base adequacy formula does not support school nursing, and with the added requirements of current law, districts have been handed another unfunded mandate. The committee amendment to this bill matches the language of HB 1217, and has received support from the largest and other NH school districts. **Vote 14-6.**

Rep. Linda Tanner for the **Minority** of Education. The minority feels this bill as amended goes too far in reducing all certification requirements except licensure for school nurses. School nurses function in the unique physical situation of a school facility. Often advanced medical help is not readily available. School nurses provide services to students, some who present very serious medication conditions. We feel there should be reasonable modifications to the current certification standards addressed through further study and consideration while maintaining the present certification.

SB 441, relative to final grades in schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, requires a school district to adopt a grading policy and further states that the teacher shall assign the grade and that the grade shall reflect the student's mastery of subject or course content. The school district policy may also allow a student a reasonable opportunity to retake or redo a final assessment or assignment for which the student received a failing grade in a subject or course. Lastly, a grade shall be final and may only be changed if the grade is found to be erroneous, arbitrary, or inconsistent with the district policy, and after the principal or teacher's immediate supervisor consults with the teacher. **Vote 15-5.**

SB 525-FN, (New Title) prohibiting the distribution of adult education financial assistance to any student who is not a legal resident. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Pitre for the **Majority** of Education. This bill limits the availability of adult education programs funded by state or local sources to legal residents of the state of New Hampshire. Currently, the Department of Education, in accordance with statute, provides programs for approximately 7,000 adults, but does not collect any information pertaining to the legal status of those served. It is therefore not possible for the committee to estimate the number of adults in New Hampshire this bill would impact. Further, the bill as amended may conflict with other sections of RSA 186 that reference the need for instructing adults in Americanization and the teaching of literacy and English to non-English speaking adults. These sections of law make no mention as to whether the adults are legal or not legal. The bill as introduced also conflicts with RSA 189 that requires school districts to provide instruction to pupils who have not attained a high school diploma that are adults, ages 18 to 21. This bill as amended needs further work to ensure that it does not result in conflicts with other sections of the New Hampshire statutes. **Vote 12-8.**

Rep. Mary Heath for the **Minority** of Education. The minority finds that this bill would limit the availability of adult education programs funded by state or local sources to legal residents eligible to work in the state of New Hampshire and amends RSA 186:63: Adult Education, Funding of Educational Programs. Many NH residents are on a legal pathway for eligibility to work, and the process can be long and complicated. Under this bill, a person with a pending application might not be allowed to learn English, yet they would be expected to know English once approved. This bill would also create an administrative and moral strain for educators who work to welcome and instruct all who come to learn English, while simultaneously preparing them for civic engagement and entry into the workforce. Under Workforce Innovation and Opportunity Act (WIOA) funding, which governs practices in adult education, workforce training is integrated into all classes. Because adult education classes and programs do not separate out workforce preparation activities, this bill may wrongly disqualify students from all adult education services. Adult education centers are responsible for providing educational opportunities for any adult who seeks them, not to monitor immigrant resident status. This type of legislation is yet another door being closed on people and another way our state is pushing people away, this time targeting immigrant communities. Federal law (WIOA), which authorizes and governs adult education programs, defines eligibility based on age and skill level only. There is no provision or mechanism for identifying immigration status. Because of the conflict with both state and federal law, adult education funding would be divided into two tracks and create a situation requiring participants to show legal residence status. Therefore, the minority recommends this bill be found Inexpedient to Legislate.

ENVIRONMENT AND AGRICULTURE

SB 569-FN, (New Title) relative to animal cruelty and establishing a commission to study certain language applicable to the transfer of animals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Howard Pearl for the **Majority** of Environment and Agriculture. This bill passed on the Senate floor with three introduced amendments. At the public hearing in front of this committee, a Senator suggested that two more amendments be added to make additional corrections. This bill as it came to committee is a complex and controversial bill. The committee heard two full days of testimony that at times was emotional and at times was educational by those presenting both sides of the bill. The committee, knowing that there were time restraints for reporting the bill out, still decided to do what the House does best: review the bill line by line, comma versus semicolon, and fact-check the changes. The first serious concern was the animal care bonding in the bill. This has been before the House in the past (2014) and, based on testimony at that time from the ACLU, the House had concerns regarding bonding before a finding of guilt, concerns regarding the accuser's rights to Due Process, the 4th amendment, and other constitutional grounds. The committee discussed the concerns in depth and has moved this into a study commission called "Cost of Care for Confiscated Animals." Briefly, the study will look to the Spay and Neuter program within the Department of Agriculture, Markets and Food (DAMF) that has established dedicated funds and use that program as a model, thus eliminating the bonding issue. These funds would be available to those communities that incur costs associated with the taking of an animal. Then, if the defendant is found guilty, he or she would be required to reimburse the fund. The second major issue was in the appropriation section of the bill allowing for additional personnel for inspection purposes with minimum funding. The committee heard testimony that, even if personnel were to be hired, they would not necessarily be assigned to this area. Given the limited time allocated for this financial bill to go to a second committee (3 hours) and for the committee to do its proper due diligence, the committee decided to add "appropriations needed by the Department of Agriculture, Markets and Food to inspect pet vendors" to the duties of the previously mentioned study commission. The outcome of this portion of the study will be added to the next session's budget bill. Other key areas address by the committee was to review definitions in RSA 437:1 such as defining breeding female dogs, animal rescue facility, and commercial breeding kennels. Based on the extensive testimony, comments, and news media reports, the committee addressed and defined first offense animal hoarding as a misdemeanor. The committee also added an exemption under the subsection of commercial breeder's kennel so it does not apply to the following: veterinarians, transfer of livestock or poultry, or breeders of dogs including, but not limited to: guarding, working or herding livestock, mushing, or participating in any lawful dog event. There are restrictions based on transferring 10 or more litters or 50 or more puppies in any 12-month period. The committee also made corrections related to RSA 437:1 in last year's budget to allow DAMF to have the ability to suspend and revoke a pet vendor's license upon completion of an investigation. **Vote 15-1.**

Rep. Anne Copp for the **Minority** of Environment and Agriculture. New Hampshire ranks among the top states in the nation regarding our animal cruelty laws. The Wolfeboro incident which precipitated this bill was a simple lack of communication. NH animal owners should not suffer unintended consequences because of it. Our committee worked tirelessly on this well intentioned legislation. The fact remains, we heard overwhelming public testimony against the bill. NH humane societies, shelters, animal rescue, and foster (animal) families work together locally to prevent animal cruelty. Communication is the real issue regarding the Wolfeboro matter. This legislation is not needed as a reaction to a national story.

ELECTION LAW

SB 438, relative to the postponement of local elections. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Griffin for the **Majority** of Election Law. This bill establishes a procedure for the postponement of elections that are conducted locally in our 221 towns and 13 cities. As amended by the committee, it provides specific procedures to follow when either state wide or local events occur that affect the conduct of elections. A 2017 study committee was formed after the communities with elections in March 2017 handled the weather emergency in different fashions. That study committee recommended that a bill be drafted to address the issues of postponement and this bill proposes a methodology to protect the right to vote by requiring uniform election dates, notice to voters and clear absentee voting and voting procedures. The amendment further clarifies the process by addressing events that may affect a community's ability to hold an election both weeks before and the day before the election. The committee heard much testimony on the issues that were created by the lack of a defined clear process. Towns continued elections to different dates, used different processes, and were not uniform in the handling of absentee ballots. Issuers of bonds asked for rulings to validate votes made in communities with bond projects because the notice for the vote on the bond on the official ballot took place on a date different than was noticed. The testimony included proffers that as the State Constitution and law currently stands, no one can continue an election using an official ballot since they must allow a voter to participate by absentee ballot. Article 11 of our State Constitution provides the same status to local elections using an official ballot as that of state, primary and general elections - that your entitlement to vote is so important you can obtain an absentee ballot. None of those elections have any provisions in law for a continuance. While parties have argued that in NH we have a particular statute addressing

meetings which allows a continuance, nowhere in that law does the term “election” appear. This amended bill clarifies that statute, RSA 40:4, to prevent the reoccurrence of the confusion of 2017, and specifically provides that the local moderator can continue that community’s meeting. As to the election, years ago most towns chose to place their elections on an official ballot and by doing so gave the voter the right to vote absentee, a right established by constitutional amendment in 1976. This bill as amended sets a process for a moderator to continue an election due to a circumstance such as the destruction of ballots, damage to the polling place or access to it, or a statewide blizzard. It provides a community the opportunity to develop a plan for the continuation of operations (COOP), for which federal funds are available, wherein they set out the process to be followed when an event impacting the state, a region, or a local community occurs. When that plan has been adopted by the community, and the moderator makes the decision that postponement is needed and the plan is being implemented, the Secretary of State’s office is contacted to let them know of the local decision. If there is no contact back within 2 hours the election is continued and the community follows the process in their COOP. The majority of the committee believes that a noticed election with absentee ballots needs to consider the safety of voters and election workers but should only be continued as a last recourse so that we prevent disenfranchisement of voters who cannot participate on a new date. Based on information provided to the committee, there is no known state that allows one local official to change an official ballot election. Most states simply provide that the chief election officer makes the decision, usually the Secretary of State but in some the State Emergency Management Director or the Courts are utilized. This proposal balances the interests involved in local elections using an official ballot while providing that in emergencies the moderator is in charge as to how that postponement or continuation will occur, and it is the moderator that starts the process to have it happen, and it is the moderator that implements that process. By having a plan in place, and a phone call made to the state’s highest election official, the local official’s decision is verified and ensures that the decision is safe and fair to all involved. The majority of the committee reports that the bill on the continuation and postponement of elections as passed by the committee should be adopted. **Vote 11-9.** Rep. Wayne Moynihan for the **Minority** of Election Law. In 2017 a very dangerous winter storm overwhelmed NH on Town Meeting Day, and many moderators with the advise of town counsel, postponed and rescheduled town meetings and voting, in accordance with the apparent authority in RSA 40:4 II. During the confusion at the time and subsequently, the Secretary of State asserted that RSA 40:4 II had been misinterpreted. He ruled that, while in towns using an “unofficial ballot” system, moderators could postpone local elections; moderators in towns using an “official ballot” system could not postpone. Since most towns use the latter “official ballot” system, corrective language for RSA 40:4 has been proposed to enable all moderators to take protective action when an emergency impacts local elections. Practically all the many hours of testimony to the committee from moderators and local government officials, simply sought clarifying language in RSA 40:4; to enable all town moderators to postpone and reschedule local elections when local conditions warranted that action. Unfortunately, instead of clarifying that local moderators and officials may postpone and reschedule local elections when they determine that is what safety requires, this bill with the committee majority amendment actually strip away the now apparent authority of the local moderator to make such safety decisions, and delivers that power to the office of the Secretary of State. This is the opposite of the change requested by local government officials. It is the opposite of the change proposed by the minority.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 334-FN, (New Title) relative to temporary licenses for occupations and professions for persons from other states. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. J.R. Hoell for the **Majority** of Executive Departments and Administration. The Senate version of this bill would have created a process for all professions licensed under RSA 332-G to apply for a temporary, 120-day license. The committee amendment modifies that process to exempt those professions that are licensed, but already have a alternate process like a compact or reciprocity process. Those occupations that have access to working in NH through another mechanism do not need a temporary license. To get a temporary license, by this amended process, professionals need to have a current license from another state, be in good standing, authorize a criminal records check, pay the fee and turn in a completed application, at a minimum. The committee amendment also adds the language of this bill as originally introduced and establishes specific temporary licenses for allied health professionals from specified nearby states, which will solve a critical workforce problem while maintaining professional requirements. **Vote 11-8.**

Rep. Kristina Schultz for the **Minority** of Executive Departments and Administration. The minority of the committee recommends adopting this bill as originally introduced in the Senate with a minor change. The minority amendment had bipartisan support in committee, but failed by one vote, and is focused on an identified problem: to address the dire need for more licensed allied health professionals in New Hampshire. This amendment narrows the scope of the bill’s focus, targets allied health professionals only from certain neighboring states with comparable education requirements as NH and addresses an identified need for specific

health care providers that NH desperately needs to address our opioid and health care professional hiring crises. The minority amendment is about reciprocity for a number of regulated professions in the state. Essentially, the majority amendment revives a concept that the committee reviewed earlier in the session in the form of what the minority believe to be a non-germane amendment. It also created a separate administrative structure – more bureaucracy - to manage the temporary licensure for all professions. The majority amendment does not fix the problem that the original bill intends to fix, creates more bureaucracy for a number of licensed professions, and comes with a specificity that did not receive any official hearings.

SB 370-FN, adopting the emergency medical services personnel licensure interstate compact. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J.R. Hoell for Executive Departments and Administration. This bill, as amended by the committee, allows New Hampshire to participate in an interstate compact for emergency medical service personnel (EMTs and paramedics). The amendment makes the following four changes to the bill: prohibits out of state medical personnel who are part of the compact from being hired as ‘regular staff’ within New Hampshire unless the person also holds a New Hampshire license, requires any rules of the compact to be approved as administrative rules under RSA 541-A before they are binding on New Hampshire, provides limited immunity to those serving on the commission overseeing this compact, and requires the any hearings of the commission be transcribed and retained for 1 year. These changes ensure that the compact will not conflict with our other laws and rules. This will allow emergency medical service personnel to support events within the state if we lack the personnel internally, or if cross-border operation is required. **Vote 17-1.**

SB 373, requiring rulemaking by the department of corrections. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration. This bill is substantially the same as HB 192, which this House referred for interim study in January. Both bills would require additional rules of the Department of Corrections (DOC) to be subject to RSA 541-A, and the formal rulemaking process, through JLCAR. This bill required internal process rules, such as those for inmate behavior, be subject to RSA 541-A, and the committee was not convinced that these rules were appropriate for this process. The majority was convinced that this bill was unnecessary since it duplicated the provisions of HB 192. Further review of that bill in interim study will ensure that the DOC implements its commitment to update its rules expeditiously, and that effort is progressing. Those who voted against the Inexpedient to Legislate motion wanted to be certain that the DOC maintains its rate of progress and that the legislature would continue to monitor the situation – a kind of belt and suspenders approach. The majority felt referring two very similar bills for interim study would be redundant. **Vote 11-7.**

SB 377-FN, relative to the regulation of dentists and dental hygienists by the board of dental examiners. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Hansen for Executive Departments and Administration. The bill was introduced to accomplish a number of updates to the Dental Practice Act, including requiring criminal background checks for new applicants for both dentist and hygienist licenses, establishing a professionals’ health program for impaired dentists, making certain changes to the terms for hygienists on the board, and various other board housekeeping issues. The impaired dentist program is currently available under the Board of Medicine, this bill just adds specific statutory authority for it. Both this program and the background checks are funded by license fees. The committee amendment simply deletes a confusing section on advertising specialty services. **Vote 16-3.**

SB 488, relative to licensure of health care professionals employed at the Manchester Veterans Affairs Medical Center. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill extends the privilege of working in New Hampshire licensed medical facilities, without a New Hampshire license, for certain medical providers employed by the Manchester Veterans Affairs Medical Center. Originally established by executive order, this bill extends these privileges through the biennium. The committee amendment replaces the language with the text of HB 1273, which has no sunset date, and was strongly preferred by the committee. HB 1273 passed the House twice on the Consent Calendar, then was amended in the Senate to include the more limited language of SB 488. **Vote 14-4.**

SB 508, (New Title) establishing a committee to study the prevalence of post-traumatic stress disorder (PTSD) and other related disorders among first responders. **INEXPEDIENT TO LEGISLATE.**

Rep. Dianne Schuett for Executive Departments and Administration. This bill would have created a committee to study the prevalence of post-traumatic stress disorder among first responders. The committee voted to kill this bill in deference to SB 553, which created a commission to study this same subject matter and has already passed the House. Committee members who supported this bill were concerned that the commission will also study whether or not these individuals should qualify for workers’ compensation. **Vote 13-5.**

SB 513, establishing September as New Hampshire recovery month. **OUGHT TO PASS.**

Rep. Raymond Gagnon for Executive Departments and Administration. This bill establishes September as New Hampshire Recovery Month which complements a similar designation on the national stage. The intent

of this bill is to establish an annual statewide observance to educate and reinforce the positive message that behavioral health is essential to overall health and that prevention and treatment services are effective. By establishing September as Recovery Month in NH, there will be local recognition and emphasis on the already amazing work being done by recovery organizations across the state. This bill creates a vehicle to celebrate and recognize the culture of recovery in New Hampshire. **Vote 18-1.**

SB 535-FN, (New Title) relative to licensure for the practice of professional art therapy and establishing an advisory council on alternative mental health therapies, and relative to certain revenues from the sale of commemorative liquor bottles of historic significance. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Mark Proulx for the **Majority** of Executive Departments and Administration. This bill originally set up a new license for art therapists, which simply required a certification by the professional organization and a fee. The Senate had added an amendment that credits revenue from the sale of commemorative liquor bottles until December 31, 2019 to the New Hampshire State House Bicentennial Education and Commemoration fund. The majority of the committee believed that art therapists typically hold other credentials in the mental health field and did not need another license to practice safely, as in fact they currently practice in the state. However, the committee approved of this funding source for the bicentennial celebration, so the committee amendment simply removes the art therapy language. **Vote 11-7.**

Rep. Kristina Schultz for the **Minority** of Executive Departments and Administration. As written, this bill does two things: regulates Art Therapists as NH licensed mental health professionals with an advisory board, and directs the revenue from commemorative liquor bottles to the NH State House Bicentennial Commission's fund. The majority amendment entirely strips out all of the art therapy provisions. This is unacceptable to the minority. Art therapy is a mental health modality that has great success for many of the most difficult to treat patients. The number of studies backing this up are too numerous to cite here. A few examples that were cited in testimony were the frequent use of art therapy to help children who are victims of sexual assault address the trauma and heal. For adults, art therapy can be a successful treatment for patients that do not respond to traditional talk therapy. Without the official designation by NH of this industry-recognized treatment, patients cannot receive third-party reimbursement for their care. This often means only the privileged ones can access this type of treatment. Additional testimony presented by an official of the American Art Therapy Association outlines the reasons for NH to make this a recognized mental health profession by licensure. Without state-based licensing credentials, people without credentials can attempt to pass as art therapist with no expertise or training. Can you imagine a young child that has been a victim of sexual assault being poorly treated by a fake art therapist? We can. And that is why we sincerely hope the NH House will do the right thing and pass this bill without stripping out the art therapy portion and without the majority amendment.

SB 570-FN, relative to the work requirement for the child care scholarship program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Kristina Schultz for the **Majority** of Executive Departments and Administration. This bill is about family values and keeping families together during a health crisis. There already is a child care scholarship program for low income parents in need of childcare when working or seeking work, and this bill directs the Department of Health and Human Services to include parents in treatment and recovery programs. The committee amendment requires that, to be eligible for the scholarship program, treatment and recovery programs must be verified by a licensed professional. Just as parents should not have to choose between seeking work when unemployed and caring for their children, people in addiction recovery should not have to choose between the path of recovery that their caregivers prescribe for them and caring for their children. This bill allows families to stay intact during recovery while parents rebuild their lives and focus on healing. NH's opioid crisis - which we all know is worse in NH than anywhere else in the nation - is ongoing, and the most vulnerable victims of this crisis are our children. Addiction recovery requires multiple tactics to be successfully addressed, and by passing this bill, we deploy an important tactic to protect our kids and keep people in the prescribed recovery treatment care givers say their patients need. We've seen many tributes to First Lady Barbara Bush since her passing and are reminded of and inspired by her focus on family values. This bill is about family values: keeping parents in the care their caregivers prescribed while ensuring their kids get day care while they receive that care. **Vote 11-8.**

Rep. J.R. Hoell for the **Minority** of Executive Departments and Administration. This bill authorizes the Commissioner of the Department of Health and Human Services to make changes to the work requirement for those addressing substance abuse disorders. The rulemaking authority was overly broad and even though the amendment modified this authority slightly, the minority of the committee felt that more tightly worded bill was in order and studying the bill to craft tighter legislation was the correct course of action. The committee discussed the possibility of unintended consequences regarding cash payments and child care as currently drafted.

SB 589-FN, relative to regulation of certified recovery support workers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Steven Beaudoin for the **Majority** of Executive Departments and Administration. Part of the original content of this bill, which addressed the regulation of recovery support workers, has been combined with SB 487, which addresses the same statutes. The committee amendment, which replaces the entire bill, expands the current review of criminal records by occupational licensing boards to allow a person to petition the board in advance of completing training or other requirements for the license. Finding that one's actual criminal record is or is not an obstacle to licensure in a specific field, or what additional steps may be required to qualify for a license, will enable people with criminal records to more easily obtain a license and start working. This language was previously passed by the House as part of HB 1685. **Vote 10-8.**

Rep. Peter Schmidt for the **Minority** of Executive Departments and Administration. There are several things wrong with the majority recommendation. Firstly, the amendment is unnecessary; the prime objective thereof is to provide access to employment, in regulated occupations, for people with criminal records, a seemingly laudable goal. However, in NH, our occupational regulatory boards already provide access to a petition process for people in that category, and the record indicates that a high percentage of such applicants are accepted. In other words, nothing to see here, folks. The system ain't broke, no need to fix it. The minority's second objection is the process that was followed to achieve this ED&A majority report, a lack of comity in the committee's usual working relationship, with the bill being converted to a vehicle for a completely unrelated topic, the above-mentioned amendment, which was unanimously rejected by the committee minority.

FINANCE

SB 193-FN, establishing education freedom savings accounts for students. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert Theberge for the **Majority** of Finance. This bill presents unusually complex challenges, including constitutional, historical, educational, organizational, public, private and financial issues. The purpose of the bill is to provide education savings accounts for low-income children (family income less than 185% of the federal poverty level) whose parents want the state to financially support their choice to remove their children from public school and either home school them or place them in a non-public, primarily religious school. Even after the House adopted the Education Committee report, the leaders of the Education Committee were troubled by issues unsettled in that version of the bill and spoke openly that the version of SB 193 that came to Finance needed extensive revision. The Finance Committee held 13 work sessions, including several hearings. Five successive amendments were considered by Division II of the Finance Committee. The final amendment failed in Division II, with 3 in favor and 5 opposed on an OTPA motion. It was written by four leaders of the House Education Committee and sponsored by them and the chair and vice chair of Division II of the Finance Committee. The majority believes that the amendment needs further work. First, it does not adequately deal with the needs of special education students: the committee discovered that only public schools are bound to deliver a free, appropriate public education (FAPE) and that almost no non-public school is equipped with appropriately trained staff and/or willing to invest its resources in meeting complicated special needs. Second, two-thirds of the 140 non-public schools approved by the Department of Education are approved for attendance (that is, they meet zoning requirements and fire and safety rules only) and not for their academic programs (with the consequence that state adequacy funds would be used to support students in schools whose academic programs do not meet any private or public academic oversight requirements). Third, oversight over parent-directed education, familiarly known as home schooling, is minimal. Fourth, the amendment provides a scholarship for each eligible student equal to the base cost of an adequate education (about \$3,600) plus differentiated aid (\$1,800) if the child is entitled to such aid. The latter is somewhat confusing. There is no requirement nor expectation that the services covered by differentiated aid will be delivered outside of the public schools. Fifth, to compensate a school district for the loss of adequacy funds when a pupil participates in the education savings account program, the state will continue to provide adequacy aid for the first year plus a \$1,500 per child stipend for the second year to help meet the school's fixed costs. However, those fixed costs are far higher than these amounts and last far longer than two years, imposing a significant financial burden that increases over time. Ultimately, this burden will be borne by local property taxpayers. Sixth, this program will be managed by a private, non-governmental entity that will receive up to 5% of the total funds transferred from school districts. Procedures used by such entities in other states have been demonstrated to be vulnerable to misuse and maladministration, and the amendment does not provide sufficient protections against such abuses in New Hampshire. Seventh, the amendment would downshift over \$99 million to local school districts during the program's 11 year-ramp up period, most likely resulting in an increase in local property taxes. It is estimated that about 500 children will participate in the program's first year, increasing to about 2,000 per year in the ninth year and beyond. While the average downshift is about \$9 million per year, it begins at about \$2 million per year for the first year, reaches \$10 million in the sixth year and nearly \$12 million in the tenth year and beyond. It is clear to the majority of the Finance Committee that much more work needs to be done to ensure that unintended consequences are addressed and the educational needs of New Hampshire's children are met. Furthermore, the majority believes that both

the Education and Finance committees should be brought back into the process over the summer and fall in order that future legislatures could benefit from research and analysis conducted without the compressed time-line necessitated by the legislative calendar governing a complex bill that is scheduled to be considered by two committees. **Vote 14-12.**

Rep. Karen Umberger for the **Minority** of Finance. As amended, this bill has been a cooperative effort between the Education Committee and Finance Committee. The policy was developed by the Education Committee and the financial aspects were developed by the Finance Committee. The purpose of the Education Savings Account program is to provide approved educational options that best serve students currently attending public schools. In order to be eligible for an Education Savings Account a student must be at least 6 years old and not more than twenty, attend public/charter school for one year preceding participation and receive an ESA in the prior year. In the initial year, the income level of the families cannot exceed 185% of the poverty level. The child can remain in the program as long as the income level does not exceed 300%. Additionally if a public school is not providing an adequate education for 2 consecutive years as determined by the Department of Education, students can participate. The options for students include both public and non-public schools approved by NH for school attendance which administers standardize achievement tests with the results submitted to DOE and the scholarship organization. There is also an option for parent-directed education. The scholarship organization will be chosen by competitive bidding process. They will be responsible for developing and maintaining agreement forms, accepting and reviewing applications, reviewing all receipts and fees and providing an annual report to the oversight committee established in the bill. The parents must submit the invoices to the scholarship organization for payment. The scholarship organization shall conduct yearly audits approved by DOE. The parent receives the account and is responsible for enrollment of their child in a public or non-public school or in parent-directed program. Specific items that the funds can be spent on are identified. The resident district is not responsible for any special education costs. A student may be eligible for a service plan in accordance with the IDEA program. The bill establishes caps on the number of students who can receive an ESA. The minimum number of students for any school is three, with 5% at schools of 100 students or fewer, 4% at schools between 101 and 300 students and 3% at schools with 301 or more students. The parents will receive \$5,806 which includes the base adequacy grant plus differentiated aid for free and reduced lunch. If a child is receiving special education or is an English language learner this differentiated aid will also be included in the amount the parents account will receive. Based on these caps the maximum number of ESA's that are available is 527 per year. The first year a student leaves a public school there is no reduction in state dollars going to a school district. This is a result of adequate education grants and differentiated aid being funded a year in arrears. The second year a child is out of the public school the school district will receive \$1500 per student who has received an ESA. This bill has had two years of study and the current bill as amended provides oversight, accountability and has a maximum cost to the state of 6.97 million over an 11 year period and a maximum of 99.43 million to local school districts over an 11 year period. These costs are cumulative, with the maximum in one year of \$11.97 million statewide, and apply only if all students eligible enroll. The costs start year 1 at \$2.19 million for all school districts in the state. Improvements in the public schools will result in a reduced number of families who choose ESA's for their children. We have to ask ourselves should parents have another option for their children to succeed.

SB 313-FN, (New Title) reforming New Hampshire's Medicaid and Premium Assistance Program, establishing the granite workforce pilot program, and relative to certain liquor funds. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Danielson for Finance. This bill, seeks to continue the state's expanded Medicaid program to be known as the New Hampshire granite advantage health care program. The committee amended the bill to include new language to strengthen several areas of the Senate's bill, such as the work requirement, by removing uncompensated self-employment and the carry-over of significant hours to fulfill the requirement for participation in expanded Medicaid. The committee was also very careful to include suitable exemptions to the work requirements in the case of single parents with children younger than 6 years of age. The committee's amendment includes clarification of the calculations showing the solvency of the health care trust fund that contains the financial resources for the expanded Medicare program by limiting funding sources and expenditures that can be made from this fund. The committee amendment also establishes a medical loss ratio (MLR) which is an actuarially determined value of the minimum spending on patient care by the managed care organizations (MCO). The MLR ensures that the state is protected against overspending on administrative costs by MCOs. The "medically frail" classification was better defined to require the diagnosis of frailty by a medical professional rather than self-certification and to also require annual recertification by a doctor to maintain that classification. The amended bill requires that the commissioner of department of health and human services (DHHS) apply for a state plan amendment that will allow for Medicaid coverage for the treatment of incarcerated individuals on the state and county level. The original bill included the creation of the state's granite workforce program which was not connected to the New Hampshire granite advantage health care program. The amendment links these programs and makes the Granite Workforce Program an

integral part of the New Hampshire granite advantage health care program to satisfy the work requirements and to move people out of the poverty level and into paying jobs and self-sufficiency. The Granite Workforce Program utilizes Temporary Aid to Needy Families (TANF) funding obtained from the Federal government as part of a match. A \$40M floor was established below which the TANF funds spending will not occur. This is to ensure a reserve of TANF funds in case of a downturn in the economy. The voting composition of the Commission to Evaluate the Effectiveness and Future of the New Hampshire Granite Advantage Health Care Program is changed to authorize only the legislative members to vote and all other member to be consultative but fully participative. Lastly, the amendment changes the sunset period of the original bill from 5 years to two automatically renewing 2 ½ year programs. The program continues after the first 2 ½ years unless the commission determines it should end or the federal government block grants Medicaid to the state. **Vote 24-2.**

SB 450-FN-A, establishing an advisory commission for the department of environmental services relative to the delegation of authority of the National Pollutant Discharge Elimination System Program. **OUGHT TO PASS.** Rep. J. Tracy Emerick for Finance. The bill as amended establishes the timing and direction for the delegation of authority of the National Pollutant Discharge Elimination System Program from the federal environmental protection agency to the state department of environmental services. Although the current system is effective, towns have requested that New Hampshire take the opportunity to establish this as a state-operated program. Toward that end, a commission was organized to provide guidance regarding staffing levels, fees for service and other implementation strategies to assist DES to perform the services currently being performed by the Boston, MA, office of the EPA for both public and private supervision. The transition from supervision by the Federal EPA to the state DES has been at the request of both businesses and municipalities in New Hampshire. This bill continues the work in this area with the expectation that the agency will be able to decide whether to go forward or not by the time budgets for the next biennium are being developed. **Vote 26-0.**

SB 538-FN, (New Title) including police officers of the state office complex police force in group II of the retirement system. **OUGHT TO PASS.**

Rep. J. Tracy Emerick for Finance. This bill includes officers of the state office complex in Group II of the state retirement system. These officers police the state hospital and Concord-area state office complexes. These officers had been security guards when they were part of the department of health and human services, but since the 2005 transfer to the state police, have upgraded their training and capabilities. The committee learned that they are fully trained and qualified in the same manner as the state police and, in fact, have additional training to deal with the patients they encounter in their daily work. There are currently eight officers in this force, and it is difficult to keep these positions filled. This department has lost thirteen officers to other Group II employers in the last decade. There will be little impact on the pension system as current employees will receive a split pension reflecting time worked as Group I and time worked as Group II per existing state law. The effective date of the bill is July 1, 2019 so that this change can be included in the budget for the next biennium. **Vote 24-2.**

SB 549-FN-A, (New Title) relative to plans of safe care for infants affected by substance abuse or withdrawal symptoms from prenatal drug exposure or fetal alcohol spectrum disorder. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Danielson for Finance. This legislation was submitted at the request of the department of health and human services division of public health. This bill changes state law to satisfy federal requirements in order for the department to continue to obtain a grant of approximately \$130,000. The bill also detailed the collection of data on the birth statistics of children born suffering substance abuse or withdrawal symptoms from prenatal drug exposure or fetal alcohol spectrum disorder. The committee was informed that the children's medical birth records are being transmitted by hospitals and birth locations and stored by the secretary of state's office of vital records. The information is then transferred to the division of public health for compilation of the statistical data required for the federal grant. The committee was significantly concerned by the storage of this sensitive information. The amendment would send the child's and mother's medical information only to the department of public health. While the bill's approval would secure for the state the federal grant, no money was appropriated for any personnel costs associated with the implementation of the new data transfer methodology. **Vote 22-4.**

SB 565-FN, relative to aircraft registration fees and airways tolls. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Kenneth Weyler for the **Majority** of Finance. The impetus for this bill came from the Nashua Airport. It was pointed out that New Hampshire's total aircraft registration fees could reach hundreds of thousands of dollars for one new long-distance corporate jet. The owners could move the airplane 20 miles to Hanscom Field in Massachusetts and only pay \$350. This shocking information brought a flurry of activity in both the House and the Senate. The House, after extensive study in Ways and Means, lowered the high end registration and raised the lower end, from \$48. to \$100. It also raised the tax on aviation fuel from ½ cent per gallon to 2 cents. The aim was to make the changes revenue neutral, so that the \$750,000 to support the bureau of Aeronautics would

still be raised, even though the money went to the General Fund. That was HB 124. The Senate did a similar thing with this bill, SB 565. The major difference is that the Senate does not raise fuel taxes. This means that the general fund must make up the difference of \$450,000. When SB 565 came over to Ways and Means, that committee added the fuel taxes back in, and the Senate killed HB 124. In the Finance committee, we were left with only this bill to try to encourage owners of corporate jets to base them in our state and hopefully to move their corporations here as well. Since this committee does the budget, and sees the possibility of attracting more large airplanes here with the additional jobs and spending, the extra money to support Aeronautics seemed a worthy investment. If we expected the Senate to accede and the Governor to sign, we felt the need to amend the bill as it came to us from Ways and Means and delete the extra fuel charges; the good news for many antique airplane and glider owners is that they pay the lowest registration fee. **Vote 19-6.**

Rep. Lynne Ober for the **Minority** of Finance. The minority believes that this bill should be OTP because that reflects the previously passed House position. In fact, the House has passed this bill three previous times, but the amendment does not support this House passed position. As this bill arrived in Finance, it mirrored HB124, which passed this House on February 15. The existing aircraft registration fees put NH at a disadvantage to neighboring states. House Ways and Means amended the bill to be revenue neutral since it was clear no money would be forthcoming from the general fund to support aviation. The reduction in the aircraft registration fees created a loss of approximately \$640,000 to the Aviation division of NH Department of Transportation. This is corrected by changing the aviation fuel tax, a cost variable that is controllable by aircraft owners. Even with these changes in the aviation tax, NH aviation fuel tax rates would still be significantly lower than our neighboring states. These changes should help companies that modernize their fleets to stay in NH and not move their operations to Massachusetts. This bill also ensures that our 25 airports in this state would continue to be given modest assistance from the revenues generated from these registration fees. Although this bill was unanimously passed by House Ways and Means and then passed the House on a voice vote, the amendment now overturns that vote and will have a budgetary impact of nearly \$700,000 in general funds. Therefore the minority believes we should support the previous House position and vote this bill OTP without the amendment.

SB 580, (New Title) relative to the creation of new class lines within the department of transportation, the department of health and human services, and the department of education, amending a capital budget appropriation to allow for door replacements at the New Hampshire hospital, and transferring a capital budget appropriation for painting the ceiling of Representatives Hall to the legislative branch. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Tracy Emerick for Finance. This bill amends language concerning transfers of appropriated funds. It suspends otherwise unauthorized transfers from salaries and benefits in order to maximize federal grants and raises the maximum from \$75,000 to \$100,000 before approval of the fiscal committee is required. The bill authorizes departments to establish additional expenditure class lines with fiscal committee and governor and executive council approval. It supports and reiterates the previously passed legislative position requiring funding transfers out of or within the Sununu youth services center to obtain prior approval of the fiscal committee. It amends the capital budget to allow for door replacements at the New Hampshire hospital. It transfers a capital budget appropriation for painting the ceiling of Representatives Hall from the department of administrative services to the legislative branch. **Vote 26-0.**

SB 590-FN-A, (New Title) making a supplemental appropriation to the state loan repayment program and relative to emergency involuntary admissions, the child protection act, and the developmental disabilities wait list and making appropriations therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank Byron for Finance. As amended, SB 590 now includes a "lockbox" designed to store the department of health and human services (DHHS) excess appropriation for the children's health insurance program of more than \$25m for each of the next two years. This lockbox will collect the excess money and require legislative approval for expenditures out of this fund, with any remaining amounts being returned the state's general fund at the end of each fiscal year. The bill was amended to include \$410,000 for the state's loan repayment program that seeks to partner with business in the state to help pay student loans for individuals who are filling specialty jobs such as nurses, doctors, etc. that are in short supply in less populated sections of the state. The amendment includes \$5.4 million in general and federal funds for reducing the developmental disabilities (DD) wait list. The original bill also clarified the process of the involuntary emergency admissions and discharge laws that the committee did not change. Finally, the committee heard from DHHS that there was difficulty establishing a new mobile crisis team in the state. In response to the department's request, the amendment changes the purpose of the existing appropriation by allowing DHHS to establish either one mobile crisis team or one behavioral health crisis treatment center utilizing the budgeted appropriation. **Vote 22-0.**

SB 592-FN-A, relative to the child welfare system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank Byron for Finance. This bill collects sections contained in various other bills dealing with the division of children, youth and families (DCYF) and addresses them in this one bill. The bill provides funding for its appropriation through excess, unanticipated Children's Health Insurance Program funds estimated in excess

of \$25m for FY 2018 that the department of health and human services expects to receive. The committee has created a lockbox securing these funds against department spending except by legislative approval. After each fiscal year, these funds will lapse into the state's general fund. The bill authorizes DCYF to hire 17 additional child protective social workers and 2 supervisory staff to increase the available staff handling possible child abuse cases. The committee added 2 clerical staff to handle paperwork and records in order to help ensure that the case workers maximize their available field time. All of these additional staff cost \$1.33M. The committee heard testimony that the state's foster care system is in trouble and lacks sufficient foster care parents due to a lack of staff for certification. The committee has included in the bill 8 additional resource workers to qualify new foster care parents along with \$500,000 to increase foster care rates and to assist in adoption programs. Also, to help with the drug crisis, the bill provides for two licensed alcohol and drug counselors on a contract basis with the department. The bill also addresses those families in need of services through the use of the federal funding as part of the Temporary Aid to Needy Families (TANF) program. The bill authorizes the use of \$500,000 equally divided between home visitation services and voluntary services; both programs are designed to assist families in trouble before DCYF enforcement actions are taken. An additional \$500,000 was allocated to the department's parental assistance program, also designed to help parents before DCYF enforcement actions occur. Testimony by the NH Attorney General also indicated that, due to the opioid crisis, there are significantly more cases requiring his office to take legal action to ensure children's safety. For this reason, 2 additional attorneys were added to his staff. Lastly, the bill creates a joint legislative study committee to examine the implementation of a family drug court having responsibility for child protective cases in which parents have a substance use disorder and to report back its findings by November 1, 2018. **Vote 23-0.**

JUDICIARY

SB 420, relative to collective bargaining under the right-to-know law. **INEXPEDIENT TO LEGISLATE.** Rep. Charlotte DiLorenzo for Judiciary. This bill, if passed, would repeal the exemption from the right-to-know law's public meeting requirements for collective bargaining negotiations. This bill is the same verbatim as HB 1344 which was soundly defeated by a 64-vote margin in the House. The exception for collective bargaining sessions has been in the statute for over 30 years and there is no evidence that it has created serious problems. The bill's supporters have good intentions in seeking more openness in government, however, this measure will create more problems than it seeks to solve. **Vote 13-4.**

RESOURCES, RECREATION AND DEVELOPMENT

SB 240-FN-LOCAL, (New Title) relative to the monitoring and treatment of contaminated wells. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. John Mullen for the **Majority** of Resources, Recreation and Development. Upon notification to the Department of Environmental Services (DES) that a well was contaminated by man-made chemicals, DES would be required by the bill to start a monitoring schedule and, if a responsible party could be found, require that party to provide remediation or a new supply of water to the well owner. On its face this seems simple enough. However, the committee realized that if the standard were 100 parts per billion (ppb) for a given contaminant and the well in question had only 5 ppb, there was probably no need to be taking the prescribed actions, potentially a bottomless effort and expense. Two amendments were proposed to remedy this issue, but other problems also were evident. First, there really was no way to know how many such wells might exist and second, what the cost might be to determine who the responsible party might be. If there were no responsible party, would DES be responsible for the costs? No appropriation was made in the bill. Finally, we were made aware that there are individuals and municipalities which own contaminated wells, making them the responsible party for their own well. Making an individual pay extra costs on his or her own well is problematic, and there is an Article 28-a issue if the well is owned by a political subdivision. It was noted that in the case of the many wells found in 2016 to be contaminated in Merrimack, Amherst, Litchfield, Manchester, and Bedford, DES started immediately supplying bottled water and the responsible party paid that expense. Working with the Attorney General, DES successfully negotiated with the responsible party an agreement to connect well owners to public water or to provide individual filtration systems. In other words, DES is already doing what this bill would require. There was sufficient sentiment in the committee that the state should still be looking into the issue, thereby resulting in the Interim Study recommendation. **Vote 15-3.** Rep. James McConnell for the **Minority** of Resources, Recreation and Development. This bill requires that a drinking water well, which is not a source for a public water system, exhibiting the presence of a man-made contaminant other than road salt, be monitored if the Department of Environmental Services determines that the contamination may place it in violation of the existing groundwater standard at a future date. The department must attempt to identify the party responsible for the contamination and require such party to monitor the well. If the monitoring indicates the groundwater standard is likely to be exceeded prior to the next monitoring date, the responsible party is required to provide treatment or an alternative water supply approved by the department.

SCIENCE, TECHNOLOGY AND ENERGY

SB 365, (New Title) relative to the use of renewable generation in default service. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Herbert Richardson for the Majority of Science, Technology and Energy. This bill is critical to the six independent biomass power plants and the 900 statewide jobs in the forest products industry the plants support. Based on testimony, the continued operation of these plants and the jobs they support are in dire jeopardy due to the region's over-reliance on natural gas-fired power. One plant has closed, and owners of another two plants have informed employees that, due to significant financial losses over a number of years, they will close those plants this year absent legislative action to maintain operation and to protect these jobs. Losing these plants and 900 jobs means a loss of over \$250 million dollars of economic activity each year statewide. Loss of 900 jobs also means loss of timber tax revenue, Business Enterprise Tax revenue, fuel tax revenue, and a likely hit to NH's Unemployment Trust Fund that could potentially trigger an increase in costs to every employer. The consequences of plant closures will also have a significant ripple effect because the plants are an important market for the forest product industry's low-grade wood which is critical to the health of our \$1.4 billion forest products industry. This bill, as amended, is a temporary three-year solution to help prevent the closings of the plants while the Office of Strategic Initiatives undertakes the study on biomass mandated in last year's budget bill. The bill involves the purchase of power by the local utility at a 20% discount from the retail rate approved by the Public Utilities Commission. This approach is consistent with federal law and a recent 2016 United States Supreme Court case (*Hughes v. Talen Energy*) addressing lawful actions states may take in developing energy policies. The bill also addresses the critical issues at the state's only waste-to-energy plant that serves many of our communities which is also struggling in the natural gas dominated energy world. The bill is aligned to other bills this year that seek to incentivize and help our homegrown renewable energy generators in this state that are having a difficult time operating in the current energy market. If we let these plants fail, not only do we lose all the local jobs, forestry benefits, municipal benefits, environmental benefits, and economic activity, but we will in fact increase our electricity prices. The committee heard testimony that the loss of these plants' generating capacity means NH's annual share of regional generating capacity costs will increase by \$17 million in the future. Also, at a time the operator of the regional electric grid is warning about future electric generation capacity and reliability issues, loss of the electricity these plants produce would also exacerbate those issues. It truly is a case of pay now or pay later. The bill's support of biomass and waste-to-energy preserves fuel diversity in New Hampshire, saves hundreds of jobs affecting thousands of workers and their families, and provides a hedge against escalating regional capacity costs which all ratepayers will bear. There has been bipartisan support for this bill throughout the legislative process. **Vote 14-6.**

Rep. Michael Vose for the **Minority** of Science, Technology and Energy. Abundant and low-cost natural gas has driven down the wholesale cost of electricity to a level that makes it more difficult to cost effectively generate power with other fuels. The passage of SB 129 last year sought to help the state's wood-burning electricity generators by increasing their revenues from the sale of renewable energy certificates. It failed. This bill provides another attempt to provide an infusion of cash to keep these biomass plants and associated jobs (the loggers, truckers, and equipment vendors who rely upon them) alive. But this new plan suffers from four major flaws: 1) It violates federal law by ordering state utilities to pay more than an avoided cost price for electricity sold in an interstate grid market; 2) It violates the spirit of the state's restructuring statute that stipulates, "generation services should be subject to market competition and minimal economic regulation" (RSA 374-F:3, III); 3) It lacks transparency by forcing one state utility to purchase all the output from the state's biomass plants at over-market prices and then sell that power on the open market and use the utility's stranded cost mechanism to recover its losses; and 4) It lacks fairness by purporting to provide benefits to all the citizens of our state (better forest management, improved wildlife habitats, enhanced recreational spaces) but requires only the customers of one utility to pay for these benefits. Obtaining benefits like finding a productive use for low-grade wood and keeping our electricity generating fuel supply diverse may be desirable goals, but paying for these benefits needs to be lifted off the shoulders of electricity ratepayers. The minority feels that bills such as this one get in the way of finding a solution that does not hurt ratepayers, especially those business ratepayers attempting to provide a robust economy for our state. As the state's new 10-year energy strategy warns, "The risk with any policy is that it misidentifies the most efficient source of achieving the policy goal."

SB 447, relative to issuance of renewable energy certificates. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Douglas Thomas for the **Majority** of Science, Technology and Energy. This bill repeals the requirement that the Public Utilities Commission estimate and give credit for the total yearly production for customer-sited sources that are net metered and for which class I or II renewable energy certificates are not issued. The Renewable Energy Fund that provides solar incentive payments has seen relatively low levels of income

over the past several years. In the most recent year, solar incentive payments were suspended in mid-year due to a lack of funds. Raising the expectations of those who install solar systems by passing this bill could lead to disillusionment if no funds were available. Because of these considerations, the majority of the committee does not recommend passage of this bill. **Vote 12-9.**

Rep. Robert Backus for the **Minority** of Science, Technology and Energy. This bill would end the requirement that the Public Utilities Commission estimate and give renewable energy certificate (REC) credit to electricity providers for unclaimed production by typically small, residential electric customers who net meter. Net metering means that when a home-based solar installation generates power above household needs, the excess can be fed back into the grid for which the customer is paid or credited a portion of the current retail price. In addition, these small solar generators are entitled to RECs which have value since they can be traded on a specialized market to help electricity providers, including utilities, meet their REC obligations. In turn this helps NH meet its goal (25% by year 2025) of increasing the availability of locally produced renewable energy. However, unlike larger generators, many of these homeowners do not bother with going through the hassle of qualifying for these RECs. Current law allows the electricity providers to scoop all of these unclaimed RECs and count them toward their obligation to obtain a certain percentage of their power from renewable sources. This bill, if passed, would end this practice. The current practice tends to depress the price of RECs which recently has been very low, and this in turn means less support for our NH renewable industry. NH has an active solar industry but lags far behind the development of renewable energy being achieved by our neighbors, Massachusetts and Vermont. The cost of ending this REC credit to electricity providers does increase the likely cost to bill payers, but the testimony stated that for a typical residential customer this would be less than 15 cents a month. The minority believes this nominal price is well worth the boost provided to the local solar industry with its good paying jobs that cannot be outsourced, while also improving air quality, combating climate damaging emissions, and keeping more of our energy dollars at work in NH rather than sending them elsewhere.

FRIDAY, APRIL 27

NEW HAMPSHIRE CANADIAN TRADE COUNCIL (RSA 12-O:22), Room 100, SH

1:00 p.m. Regular meeting.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 307, LOB

9:00 a.m. Regular meeting.

MONDAY, APRIL 30

COMMISSION TO STUDY THE APPORTIONMENT OF GROSS BUSINESS PROFITS UNDER THE BUSINESS PROFITS TAX (RSA 77-A:23), Room 100, SH

1:00 p.m. Regular meeting.

COMMISSION TO STUDY THE LEGALIZATION, REGULATION, AND TAXATION OF MARIJUANA (RSA 318-B:46), Room 202, LOB

10:00 a.m. Regular meeting.

COMMITTEE TO STUDY EDUCATION FUNDING AND THE COST OF AN OPPORTUNITY FOR AN ADEQUATE EDUCATION (HB 356, Chapter 190:1, Laws of 2017), Room 209, LOB

10:00 a.m. Regular meeting.

JOINT LEGISLATIVE COMMITTEE TO EXAMINE THE INDEPENDENT REVIEW OF THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES (HB 517, Chapter 156:244, Laws of 2017), Room 205, LOB

1:00 p.m. Regular meeting.

PUBLIC SCHOOL INFRASTRUCTURE COMMISSION (RSA 198:15-z), Room 209, LOB

1:30 p.m. Regular meeting.

TUESDAY, MAY 1

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Full committee work session on house bills amended by the Senate.

LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:2), Room 104, LOB

1:00 p.m. Regular meeting.

STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2), New Hampshire National Guard Regional Training Institute, 722 Riverwood Drive, Pembroke

5:00 p.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Revenue updates with department heads.

FRIDAY, MAY 4**ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB**

9:00 a.m. Continued meeting.

FRIDAY, MAY 11**HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13), Room 205, LOB**

10:00 a.m. Regular meeting.

1:00 p.m. Foster care subcommittee meeting.

STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD EVALUATION COMMITTEE (RSA 99-E:1, D), Room 101, LOB

9:30 a.m. Regular meeting.

MONDAY, MAY 14**COMMISSION TO STUDY CURRENT MENTAL HEALTH PROCEDURES FOR INVOLUNTARY COMMITMENT (RSA 135-C:63-c), Room 206, LOB**

1:00 p.m. Regular meeting.

NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q), Room 205, LOB

1:30 p.m. Regular meeting.

TUESDAY, MAY 15**EMERGENCY MANAGEMENT SYSTEM JOINT LEGISLATIVE OVERSIGHT COMMITTEE (RSA 21-P:51), Room 304, LOB**

10:00 a.m. Regular meeting,

THURSDAY, MAY 17**COMMISSION ON POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY (RSA 115-D), Walker Building, 21 South Fruit Street, Room 100, Concord**

2:30 p.m. Regular meeting.

FRIDAY, MAY 18**ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB**

9:00 a.m. Regular meeting.

ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a), New Hampshire Public Utilities Commission, Hearing Room A, 21 South Fruit Street, Suite 10, Concord

9:00 a.m. Regular meeting.

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY (RSA 238-A:2), Room 203, LOB

10:00 a.m. Regular meeting.

OVERSIGHT COMMISSION ON CHILDREN'S SERVICES (RSA 170-G:19), Rooms 305-307, LOB

1:00 p.m. Regular meeting.

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB

10:00 a.m. Regular meeting.

SUNDAY, MAY 20**LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K:1), New Hampshire Technical Institute, Sweeney Crocker Building, Room 225, Concord**

1:00 p.m. Regular meeting.

MONDAY, MAY 21**THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES ADVISORY BOARD (RSA 170-G:6-a), Room 307, LOB**

2:00 p.m. Regular meeting.

INTERBRANCH CRIMINAL AND JUVENILE JUSTICE COUNCIL (RSA 651-E:2), Room 204, LOB
1:30 p.m. Regular meeting.

NH COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), New Hampshire Higher Education Assistance Foundation, 4 Barrell Court, Concord
10:00 a.m. Regular meeting.

NEW HAMPSHIRE VETERANS HOME BOARD OF MANAGERS (RSA 119:3-a), New Hampshire Veterans Home, Tarr South Conference Room, 139 Winter Street, Tilton
9:00 a.m. Regular meeting.

OIL FUND DISBURSEMENT BOARD (RSA 146-D:4), Room 305, LOB
9:00 a.m. Regular meeting.

WEDNESDAY, MAY 23

COUNCIL FOR YOUTHS WITH CHRONIC CONDITIONS (RSA 126-J:1), Upham-Walker House, 18 Park Street, Concord
6:00 p.m. Regular meeting.

THURSDAY, MAY 24

COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T), New Hampshire Medical Society, 7 North State Street, Concord
2:00 p.m. Regular meeting.

FRIDAY, JUNE 1

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB
9:00 a.m. Continued meeting.

COMMISSION TO STUDY ENVIRONMENTALLY-TRIGGERED CHRONIC ILLNESS (RSA 126-A:73), Room 205, LOB
10:00 a.m. Regular meeting.

FRIDAY, JUNE 8

STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD EVALUATION COMMITTEE (RSA 99-E:1, I), Room 101, LOB
9:30 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

The Belknap County Executive Committee will meet on **Friday, May 11th at 9:00 a.m.** at the County Complex, 34 County Drive, Laconia, in Conference Room #1. The purpose of the meeting is to review the budget. The County's audit firm will present an overview of the audit process. Meetings are open to the public and attendance is encouraged.

Rep. Mike Sylvia, Executive Committee Chairman

COUNTY DELEGATION NOTICE

Due to an outbreak of the flu, the **Coös County Delegation** will meet **Friday, May 18th** to review and approved the 1st quarterly financials and to discuss the salaries of constitutional and county elected officials. The meeting will take place at the Coös County Nursing Hospital located in West Stewartstown and will begin promptly at **10:00 a.m.**

Rep. Robert L. Théberge, Chairman

COUNTY DELEGATION NOTICE

The Executive Committee of the **Merrimack County Delegation** will meet **on Monday, April 30th** in the lower level conference room at **10:00 a.m.** of the McDonnell Building, 4 Court Street, Concord. The purpose of the meeting is as follows: First Quarter Financial Review and Approval. Any other Business.

Rep. James MacKay, Chairman

COUNTY DELEGATION NOTICE

The **Rockingham** County Executive Committee will meet on **Friday, May 4th at 9:30 a.m.** in the Hilton Auditorium at the Rockingham County Nursing Home in Brentwood. The purpose of the meeting is to conduct the first quarter budget review.

Rep. David A. Welch, Clerk

REVISED FISCAL NOTES

The following bills have a revised fiscal note: HB 225, HB 407, HB 476, HB 525, HB 559, HB 561, HB 579, HB 596, HB 613, HB 619, HB 628, HB 1101, HB 1104, HB 1231, HB 1328, HB 1415, HB 1471, HB 1473, HB 1506, HB 1520, HB1557, HB 1562, HB 1590, HB 1592, HB 1618, HB 1626, HB 1681, HB 1689, HB 1697, HB 1719, HB 1756, HB 1762, HB 1763, HB 1764, HB 1802, HB 1814, HB 1817, HB 1819, HB 1820, SB 63, SB 165, SB 172, SB 193, SB 240, SB 332, SB 334, SB 365, SB 370, SB 372, SB 390, SB 391, SB 410, SB 411, SB 446, SB 450, SB 468, SB471, SB 496, SB 497, SB 498, SB 504, SB 520, SB 525, SB 527, SB 528, SB 529, SB 531, SB 533, SB 534, SB 539, SB 541, SB 544, SB 546, SB 553, SB 555, SB 559, SB 560, SB 561, SB 565, SB 566, SB 569, SB 574, SB 575, SB 576, SB 577, SB 590, SB 592.

Paul C. Smith, Clerk of the House

MEMBERS' NOTICES

The following notices are published in the House Record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or legislative social activities and political meetings or events. Publication should not be construed as support for either the events listed or the views espoused by the individual or organization sponsoring the event.

Our State House will be 200 years old in June 2019. The New Hampshire State House Bicentennial Commission has designed and contracted for the production of challenge coins to commemorate this historic event. The coins are 2½ inches in diameter and have the Bicentennial Commission's logo on one side and the State Seal on the other. Each coin is sequentially numbered. The coins cost \$20 each (\$40 for special requested numbers) are available for sale at the State House Visitors' Center. Coins numbered 151-308 plus some specially requested numbers have already been sold.

Reps. Renny Cushing and David Welch

The House Republican Alliance (HRA) will meet on **Tuesdays at 8:30 a.m.** in LOB 201. All republican house members are invited to attend.

Reps. Glenn Cordelli, James Spillane and Chris True

All legislators and staff are invited to try a free acupuncture treatment sponsored by the New England Public Health Acupuncture Network on **Tuesday, May 1st from 9:00 a.m. to 4:00 p.m.** in Room 307, LOB.

Rep. Ben Baroody

All legislators and staff are invited to an arson awareness presentation hosted by State Farm and the New Hampshire Fire Marshal's Office. This event will be held on **Tuesday, May 1st** on the State House plaza **from 12:00 p.m. to 1:00 p.m.** The New Hampshire Arson Dogs will perform demonstrations and their handlers will discuss the work that the teams do in the local community to prevent arson. Come meet these crime-fighting K-9s and learn about how they help protect the Granite State! RSVP to Taryn.Elliott.ed9q@statefarm.com.

Rep. Kate Murray

Join dog owners and dog lovers out on the State House lawn on **Wednesday, May 2nd from 12:30 p.m. to 3:30 p.m.** to meet dogs of all sizes, shapes, and breeds. Breeders, AKC judges, and others will be there to answer any questions you may have.

Rep. Barbara Comtois

Please join the New Hampshire Chapter of Moms Demand Action for Gun Sense at a breakfast on **Wednesday, May 2nd, between 8:00 a.m. and 11:00 a.m.** in the State House cafeteria. This will provide legislators an opportunity to speak with their constituents about how we can work together on gun sense in New Hampshire.

Rep. Sue Newman

On Wednesday, May 2nd, during the House session lunch break, lunch will be provided at St. Paul's Church. find out why Family Resource Centers are critical to NH's future health and prosperity. Presentation by Wellness & Primary Prevention Council members and Spark NH.

Rep. Joelle Martin

It's that time! The NH Oral Health Coalition invites all legislators to join us for our Annual Legislative Breakfast, "Banding Together for NH's Oral Health," on **Thursday, May 3rd from 7:30 a.m. to 9:00 a.m.** in the State House Cafeteria. A hot breakfast will be served by Elizabeth's Kitchen. As always, local community oral health providers will be there with displays and information. RSVP to: info@nhoralhealth.org or call 603-415-5550.

Rep. Tom Buco

The New Hampshire Beverage Association (NHBA) cordially invites all legislators to enjoy lunch on **Thursday, May 3rd** in the State House Cafeteria. NHBA member companies will be in attendance with samples that demonstrate the options they offer in the marketplace. Please stop by for lunch and to learn more about the beverage industry's efforts to provide choice for consumers. See you there!

Reps. Richard W. Hinch and Stephen Shurtleff

The University of New Hampshire is hosting the 3rd annual University Day on the State House lawn on **Thursday, May 3rd from 11:00 a.m. to 1:00 p.m.** Enjoy a BBQ lunch provided by UNH's award-winning dining services and music by a student band. Explore a wide range of exhibits and interactive demonstrations led by world-renowned researchers, students, faculty and staff at UNH. Learn more about how the education, research, programs and activities at your state flagship university benefit the Granite State.

Rep. Marjorie Smith

All legislators and staff are invited to the Biennial Legislative Health Screening Day presented by Health Services. This event will be held on **Tuesday, May 8th** on the 3rd floor of the LOB **from 9:00 a.m. to 1:00 p.m.** There will be screenings for blood pressure, blood sugar, glaucoma, and fall prevention balance. Chair massages, nutritional counseling and many more organizations will be available. Got questions? Bring them to our participating professionals, including a dentist, pharmacists and optometrists for quick and up-to-date information. There will be door prizes and refreshments.

Reps. Richard W. Hinch and Stephen Shurtleff

All legislators and staff are invited to the NH Preservation Alliance annual preservation achievement award event on **Tuesday, May 8th starting at 4:00 p.m.** at the NH Historical Society building on Park Street. Events will include a choice between a presentation by John Gfroerer on the restoration of the State House dome including clips from his film or a tour of the Historical Society building. Awards announcement and reception starting at 5:15 at the Concord City Auditorium.

Rep. Renny Cushing

In recognition of your support, the New Hampshire Law Enforcement Officers Memorial Association cordially invites you to attend the 26th Annual New Hampshire Law Enforcement Officers Memorial Ceremony to honor the law enforcement officers throughout the state who have made the ultimate sacrifice and died in the line of duty while protecting the citizens of New Hampshire. The ceremony will be held on **Friday, May 18th** begin-

ning promptly **at 9:45 a.m.**, at the Memorial Site in front of the Legislative Office Building. The ceremony will proceed rain or shine. A light luncheon reception will be served immediately following the ceremony. Please do not hesitate to contact Colonel Kevin Jordan at the New Hampshire Fish and Game Department at 603-271-3128 if you have any questions.

Reps. Richard W. Hinch and Stephen Shurtleff

The State House Bicentennial Commission will be hosting a briefing to members of the House and Senate on **Wednesday, May 23rd at 10:00 a.m.** in Representatives Hall. The briefing will include updates from members of the commission regarding plans for events this summer and next year, some historical perspectives, and general information about the commission and how they can be supported.

Reps. Renny Cushing and David Welch

On **Thursday, May 24th, from 7:30 a.m. to 9:30 a.m.**, the members of the National Association of Insurance and Financial Advisors (NAIFA) cordially invite all legislators and staff to an end of session reception in the State House cafeteria where an executive continental breakfast will be served. NAIFA members live throughout New Hampshire. They are your local insurance and financial advisors who assist residents with life, health, disability, and long-term care insurance as well as investment products. Please come by to meet NAIFA members and learn more about the services they provide in our state.

Reps. Richard W. Hinch and Stephen Shurtleff

The Legislative Youth Advisory Council is looking for recommendations of young people, ages 15-22, who would be interested in serving on the council. Created in 2006, LYAC is a statutory committee which serves as a link between young people and New Hampshire government, and advises the legislature on issues of concern to youth. Please forward any recommendations to NHLegislativeYouth@gmail.com by June 20.

Rep. Marjorie Porter

STATE HOUSE VISITATION SCHEDULE

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in 2018. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the school year and subject to changes. Note that large groups are divided into smaller groups for tours.

Please contact the Visitor Center concerning school tour booking information. Legislators planning to meet with students should notify the Visitor Center. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director
Deborah Rivers, Public Information Administrator

DATE	TIME	GROUP	#/GRADE
April 27	9:30/10:30	Hanover St. School – Lebanon	90/4
April 27	10:30	Home School group – Nashua	8/3-6
April 30	10:00	Unity Elementary School	48/6-8
April 30	12:45 * 2 tours	Rundlett Middle School – Concord	95/7
May 1	8:45	Lakes Region Leadership group	40/adults
May 1	10:15	North Walpole School	35/4
May 1	12:45 * 2 tours	Rundlett Middle School – Concord	88/7
May 2	9:00	Bristol Elementary School	25/4
May 2	9:30	American Council of Young Political Leaders – Macedonia Delegation	10/adults
May 2	10:30	Woodland Heights Elementary School – Laconia	55/4
May 3	9:15	Second Start Adult Education	10/adults
May 3	9:00	Epsom Central School	45/4
May 3	9:45	Dunbarton Elementary School	34/4
May 4	9:45/11:00	Horn St. School – Dover	100/4
May 4	10:15	Peterborough Elementary School	50/4
May 4	11:30	Pine Tree School – Ctr. Conway	45/3
May 7	9:30	St. John Regional School – Concord	21/4

DATE	TIME	GROUP	#/GRADE
May 7	10:00	Rollinsford Grade School	40/4
May 7	1:00	First Agape Home School Co-Op – Auburn	15
May 8	9:00	Andover Elementary School	
May 8	10:00/11:15	Lamprey River School – Raymond	100/4
May 9	9:00	Lebanon High School – ESL	15/HS
May 9	9:30/11:00	Hillsboro- Deering Elementary School	90/4
May 9	10:00	Wentworth Elementary School	12/4
May 9	10:00	Saint Benedict Academy – Manchester	11/4
May 10	9:30/11:00 SH/HM	Gossler Park School – Manchester	70/4
May 11	9:15	Chichester Central School	41/4
May 11	10:00	Enfield Village School	49/4
May 11	11:00	Groveton Elementary School & Stratford Public School	53/3&4
May 11	3:00	York Rite Masons	
May 14	9:30/11:00 SH/HM	Epping Elementary School	72/4
May 14	10:15/11:30	Moharimet Elementary School – Lee, Madbury, Durham	100/4

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to SB 193-FN (2018-1289h)

Proposed by the Minority of the Committee on Finance - r

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

AN ACT establishing education savings accounts for students.

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

1 Statement of Purpose. The education savings account program established in RSA 194-E is to enable parents or guardians of eligible students currently attending a public school the choice to apply for funds to purchase approved educational options that best serve the student.

2 New Chapter; Education Savings Accounts. Amend RSA by inserting after chapter 194-D the following new chapter:

CHAPTER 194-E EDUCATION SAVINGS ACCOUNTS

194-E:1 Definitions. In this chapter:

I. "Account" means an education savings account (ESA) established for an eligible student pursuant to this chapter.

II. "Child with a disability" means a child with a disability as defined by 34 C.F.R. section 300.8 and RSA 186-C:2.

III. "Commissioner" means the commissioner of the department of education.

IV. "Department" means the department of education.

V. "Eligible student" means a New Hampshire resident who:

(a) Is at least 6 years of age but not more than 20 years of age; and

(b) Has not graduated from high school or completed an alternate diploma or other high school equivalency credential; and

(c)(1) Has attended a New Hampshire public school or a chartered public school for a minimum of one school year immediately preceding participation in the program, excluding kindergarten; or

(2) Has received an education savings account in the prior year; and

(d)(1) Has an annual household income in the student's initial year of the program which is less than or equal to 185 percent of the federal poverty guidelines as updated annually in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902(2), provided the student's annual household income does not exceed 300 percent of such federal poverty guidelines during the student's participation in the program; or

(2) Is assigned to a public school that for 2 consecutive years has been unable to demonstrate that it provides the opportunity for an adequate education pursuant to RSA 193-E:3-b.

VI. "Nonpublic school" shall mean any public academy as defined in RSA 194:23, II, or private school in New Hampshire accredited through a department-recognized independent accreditation agency, school approved by a state education agency having an interstate compact with New Hampshire, or other school located in New Hampshire approved for school attendance pursuant to rules authorized by RSA 21-N:9, II(o) and RSA 186:11, XXIX. A nonpublic school shall:

(a) Comply with statutes and regulations relating to agency approvals such as health, fire safety, and sanitation;

(b) Be incorporated under the laws of New Hampshire or the United States; and

(c) Administer an annual assessment in reading and language arts, mathematics, and science. The assessment may be any standardized assessment used to measure student academic achievement, shall be aligned to the school's academic standards, and shall satisfy the requirements of RSA 193-C:6. The annual assessment results for each student who has a program account shall be submitted to the commissioner and to the scholarship organization.

VII. "Parent" means the biological or adoptive parent, parents, or legal guardian of a scholarship student.

VIII. "Parent-directed education" means instruction in science, mathematics, language, government, history, health, reading, writing, spelling, the history of the constitutions of New Hampshire and the United States and an exposure to and appreciation of art and music. Such education shall be provided by a parent for his or her own child and may include, at the discretion of the parent, any of the services and materials set forth in RSA 194-E:2, II.

IX. "Postsecondary program" means Running Start, e-Start, Early College, or a dual and concurrent enrollment program approved by the community college system of New Hampshire, the university system of New Hampshire, or the department.

X. "Program" means the education savings account program established in this chapter that will begin not earlier than the 2019-2020 school year.

XI. "Recognized independent accreditation agency" means an accrediting organization such as the New England Association of Schools and Colleges, National Association of Independent Schools, Independent Schools Association of Northern New England, Northern New England Conference of Seventh-day Adventists, Inc., or other accrediting agency recognized by the department that engages member schools in a comprehensive peer review accreditation process that provides assurance of quality academic standards and criteria, and measures academic improvement.

XII. "Resident school district" means the public school district in which the eligible student resides.

XIII. "Scholarship organization" means a charitable organization incorporated or qualified to do business in this state that:

(a) Is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code;

(b) Complies with applicable state and federal anti-discrimination and privacy laws;

(c) Is registered with the department of justice, director of charitable trusts; and

(d) Is selected by the department using an RFP or other state-adopted procurement process.

XIV. "Scholarship student" means a student in whose name an account has been opened.

XV. "Service provider" means a licensed professional who contracts with an education savings account recipient to provide educational instruction or other professional services.

XVI. "Treasurer" means the treasurer of the state of New Hampshire.

XVII. "Tutor" means an individual whose qualifications include skills, competencies, and knowledge to be demonstrated by evidence such as but not limited to college course work, documented professional experience, letters of recommendation, and professional development hours.

194-E:2 Program.

I. There is established an education savings account program, for which a parent of an eligible student shall receive an account from a scholarship organization to either enroll the student in a public or nonpublic school, or to provide the student with parent-directed education or instruction or services provided by a service provider or tutor. The commissioner shall report the program implementation date to the oversight commission established in RSA 194-E:9.

(a) For accounts for scholarship students enrolled in a public or nonpublic school, the parent is responsible for the student's enrollment application and agrees to meet the applicable requirements set forth in this chapter.

(b) For accounts for scholarship students receiving parent-directed education, the parent agrees to provide an education for the student in science, mathematics, language, government, history, health, reading, writing, spelling, the history of the constitutions of New Hampshire and the United States, and an exposure to and appreciation of art and music. The parent further agrees to meet the applicable requirements set forth in this chapter.

II. The parent of a scholarship student agrees to use the funds deposited in the student's account for any of the following qualifying educational expenses only:

(a) Tuition for course fees at any public school, nonpublic school, or for postsecondary programs.

(b) Textbooks, curriculum, supplemental materials, including computer hardware and software required to support the curriculum.

(c) Fees for transportation to and from a service provider paid to a fee-for-service transportation provider, not to exceed \$750 per school year.

(d) Tuition and fees for online K-12 education accredited by a regional association of colleges and schools, or otherwise approved by the department.

(e) Assistive devices if a service provider, public school, or nonpublic school certifies in writing that these items are essential for the student to access the curriculum.

(f) Fees for a norm-referenced or criterion-referenced standardized achievement test, advanced placement test, or any department-approved assessment such as, but not limited to, the SAT or ACT.

(g) Educational instruction or services provided by a service provider or tutor.

(h) Therapies for a child with a disability.

III. For a child with a disability, participation in the program shall have the same effect as a parental placement of the child under 20 U.S.C. section 1412(a)(10)(A) of the Individuals with Disabilities Education Act (IDEA).

(a) The child's resident district shall not be liable for the cost of education, including special education and related services and the cost of a nonpublic school, if the resident district made a free appropriate public education available to the child and the parent elected to enroll the child in a public or nonpublic school, or elected to provide parent-directed instruction, funded in full or in part by an education savings account established pursuant to this chapter.

(b) A parent shall not establish and use funding from an education savings account to pay, in full or in part, tuition to a private school if the parent is in the process of seeking payment from the child's resident district for the cost of that private school pursuant with 34 C.F.R. section 300.148.

(c) A school district in which the private school is located shall develop a services plan for any child who the school district has designated to receive services pursuant to 34 C.F.R. sections 300.132 through 300.137, including eligible children who have received an education savings account. The services plan, which shall be developed and implemented in accordance with 34 C.F.R. sections 300.137 through 300.139 shall describe the specific special education and related services that the resident school district will make available to the parentally-placed child with a disability, including the amount and location of the services and any transportation necessary for the child to benefit from or participate in the services consistent with 34 C.F.R. section 300.139 (b).

(d) Pursuant to 34 C.F.R. section 300.137(a), no parentally-placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

(e)(1) The school district in which the private school is located shall be responsible for conducting all child find activities for children who are enrolled in nonprofit private schools located within the school district, including the costs of finding and conducting an initial evaluation for any child who is suspected of being a child with a disability, identifying the child as a child with a disability, if appropriate; and the costs of conducting reevaluations to determine if an identified child enrolled in a private school in such school district continues to be a child with a disability.

(2) When a child is enrolled in a for-profit school or is receiving parent-directed instruction, the child's resident school district shall be responsible for conducting child find activities, including the cost of conducting initial evaluations and reevaluations for a child who is suspected of, or identified as, being a child with a disability.

IV. The parent of a scholarship student, the scholarship organization, and the department shall be provided copies of all signed agreements.

V. The parent of a scholarship student shall be required to annually renew the agreement to continue participation in the program. The scholarship organization shall conduct an annual program review and eligibility check for each student.

VI. Scholarship students may participate in co-curricular programs, as defined in RSA 193:1-c, offered by the resident school district in accordance with local school board policy. A scholarship student may participate in a curricular course and the local school board may establish fees for attending these courses. The school district shall not be eligible for reimbursement for students with an education savings account.

VII. Students in the special school district within the department of corrections established in RSA 194:60 shall not be eligible students.

194-E:3 Program Accountability.

I. The parent shall maintain accountability and responsibility for the education of his or her scholarship student, establish measurable goals for the student at the outset of each academic year, and at least twice per year shall measure the student's academic growth.

II. The parent shall provide the scholarship organization with an annual educational evaluation completed by a certified teacher or a teacher currently teaching in a nonpublic school, who is selected by the parent, that includes: annual assessment results from either a norm-referenced or criterion-referenced standardized achievement test, the statewide student assessment test, or other valid measurement tool mutually agreed upon by the parent and the commissioner.

III. Composite results at or above the fortieth percentile, or a growth scale value score, or equivalent measure showing learning progress in academic skills as reflected on such test shall be deemed reasonable academic proficiency or satisfactory academic learning growth.

IV. Upon receiving an educational evaluation for 2 consecutive years that identifies a scholarship student as not demonstrating academic achievement or growth, the scholarship organization shall work with the parent and service providers to develop and implement an appropriate intervention plan. The intervention plan shall include a process for monitoring student growth and progress. The scholarship organization shall also review the use of education savings account funds to ensure expenses best address the student's academic progress.

V. The parent shall maintain a copy of all educational evaluations for at least one year after the student has exited the program. The scholarship organization and nonpublic school from which the student graduates shall maintain a student's program educational records for a minimum of 3 years. If a child leaves the program, the scholarship organization shall forward all of the student's program educational records to the student's resident school district.

VI. An agreement shall be automatically terminated if the scholarship student no longer resides in this state or returns to his or her public school of residence. Any funds remaining in the student's account shall be returned to the state treasury for deposit in the education trust fund.

VII. The scholarship organization shall notify the department, the parent and the treasurer in writing of any scholarship students who are non-compliant with the program requirements of RSA 194-E:2. The department shall hold a hearing at the request of the parent. The department shall remove any scholarship student from the program if, after any required hearing, it determines the student is non-compliant with the requirements of RSA 194-E:2. Any funds remaining in the account for a student deemed non-compliant shall be sent to the state treasury for deposit in the education trust fund. Parents may appeal the department's decision to the state board of education.

VIII. Subject to federal and state student privacy regulations, the department shall annually conduct an analysis of student growth and achievement for scholarship students compared to peer groups and submit its findings to the oversight commission established in RSA 194-E:9.

194-E:4 Program Funding and Payment.

I. The scholarship organization shall notify the commissioner and the treasurer in writing of any eligible student whose parents have signed an agreement under RSA 194-E:2.

II. The commissioner shall calculate and the treasurer shall transfer from the education trust fund the following amounts to the scholarship organization:

(a) For students enrolled in a public or nonpublic school:

(1) The base cost of an opportunity for an adequate education as provided in RSA 198:40-a, II(a); and

(2) Any differentiated aid the student is eligible for as provided in RSA 198:40-a, II(b)-(d).

(b) For students receiving parent directed education, the amount shall be as provided in RSA 77-G:2, I(b).

III. A scholarship organization shall receive up to 5 percent from amounts transferred pursuant to paragraphs II, for administrative expenses. After deducting amounts distributed to scholarship organizations pursuant to this paragraph, the remaining amounts transferred pursuant to paragraph II shall be credited to each student's education scholarship account.

IV. It is the responsibility of the parent or guardian to submit education expense invoices to the scholarship organization for approval and payment.

V. Funds received pursuant to this program shall not be included as annual household income under RSA 194-E:1, V(d)(1).

VI. The transfers shall be made in accordance with the distribution of adequate education grants under RSA 198:42.

VII. All scholarship students' accounts shall be held in institutions qualified by the state treasurer.

VIII. The scholarship organization shall conduct audits of scholarship accounts, using procedures evaluated and approved by the department, to ensure compliance with this chapter.

IX. At the time of the eligible student's graduation from high school or completion of an alternate diploma or other high school equivalency credential, the eligible student's account shall be closed, the parents notified, and any remaining funds shall be returned to the state treasurer for deposit in the education trust fund.

X. The scholarship organization in consultation with the commissioner shall prohibit a participating nonpublic school or service provider from the program and notify the department if the scholarship organization establishes that the participating school or service provider has:

(a) On 2 or more occasions has failed to comply with the accountability standards established in this chapter; or

(b) Failed to provide the scholarship student with the educational services funded by the account.

XI. The scholarship organization shall notify the department and the commissioner shall refer cases of fraudulent misuse of funds to the attorney general for investigation and shall immediately suspend all payments from the account.

XII. If necessary, a nonpublic school, service provider, or tutor shall refund or rebate any program funds to the scholarship organization which shall credit such funds to the student's account.

XIII. Parents may make payments for any costs not covered by the funds in their scholarship students' accounts.

XIV. A tutor shall provide evidence of his or her qualifications to a scholarship organization. If the scholarship organization determines, based on the evidence provided, that the tutor is competent to provide the requested services, the scholarship organization shall approve the expense.

194-E:5 Scholarship Organization; Requirements. A scholarship organization shall:

I. Develop and maintain agreement forms in cooperation with the department.

II. Provide copies of agreements signed by parents of scholarship students to the department and the treasurer.

III. Provide the unique pupil identifier and date of birth for each eligible student to the department, if available.

IV. Accept and review all applications for scholarships under this chapter.

(a) Applications may be accepted through May 1 for the upcoming school year.

(b) Accounts shall be established and districts notified no later than June 30 for the upcoming school year. In consultation with the department, notification to school districts shall include whether the scholarship student is eligible for differentiated aid under RSA 198:40-a, II(c)-(d).

(c)(1) Accept applications and establish accounts for eligible students at any time during the year if, upon written request from the applicant, the commissioner grants an exception, and the student would not be leaving a school or school district that has already been capped for program participation in current school year pursuant to RSA 194-E:7.

(2) Any applicant aggrieved by the commissioner's decision not to grant an exception pursuant to subparagraph (c)(1) may appeal in writing to the state board of education no later than 15 days following the date of the commissioner's decision.

V. Comply with all federal and state laws regarding student privacy.

VI. Review all receipts for fees and services pursuant to RSA 194-E:2, II.

VII. Provide an annual report to the speaker of the house of representatives, the president of the senate, the chairmen of the house education and finance committees, the chairmen of the senate education and finance committees, the governor, the joint legislative oversight commission pursuant to RSA 194-E:9, and the department, including:

(a) The number of scholarship students.

(b) A list of public schools, nonpublic schools, service providers, and tutors, including the number of scholarship students served by each school, service provider, and tutor, and the dollar amount of each type of service provided by each school, service provider, and tutor.

(c) The dollar amount of scholarship student account funds utilized for non-tuition services during the year.

(d) The school district each student left and the reason, if known.

(e) The number of students leaving nonpublic schools and returning to public schools and the reason, if known.

(f) Scholarships or other financial aid provided by public or nonpublic schools if the account did not cover the entire tuition and other related costs, if available.

VIII. Conduct a survey of at least 25 percent of parents of eligible students with accounts. The survey shall include, but not be limited to, the number of years the parent has been in the program, the relative satisfaction of the parent with the program, and suggestions of the parent for improvement. The survey and its results shall be included in the annual report.

IX. Document each recipient who is eligible to receive differentiated aid. All children eligible for special education, as defined in 34 C.F.R. section 300.8(a), shall be identified and documented separately. Once this is determined, the scholarship organization shall notify the department.

X. When the parent of a child with a disability submits an application for an education savings account:

(a) Inform the parent that, pursuant to 34 C.F.R. section 300.137(a), the child with a disability will no longer have any individual right to receive some or all of the special education and related services the child would have received if enrolled in a public school.

(b) Inform the parent of a child with a disability who is enrolled in a nonprofit private elementary or secondary school that the child with a disability may, but is not entitled to, receive some services through a service plan in accordance with 34 C.F.R. sections 300.132 through 300.137.

(c) Inform the parent that the responsibility for making the decision about whether the child shall receive services, what services the child will receive, and where the services will be provided is with the school district in which the child's private school is located and not with the child's resident school district.

(d) Inform the parent that a child with a disability who is enrolled in a for-profit private school or who is receiving parent-directed instruction has no right to receive any special education or related services.

(e) Provide the parent with the most recent copy or location of an electronic version of the New Hampshire special education procedural safeguard handbook.

XI. Comply with the requirements and recommendations of the oversight commission established in RSA 194-E:9.

194-E:6 School and Service Provider Requirements.

I. Public schools, nonpublic schools, postsecondary institutions, service providers, and tutors shall comply with all federal and state laws regarding student privacy.

II. Public schools, nonpublic schools, postsecondary institutions, service providers, and tutors shall furnish receipts for eligible services pursuant to RSA 194-E:2, II to the parent.

III. The eligible child's resident school district shall provide a participating public school, nonpublic school, postsecondary institution, service provider, or tutor that has admitted or is providing services to an eligible student under this program with a copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. section 1232g, and state policies.

194-E:7 Education Savings Account; Assignment; Admission.

I.(a) In any one school year, the number of accounts assigned to students leaving a municipality shall not exceed the greater of 3 students or:

(1) Five percent, rounded to the next higher whole number, of a municipality's free and reduced meal program average daily membership for the prior year, in a municipality with an average daily membership in residence of 100 students or less; or

(2) Four percent, rounded to the next higher whole number, of a municipality's free and reduced meal program average daily membership for the prior year, in a municipality with an average daily membership in residence between 101 and 300 students; or

(3) Three percent, rounded to the next higher whole number, of a municipality's free and reduced meal program average daily membership for the prior year, in a municipality with an average daily membership in residence of 301 or more students.

(b) In any one school year, the number of accounts assigned to students leaving a municipality's school district shall not exceed 5 percent of the average daily membership in residence for any single school. The number of accounts shall be rounded to the next higher whole number.

II. If the number of eligible students from any municipality would exceed the amounts calculated pursuant to paragraph I, the scholarship organization shall implement a lottery-based selection for admission into the program. If necessary, the lottery shall be held not later than June 1 to determine selection for admission into the program for the following school year.

194-E:8 Base Eligibility Adjustment Grant. For each municipality in which the education tax rate generates less than the cost of an opportunity for an adequate education as calculated in RSA 198:40-a, the commissioner shall determine the number of students from each such municipality who participated in the program for the first time for the entirety of the previous school year. The commissioner shall determine the municipality in which the student resided prior to participation and distribute a one-time adjustment grant of \$1,500 per student to the municipality, which shall be for the use of the municipality's school district or districts.

194-E:9 Oversight Commission; Report.

I. There is hereby established an education savings account oversight commission. The commission shall meet at least twice a year and shall monitor the implementation of this chapter, and make recommendations for any legislative changes to the program. The commission shall include 2 senators appointed by the president of the senate, 3 members of the house of representatives, including the chairperson of division II of the house finance committee and the chairperson of the education committee appointed by the speaker of the house of representatives, the commissioner of the department of education or designee, and one member of the state board of education appointed by the chairperson of the state board of education.

II. The commission shall provide a report on or before November 1 of each year to the general court, including findings, recommendations, and any corrective or technical improvements that the program may require. The scholarship organization shall develop and implement a plan to be approved by the commission that addresses corrective and technical recommendations made by the oversight commission.

III. The commission may require additional information from the scholarship organization in order for it to fulfill its duties. The commission chairman shall inform the scholarship organization of any additional requirements.

194-E:10 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

3 Education Trust Fund. Amend the introductory paragraph in RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school dis-

tricts and to approved charter schools pursuant to RSA 198:42, to provide low and moderate income homeowners property tax relief under RSA 198:56-198:61, [and] to fund kindergarten programs as may be determined by the general court, **and to fund education savings accounts as provided in RSA 194-E**. The state treasurer shall deposit into this fund immediately upon receipt:

4 Effective Date. This act shall take effect July 1, 2018.

2018-1289h

AMENDED ANALYSIS

This bill establishes an education savings account program for children between 6 and 20 years of age.

Amendment to SB 313-FN

(2018-1769h)

Proposed by the Committee on Finance - c

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

1 New Chapter; New Hampshire Granite Advantage Health Care Program. Amend RSA by inserting after chapter 126-Z the following new chapter:

CHAPTER 126-AA

NEW HAMPSHIRE GRANITE ADVANTAGE HEALTH CARE PROGRAM

126-AA:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of health and human services.

II. "Department" means the department of health and human services.

III. "Fund" means the New Hampshire granite advantage health care trust fund.

IV. "Program" means the New Hampshire granite advantage health care program.

V. "Remainder amount" means, for the 6-month period between January 1, 2019 and June 30, 2019 and for each single identified fiscal year thereafter for any authorized period of the granite advantage health care program, the cost of the program, including administrative costs attributable to the program, minus the following:

(a) The amount of revenue transferred from the alcohol abuse prevention and treatment fund pursuant to RSA 176-A:1, IV;

(b) All federal reimbursement for the program that period or fiscal year, including federal reimbursement for administrative costs related to the program;

(c) Any surplus funds generated as a result of the managed care organizations managing the cost of their services below the minimum medical loss ratio established by the commissioner for the managed care program beginning on July 1, 2019 and thereafter; and

(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).

126-AA:2 New Hampshire Granite Advantage Health Care Program Established.

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 be offered 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.

(b) The department shall ensure through managed care contracts that MCOs incorporate measures to promote continuity of coverage, including, but not limited to, assisting over income participants in applying for coverage on the federal marketplace in New Hampshire and maintaining care and case management during the pendency of such application.

(c) The MCOs shall promote personal responsibility through the use of incentives, loss of incentives, and case management to the greatest extent practicable.

(d) Prior to submitting the waiver or state plan amendment to CMS, the commissioner shall present the waiver or state plan amendment to the governor and the fiscal committee of the general court for approval. The program shall not commence operation until such waivers or state plan amendments have been

approved by CMS. All necessary waivers and state plan amendments shall be submitted by June 30, 2018. If all waivers necessary for the program are not approved by December 1, 2018, the commissioner shall immediately notify all program participants that the program will be terminated in accordance with the federally required Special Terms and Conditions No. 11-W-003298/1.

(e) In order to combat the opioid and heroin crisis facing New Hampshire, the department shall establish behavioral health rates sufficient to ensure access to, and provider capacity for all behavioral health services including, as appropriate, establishing specific substance use disorder services rate cells for inclusion into capitated rates for managed care.

(f) Any person transitioning from the premium assistance program to the program shall not lose coverage due solely to the transition, which shall be for a period of at least 90 days. All MCOs shall honor all preexisting authorizations for care plans and treatments for all program participants for a period of not less than 90 days after enrollment.

(g)(1) The commissioner shall include in MCO contracts with the state clinically and actuarially sound incentives designed to improve care quality and utilization and to lower the total cost of care within the Medicaid managed care program. The commissioner shall also include in the MCO contract provisions an obligation for the MCO to include provider alignment incentives to leverage the combined efforts of the parties to achieve the purposes of the incentives. Preferential auto-assignment of newly eligible members, shared incentive pools, and differential capitation rates are among the options for incentives the commissioner may employ to achieve improved performance. Initial areas to improve care quality and utilization and to lower the total cost of care may include, but are not limited to:

- (A) Appropriate use of emergency departments relative to low acuity non-emergent visits.
- (B) Reduction in preventable admissions and 30-day hospital readmission for all causes.
- (C) Timeliness of prenatal care and reductions in neonatal abstinence births.
- (D) Timeliness of follow-up after a mental illness or substance use disorder admission.
- (E) Reduction of polypharmacy resulting in drug interaction harm.

(2) The commissioner shall include in MCO contracts actuarial appropriate rebate provisions for failure to implement contractually agreed upon incentive measures.

(3) The commissioner shall establish for the managed care program beginning on July 1, 2019 and thereafter a minimum medical loss ratio that is actuarially sound and that encourages cost efficiency in the delivery of care to the entire Medicaid population. Any surplus funds generated from the MCOs managing the cost of their services below the established minimum medical loss ratio for the beneficiaries of the program shall be transferred to the fund and shall be included in the calculation of the remainder amount.

(h) Savings generated as a result of individuals disenrolled from the program for failing to meet the work and community engagement requirement shall not be included in any calculation submitted to CMS to establish federal budget neutrality of any waiver issued for the program.

(i) Consistent with the state plan amendment submitted by the department and approved by CMS, all contracts between a Medicaid managed care organization and a federally qualified health care center, as defined in section 1905(1)(2)(B) of the Social Security Act, 42 U.S.C. section 1396d(1)(2)(B), providing services in geographic areas served by the plan, shall reimburse each such center for such services as provided in 42 U.S.C. section 18022(g).

II.(a) To receive benefits under this section and to the extent allowed by federal law, the individual shall:

(1) Provide all necessary information regarding financial eligibility, assets, residency, citizenship or immigration status, and insurance coverage to the department in accordance with rules, or interim rules, including those adopted under RSA 541-A;

(2) Inform the department of any changes in financial eligibility, residency, citizenship or immigration status, and insurance coverage within 10 days of such change; and

(3) At the time of enrollment acknowledge that the program is subject to cancellation upon notice.

(b) If allowed by federal law, all resources which the individual and his or her family own shall be considered to determine eligibility under this paragraph, including cash, bank accounts, stocks, bonds, permanently unoccupied real estate, and trusts. The home in which the individual resides in, furniture, and one vehicle owned by the individual applying for benefits shall be excluded from the eligibility requirements for benefits under this paragraph. If, after counting or excluding the individual's household's resources, the total countable resources equal or fall below \$25,000, he or she shall be considered asset eligible.

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, 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.

(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. 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 drug and alcohol counselor (LADAC), or a board-certified psychologist. The physician, APRN, licensed behavioral health professional, licensed physician assistant, LADAC, 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, II(g) where the required care 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 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.

(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; 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.

(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 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.

IV. The commissioner shall implement the work and community engagement requirement under paragraph III beginning January 1, 2019 in accordance with the terms and conditions of any waiver approved by CMS. The waiver request submitted by the commissioner shall be consistent with all the terms of this chapter. In the event that the final approved waiver is inconsistent with any of the terms of this chapter, the commissioner shall provide written notification to the governor, speaker of the house of representatives, and president of the senate, informing them of the differences between the terms of this chapter and the approved waiver. Verification of qualifying activities, exemptions, and enrollee status shall be accomplished in the following manner:

(a) MCOs under contract with the department shall share enrollee reported information regarding the work and community engagement requirement status obtained through standard contract activities including enrollment, outreach activities, and enrollee care management. The MCOs shall work collaboratively with the department and any outside contractor in encouraging and monitoring work and community engagement activities.

(b) For the period of January 1, 2019 through June 30, 2020 only, the department shall verify enrollee status to the greatest extent practicable through the verification of enrollee and MCO reported status and information, including information from the eligibility file. Enrollees shall be required to report information regarding their qualifying activities, exemptions, enrollee status, and changes in their status to the department in accordance with the department's rules.

(c) No later than January 1, 2019, the commissioner shall submit to the governor, president of the senate, and speaker of the house of representatives a plan for the implementation of a fully automated verification system that utilizes state and commercial data sources to assess compliance with all work and community engagement activities beginning on July 1, 2020. The plan shall provide an option to hire a third party vendor to manage the automated verification system.

V. A person shall not be eligible to enroll or participate in the program, unless such person verifies his or her United States citizenship by 2 forms of identification and proof of New Hampshire residency by either a New Hampshire driver's license or a nondriver's picture identification card issued pursuant to RSA 260:21.

VI. No person, organization, department, or agency shall submit the name of any person to the National Instant Criminal Background Check System (NICS) on the basis that the person has been adjudicated a "mental defective" or has been committed to a mental institution, except pursuant to a court order issued following a hearing in which the person participated and was represented by an attorney.

VII. For any person determined to be eligible and who is enrolled in the program, the MCO shall support the individual to arrange a wellness visit with his or her primary care provider, either previously identified or selected by the individual from a list of available primary care providers. The wellness visit shall include appropriate assessments of both physical and mental health, including screening for depression, mood, suicidality, and unhealthy substance use, for the purpose of developing a health wellness and care plan.

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.

126-AA:3 The New Hampshire Granite Advantage Health Care Trust Fund.

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. 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.

II. The commissioner, as the administrator of the fund, shall have the sole authority to:

(a) Apply for federal funds to support the program.

(b) Notwithstanding any provision of law to the contrary, accept and expend federal funds as may be available for the program and the commissioner shall notify the bureau of accounting services, by letter, with a copy to the fiscal committee of the general court and the legislative budget assistant.

(c) Make payments and reimbursements from the fund as outlined in this section.

III. The commissioner shall submit a report to the governor and the fiscal committee of the general court detailing the activities and operation of the trust fund annually within 90 days of the close of each state fiscal year.

IV. On or before August 15, 2018, the commissioner, in consultation with the insurance commissioner, shall estimate the remainder amounts for the period of January 1, 2019 to June 30, 2019 and for state fiscal year 2020. The commissioner shall report the estimated annual remainder amount to the insurance commissioner, the New Hampshire Health Plan, the governor, the speaker of the house of representatives, and the president of the senate. Thereafter, on or before August 15 of each fiscal year, the commissioner, in consultation with the insurance commissioner, shall estimate the remainder amounts for both the current and next fiscal year. The commissioner shall report the estimated remainder amount to the insurance commissioner, the New Hampshire Health Plan, the governor, the speaker of the house of representatives, and the president of the senate.

V. On or before August 15, 2020, the commissioner shall calculate the projected final remainder amount for the 6-month period between January 1, 2019 and June 30, 2019. On or before August 15 of each subsequent year, the commissioner shall calculate the projected final remainder amount for the prior fiscal year. If the amount deposited from the high risk pool exceeds the limit on contributions established by RSA 404-G:5-a, IV(d), then any excess difference shall be retained in the fund and the next estimated remainder amount calculated by the commissioner shall be reduced by the amount of the difference.

VI. The commissioner, in accordance with the most current available information, shall be responsible for determining, quarterly commencing no later than December 31, 2018, whether there is sufficient funding in the fund, to cover projected program costs for the nonfederal share for the next 6-month period. If at any time the commissioner determines that a projected shortfall exists, he or she shall terminate the program in accordance with the federally approved terms and conditions issued by CMS. Upon making a determination that a projected shortfall exists, the commissioner shall:

(a) Within 48 hours of making the determination, notify the governor, the speaker of the house of representatives, the president of the senate, and the chairperson of the fiscal committee of the general court of the program's pending termination; and

(b) Within 10 business days of making the determination, notify program participants of the program's pending termination.

126-AA:4 Commission to Evaluate the Effectiveness and Future of the New Hampshire Granite Advantage Health Care Program.

I. There is hereby established a commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program.

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

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

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

(3) The commissioner of the department of health and human services, or designee.

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

(5) A representative of each managed care organization awarded contracts as vendors under the Medicaid managed care program, appointed by the governor.

(6) A representative of a hospital that operates in New Hampshire, appointed by the New Hampshire Hospital Association.

(7) A public member, who has health care expertise, appointed by the senate president.

(8) A public member, who currently receives coverage through the program, appointed by the speaker of the house of representatives.

(9) A public member representing the interests of taxpayers in New Hampshire, appointed by the president of the senate.

(10) A representative of the medical care advisory committee, department of health and human services, appointed by the commissioner of the department of health and human services.

(11) A licensed physician, appointed by the New Hampshire Medical Society.

(12) A licensed mental health professional, appointed by the National Alliance on Mental Illness New Hampshire.

(13) A licensed substance use disorder professional, appointed by the New Hampshire Alcohol and Drug Abuse Counselors Association.

(14) An advanced practice registered nurse (APRN), appointed by the New Hampshire Nurse Practitioner Association.

(15) The chairperson of the governor's commission on alcohol and drug abuse prevention, treatment, and recovery, or designee.

(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.

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.

(10) 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 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.

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 members of the commission shall constitute a quorum.

IV. The commission shall make an interim report on or before December 1, 2020 and a final report, together with 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, 2022. Both reports shall contain the commission's recommendation regarding whether the program should continue.

126-AA:5 Evaluation Report Required.

I. The program shall employ an outcome-based evaluation of its Medicaid program annually to:

(a) Provide accountability to patients and the overall program.

(b) Ensure that patients are making informed decisions in carrying out health care choices and utilizing the most appropriate level of care.

(c) Ensure that the use of incentives, the loss of incentives, cost transparency, and reference based pricing have been effective in lowering costs, while maintaining both quality and access and considering changes in health parameters.

II. The results of the evaluation conducted under this section shall be in the form of a report to be provided to CMS, the president of the senate, the speaker of the house of representatives, the governor, and the fiscal committee of the general court by December 31 of each year beginning in 2019.

2 Purpose Statement. The purpose of sections 3-9 of this act is to establish a pilot program by using allowable federal funds available from the Temporary Assistance to Needy Families (TANF) program to end the dependence of needy parents ages 18 through 64 and low income childless adults ages 18 through 24 on governmental programs by promoting job and work preparation and placing them into high labor need jobs based on the goals set forth in 45 C.F.R. section 260.20. The long-term goal of this program is to place low-income individuals into unsubsidized jobs in high labor need areas, transition them to self-sufficiency through providing career pathways with specific skills, and assist in eliminating barriers to work such as transportation and childcare. Taken together, these measures are designed to help low-income participants break the cycle of poverty and move them from living on the margin to the middle class and beyond.

3 Granite Workforce; Pilot Program Established.

I. The commissioner of the department of health and human services shall use allowable funds from the Temporary Assistance to Needy Families (TANF) program to provide subsidies to employers in high need areas, as determined by the department of employment security based upon workforce shortages, and to create a network of assistance to remove barriers to work for low-income families. The funds shall be used to establish a pilot program, referred to as Granite Workforce, a TANF nonassistance program, which shall accept enrollments by applicants for an initial period of 6 months. 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. The total cost of the pilot program shall not exceed \$3,000,000 in federal TANF funds for the biennium ending June 30, 2019.

II. To be eligible for Granite Workforce, applicants shall be:

(a) In a household with an income up to 138 percent of the federal poverty level; and

(b) Parents aged 18 through 64 with a child under age 18 in the household; or

(c) Noncustodial parents aged 18 through 64 with a child under the age of 18; or

(d) Childless adults between 18 and less than 25 years of age.

III. An eligible recipient, 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 under section 4 of this act, provided the recipients 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 or 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 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 for moving into the middle class and beyond.

V. No person shall participate in the Granite Workforce program unless he or she is also enrolled in the New Hampshire Granite Advantage Health Care Program, as established in RSA 126-AA.

VI. Except as otherwise provided in paragraph II regarding program eligibility, administrative rules governing the New Hampshire employment program, adopted under RSA 541-A, shall apply to the Granite Workforce pilot program.

4 Granite Workforce; Subsidies for Employers.

I. After 3 months of the employment of the participant in a paying job and receiving verification of the continued employment and wages from the employer, the department of employment security shall pay the employer a subsidy equal to 50 percent of the employee's wages for the prior month, not to exceed \$2,000.

II. After 9 months of the continued employment of the participant in a paying job and receiving verification of the continued employment and wages from the employer, the department of employment security shall pay the employer a subsidy equal to 50 percent of the employee's wages for the prior month, not to exceed \$2,000.

III. If an overpayment is made, the employer shall reimburse the department that amount upon being notified by the department.

5 Referral for Barriers to Employment. The department of health and human services, in consultation with the department of employment security, shall issue a request for applications (RFAs) for community providers interested in offering case management services to participants with barriers to employment. 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. Thereafter, the department of employment security shall refer to community providers those individuals deemed needing assistance with removing 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, specifically the child care scholarship program administered by the department of health and human services. In addition to employer subsidies authorized under this section, TANF funds allocated to the Granite Workforce program shall be used to pay for other services that eliminate barriers to work in accordance with all TANF guidelines.

6 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. All industry specific skills and training will be provided for jobs in high need areas, as determined by the department of employment security based upon workforce shortages.

7 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. This includes, but is not limited to, high labor need 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/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/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/jobs for building roads, bridges, municipality infrastructure, and ensuring safe drinking water.

IV. Information technology: training/jobs to allow businesses to excel in an ever-increasing network dependent business environment.

V. Hospitality-training/jobs to address the workforce shortage and support New Hampshire's tourism industry, to include but not be limited to hotel workers, restaurant workers, campground workers, lift operators, state park workers, and amusement park workers.

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) Health insurance coverage provider.
- (h) 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.

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 \$40,000,000. If at any time the commissioner determines that available TANF reserve funds have fallen below \$40,000,000, 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.

10 Insurance Premium Tax; New Hampshire Granite Advantage Health Care Program. Amend RSA 400-A:32, III to read as follows:

III.(a) Except as provided in subparagraph (b), the taxes imposed in paragraphs I and II of this section shall be promptly forwarded by the commissioner to the state treasurer for deposit to the general fund.

(b) Taxes imposed attributable to premiums written for medical and other medical related services for the newly eligible Medicaid population as provided for under RSA [126-A:5, XXIV-XXVI] **126-AA** shall be deposited into the New Hampshire [health protection trust fund, established in RSA 126-A:5-b] **granite advantage health care trust fund established in RSA 126-AA:3**. The commissioner shall notify the state treasurer of sums for deposit into the New Hampshire [health protection] **granite advantage health care** trust fund no later than 30 days after receipt of said taxes. **The moneys in the trust fund may be used for the administration of the New Hampshire granite advantage health care program, established in RSA 126-AA.**

11 Plan of Operation for the High Risk Pool. Amend RSA 404-G:5-a, IV(d) to read as follows:

(d) [~~For the period of January 1, 2017 through December 31, 2018,~~] An amount not to exceed [50 percent of the remainder amount, as defined in RSA 126-A:5-c, I(b), less the amount made available to the program pursuant to RSA 404-G:11, VI. The association shall transfer all amounts collected pursuant to this subparagraph and the amount made available to the program pursuant to RSA 404-G:11, VI to the New Hampshire health protection trust fund, established pursuant to RSA 126-A:5-b] **the lesser of the remainder amount, as defined in RSA 126-AA:1, V, or the amount of revenue transferred from the alcohol abuse prevention and treatment fund pursuant to RSA 176-A:1, IV and taxes attributable to premiums written for medical and other medical-related services for the newly eligible Medicaid population. The association shall transfer all amounts collected pursuant to this subparagraph to the New Hampshire granite advantage health care trust fund established pursuant to RSA 126-AA:3.**

12 New Hampshire Granite Advantage Health Care Program; Federal Match. Amend 2014, 3:10, I as amended by 2016,13:13 to read as follows:

I. If at any time the federal match rate applied to medical assistance for newly eligible adults under [RSA 126-A:5, XXIV-XXV between July 1, 2014 – December 31, 2016 is less than 100 percent, less than 95 percent in 2017 and less than 94 percent in 2018, of the amount as set forth in 42 U.S.C. section 1396d(y) (1), then RSA 126-A:5, XXIV and XXV shall be] **RSA 126-AA is less than 94 percent in 2018, less than 93 percent in 2019, and less than 90 percent in 2020 and any year thereafter in which the program is authorized, then the program is hereby** repealed 180 days after the event under this [subparagraph] **paragraph** occurs upon notification by the commissioner of the department of health and human services to the secretary of state and the director of legislative services **and consistent with the terms and conditions of any waiver approved by the Centers for Medicare and Medicaid Services for the program.** The commissioner shall [immediately issue notice to program participants of the program's pending repeal]:

(a) Within 48 hours after the event under this paragraph has occurred, notify the governor, the speaker of the house of representatives, the president of the senate, and the chairperson of the legislative fiscal committee of the program's pending termination; and

(b) Within 10 business days after the event in this paragraph has occurred, notify program participants of the program's pending termination.

13 Liquor Commission; Funds. Amend RSA 176:16, III to read as follows:

III. [3:4] **Five** percent of the previous fiscal year gross profits derived by the commission from the sale of liquor shall be deposited into the alcohol abuse prevention and treatment fund established by RSA 176-A:1. For the purpose of this section, gross profit shall be defined as total operating revenue minus the cost of sales and services as presented in the state of New Hampshire comprehensive annual financial report, statement of revenues, expenses, and changes in net position for proprietary funds.

III-a. In order to facilitate the initial funding of the granite advantage health care trust fund, established under RSA 126-AA:3, for the period of January 1 to June 30, 2019, an amount no less than 1/2 of the 5 percent of such gross profits based on the state comprehensive annual financial report for the state fiscal year 2017 shall be deposited into the alcohol abuse prevention and treatment fund no later than November 30, 2018.

14 Alcohol Abuse Prevention and Treatment Fund. Amend RSA 176-A:1, II and III to read as follows:

II. The fund shall be nonlapsing and continually appropriated for the purposes of funding alcohol education and abuse prevention and treatment programs. **The commissioner of the department of health and human services may accept gifts, grants, donations, or other funding from any source and shall deposit all such revenue received into the fund.** The state treasurer shall invest the moneys deposited in the fund as provided by law. Interest earned on moneys deposited in the fund shall be deposited into the fund.

III. Moneys **received from all other sources other than the liquor commission pursuant to RSA 176:16, III** 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. 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.**

IV. Moneys received from the liquor commission pursuant to RSA 176:16, III and deposited into the fund shall be transferred to the New Hampshire granite advantage health care trust fund, established under RSA 126-AA:3, for use in ensuring the delivery of substance use disorder prevention, treatment, and recovery and other behavioral health services for persons enrolled in the New Hampshire granite advantage health care program; provided, however, that any program or service approved by the governor's commission on alcohol and drug abuse prevention, treatment, and recovery that would have been funded from moneys transferred from the fund shall be paid for with federal or other funds available from within the department of health and human services. For this purpose and no later than December 1, 2018, the sum of \$5,100,000 from the alcohol abuse and prevention treatment fund shall be transferred to the granite advantage health care trust fund for use in the period of January 1 to June 30, 2019. Beginning July 1, 2019 the funds deposited into the fund shall be transferred to the granite advantage health care trust fund established under RSA 126-AA:3 annually no later than June 1 for use during the forthcoming fiscal year based upon the most recently issued comprehensive annual financial report of the state.

15 Individual Health Insurance Market; Purpose. Amend RSA 404-G:1, II to read as follows:

II. Create a nonprofit, voluntary organization to facilitate the availability of affordable individual non-group health insurance by establishing an assessment mechanism and an individual health insurance market mandatory risk sharing plan as a mechanism to distribute the risks associated within the individual nongroup market and to support the ~~[marketplace premium assistance program established in RSA 126-A:5, XXV]~~ **New Hampshire granite advantage health care program established in RSA 126-AA.**

16 Individual Health Insurance Market; Definitions. Amend RSA 404-G:2, X-a to read as follows:

X-a. "Plan of operation" means the plan of operation of the risk sharing mechanism, the high risk pool, support for the program established in RSA ~~[126-A:5, XXV]~~ **126-AA**, and the federally qualified high risk pool, including articles, bylaws and operating rules, procedures and policies adopted by the association.

17 Managed Care Law; Right to External Review. Amend RSA 420-J:5-a, II(a) to read as follows:

(a) Health care services provided through Medicaid, the state Children's Health Insurance Program (Title XXI of the Social Security Act), Medicare or services provided under these programs but through a contracted health carrier, except where those services are provided through private insurance coverage pursuant to the ~~[marketplace premium assistance program under RSA 126-A:5, XXV]~~ **New Hampshire granite advantage health care program under RSA 126-AA** in which case all provisions of this chapter shall apply.

18 Insurance Department; Administration Fund. Amend RSA 400-A:39, VI(a) to read as follows:

(a) Based on the annual statement filed in such year by each insurer under RSA 400-A:31, RSA 420-A:20, RSA 420-B:9, RSA 420-F:9, or other financial statement filed under RSA 415-E:11, the commissioner shall ascertain each insurer's amount of gross direct premiums written, including policy, membership and other fees, service charges, policy dividends applied in payment for insurance, and all other considerations for insurance originating from policies covering property, subjects, or risks located, resident or to be performed in New Hampshire after deducting return premiums and dividends actually returned or credited to policyholders. The premium for Medicaid managed care coverage provided by a health carrier contracting with the department of health and human services under RSA 126-A:5, XIX shall not be included in an insurer's assessable premium, except where that coverage is provided through the purchase of insurance coverage pursuant to the ~~[marketplace premium assistance program under RSA 126-A:5, XXV, or through the health insurance premium payment program under RSA 126-A:5, XXIII]~~ ***New Hampshire granite advantage health care program under RSA 126-AA***. If any such insurer does not otherwise timely provide the commissioner with the information necessary for such ascertainment, it shall do so on or before May 1 of each year.

19 New Subparagraph; Application of Receipts; New Hampshire Advantage Health Care Program. Amend RSA 6:12, I(b) by inserting after subparagraph (339) the following new subparagraph:

(340) Moneys deposited in the New Hampshire granite advantage health care trust fund under RSA 126-AA:3.

20 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, or is not approved by the Centers for Medicare and Medicaid Services, the invalidity or nonapproval does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

21 Contingency. RSA 126-AA:2, II(b) as inserted by section 1 of this act shall take effect on the date of certification by the commissioner of the department of health and human services to the director of legislative services and the secretary of state that 42 U.S.C. section 1396a(e)(14)(c) has been repealed or amended to permit the application of an asset test.

22 Funding; New Hampshire Granite Advantage Health Care Program. If the federal government amends 42 U.S.C. section 1396d(y)(1) to eliminate the state's share of funding for the New Hampshire granite advantage health care program, or if the federal government allows the use of savings within the Medicaid program to apply to the state's share of funding the program, or if any other state is permitted to receive funds from the federal government to allow a solely federally funded program, the commissioner of health and human services shall send a letter of notification regarding this change to the governor, the president of the senate, the speaker of the house of representatives, the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program established in RSA 126-AA, and the chairperson of the appropriate standing committee of the house and senate. The commissioner shall apply for the necessary waivers to similarly fund the New Hampshire granite advantage health care program.

23 Applicability.

I. If the commission, established pursuant to RSA 126-AA:4 in section 1 of this act, issues an interim report recommending the New Hampshire granite advantage health care program's discontinuation, the speaker of the house of representatives and the president of the senate shall initiate legislation as soon as practicable to repeal the New Hampshire advantage health care program established in section 1 of this act.

II. If the federal government converts the Medicaid program from a program funded jointly by the federal government and the states into a block grant the New Hampshire granite advantage health care program shall be repealed effective upon the implementation of such conversion, consistent with the terms and conditions of any waiver approved by the Centers for Medicare and Medicaid Services for the program. In the event of a repeal under this paragraph, the commissioner of the department of health and human services shall within 48 hours after the event has occurred, notify the governor, the speaker of the house of representatives, the president of the senate, the chairperson of the fiscal committee, the secretary of state, and the director of legislative services of the program's pending termination and within 10 business days after the event under this paragraph has occurred, notify program participants of the program's pending termination.

24 Repeals. The following are repealed:

I. RSA 404-G:2, X-c, relative to the marketplace premium assistance program.

II. RSA 126-AA:4, relative to the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program.

III. RSA 126-AA, relative to the New Hampshire granite advantage health care program.

IV. RSA 126-A:5-c, relative to funding the state share of the New Hampshire health protection program.

V. RSA 126-A:5-d, relative to voluntary contribution.

VI. RSA 126-A:5, XXX, relative to the New Hampshire health protection program.

VII. RSA 6:12, I(b)(340), relative to the moneys deposited in the New Hampshire granite advantage health care trust fund.

25 Effective Date.

I. Paragraph II of section 24 of this act shall take effect December 1, 2022.

II. Paragraphs III and VII of section 24 of this act shall take effect December 31, 2023.

III. Section 1 of this act shall take effect upon its passage.

IV. RSA 126-AA:2, II(b) as inserted by section 1 of this act shall take effect as provided in section 21 of this act.

V. Section 3-9 of this act shall take effect January 1, 2019.

VI. The remainder of this act shall take effect December 31, 2018.

**Amendment to SB 334-FN
(2018-1607h)**

Proposed by the Majority of the Committee on Executive Departments and Administration - r

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

AN ACT relative to temporary licensure of allied health professionals from nearby states, and reciprocal and temporary licensure for occupations and professions for persons from other states.

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

1 New Paragraph; Allied Health Professionals; Rulemaking; Board of Directors; Temporary Licenses. Amend RSA 328-F:13 by inserting after paragraph IV the following new paragraph:

V. Procedures, forms, and fees for temporary licensure pursuant to RSA 328-F:18, VI.

2 New Paragraph; Allied Health Professionals; Temporary Licenses. Amend RSA 328-F:18 by inserting after paragraph V the following new paragraph:

VI. Occupational therapists, occupational therapist assistants, recreational therapists, speech pathologists, respiratory care practitioners, physical therapists, and physical therapist assistants from the states of Connecticut, Rhode Island, Massachusetts, Maine, New York, and Vermont, who are currently licensed, shall be eligible for temporary licensure for 120 days while the person makes application for licensure to the respective governing board under this chapter. An applicant for temporary licensure to practice, who is currently licensed or certified in Connecticut, Rhode Island, Massachusetts, Maine, New York, or Vermont, shall:

(a) Hold an active unencumbered license; and

(b) Have committed no acts or omissions which are grounds for disciplinary action in another jurisdiction, or, if such acts have been committed, would be grounds for disciplinary action.

3 New Section; Occupations and Professions; General Provisions; Reciprocal and Temporary Licenses. Amend RSA 332-G by inserting after section 12 the following new section:

332-G:13 Reciprocal and Temporary Licenses.

I. Any board or commission regulating an occupation or profession which is a member of an interstate licensure compact, or which has, in statute or by administrative rules, a procedure for reciprocity or temporary licensure for individuals from other states, need not comply with this section for any license or certificate issued by the board or commission.

II. Any board or commission may determine that another state's licensure is not comparable to New Hampshire's in education, training, experience, or scope of practice, and if so shall publish this determination on its website. An individual from such other state possessing such a license shall not be granted temporary or reciprocal licensure under this section.

III. A person applying for a temporary license shall present to the office of professional licensure and certification:

(a) A current equivalent license from another jurisdiction in the United States.

(b) A statement of good standing from the licensing authority.

(c) Authorization for a criminal history records check, if required.

(d) A completed application.

(e) A certification that the person has committed no acts or omissions which are grounds for disciplinary action in another jurisdiction, or, if such acts have been committed, would be grounds for disciplinary action.

(f) Other information specifically required by the board.

(g) Payment of a fee, not to exceed \$100.

IV. After verifying the completeness of the application and information under paragraph III, the office of professional licensure and certification shall issue a temporary license valid for 120 days. No more than one temporary license shall be issued to any individual.

V. The board or commission shall review the application and information, prior to the expiration date of the temporary license. The board or commission shall issue a full-term New Hampshire license upon payment by the temporary license holder of the applicable license fee, unless the board or commission determines that the information shows that the individual does not qualify for such license. If the disqualification is due to state requirements that are not comparable, this determination shall be published as provided in paragraph II. Upon a determination of disqualification, the board or commission shall identify the disqualification in writing, which shall invalidate the temporary license.

4 Effective Date.

I. Section 3 of this act shall take effect January 1, 2019.

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

2018-1607h

AMENDED ANALYSIS

This bill allows persons licensed for certain allied health professions in Connecticut, Rhode Island, Massachusetts, Maine, New York, or Vermont to be granted a temporary license to practice in this state while applying for regular licensure. The bill also requires boards and commissions of regulated occupations and professions to allow for reciprocal and temporary licensure for an applicant for full licensure for 120 days while awaiting a determination for such licensure.

Amendment to SB 334-FN

(2018-1227h)

Proposed by the Minority of the Committee on Executive Departments and Administration - r

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

AN ACT relative to temporary licensure of allied health professionals from nearby states.

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

1 New Paragraph; Allied Health Professionals; Rulemaking; Board of Directors; Temporary Licenses. Amend RSA 328-F:13 by inserting after paragraph IV the following new paragraph:

V. Procedures, forms, and fees for temporary licensure pursuant to RSA 328-F:18, VI.

2 New Paragraph; Allied Health Professionals; Temporary Licenses. Amend RSA 328-F:18 by inserting after paragraph V the following new paragraph:

VI. Occupational therapists, occupational therapist assistants, recreational therapists, speech pathologists, respiratory care practitioners, physical therapists, and physical therapist assistants from the states of Connecticut, Rhode Island, Massachusetts, Maine, New York, and Vermont, who are currently licensed, shall be eligible for temporary licensure for 120 days while the person makes application for licensure to the respective governing board under this chapter. An applicant for temporary licensure to practice, who is currently licensed or certified in Connecticut, Rhode Island, Massachusetts, Maine, New York, or Vermont, shall:

(a) Hold an active unencumbered license; and

(b) Have committed no acts or omissions which are grounds for disciplinary action in another jurisdiction, or, if such acts have been committed, would be grounds for disciplinary action.

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

2018-1227h

AMENDED ANALYSIS

This bill allows persons licensed for certain allied health professions in Connecticut, Rhode Island, Massachusetts, Maine, New York, or Vermont to be granted a temporary license to practice in this state while applying for regular licensure.

Amendment to SB 357

(2018-1386h)

Proposed by the Committee on Education - c

Amend RSA 318-B:45 as inserted by section 2 of the bill by replacing it with the following:

318-B:45 Syringe Service Programs in Drug-Free School Zones Prohibited. No syringe service program shall be located within a drug-free school zone as defined in RSA 193-B:1, II. ***Exceptions to this prohibition may be granted by the applicable district school board when a request is initiated by a syringe service program administrator.***

2018-1386h

AMENDED ANALYSIS

This bill:

I. Requires school employees to report crimes that would prevent a person from being hired as a teacher.

II. Permits district school boards to grant certain exceptions to the prohibition on locating syringe service programs in a drug-free zone.

Amendment to SB 358

(2018-1475h)

Proposed by the Committee on Education - c

Amend RSA 21-N:4, VIII as inserted by section 1 of the bill by replacing it with the following:

XHH] **VIII.** With the advice of the state board of education, and in consultation with the deputy commissioner [and], the directors of the affected divisions, ***and the legislative oversight committee pursuant to***

RSA 193-C:8, [have the authority to transfer or assign] transferring or assigning functions, programs, or services within or between any division. When transfers or assignments are enacted within the department that may require legislative action, the commissioner shall work with the legislative oversight committee to propose legislation supporting such transfers or assignments.

Amendment to SB 365

(2018-1701h)

Proposed by the Majority of the Committee on Science, Technology and Energy - r

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

AN ACT relative to the use of renewable generation to provide fuel diversity.

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

1 Findings. New Hampshire's and New England's electricity supply is heavily dependent upon natural gas-fired generation, which is subject to pricing volatility and risks of fuel availability. In its 2018 Operational Fuel-Security Analysis, the independent system operator of New England (ISO-NE) expressed concerns regarding the need for fuel diversity in the regional generation mix, given the amount of natural gas-fired generation in the mix, and noted that renewables can help lessen the fuel-security risk. The effect of natural gas pricing volatility on energy prices can be the closure of New Hampshire renewable generators and the loss of jobs and other statewide economic benefits, as well as the loss of fuel diversity derived from using indigenous renewable fuels. The general court finds that the continued operation of the state's 6 independent biomass-fired electric generating plants and the state's single renewable waste-to-energy generating plant are at-risk due to energy pricing volatility. These plants (i) are important to the state's economy and jobs, and, in particular, the 6 biomass-fired generators are vital to the state's sawmill and other forest products industries and employment in those industries, and (ii) these indigenous-fueled renewable generating plants are also important to state policies because they provide generating fuel diversity and environmental benefits, which protect the health and safety of the state's citizens and the physical environment of the state. The general court finds that it is in the public interest to promote the continued operation of, and the preservation of employment and environmental benefits associated with these sources of indigenous-fueled renewables, and thereby promote fuel diversity as part of the state's overall energy policy.

2 New Chapter; The Use of Renewable Generation to Provide Fuel Diversity. Amend RSA by inserting after chapter 362-G the following new chapter:

CHAPTER 362-H THE PRESERVATION AND USE OF RENEWABLE GENERATION TO PROVIDE FUEL DIVERSITY

362-H:1 Definitions. In this chapter:

I. "Adjusted energy rate" means 80 percent of the rate, expressed in dollars per megawatt-hour, resulting from the default energy rate minus, if applicable, the rate component for compliance with the renewable energy portfolio standards law, RSA 362-F, if that rate component is included in the approved default energy rate.

II. "Biomass" means plant-derived fuel including clean and untreated wood such as brush stumps, lumber ends and trimmings, wood pallets, bark, wood chips or pellets, shavings, sawdust and slash, agricultural crops, biogas, or liquid biofuels, but shall exclude any materials derived in whole or in part from construction and demolition debris.

III. "Commission" means the public utilities commission.

IV. "Default energy rate" means the default service energy rate applicable to residential class customers, expressed in dollars per megawatt-hour, as approved by the commission from time to time, and which is available to retail electric customers who are otherwise without an electricity supplier.

V.(a) "Eligible facility" means any facility which produces electricity for sale by the use, as a primary energy source, of biomass, or municipal solid waste; provided that: (1) the facility's power production capacity is not greater than 25 megawatts excluding station service needs; (2) the facility is interconnected with an electric distribution or transmission system located in New Hampshire; and (3) the facility began operation prior to January 1, 2006, or if the facility ceased operation and then later returned to service after that date then prior to January 1, 2006 the facility operated for at least 5 years regardless of the current operational status of the facility.

(b) "Eligible facility" shall not include: (1) any facility, while selling its electrical output at long-term rates established before January 1, 2007 by orders of the commission under RSA 362-A:4; and, (2) any municipal solid waste facility less than 10 megawatts in size and which was not in operation on January 1, 2018.

VI. "Primary energy source" means a fuel or fuels, or energy resource either singly or in combination, that comprises at least 90 percent of the total energy input into a generating unit. A fuel or energy source other than the primary fuel or energy source may be used only for start-up, maintenance, or other required internal needs of the facility.

362-H:2 Purchased Power Agreements. To retain and provide for generator fuel diversity, each electric distribution company that is subject to the commission's approval regarding procurement of default service shall offer to purchase the net energy output of any eligible facility located in its service territory in accordance with the following:

I.(a) Prior to each of its next 6 sequential solicitations of its default service supply after the effective date of this chapter, each such electric distribution company shall solicit proposals, in one solicitation or multiple solicitations, from eligible facilities. The electric distribution company's solicitation to eligible facilities shall inform eligible facilities of the opportunity to submit a proposal to enter into a power purchase agreement with the electric distribution company under which the electric distribution company would purchase an amount of energy from the eligible facility for a period that is coterminous with the time period used in the default service supply solicitation. The solicitation shall provide that the electric distribution company's purchases of energy from the eligible facility shall be priced at the adjusted energy rate derived from the default service rates approved by the commission in each applicable default service supply solicitation and resulting rates proceeding.

(b) The solicitation shall also inform the eligible facility that: (1) the electric distribution company's purchase from the eligible facility shall be at the eligible facility's interconnection point with the electric distribution company; (2) the purchase shall be from the eligible facility's net electrical output and not from the output of another unit; and (3) the electric distribution company's purchase would be for 100 percent of the eligible facility's net electrical output.

II. Each eligible facility's proposal in response to such solicitation shall provide a non-binding proposed schedule of hourly net output amounts during the term stated over a mutually agreeable period, whether daily, monthly, or over the term used in the default service supply solicitation for the applicable default energy rate and such other information as needed for the eligible facility to submit and the electric distribution company to evaluate the proposal.

III. With each eligible facility solicitation, the electric distribution company shall select all proposals from eligible facilities that conform to the requirements of this section. The electric distribution company shall submit all eligible facility agreements to the commission as part of its submission for periodic approval of its residential electric customer default service supply solicitation.

IV. All such eligible facility agreements shall be subject to review by the commission for conformity with this chapter in the same proceeding in which it undertakes the review of the electric distribution company's periodic default service solicitation and resulting rates.

V. The electric distribution company shall recover the difference between its energy purchase costs and the market energy clearing price through a non-bypassable delivery services charge applicable to all customers in the utility's service territory. The non-bypassable charge may include recovery of reasonable costs incurred by electric distribution companies pursuant to this section. The recovery of the non-bypassable charge shall be allocated among Eversource's customer classes using the allocation percentages approved by the commission in its docket DE 14-238 order 25,920 approving the 2015 Public Service Company of New Hampshire Restructuring and Rate Stabilization Agreement. In the first filing proceeding at the commission under this chapter applicable to each other electric distribution company, the commission shall determine and apply an allocation based on the foregoing allocations for any other electric distribution company subject to this chapter, but reasonably adjusted to account for differing customer classes if any from those of Eversource.

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

2018-1701h

AMENDED ANALYSIS

This bill requires electric distribution companies subject to the public utilities commission's approval regarding procurement of default service to offer to purchase the net energy output of eligible biomass and waste-to-energy facilities located in its service territory.

Amendment to SB 370-FN

(2018-1766h)

Proposed by the Committee on Executive Departments and Administration - r

Amend RSA 153-A:35, V(e) as inserted by section 1 of the bill by replacing it with the following:

(e) No emergency medical service units licensed under RSA 153-A:10 shall use emergency medical service providers who are privileged to practice from a remote state under this compact as regular and usual staff personnel; and

(f) Other conditions as determined by rules promulgated by the commission.

Amend RSA 153-A:35, X(d)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. Such rules shall be valid in New Hampshire upon their adoption under RSA 541-A by the commissioner of safety. The rules shall have the force and effect of law and shall be binding in the member state;

Amend RSA 153-A:35, X(f) as inserted by section 1 of the bill by replacing it with the following:

(f) Qualified Immunity, Defense, and Indemnification.

(1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the negligence of that person.

(2) The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's negligence.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the negligence of that person.

Amend RSA 153-A:35, XII(h)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) A transcript of such hearings shall be made and retained by the commission for a period of one year following the adoption of the rule or rules for which the hearing was held. Requests for written transcripts shall be made available to any individual or organization upon request, and the requesting party shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript.

Amendment to SB 377-FN

(2018-1402h)

Proposed by the Committee on Executive Departments and Administration - r

Amend the bill by deleting section 16 and renumbering the original section 17 to read as 16.

Amendment to SB 382

(2018-1195h)

Proposed by the Committee on Education - c

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

AN ACT relative to a plan for the dissolution of cooperative school districts.

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

1 Cooperative School Districts; Plan for Dissolution. Amend RSA 195:18, III(k) to read as follows:

(k) *For cooperative districts formed after the effective date of this subparagraph, a plan for dissolution of the cooperative school district. Issues to be considered shall include, but shall not be limited to, the process for ongoing education following dissolution, maintenance of student records, employment, on-going liability, capital issues, and bond issues.*

(l) Any other matters, not incompatible with law, which the cooperative school district planning board may consider appropriate to include in the articles of agreement.

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

2018-1195h

AMENDED ANALYSIS

This bill requires certain cooperative school districts to include in their articles of agreement a plan for dissolution of the cooperative school district.

Amendment to SB 398

(2018-1746h)

Proposed by the Committee on Transportation - c

Amend the bill by replacing section 1 with the following:

1 Release of Motor Vehicle Accident Reports. Amend RSA 260:14, VII-a to read as follows:

VII-a. Nothing in this section shall prohibit a law enforcement agency of a political subdivision or its employees from releasing the following ***reports of information, upon request of the parties identified herein, on a form prescribed by the department:***

(a) Copies of reports of motor vehicle accidents prepared by the agency, and filed with the division pursuant to RSA 264:25 and RSA 264:26, to an owner, operator, or passenger of a vehicle involved in said accident, pedestrian hit by a vehicle in said accident, owner of property damaged in said accident, [or] the insurance company of any of the foregoing parties, **or the authorized legal representative of any of the aforementioned**. Such agency may charge a reasonable fee therefor, to be deposited into the general fund of said political subdivision.

(b) Copies of reports of motor vehicle accidents prepared by the agency that are not required to be reported pursuant to RSA 264:25 and RSA 264:26, to an owner, operator, or passenger of a vehicle involved in said accident, pedestrian hit by a vehicle in said accident, owner of property damaged in said accident, [or] the insurance company of any of the foregoing parties, **or the authorized legal representative of any of the aforementioned**. Such agency may charge a reasonable fee therefor, to be deposited into the general fund of said political subdivision.

(c) Information obtained by the law enforcement agency that accident participants are required to exchange pursuant to RSA 264:25, to an owner, operator, or passenger of a vehicle involved in said accident, pedestrian hit by a vehicle in said accident, [or] owner of property damaged in said accident, **or the authorized legal representative of any of the aforementioned**.

Amendment to SB 407

(2018-1480h)

Proposed by the Committee on Executive Departments and Administration - c

Amend the bill by replacing section 1 with the following:

1 McAuliffe-Shepard Discovery Center Board; Membership. Amend RSA 12-L:14, I to read as follows:

I. The powers of the McAuliffe-Shepard discovery center corporation shall be vested in the members of a board consisting of not less than [9] **7** members. [~~One member shall be appointed by the speaker of the house of representatives and one member shall be appointed by the senate president.~~] The number of, the means of selection for, **and** the length of terms[, and the initial selection of the remaining] **for** board members shall be determined by the McAuliffe-Shepard discovery center commission, established in RSA [12-L:3] **12-L:7**, working in conjunction with any nonprofit organizations supporting the center[, and shall be submitted to the fiscal committee of the general court for approval before September 1, 2012].

Amendment to SB 415

(2018-1611h)

Proposed by the Committee on Commerce and Consumer Affairs - c

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

AN ACT relative to condominium unit owners' special meetings and voting proxies.

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

1 Condominium Unit Owners' Meetings; Special Meetings. Amend RSA 356-B:37, II to read as follows:

II. An association shall hold a special meeting of unit owners to address any matter affecting the unit owners or the association if its president, a majority of the board of directors, or unit owners having at least 33 percent, or any lower percentage specified in the bylaws, of the votes in the association request that the secretary call the meeting. If the association does not notify unit owners of a special meeting within 30 days after the requisite number or percentage of unit owners request the secretary to do so, the requesting members may directly notify all the unit owners of [an informational] **the special** meeting, the purpose of which shall be to present the issue to fellow residents and unit owners **and to vote on any proposal set forth in the meeting notice**. Only matters described in the meeting notice required by RSA 356-B:37-a may be considered at a special meeting.

2 Condominiums; Voting; Proxies. Amend RSA 356-B:39, IV(a) to read as follows:

IV.(a) The votes appertaining to any unit may be cast pursuant to a proxy or proxies duly executed by or on behalf of the unit owner, or, in cases where the unit owner is more than one person, by or on behalf of all such persons. A person may not cast undirected proxies representing more than 10 percent of the votes in the association **for a condominium of more than 20 units. A person may not cast undirected proxies representing a majority of the votes in the association for a condominium of 20 units or fewer**. The proxy or proxies shall list the name of the person who is to vote. No such proxy shall be revocable except by actual notice to the person presiding over the meeting, by the unit owner or by any of such persons, that it be revoked. Any proxy shall be void if it is not dated or if it purports to be revocable without the required notice. The proxy of any person shall be void if not signed by a person having authority, at the time of the execution thereof, to execute deeds on behalf of that person. Any proxy shall terminate automatically upon the adjournment of the first meeting held on or after the date of that proxy. The board of directors shall deliver to the unit owners, together with their notice of meeting and agenda, proxy forms bearing a control number which the board of directors shall correlate to the list of all unit owners then entitled to vote. At the noticed meeting, the board of directors shall recover all proxies and compare them to the control list maintained for that purpose. Any

proxies which are on a form other than that provided by the board of directors or which do not correlate with the control list maintained by the board of directors shall be disregarded for purposes of determining whether a quorum was present at the meeting and for purposes of casting any vote at that meeting; provided, however, this paragraph shall not apply if the condominium is comprised of time sharing interests.

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

2018-1611h
AMENDED ANALYSIS

This bill provides that a duly noticed condominium unit owners' special meeting may be held by the unit owners to vote on any proposal in the meeting notice. The bill also changes the proxy limitations on condominiums of 20 or fewer units.

**Amendment to SB 418
(2018-1510h)**

Proposed by the Committee on Commerce and Consumer Affairs - c

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

AN ACT relative to wine samples and samples for consumption on the premises of a beverage manufacturer.

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

1 Wine Samples. Amend RSA 178:8, III to read as follows:

III. Each wine manufacturer shall have the right to sell at retail or wholesale at its winery, and at retail at one wine manufacturer retail outlet, for off-premises consumption any of its wines. The wine manufacturer shall pay an annual fee of \$216 to the commission for the wine manufacturer retail outlet. The wine manufacturer may transport wines it manufactures to its wine manufacturer retail outlet for sample or sale. Visitors of legal drinking age at the manufacturing location or wine manufacturer retail outlet may be provided with samples of wine manufactured by the licensee in this state for tasting. ~~[Samples may be provided either]~~ **A wine manufacturer may either provide samples for free or for a fee [and] which shall be limited to one 2-ounce sample per label or one 5-ounce glass per person. At such times as food is available, a wine manufacturer may serve no more than 2 5-ounce glasses per person in any areas approved by the commission. For the purpose of this section, food and non-alcoholic beverages may be provided by a properly-licensed third party food vendor, prepared on or off the premises.** Pursuant to rules adopted by the commission, a wine manufacturer may transport its products to a farmers' market or a wine festival licensed under RSA 178:31, and may sell such products at retail in the original container.

2 Beverage Manufacturer License; On-Premises Consumption. Amend RSA 178:12, II-a to read as follows:

II-a. The holder of a beverage manufacturer license may sell beverage samples to visitors of legal drinking age for consumption on the premises where the beverages were manufactured. ~~[Sales of samples for consumption on the premises shall be limited to one 4-ounce glass per label per person.]~~ **A beverage manufacturer may either provide samples for free or for a fee which shall be limited to one 4-ounce glass per label or one 16-ounce glass per person. At such times as food is available, a beverage manufacturer may serve no more than 2 16-ounce glasses per person in any areas approved by the commission. For the purpose of this section, food and non-alcoholic beverages may be provided by a properly-licensed third party food vendor, prepared on or off the premises**

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

2018-1510h
AMENDED ANALYSIS

This bill allows wine manufacturers to serve samples of wine on premises and allows such manufacturers to serve 2 5-ounce samples if they serve food.

This bill also allows beverage manufacturers to provide a 16-ounce sample for consumption and allows such manufacturers to serve 2 16-ounce samples if they serve food.

**Amendment to SB 421
(2018-1753h)**

Proposed by the Majority of the Committee on Commerce and Consumer Affairs - r

Amend RSA 415:6-v as inserted by section 1 of the bill by replacing it with the following:

415:6-v Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Each insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each insurer that issues or

renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses shall cover all prescription contraceptive drugs and contraceptive devices approved by the U.S. Food and Drug Administration. Coverage shall include contraceptives dispensed in a quantity intended to last for a 12-month period if prescribed in that quantity. An insurer shall not impose utilization review requirements or other limitations to control the prescribing or dispensing of contraceptives to an amount that is less than a 12-month supply, if that quantity is prescribed. An insurer shall not be required to cover more than one 12-month contraceptive prescription in a single dispensing per plan year. A deductible, copayment, coinsurance, or other cost-sharing requirement shall not be imposed on the coverage of prescription contraceptive drugs and contraceptive devices approved by the FDA under this section. Notwithstanding any other provision of law, if there is a therapeutic equivalent of a drug or device for an FDA-approved contraceptive method, an insurer may impose cost-sharing requirements as long as at least one drug or device for that method is available without cost-sharing; provided that if an individual's provider recommends a particular FDA-approved contraceptive drug or device based on a medical determination, the insurer shall provide coverage for the prescribed contraceptive drug or device without cost-sharing. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services. Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167.

Amend RSA 415:18-i as inserted by section 2 of the bill by replacing it with the following:

415:18-i Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Each insurer that issues or renews any group policy of accident or health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each insurer that issues or renews any policy of group accident or health insurance providing benefits for medical or hospital expenses ~~[which provides a prescription rider]~~ shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration ~~[under the same terms and conditions as other prescription drugs]~~. ***Coverage shall include contraceptives dispensed in a quantity intended to last for a 12-month period, if prescribed in that quantity. An insurer shall not impose utilization review requirements or other limitations to control the prescribing or dispensing of contraceptives to an amount that is less than a 12-month supply, if that quantity is prescribed. An insurer shall not be required to cover more than one 12-month contraceptive prescription in a single dispensing per plan year. A deductible, copayment, coinsurance, or other cost-sharing requirement shall not be imposed on the coverage of prescription contraceptive drugs and contraceptive devices approved by the FDA under this section. Notwithstanding any other provision of law, if there is a therapeutic equivalent of a drug or device for an FDA-approved contraceptive method, an insurer may impose cost-sharing requirements as long as at least one drug or device for that method is available without cost-sharing; provided that if an individual's provider recommends a particular FDA-approved contraceptive drug or device based on a medical determination, the insurer shall provide coverage for the prescribed contraceptive drug or device without cost-sharing.*** Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services. ***Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167.***

Amend RSA 420-A:17-c as inserted by section 3 of the bill by replacing it with the following:

420-A:17-c Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Every health service corporation and every other similar corporation licensed under the laws of another state that issues or renews any policy of group accident or health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each health service corporation and every other similar corporation licensed under the laws of a different state that issues or renews any group policy of accident or health insurance providing benefits for medical or hospital expenses ~~[which provides a prescription rider]~~ shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration ~~[under the same terms and conditions as other prescription drugs]~~. ***Coverage shall include contraceptives dispensed in a quantity intended to last for a 12-month period, if prescribed in that quantity. An insurer shall not impose utilization review***

requirements or other limitations to control the prescribing or dispensing of contraceptives to an amount that is less than a 12-month supply, if that quantity is prescribed. An insurer shall not be required to cover more than one 12-month contraceptive prescription in a single dispensing per plan year. A deductible, copayment, coinsurance, or other cost-sharing requirement shall not be imposed on the coverage of prescription contraceptive drugs and contraceptive devices approved by the FDA under this section. Notwithstanding any other provision of law, if there is a therapeutic equivalent of a drug or device for an FDA-approved contraceptive method, an insurer may impose cost-sharing requirements as long as at least one drug or device for that method is available without cost-sharing; provided that if an individual's provider recommends a particular FDA-approved contraceptive drug or device based on a medical determination, the insurer shall provide coverage for the prescribed contraceptive drug or device without cost-sharing. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services. *Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167.*

Amendment to SB 434

(2018-1565h)

Proposed by the Majority of the Committee on Education - r

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

1 School Nurses. RSA 200:29 is repealed and reenacted to read as follows:

200:29 School Nurses. Each school board may appoint a school nurse to function in the school health program, and provide said nurse with proper facilities and equipment. A school nurse shall be a registered professional nurse currently licensed in New Hampshire.

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

2018-1565h

AMENDED ANALYSIS

This bill sets out a process for the selection of school nurses and removes the certification requirements for school nurses.

Amendment to SB 437

(2018-1564h)

Proposed by the Committee on Education - c

Amend the bill by replacing section 1 with the following:

1 Robotics Education Development Program. RSA 188-E:24-a is repealed and reenacted to read as follows:

188-E:24-a Robotics Education Development Program.

I. There is established a robotics education development program in the department of education. The purpose of the program is to motivate public school students to pursue educational and career opportunities in science, technology, engineering, and mathematics, while building critical life and work-related skills. Grants from the robotics education fund established in RSA 188-E:24 shall be available to any eligible public school or chartered public school for the purpose of financing the establishment of a robotics team and its participation in competitive events. Grant funds shall be limited to the purchase of robotics kits, stipends for coaches, and the payment of associated costs from participation in competitions.

II. To be eligible to participate, a school shall:

(a) Develop a budget for a robotics team;

(b) Partner with at least one sponsor, business entity, institution of higher education, or technical school for support in a robotics program; and

(c) Identify at least one competitive event in which the school will participate.

III. The commissioner shall disburse a grant as a single payment at the beginning of each school year.

IV. Subject to the provisions of paragraph V, no school shall receive more than one grant every 2 years, however, a school district may receive multiple grant awards.

V.(a) If the amount of grant funds requested exceeds the balance in the robotics education fund available in any year, the commissioner shall not prorate the grant awards, but shall assign preference to those schools with a higher percentage of students in the school's average daily membership in attendance who are eligible for a free or reduced-price meal as defined in RSA 198:38. Secondary preference shall be given to schools which did not receive a grant in the previous year due to lack of funds.

(b) In the event that additional funds exist in the fund after all initial grant application requests have been met, the commissioner shall award schools additional grants for additional requested teams in accordance with subparagraph (a). If a school receives a grant for any additional teams, such grant shall be made at the same time as the grant for the initial team. In the event that a school received a grant or grants in the prior year and qualifies for an additional team or teams, such grant shall be made in the usual manner.

VI. The commissioner shall adopt rules pursuant to RSA 541-A, relative to developing grant application forms and procedures, establishing deadlines for the submission of applications and the awarding of grants, and establishing criteria for awarding and disbursing grants.

VII. No later than July 15, 2018, and annually thereafter, the department shall issue a report to the governor, senate president, speaker of the house of representatives, the chairpersons of the house and senate education committees, and the state library, detailing the number of grants awarded, the schools receiving grants and the grant amount, the schools that applied for grants but did not receive a grant due to insufficient funds, the number of students participating, the unencumbered balance of the robotics education fund, and any other information the department deems appropriate.

**Amendment to SB 438
(2018-1700h)**

Proposed by the Minority of the Committee on Election Law - r

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

1 New Subparagraph; State of Emergency Declaration; Powers; Town Elections. Amend RSA 4:45, III by inserting after subparagraph (f) the following new subparagraph:

(g) In consultation with the secretary of state and the director of homeland security and emergency management, to postpone all city or town elections if the entire state is subject to the declaration. Postponement of such elections shall be subject to the further provisions of RSA 669:1, V.

2 Town Elections; Date Subject to Postponement. Amend RSA 669:1, I to read as follows:

I. **Subject to RSA 40:4**, all towns shall hold an election annually for the election of town officers on the second Tuesday in March, except those towns which have adopted an alternative date under RSA 40:14 or those towns which have adopted the provisions of RSA 31:94-a and have, by majority vote at a previous town meeting, decided to elect officers on the second Tuesday in May.

3 New Paragraphs; Town Election Dates. Amend RSA 669:1 by inserting after paragraph IV the following new paragraphs:

V.(a) If the governor postpones any town elections as provided in RSA 4:45, III(g), the governor, secretary of state, and director of homeland security and emergency management shall cooperate and use their best efforts, using available emergency communications systems, to notify each affected town and the general public of the postponement. Notification to the town shall be to the town's emergency management director and, to the extent practical, to the moderator and the governing body.

(b) If the moderator postpones the town election as provided in RSA 40:4, the moderator shall promptly notify the secretary of state by telephone or electronic mail of the postponement.

VI. Postponed elections shall be subject to the following:

(a) Any election postponed under this section shall be rescheduled to the Tuesday 2 weeks later.

(b) All other statutory provisions associated with a postponed election under this section shall also be extended the same 2 weeks, except that supervisors of the checklist shall not be required to meet again until the postponed town election day. If the election is postponed to a date that follows the date of the business meeting, the end of the term of the moderator established in RSA 40:1 shall be extended through the completion of all election day duties or until the qualification of a successor, whichever is later. Any school district election coordinated with a town under RSA 671:26-a or otherwise held in conjunction with the town election shall also be subject to the provisions of this section.

(c) The moderator and the emergency management director of each town where an election is postponed shall employ all reasonable means to provide voters with notice of the postponement, the date on which the postponed election shall be conducted, and information on obtaining absentee ballots for those voters who qualify to vote by absentee ballot at the postponed election. To the extent practical given the circumstances of the emergency, notice shall be posted at the location of the scheduled election, at the municipal offices, and on the website of each town, school district, and village district whose election is postponed.

(d) All ballots prepared for the original date of the election shall be used for the postponed election. A notice explaining the deadline for returning an absentee ballot shall be issued to voters who request and are sent an absentee ballot during the period between the original date and the postponed date of the election. All absentee ballots submitted to be counted on the date of the original election, all absentee ballots submitted for the original date of the election which arrive after that date, but before 5:00 p.m. on the date of the postponed election, and all absentee ballots submitted to be counted at the postponed election shall be submitted to the moderator to be counted. The absentee ballot of a voter who qualified to vote by absentee ballot because he or she expected to be absent or unable to appear at the polls on the original date of the election and who submitted an absentee ballot which otherwise satisfies the requirements for voting by absentee ballot, shall be counted even if the voter is present in the town or able to appear at the polls. To ensure voters who submitted an absentee ballot for the original election but are able to vote in person at the postponed election have the opportunity to vote in person, absentee voters shall not be marked on the checklist and their ballots deposited until after 1:00 p.m.

4 Duties of Moderator; Postponement of Town Meeting; Date for Rescheduled Meeting; Absentee Ballots. Amend RSA 40:4 to read as follows:

40:4 Duties.

I. The moderator shall preside in the town meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote passed, and may prescribe rules of proceeding; but such rules may be altered by the town.

II.(a) In the event a weather emergency occurs on or before the date of [a] *the* deliberative session, *business session*, or *official ballot* voting [day] *session* of a *town* meeting [~~in a town~~], which the moderator reasonably believes may cause the roads to be hazardous or unsafe, *and, when able, after consultation with the office of the secretary of state*, the moderator may, up to 2 hours, *but not more than 24 hours*, prior to the scheduled session, postpone and reschedule the [deliberative] session [~~or voting day of the meeting~~] to [another reasonable] a date, place, and time certain *as provided in subparagraph II(c). To the extent practical, prior to making a decision to postpone, the moderator shall consult with the governing body, the clerk, and as appropriate for the circumstances the police chief, the fire chief, and the local emergency management director. Postponement of the official ballot voting session shall require the agreement of the emergency management director and the approval of the governing body.*

(b) *In the event an accident, natural disaster, or other emergency occurs which the moderator reasonably believes may render use of the meeting location unsafe or which destroys the ballots or makes them unusable, the moderator may, when able, after consultation with the office of the secretary of state, at any time prior to the scheduled session, postpone and reschedule the session to a date, place, and time certain, as provided in subparagraph II(c). To the extent practical, prior to making a decision to postpone the moderator shall consult with the governing body, the clerk, and as appropriate for the circumstances the police chief, the fire chief, and the local emergency management director. Postponement of the official ballot voting session shall require the agreement of the emergency management director and the approval of the governing body.*

(c) *The rescheduled date for an official ballot voting session shall be the second Tuesday following the date originally scheduled. The moderator shall reschedule the business session or deliberative session of a meeting to a reasonable date, place, and time certain, subject to subparagraph II(d). The moderator shall also promptly notify the secretary of state, by telephone or electronic mail, of the postponement. The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled date or dates, as well as information on obtaining absentee ballots for the rescheduled dates. The rescheduling of school district elections in multi-town school districts shall be governed by RSA 671:22-a. The rescheduling of village district elections in multi-town village districts shall be governed by RSA 670:1-a.*

(d) The date originally scheduled shall continue to be deemed the deliberative session, *business session*, or *official ballot* voting [day] *session* of the meeting for purposes of satisfying statutory meeting date requirements; provided, that in towns or districts that have adopted RSA 40:13, the postponement shall not delay the deliberative session more than 72 hours. [~~The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled deliberative session or voting day.~~]

III. *If the official ballot voting session is rescheduled as provided in paragraph II, the provisions of RSA 669:1, VI, relative to postponement of town elections, shall apply.*

IV. For purposes of this section:

(a) *"Business session" means, in a town that has not adopted the provisions of RSA 40:13, the session of a town meeting at which voters discuss, deliberate, and vote on matters other than the election of officers by official ballot and other questions that are placed on the official ballot.*

(b) *"Deliberative session" means the first session of a meeting in a town that has adopted the provisions of RSA 40:13.*

(c) *"Official ballot voting session" means the session of a town meeting at which voters vote on the election of officers and other matters by official ballot.*

5 City Elections; Postponement for Emergency. Amend RSA 44:11 to read as follows:

44:11 Times.

I. The meeting of the voters of each ward for the election of city and ward officers shall be held on such day as may be fixed by law or by ordinance of the city council but in no event shall it be held in conjunction with a biennial election; and all ward and city officers who are chosen by the people shall hold their respective offices for the term and from the day fixed by law or ordinance, and until others are appointed in their stead. The prohibitions in this section shall not apply to a special election held to fill a vacancy for the office of a city or a ward officer.

II. *In the event of a weather or other emergency as described in RSA 40:4, II, the election may be postponed and rescheduled in the manner provided in that section for the rescheduling of a town meeting official ballot voting session, except that all references to the moderator shall be deemed to refer to the city clerk.*

6 New Section; Rescheduling of Village District Elections. Amend RSA 670 by inserting after section 1 the following new section:

670:1-a Rescheduling of Village District Elections. In the case of a village district that includes voters from 2 or more towns and holds its elections in conjunction with town elections, the town moderators in each town shall, in the event of an emergency described in RSA 40:4, II, use their best efforts to agree on rescheduling the town and village district elections. Unless the moderators from all towns in the village district agree to reschedule their elections, all town and village district elections shall proceed on the date originally scheduled.

7 New Section; School District Elections. Amend RSA 671 by inserting after section 22 the following new section:

671:22-a Rescheduling Elections. In the case of a school district that comprises one or more preexisting districts and holds its elections in conjunction with the town elections in the component towns as provided in this subdivision, the town moderators in each town shall, in the event of an emergency described in RSA 40:4, II, use their best efforts to agree on rescheduling the town and school district elections. Unless the moderators from all towns in the district agree to reschedule their elections, all town and school district elections shall proceed on the date originally scheduled.

8 Effective Date. This act shall take effect January 1, 2019.

2018-1700h

AMENDED ANALYSIS

This bill provides for the postponement of local elections.

Amendment to SB 438

(2018-1731h)

Proposed by the Majority of the Committee on Election Law - r

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

1 New Section; Change of Polling Place for Threat to Public Health or Safety. Amend RSA 669 by inserting after section 1 the following new sections:

669:1-a Change of Polling Place for Threat to Public Health or Safety.

I. Before the warning of the election, the location of a polling place may be changed by local officials after the fire chief, police chief, or another public safety official with legal authority to do so has closed the polling place or an area including the polling place due to an imminent serious threat to public health or safety that makes conducting the election where it is scheduled impracticable, subject to the following conditions:

(a) The moderator, or if the moderator is unavailable, the clerk, after consultation with the municipal emergency management director, shall notify the secretary of state and attorney general that there is an imminent serious threat to public health or safety that makes conducting the election where traditionally scheduled impracticable and that a new polling place will be selected for elections to occur on the date as posted.

(b) The selection of a new polling place shall be pursuant to RSA 658:9. The secretary of state and the attorney general shall be informed of the change.

(c) The moderator or, in a city, the clerk, with assistance from the clerk, selectmen, secretary of state, and other appropriate public officials shall employ all reasonable means to provide voters with notice of the new polling place.

II. After the warning of the election, the location of a polling place may be changed if the fire chief, police chief, or other public safety official with legal authority to do so has closed the polling place or an area including the polling place due to an imminent serious threat to public health or safety that makes conducting the election where it is scheduled impracticable, subject to the following conditions:

(a) The moderator, or if the moderator is unavailable, the clerk, after consultation with the municipal emergency management director, shall notify the secretary of state and attorney general that an extreme event or an imminent serious threat to public health or safety makes conducting the election where scheduled impracticable.

(b) The secretary of state, with the advice and approval of the attorney general, may approve a plan for relocation of the polling place to another suitable facility in the town. The plan shall address whether public transportation shall be provided from the original site to the relocated polling place. If the town has an approved continuity of operations plan as provided in RSA 669:1-b, relocation shall be deemed approved and shall be governed by the continuity of operations plan.

(c) The moderator or, in a city, the clerk, with assistance from the clerk, selectmen, secretary of state, and other appropriate public officials shall employ all reasonable means to provide voters with notice of the new polling place.

(d) The governing body shall provide one or more staff throughout the hours when the polls are open for voting at the site where the election was originally scheduled to occur, or as close to that site as is safe, to inform voters arriving there to vote of the location of the new polling place.

III.(a) In the event of a fire or other disaster affecting a polling place after the warning of the election on or immediately before election day that will prevent voters from reaching the polls, or the destruction of

ballots such that it is impossible to duplicate them for use on election day, or an imminent serious threat to public health or safety that makes conducting the election when and where it is scheduled impracticable, the moderator, or if the moderator is unavailable, the clerk, after consultation with the municipal emergency management director, shall notify the secretary of state and attorney general that ballots are unavailable or that an extreme event or an imminent serious threat to public health or safety makes conducting the election when and where scheduled impracticable.

(b) After a determination that no alternative polling place is available for the date posted or that ballots cannot be provided, the secretary of state may approve continuation of the election which shall occur as set forth in paragraph VI. If an approved continuity of operations plan exists as provided in RSA 669:1-b, approval is presumed predicated on that plan's implementation.

(c) In the event that an election is postponed for fewer than all towns that are part of the same cooperative school or village district or which otherwise will be voting by official ballot for the same office or on a question where the outcome will be determined by the cumulative vote, in accordance with Part II, Article 32 of the New Hampshire constitution, the ballots cast at polling places where the election is not postponed shall be counted in public after the close of the polls on election day and the results shall be publicly declared.

IV. No earlier than one day prior to each election held in the towns of the state, the secretary of state and moderators shall review the national weather service reports. If severe weather is likely to be present in the town on election day, the moderators, or the clerk if the moderator is unavailable, shall determine a plan of action to ensure poll workers are able to arrive at and access their assigned polling locations. If concerns about the impracticability of elections arise the moderator, or the clerk if the moderator is unavailable, shall contact the secretary of state to determine what if any conditions exist that warrant the postponement of elections as follows:

(a) The secretary of state may postpone a town election if he or she believes that an emergency exists that will prevent voters from reaching the polls or where an imminent serious threat to public health or safety makes conducting the election when and where it is scheduled impracticable, if either of the following occurs:

(1) The governor declares a state of emergency pursuant to RSA 4:45 that will be in effect for the entire state on the date of the town election in a town that has adopted official ballot voting for the election of officers, or;

(2) The secretary of state determines, after consultation with the state director of homeland security and emergency management, other public safety and transportation officials, the national weather service or other meteorologists, and such other officials as he or she deems warranted, that a postponement is necessary on a statewide or regional basis.

(b) If the governor declares a state of emergency or the secretary of state determines that postponement is necessary, a moderator may request a postponement not more than 24 hours prior to the scheduled start of the election and before 4 p.m. the day before. If there is no response from the secretary of state within 2 hours of the request, and the town has an approved continuity of operations plan, postponement shall be deemed approved and shall be governed by the continuity of operations plan. If no continuity of operations plan exists, the secretary of state shall respond within 4 hours of the request.

(c) If the extreme event or threat to public health or safety for which the secretary of state has granted a request for postponement or not responded pursuant to subparagraph (b), extends to towns that hold their elections on the same day and that are part of the same cooperative school or village district or which otherwise will be voting by official ballot for the same office or on a question where the outcome will be determined by the cumulative vote, the election may be postponed only if all moderators involved agree to postpone the election in each town. All moderators shall consult with the municipal emergency management director and notify the secretary of state and attorney general.

(d) Any postponement shall occur following the procedures set forth in paragraph VII.

V.(a) The moderator, or if the moderator is unavailable, the clerk, after consultation with the municipal emergency management director, may notify the secretary of state and attorney general that there is an imminent serious threat to public health or safety that makes conducting the election where scheduled impracticable.

(b) The moderator or the clerk may request a postponement not more than 24 hours prior to the scheduled start of the election and before 4 p.m. the day before. If there is no response from the secretary of state within 2 hours of the request, and the town has an approved continuity of operations plan, postponement shall be deemed approved and shall be governed by the continuity of operations plan. If no continuity of operations plan exists, the secretary of state shall respond within 4 hours of the request.

(c) If the extreme event or imminent serious threat to public health or safety extends to towns that hold their elections on the same day and that are part of the same cooperative school or village district or which otherwise will be voting by official ballot for the same office or on a question where the outcome will be determined by the cumulative vote, the election may be postponed only if all moderators involved agree to postpone the election in each town. All moderators shall consult with the municipal emergency management director and notify the secretary of state and attorney general.

VI.(a) In the event of a fire or other disaster on election day that creates an imminent serious threat to public health or safety that makes conducting the election when and where it is scheduled impracticable, the moderator or if the moderator is unavailable, the clerk, after consultation with the municipal emergency management director, shall notify the secretary of state and attorney general that an extreme event or an imminent serious threat to public health or safety makes conducting the election as scheduled impracticable.

(b) The secretary of state, with the advice and approval of the attorney general may approve a plan for relocation of the polling place to another suitable facility in the town. The plan shall address whether public transportation shall be provided from the original site to the relocated polling place. If the town has an approved continuity of operations plan as provided in RSA 669:1-b, relocation shall be deemed approved and shall be governed by the continuity of operations plan.

(c) The moderator or, in a city, the clerk, with assistance from the clerk, selectmen, secretary of state, and other appropriate public officials shall employ all reasonable means to provide voters with notice of closing of the polling place.

(d) The governing body shall provide one or more staff throughout the hours when the polls were to be opened for voting at the site where the election was originally scheduled to occur, or as close to that site as is safe, to inform voters arriving there of the relocation.

(e) If evacuation of the polling place is necessary, and provided it is possible to do so safely, the moderator shall, in the presence of at least one witness, secure all ballots which have been cast and which have been prepared for use at the polling place but not yet used, and the checklist in use at the polling place. If removed from the polling place, the ballots and checklist shall be maintained in the custody of at least 2 witnesses at all times and shall be kept secured in the presence of such witnesses until the attorney general or a court approves a plan for reconvening and continuing the election or postponing and conducting a new election.

(f) In the event that an election is postponed for fewer than all towns that are part of the same cooperative school or village district or which otherwise will be voting by official ballot for the same office or on a question where the outcome will be determined by the cumulative vote, in accordance with Part II, Article 32 of the New Hampshire constitution, the ballots cast at polling places where the election is not postponed shall be counted in public after the close of the polls on election day and the results shall be publicly declared.

(g) Any postponement shall be pursuant to paragraph III. If a town has an approved continuity of operations plan as provided in RSA 669:1-b, continuation or postponement shall be deemed approved and shall be governed by the continuity of operations plan.

VII. Postponed or relocated elections shall be subject to the following:

(a) Any election postponed under this section shall be rescheduled to the Tuesday 2 weeks after the originally scheduled date of the election.

(b) All other statutory provisions associated with a postponed election under this section shall also apply during the period of postponement under subparagraph (a), except that supervisors of the checklist shall not be required to meet again until the postponed town election day. If the election is postponed to a date that follows the date of the business meeting, the end of the term of the moderator established in RSA 40:1 shall be extended through the completion of all election day duties or until the qualification of a successor, whichever is later. Any school or village district election coordinated with a town under RSA 671:26-a or otherwise held in conjunction with the town election shall also be subject to the provisions of this section.

(c) The secretary of state and the moderator of each town where an election is postponed or continued shall employ all reasonable means to provide voters with notice of the postponement, the date on which the postponed election shall be conducted, and information on obtaining absentee ballots for those voters who qualify to vote by absentee ballot at the postponed election. To the extent practical given the circumstances of the emergency, notice shall be posted at the location of the scheduled election, at the municipal offices, and on the website of each town, school or village district, and village district whose election is postponed.

(d) All ballots prepared for the original date of the election shall be used for the postponed or continued election. If ballots were destroyed such that new ballots are to be produced they shall be duplicates of the original ballots and shall reflect the original date of the election. A notice explaining the deadline for returning an absentee ballot shall be issued to voters who request and are sent an absentee ballot during the period between the original date and the postponed date of the election. All absentee ballots submitted to be counted on the date of the original election, all absentee ballots submitted for the original date of the election which arrive after that date, but before 5:00 p.m. on the date of the postponed election, and all absentee ballots submitted to be counted at the postponed election shall be submitted to the moderator to be counted. The absentee ballot of a voter who qualified to vote by absentee ballot because he or she expected to be absent or unable to appear at the polls on the original date of the election and who submitted an absentee ballot which otherwise satisfies the requirements for voting by absentee ballot, shall be counted even if the voter is present in the town or able to appear at the polls. To ensure voters who submitted an absentee ballot for the original election but are able to vote in person at the postponed or continued election have the opportunity to vote in person, absentee voters shall not be marked on the checklist and their ballots deposited until after 1:00 p.m.

669:1-b Continuity of Operations Plan (COOP).

I. The moderator and municipal emergency management director of each political subdivision shall develop a plan for postponing an election in the municipality. The "continuity of operations plan" (COOP), shall comply with the other provisions of this section. In all circumstances where an election is postponed, the COOP shall be utilized to assist in carrying out the postponement. Prior to adoption of COOP provisions related to elections, the plan shall be submitted to the secretary of state and attorney general for review. The secretary of state and the attorney general shall have 30 days to approve the plan or to identify changes required by law or recommended by their offices. The secretary of state, in consultation with the attorney general and the director of homeland security and emergency management, shall publish model COOP provisions related to elections.

II. The COOP shall include provisions relating to the polling facility, security of election materials and equipment, and contact information for all necessary personnel. The COOP shall also include the procedure for building safety alarm activation, transport and storage of voting machines and ballots, identification of alternative polling locations, contact procedure for poll workers, contact information by position and phone number for local police, fire, and emergency management director, suppliers for utility and power supplies to all polling locations, facility manager for all polling locations, the supply of emergency provision for each polling location, and evacuation procedures. This list may be updated and modified by the secretary of state or the political subdivision.

2 Local Elections; Times. Amend RSA 44:11 to read as follows:

44:11 Times. ~~[The meeting of the voters of each ward for the election of]~~ **Elections for choosing** city and ward officers shall be held on such day as may be fixed by law or by ordinance of the city council but in no event shall it be held in conjunction with a biennial election; and all ward and city officers who are chosen by the people shall hold their respective offices for the term and from the day fixed by law or ordinance, and until others are appointed in their stead. The prohibitions in this section shall not apply to a special election held to fill a vacancy for the office of a city or a ward officer. **A city election may be postponed in the same manner as provided for a town election in RSA 669:1-a, except that all references to the moderator shall also apply to the city clerk.**

3 Duties; Weather Emergency. Amend RSA 40:4, II to read as follows:

II. In the event a weather emergency occurs on or before the date of [a] ~~the~~ deliberative session, **business session**, or ~~[voting day] session for an election of town officers by unofficial ballot pursuant to RSA 669:11, of a town meeting [in a town]~~, which the moderator reasonably believes may cause the roads to be hazardous or unsafe, the moderator may, up to 2 hours, **but not more than 24 hours**, prior to the scheduled session, postpone and reschedule the ~~[deliberative] session [or voting day of the meeting]~~ to another reasonable date, place, and time certain. The date originally scheduled shall continue to be deemed the **date of the** ~~[deliberative] session [or voting day of the meeting]~~ for purposes of satisfying statutory meeting date requirements; provided, that in towns or districts that have adopted RSA 40:13, the postponement shall not delay the deliberative session more than 72 hours. The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled ~~[deliberative] session [or voting day]~~.

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

2018-1731h
AMENDED ANALYSIS

This bill establishes procedures for the postponement of local elections.

**Floor Amendment to SB 438
(2018-1762h)**

Proposed by Reps. Moynihan, Porter and White

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

1 New Subparagraph; State of Emergency Declaration; Powers; Town Elections. Amend RSA 4:45, III by inserting after subparagraph (f) the following new subparagraph:

(g) In consultation with the secretary of state and the director of homeland security and emergency management, to postpone all city or town elections if the entire state is subject to the declaration. Postponement of such elections shall be subject to the further provisions of RSA 669:1, V.

2 Town Elections; Date Subject to Postponement. Amend RSA 669:1, I to read as follows:

I. **Subject to RSA 40:4**, all towns shall hold an election annually for the election of town officers on the second Tuesday in March, except those towns which have adopted an alternative date under RSA 40:14 or those towns which have adopted the provisions of RSA 31:94-a and have, by majority vote at a previous town meeting, decided to elect officers on the second Tuesday in May.

3 New Paragraphs; Town Election Dates. Amend RSA 669:1 by inserting after paragraph IV the following new paragraphs:

V.(a) If the governor postpones any town elections as provided in RSA 4:45, III(g), the governor, secretary of state, and director of homeland security and emergency management shall cooperate and use their

best efforts, using available emergency communications systems, to notify each affected town and the general public of the postponement. Notification to the town shall be to the town's emergency management director and, to the extent practical, to the moderator and the governing body.

(b) If the moderator postpones the town election as provided in RSA 40:4, the moderator shall promptly notify the secretary of state by telephone or electronic mail of the postponement.

VI. Postponed elections shall be subject to the following:

(a) Any election postponed under this section shall be rescheduled to the Tuesday 2 weeks later.

(b) All other statutory provisions associated with a postponed election under this section shall also be extended the same 2 weeks, except that supervisors of the checklist shall not be required to meet again until the postponed town election day. If the election is postponed to a date that follows the date of the business meeting, the end of the term of the moderator established in RSA 40:1 shall be extended through the completion of all election day duties or until the qualification of a successor, whichever is later. Any school district election coordinated with a town under RSA 671:26-a or otherwise held in conjunction with the town election shall also be subject to the provisions of this section.

(c) The moderator and the emergency management director of each town where an election is postponed shall employ all reasonable means to provide voters with notice of the postponement, the date on which the postponed election shall be conducted, and information on obtaining absentee ballots for those voters who qualify to vote by absentee ballot at the postponed election. To the extent practical given the circumstances of the emergency, notice shall be posted at the location of the scheduled election, at the municipal offices, and on the website of each town, school district, and village district whose election is postponed.

(d) All ballots prepared for the original date of the election shall be used for the postponed election. A notice explaining the deadline for returning an absentee ballot shall be issued to voters who request and are sent an absentee ballot during the period between the original date and the postponed date of the election. All absentee ballots submitted to be counted on the date of the original election, all absentee ballots submitted for the original date of the election which arrive after that date, but before 5:00 p.m. on the date of the postponed election, and all absentee ballots submitted to be counted at the postponed election shall be submitted to the moderator to be counted. The absentee ballot of a voter who qualified to vote by absentee ballot because he or she expected to be absent or unable to appear at the polls on the original date of the election and who submitted an absentee ballot which otherwise satisfies the requirements for voting by absentee ballot, shall be counted even if the voter is present in the town or able to appear at the polls. To ensure voters who submitted an absentee ballot for the original election but are able to vote in person at the postponed election have the opportunity to vote in person, absentee voters shall not be marked on the checklist and their ballots deposited until after 1:00 p.m.

4 Duties of Moderator; Postponement of Town Meeting; Date for Rescheduled Meeting; Absentee Ballots. Amend RSA 40:4 to read as follows:

40:4 Duties.

I. The moderator shall preside in the town meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote passed, and may prescribe rules of proceeding; but such rules may be altered by the town.

II.(a) In the event a weather emergency occurs on or before the date of [a] *the* deliberative session, *business session*, or *official ballot* voting [day] *session* of a *town* meeting [in a town], which the moderator reasonably believes may cause the roads to be hazardous or unsafe, the moderator may, up to 2 hours, **but not more than 24 hours**, prior to the scheduled session, postpone and reschedule the [deliberative] session [or voting day of the meeting] to [another reasonable] a date, place, and time certain **as provided in subparagraph II(c). To the extent practical, prior to making a decision to postpone, the moderator shall consult with the governing body, the clerk, and as appropriate for the circumstances the police chief, the fire chief, and the local emergency management director. Postponement of the official ballot voting session shall require the agreement of the emergency management director and the approval of the governing body.**

(b) *In the event an accident, natural disaster, or other emergency occurs which the moderator reasonably believes may render use of the meeting location unsafe or which destroys the ballots or makes them unusable, the moderator may, at any time prior to the scheduled session, postpone and reschedule the session to a date, place, and time certain, as provided in subparagraph II(c). To the extent practical, prior to making a decision to postpone the moderator shall consult with the governing body, the clerk, and as appropriate for the circumstances the police chief, the fire chief, and the local emergency management director. Postponement of the official ballot voting session shall require the agreement of the emergency management director and the approval of the governing body.*

(c) *The rescheduled date for an official ballot voting session shall be the second Tuesday following the date originally scheduled. The moderator shall reschedule the business session or deliberative session of a meeting to a reasonable date, place, and time certain, subject to subparagraph II(d). The moderator shall also promptly notify the secretary of state, by telephone or*

electronic mail, of the postponement. The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled date or dates, as well as information on obtaining absentee ballots for the rescheduled dates. The rescheduling of school district elections in multi-town school districts shall be governed by RSA 671:22-a. The rescheduling of village district elections in multi-town village districts shall be governed by RSA 670:1-a.

(d) The date originally scheduled shall continue to be deemed the deliberative session, **business session**, or **official ballot** voting [day] **session** of the meeting for purposes of satisfying statutory meeting date requirements; provided, that in towns or districts that have adopted RSA 40:13, the postponement shall not delay the deliberative session more than 72 hours. ~~[The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled deliberative session or voting day.]~~

III. If the official ballot voting session is rescheduled as provided in paragraph II, the provisions of RSA 669:1, VI, relative to postponement of town elections, shall apply.

IV. For purposes of this section:

(a) **"Business session" means, in a town that has not adopted the provisions of RSA 40:13, the session of a town meeting at which voters discuss, deliberate, and vote on matters other than the election of officers by official ballot and other questions that are placed on the official ballot.**

(b) **"Deliberative session" means the first session of a meeting in a town that has adopted the provisions of RSA 40:13.**

(c) **"Official ballot voting session" means the session of a town meeting at which voters vote on the election of officers and other matters by official ballot.**

5 City Elections; Postponement for Emergency. Amend RSA 44:11 to read as follows:
44:11 Times.

I. The meeting of the voters of each ward for the election of city and ward officers shall be held on such day as may be fixed by law or by ordinance of the city council but in no event shall it be held in conjunction with a biennial election; and all ward and city officers who are chosen by the people shall hold their respective offices for the term and from the day fixed by law or ordinance, and until others are appointed in their stead. The prohibitions in this section shall not apply to a special election held to fill a vacancy for the office of a city or a ward officer.

II. In the event of a weather or other emergency as described in RSA 40:4, II, the election may be postponed and rescheduled in the manner provided in that section for the rescheduling of a town meeting official ballot voting session, except that all references to the moderator shall be deemed to refer to the city clerk.

6 New Section; Rescheduling of Village District Elections. Amend RSA 670 by inserting after section 1 the following new section:

670:1-a Rescheduling of Village District Elections. In the case of a village district that includes voters from 2 or more towns and holds its elections in conjunction with town elections, the town moderators in each town shall, in the event of an emergency described in RSA 40:4, II, use their best efforts to agree on rescheduling the town and village district elections. Unless the moderators from all towns in the village district agree to reschedule their elections, all town and village district elections shall proceed on the date originally scheduled.

7 New Section; School District Elections. Amend RSA 671 by inserting after section 22 the following new section:

671:22-a Rescheduling Elections. In the case of a school district that comprises one or more preexisting districts and holds its elections in conjunction with the town elections in the component towns as provided in this subdivision, the town moderators in each town shall, in the event of an emergency described in RSA 40:4, II, use their best efforts to agree on rescheduling the town and school district elections. Unless the moderators from all towns in the district agree to reschedule their elections, all town and school district elections shall proceed on the date originally scheduled.

8 Effective Date. This act shall take effect January 1, 2019.

2018-1762h

AMENDED ANALYSIS

This bill provides for the postponement of local elections.

Amendment to SB 441

(2018-1557h)

Proposed by the Committee on Education - r

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

AN ACT relative to grading policies in schools.

Amend RSA 186:11, XXXVIII as inserted by section 1 of the bill by replacing it with the following:

XXXVIII. Grades. Require each school district to adopt a grading policy providing for the assignment of student grades for class subjects or courses of study. Such policy:

(a) Shall require the teacher to assign a grade that reflects the student's mastery of the subject or course content.

(b) May allow a student a reasonable opportunity to retake or redo a final assessment or assignment for which the student received a failing grade in a subject or course.

(c) Shall require that an assignment, assessment, subject, or course grade issued by a teacher is final and may not be changed unless the grade is found to be erroneous, arbitrary, or inconsistent with the district approved grading policy, and after the principal or teacher's immediate supervisor consults with the teacher.

2018-1557h

AMENDED ANALYSIS

This bill provides that the state board of education shall require school districts to adopt a grading policy.

Amendment to SB 446

(2018-1742h)

Proposed by the Committee on Science, Technology and Energy - c

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

1 Net Energy Metering; Definition of Eligible Customer-generator. Amend RSA 362-A:1-a, II-b to read as follows:

II-b. "Eligible customer-generator" or "customer-generator" means an electric utility customer who owns, operates, or purchases power from an electrical generating facility either powered by renewable energy or which employs a heat led combined heat and power system, with a total peak generating capacity of up to and including ~~[one megawatt]~~ **5 megawatts** and that is located behind a retail meter on the customer's premises, is interconnected and operates in parallel with the electric grid, and is used to offset the customer's own electricity requirements. Incremental generation added to an existing generation facility, that does not itself qualify for net metering, shall qualify if such incremental generation meets the qualifications of this paragraph and is metered separately from the nonqualifying facility.

2 Utility Property Tax; Definition of Eligible Customer-Generator; Exclusion Clarified. Amend RSA 83-F:1, V(d) to read as follows:

(d) The electrical generation, production, and supply equipment of an "eligible customer-generator" as defined in RSA 362-A:1-a, II-b, **up to and including one megawatt**;

3 Net Energy Metering; Transition of Tariffs. Amend RSA 362-A:9, XV to read as follows:

XV. Standard tariffs that are available to eligible customer-generators under this section shall terminate on December 31, 2040 and such customer-generators shall transition to tariffs that are in effect at that time. ***Customer-generators with a total peak generating capacity of more than one megawatt and not exceeding 5 megawatts shall be grandfathered with the net metering design and structure specified in this section through December 31, 2030, if the customer-generator's electrical generating facility first becomes operational on or after July 1, 2018. After December 31, 2030, those customer-generators shall transition to tariffs that are in effect at that time.***

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

2018-1742h

AMENDED ANALYSIS

This bill increases the electric generating capacity of customer generators who may participate in net energy metering and modifies the transition of tariffs applicable to certain customer-generators. The bill also clarifies the definition of eligible customer-generator for purposes of the utility property tax.

Floor Amendment to SB 450-FN-A

(2018-1809h)

Proposed by Rep. Kurk

Amend RSA 149-Q:5 as inserted by section 1 of the bill by replacing it with the following:

149-Q:5 Report. The commission 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 March 1, 2020.

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

2 Repeal. RSA 149-Q, relative to the NPDES advisory commission, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect March 1, 2020.

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

Amendment to SB 453

(2018-1717h)

Proposed by the Committee on Resources, Recreation and Development - c

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

AN ACT relative to requirements and criteria for a competitive grant program for drinking water protection and relative to fluoride in municipal water systems.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:
5 Use of Fluoride. Amend RSA 485:14 to read as follows:

485:14 Use of Fluoride.

I. No fluoride shall be introduced into ~~[the]~~ **a** public water ~~[supply]~~ **system** unless and until the municipality or municipalities ~~[using said waters]~~ **served by such system** have **each** held a public hearing as to the introduction of fluoride into the public water ~~[supply of said municipality or municipalities]~~ **system**, and the registered voters of such municipality or municipalities have approved such action pursuant to RSA 44:16, RSA 31:17-a, RSA 52:23, or RSA 485:14-a. For purposes of this section “municipality” means a municipality that has 100 or more user connections that are served from the public water ~~[supply]~~ **system**.

II. Paragraph I, RSA 44:16, RSA 31:17-a, RSA 52:23, and RSA 485:14-a shall not apply to a public water system’s receipt of fluoridated water from another public water system. If a public water system that does not fluoridate its water receives fluoridated water from another system, it shall, prior to receipt, provide written information to its water users that includes the following:

(a) A statement, approved by the department, that the water contains fluoride for the purpose of improving community oral health and, in the event the fluoride levels are diluted from other sources of water or degraded, that the fluoride levels may be too low to effectively prevent tooth decay;

(b) An identification of the source of the fluoridated water; and

(c) The most recent compliance sample result for fluoride that the supplier of water that fluoridated the water has submitted to the department.

2018-1717h

AMENDED ANALYSIS

This bill changes the requirements for rulemaking for a competitive grant program for drinking water protection.

This bill also requires a municipality receiving water from another municipality’s water system to notify its water uses about the presence of fluoride in the water.

Amendment to SB 459

(2018-1749h)

Proposed by the Committee on Executive Departments and Administration - c

Amend the bill by replacing section 1 with the following:

1 Real Estate Practice; Reciprocity. Amend RSA 331-A:11-a to read as follows:

331-A:11-a Reciprocity for Licensure. If an applicant holds an active real estate **broker or salesperson** license in good standing, and issued by examination in accordance with the laws of another jurisdiction, that applicant may apply for **and be granted** an original New Hampshire license by first taking the New Hampshire portion of the licensing examination, provided the jurisdiction that issued such nonresident license has previously entered into a licensing reciprocity agreement which has been approved by the commission, and provided that other requirements of the commission have been met. This section applies to nonresident salesperson applicants only when such applicants are applying for an original New Hampshire salesperson license.

2018-1749h

AMENDED ANALYSIS

This bill clarifies the reciprocity provision for licensure of real estate brokers and salespersons holding a license in good standing from another jurisdiction.

Amendment to SB 461

(2018-1678h)

Proposed by the Committee on Executive Departments and Administration - c

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

1 Rulemaking; Continuing Education; Topics. Amend RSA 331-A:25, IX to read as follows:

IX. A minimum of a 3-hour core course of continuing education for active and inactive license renewal, and an additional 12 elective hours of continuing education for active license renewals. **The initial 12 hours of continuing education for salespersons prior to their first license renewal shall be established by the commission in specified topics or courses related to the salesperson’s practice.**

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

2018-1678h

AMENDED ANALYSIS

This bill requires the real estate commission to establish topics for continuing education for initial license renewals of real estate salespersons.

**Amendment to SB 473
(2018-1596h)**

Proposed by the Committee on Commerce and Consumer Affairs - r

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

AN ACT relative to employment contract restrictions upon certain health care providers.

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

1 New Section; Nurse Practice Act; Contract Restrictions. Amend RSA 326-B by inserting after section 45 the following new section:

326-B:45-a Certain Contract Restrictions Upon Nurses Unenforceable. Any contract or agreement which creates or established the terms of a partnership, employment, or any other form of professional relationship with a nurse licensed by the board to practice in this state, which includes any restriction to the right of such nurse to also practice in any geographic area for any period of time after the termination of such partnership, employment, or professional relationship shall be void and unenforceable with respect to said restriction; provided however, that nothing herein shall render void or unenforceable the remaining provision of any such contract or agreement. The requirements of this section shall apply to new contracts or renewals of contracts entered into on or after the effective date of this section.

2 New Section; Podiatry; Contract Restrictions. Amend RSA 315 by inserting after section 17 the following new section:

315:18 Certain Contract Restrictions Upon Podiatrists Unenforceable. Any contract or agreement which creates or established the terms of a partnership, employment, or any other form of professional relationship with a podiatrist licensed by the board to practice in this state, which includes any restriction to the right of such podiatrist to also practice podiatry in any geographic area for any period of time after the termination of such partnership, employment, or professional relationship shall be void and unenforceable with respect to said restriction; provided however, that nothing herein shall render void or unenforceable the remaining provision of any such contract or agreement. The requirements of this section shall apply to new contracts or renewals of contracts entered into on or after the effective date of this section.

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

2018-1596h

AMENDED ANALYSIS

This bill prohibits contract provisions for practice by nurses and podiatrists that limit the ability of such professional to practice their profession in any geographic area after leaving a partnership, employment, or professional relationship.

**Amendment to SB 487
(2018-1750h)**

Proposed by the Committee on Executive Departments and Administration - c

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

AN ACT relative to requirements for certain alcohol and other drug use professionals and establishing a state substance use disorder treatment services program.

Amend the bill by replacing sections 3 and 4 with the following:

3 State Services System Established. Amend RSA 172:2-a to read as follows:

172:2-a ~~[Program Established]~~ ***State Substance Use Disorder Services System Established.*** The commissioner shall provide for the scientific care, treatment, and rehabilitation of ~~[alcohol and drug abusers]~~ ***individuals with substance use disorders and their families,*** and work towards the prevention of, and assist in the control of, alcohol and drug ~~[abuse]~~ ***misuse*** within the state through education, treatment, community organization, and research. ***The department shall establish, maintain, implement, and coordinate a system of substance use disorder treatment services under this chapter. This system shall be supervised by the commissioner. At the discretion of the commissioner, the department may directly operate and administer any program or facility which provides, or which may be established to provide, services to persons with substance use disorders or may enter into a contract with any individual, partnership, association, public or private, for profit or nonprofit, agency or corporation for the operation and administration of any such program or facility.***

4 New Section; Community Substance Use Disorder Treatment Programs. Amend RSA 172 by inserting after section 2-a the following new section:

172:2-b Community Substance Use Disorder Treatment Programs. Any city, county, town, or any individual, partnership, association, public or private, for profit or nonprofit, agency or corporation may establish and administer a community substance use disorder treatment program for the purpose of providing substance use disorder treatment services to individuals, families, and organizations in the area. Every program shall, at a minimum, provide substance use disorder screening and evaluation, case management, and outpatient

counseling services. The department may contract with a community substance use disorder treatment program, pursuant to RSA 172:2-a, for the operation and administration of any services that are part of the state substance use disorder treatment system. In the event that the commissioner decides to enter into a contract for the operation and administration of any services which are part of the state substance use disorder treatment system, the contract shall contain standards designed to measure the performance of the contractor in achieving positive consumer outcomes, maintaining fiscal integrity, and providing quality services. The commissioner shall adopt rules, pursuant to RSA 172:8-b, to establish criteria for designating substance use disorder treatment programs under this chapter.

Amend RSA 330-C:3, IV and V as inserted by section 5 of the bill by replacing it with the following:

IV. The CRSW member shall be a resident of this state, certified in good standing under the provisions of this chapter, and currently engaged in the practice of the profession, and shall have no fewer than 3 years of experience as a CRSW, at least 2 of which shall have immediately preceded appointment.

~~[-IV-]~~ V. The public ~~[members shall have been residents]~~ ***member shall be a resident*** of this state for at least one year who ~~[are]~~ ***has*** not, and ***has*** never ~~[have]~~ been, licensed ***or certified*** under the provisions of this chapter or the spouse of a licensee ***or certificate holder*** under this chapter. The public ~~[members]~~ ***member*** shall not have, and shall never have had, a material financial interest in either the provision of alcohol and other drug use professional services or an activity directly related to the provisions of such services, including the representation of the board or its predecessor or the profession for a fee at any time during the 5 years preceding the date of appointment.

Amend the bill by replacing sections 6 and 7 with the following:

6 Clinical Social Worker; Licensure. Amend RSA 330-A:18, III to read as follows:

III. Has completed a minimum of 2 years of post-masters experience including completion of a minimum of 3,000 hours of post-masters, supervised clinical experience ***by a board approved licensed independent clinical social worker or licensed clinical mental health counselor supervisor, or any other supervisor based on reasonable and specific criteria established in rules adopted under RSA 330-A:10.***

7 Clinical Mental Health Counselor; Licensure. Amend RSA 330-A:19, III to read as follows:

III. Has completed a minimum of 2 years of post-masters experience including completion of a minimum of 3,000 hours of post-masters, supervised clinical experience ***by a board approved licensed independent clinical social worker or licensed clinical mental health counselor supervisor, or any other supervisor based on reasonable and specific criteria established in rules adopted under RSA 330-A:10.***

Amend the bill by inserting after section 9 the following and renumbering the original sections 10 and 11 to read as 11 and 12, respectively:

10 Rulemaking; CRSW Supervisors. Amend RSA 330-C:9, III to read as follows:

III. Application procedures, training requirements, and other criteria for the issuance of certification, renewal of certification, and reinstatement of certification for certified recovery support workers ***and certified recovery support worker supervisors.***

Amend the bill by replacing section 12 with the following:

12 Effective Date.

I. Section 6-11 of this act shall take effect 90 days after its passage.

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

Amendment to SB 488

(2018-1665h)

Proposed by the Committee on Executive Departments and Administration - r

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

1 New Section; Physicians Employed by the USDVA; Suspension of Licensing Requirements. Amend RSA 329 by inserting after section 23 the following new section:

329:23-a License Requirements Suspended; Manchester Veterans Administration Medical Center.

I. New Hampshire state licensure laws, rules, and regulations for physicians are hereby suspended for those physicians from other states or countries who are employed by the United States Department of Veterans Affairs and who are offering medical services to patients of the Manchester Veterans Administration Medical Center (VAMC) at licensed medical facilities outside of the Manchester VAMC, provided that such physicians are acting within the scope of their employment at the VAMC and possess a current medical license in good standing in their respective state or country of licensure.

II. The acting director of the Manchester VAMC shall submit to the executive director of the New Hampshire office of professional licensure and certification, or designee, a list of all out-of-state or out-of-country physicians offering services in the state of New Hampshire.

III. Nothing in this section shall be construed to preempt or supplant an individual licensed medical facility's policies regarding the emergency credentialing of physicians or any other medical personnel.

2 New Section; Physician Assistants Employed by USDVA; Suspension of Licensing Requirements. Amend RSA 328-D by inserting after section 2 the following new section:

328-D:2-a Licensure Requirements Suspended; Manchester Veterans Administration Medical Center.

I. New Hampshire state licensure laws, rules, and regulations for physician assistants are hereby suspended for those physician assistants from other states or countries who are employed by the United States Department of Veterans Affairs and who are offering medical services to patients of the Manchester Veterans Administration Medical Center (VAMC) at licensed medical facilities outside of the Manchester VAMC, provided that such physician assistants are acting within the scope of their employment at the VAMC and possess a current license in good standing in their respective state or country of licensure.

II. The acting director of the Manchester VAMC shall submit to the executive director of the New Hampshire office of professional licensure and certification, or designee, a list of all out-of-state or out-of-country physician assistants offering services in the state of New Hampshire.

III. Nothing in this section shall be construed to preempt or supplant an individual licensed medical facility's policies regarding the emergency credentialing of physician assistants or any other medical personnel.

3 New Section; Nurses Employed by the USDVA; Suspension of Licensing Requirements. Amend RSA 326-B by inserting after section 16 the following new section:

326-B:16-a License Requirements Suspended; Manchester Veterans Administration Medical Center.

I. New Hampshire state licensure laws, rules, and regulations for nurses are hereby suspended for those nurses from other states or countries who are employed by the United States Department of Veterans Affairs and who are offering medical services to patients of the Manchester Veterans Administration Medical Center (VAMC) at licensed medical facilities outside of the Manchester VAMC, provided that such nurses are acting within the scope of their employment at the VAMC and possess a current medical license in good standing in their respective state or country of licensure.

II. The acting director of the Manchester VAMC shall submit to the executive director of the New Hampshire office of professional licensure and certification, or designee, a list of all out-of-state or out-of-country nurses offering services in the state of New Hampshire.

III. Nothing in this section shall be construed to preempt or supplant an individual licensed medical facility's policies regarding the emergency credentialing of nurses or any other medical personnel.

4 State Veterans' Advisory Committee; Report. Amend RSA 115-A:8, III to read as follows:

III. The committee shall issue ~~[biannual]~~ **an annual** ~~[reports]~~ **report** of its actions, findings, and recommendations on ~~[May]~~ **October 1** ~~[and November 1]~~ of each year to the speaker of the house, the president of the senate, the governor and council, and all veterans' organizations in the state.

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

2018-1665h

AMENDED ANALYSIS

This bill suspends New Hampshire state licensure laws, rules, and regulations for certain physicians, physician assistants, and nurses employed by the United States Department of Veterans Administration.

This bill also changes the reporting date of the state veterans' advisory committee.

Amendment to SB 512

(2018-1699h)

Proposed by the Committee on Transportation - c

Amend the bill by replacing section 1 with the following:

1 Highway System; Establishing Compact Sections by Agreement with Municipalities. RSA 229:5, V is repealed and reenacted to read as follows:

V. The commissioner of transportation may establish compact sections in cities and towns as agreed between the department of transportation and the municipality. In addition to the authority in RSA 229:5, IV, the commissioner may review and adjust the compact limits for established compacts by agreement with the municipality. The commissioner shall maintain a list on the department's website of cities and towns that have established compact sections.

2018-1699h

AMENDED ANALYSIS

This bill permits the commissioner of transportation to establish compact sections in cities and towns by agreement with the municipalities.

Amendment to SB 520-FN

(2018-1648h)

Proposed by the Committee on Transportation - c

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

AN ACT relative to organizations authorized to issue decals for multi-use decal plates and relative to autonomous vehicles.

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

2 New Subdivision; Autonomous Vehicle Testing License. Amend RSA 261 by inserting after section 140-d the following new subdivision:

Autonomous Vehicle Testing License

261:140-e Autonomous Vehicle Testing License.

I. A person may make application to the department, upon blanks furnished by it for that purpose, for an autonomous vehicle testing license. The application shall be accompanied by:

(a) Notice to the department that includes the date that research or testing will begin and the general geographic location where research and testing will occur. Testing may move to other areas with prior notice.

(b) Evidence that the owner of the vehicle has obtained an instrument of insurance, surety bond, or proof of self-insurance in the amount of at least \$10,000,000.

(c) A signed affidavit that the vehicle will be operated only for the purpose of research or testing.

(d) Certification that, prior to testing on public roads, the autonomous vehicle has been tested under controlled conditions that simulate, as closely as practicable, the real world conditions that the autonomous vehicle will be subject to during testing.

(e) Certification that the testing complies with National Highway Traffic Safety Administration guidance, if any, on the safe testing, deployment, and operation of autonomous vehicles.

(f) Certification that the autonomous vehicle used for testing complies with all applicable federal motor vehicle safety standards or written evidence that the National Highway Traffic Safety Administration has granted the autonomous vehicle an exemption from compliance with the relevant standards.

(g) Proof that a law enforcement interaction plan has been created to instruct the law enforcement agencies that have jurisdiction over a testing area on how to interact with an autonomous vehicle in emergency and traffic enforcement situations.

(h) The vehicle's registration and information, including license plate information. If no registration exists, the division shall issue a temporary plate good for one year upon approval of the application. This plate shall be displayed on the rear of the test vehicle.

II. The annual fee for an autonomous vehicle testing license shall be \$500. All licenses issued pursuant to the provisions of this section shall expire annually in the month designated by the director.

III. The director may suspend, revoke, deny, or refuse to renew an autonomous vehicle testing license for any of the following reasons:

(a) Failure to comply with the rules of the road of this state.

(b) Any material misstatement on the application for the issuance or renewal of a license.

(c) A finding that the operation of an autonomous vehicle by the person would create a danger to the public.

(d) Failure to comply with the other requirements of this section.

IV. The licensee shall maintain records related to the safety and efficacy of each vehicle operated under the authority of a license granted under this section and shall provide periodic summaries of the records to the department, to the New Hampshire department of transportation, and to the National Highway Traffic Safety Administration.

3 New Subdivision; Special Rules for Autonomous Vehicles. Amend RSA 265 by inserting after section 161 the following new subdivision:

Special Rules for Autonomous Vehicles

265:162 Autonomous Vehicles. No person shall operate or cause the operation of a vehicle using SAE level 5 full automation technology unless the person is licensed for autonomous vehicle testing under RSA 261:140-e, the person is testing the vehicle in conformity with the license, and the tested vehicle is accompanied by an escort vehicle.

4 Effective Date.

I. Sections 2-3 of this act shall take effect January 1, 2019.

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

2018-1648h

AMENDED ANALYSIS

This bill authorizes New Hampshire Catholic Charities, New England Donor Services, Inc., Sophia's Fund, the New Hampshire Breast Cancer Coalition, and the university system of New Hampshire to issue decals for multi-use decal plates.

This bill also establishes licensing requirements for autonomous vehicle operation and testing.

Amendment to SB 527-FN-LOCAL

(2018-1656h)

Proposed by the Committee on Election Law - c

Amend the bill by replacing section 1 with the following:

1 Absentee Voting Application Form. Amend RSA 657:4, I to read as follows:

I. Prior to any state election, the secretary of state shall prepare the appropriate application forms for absentee ballots worded in substantially the following form. The secretary of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties on the application form. The secretary of state shall prepare the application forms in such quantity as he or she deems necessary:

Absence (Excluding Absence Due to Residence Outside the United States), Religious Observance, and Disability:

I hereby declare that (check one):

☐ I am a duly qualified voter who is currently registered to vote in this town/ward.

☐ I am absent from the town/city where I am domiciled and will be until after the next election, or I am unable to register in person due to a disability, and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.

I will be entitled to vote by absentee ballot because (check one):

☐ I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled.

☐ I am requesting a ballot for the presidential primary election and I may be absent on the day of the election from the city, town, or unincorporated place where I am domiciled, but the date of the election has not been announced. I understand that I may only make such a request 14 days after the filing period for candidates has closed, and that if I will not be absent on the date of the election I am not eligible to vote by absentee ballot.

☐ I cannot appear in public on election day because of observance of a religious commitment.

☐ I am unable to vote in person due to a disability.

☐ I cannot appear at any time during polling hours at my polling place because of an employment obligation. For the purposes of this application, the term "employment shall include the care of children and infirm adults, with or without compensation.

For use only on the Monday immediately prior to the election: I cannot appear at my polling place on election day because the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning for election day applicable to my city, town, or unincorporated place and either (check one):

☐ ***I am elderly or infirm or I have a physical disability, and would otherwise vote in person but I have concerns for my safety traveling in the storm.***

☐ ***I anticipate that school, child care, or adult care will be canceled, and would otherwise vote in person but will need to care for children or infirm adults.***

Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

I am requesting an official absentee ballot for the following election (check one):

☐ Presidential Primary to be held on _____
(MM/DD/YYYY)

(The date may appear as blank when the date is not known.)

☐ State Primary to be held on _____
(MM/DD/YYYY)

☐ General Election

For primary elections, I am a member of or I am now declaring my affiliation with the (check one):

☐ Republican Party

☐ Democratic Party

and am requesting a ballot for that party's primary.

Please print:

Applicant's Name:

(Last) (First) (Middle) (Sr., Jr., II., III)
Applicant's Voting Domicile (home address):

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)
Mail the ballot to me at this address (if different than the home address):

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Applicant's Phone Number [(optional)]: _____

Applicant's Email Address [(optional)]: _____

Applicant's Signature: _____

Date Signed: _____
(MM/DD/YYYY)

I attest that I assisted the applicant in executing this form because he or she has a disability.

Signature _____ Print Name _____

If your absentee ballot application or affidavit envelope has the printed name and signature of a person who assisted you with voting, your signature will not be compared to your signature on the absentee ballot affidavit to verify your identity. Otherwise, if your signatures do not appear to be made by the same person, your absentee ballot may not be counted.

The applicant must sign this form to receive an absentee ballot. [~~The signature on this form must match the signature on the affidavit envelope in which the absentee ballot is returned, or the ballot may be rejected.~~] Any person who **witnesses and** assists a voter with a disability in executing this form shall [~~make a statement acknowledging the assistance on~~] **print and sign his or her name in the space provided on** the application form [~~to assist the moderator when comparing signatures on election day~~]. **The moderator will not compare the voter's signature on the application with the signature on the absentee ballot affidavit when a person assisting the voter has signed the statement on the absentee ballot application or affidavit envelope that assistance was provided.**

Amend RSA 659:50, I(c) as inserted by section 3 of the bill by replacing it with the following:

[HH:] (c) [~~The signature~~] **If the affidavit or application shows that the voter received assistance, the absentee voter shall be processed as verified. Otherwise, the signatures on the affidavit shall be examined to determine if it** appears to be executed by the same person who signed the application[, unless the voter received assistance because the voter is blind or has a disability; and].

Amend the bill by replacing all after section 3 with the following:

4 Absence, Religious Observance, and Disability Absentee Voting. Amend RSA 657:1 to read as follows:
657:1 Absence, Religious Observance, and Disability Absentee Voting.

I. Any person who is absent on the day of any state election from the city, town, or unincorporated place in which he or she is registered to vote or who cannot appear in public on any election day because of his or her observance of a religious commitment or who is unable to vote there in person by reason of physical disability may vote at such elections as provided in this chapter. A person who is unable to appear at any time during polling hours at his or her polling place because of an employment obligation shall be considered absent for purposes of this chapter. For the purposes of this section, the term "employment" shall include the care of children and infirm adults, with or without compensation.

II. When the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning for election day applicable to the city, town, or unincorporated place:

(a) **A person who is elderly or infirm or who has a physical disability, who otherwise would have voted in person but has concerns for his or her safety traveling in the storm, shall be considered absent for purposes of this chapter and may vote absentee on the Monday immediately prior to the election.**

(b) **A person who cares for children or infirm adults who reasonably anticipates that school, child care, or adult care will be canceled, who otherwise would have voted in person but will be deterred from voting by the need to care for children or infirm adults, shall be considered absent for purposes of this chapter and may vote absentee on the Monday immediately prior to the election.**

(c) **As required by RSA 652:20, the clerk's office shall be open to receive applications for absentee ballots, to provide voters the opportunity to complete absentee ballots, and to receive returned ballots on the Monday immediately prior to an election at a minimum from 3:00 p.m. to 5:00 p.m. The clerk may designate a deputy clerk or assistant to provide this service, provided the individual has taken the oath of office and has been trained in the requirements for using an absentee ballot and the procedures for issuing and receiving absentee ballots.**

5 Absentee Voting; Materials. Amend RSA 657:7, II(a)-(b) to read as follows:

(a) Absence from City or Town. A person voting by absentee ballot because of absence from the city or town in which he or she is entitled to vote shall fill out and sign the following certificate:

I do hereby certify under the penalties for voting fraud set forth below that I am a voter in the city or town of _____, New Hampshire, in ward _____; that I will be unable to appear at any time during polling hours at my polling place because I will be working on election day, **or I am voting on the Monday immediately prior to the election, the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning, and I am elderly or infirm, have a physical disability, or have to care for children or infirm adults,** or I will be otherwise absent on election day from said city or town and will be unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind). For the purposes of this certification, the term "working" shall include the care of children and infirm adults, with or without compensation.

(Signature) _____

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

(b) Absence Because of Religious Observance or Physical Disability. A person voting by absentee ballot because of religious observance or physical disability shall fill out and sign the following certificate:

I do hereby certify under the penalties for voting fraud set forth below that I am a voter in the city or town of _____, New Hampshire, in ward _____; that I will be observing a religious commitment which prevents me from voting in person or that on account of physical disability I am unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).

(Signature) _____

~~[The signature on this affidavit must match the signature on the application for an absentee ballot or the ballot may be rejected. A person assisting a blind voter or voter with a disability who needs assistance executing this affidavit shall make and sign a statement on this envelope acknowledging the assistance in order to assist the moderator when comparing signatures on election day.]~~

The signature on this affidavit must appear to be executed by the same person who signed the absentee ballot application. A person assisting a disabled or blind voter shall make and sign a statement on this envelope in the space provided acknowledging the assistance. The moderator will not compare the voter's signature on this affidavit with the signature on the absentee ballot application when a person assisting the voter has signed the statement on the affidavit that assistance was provided.

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

6 Town Elections; Absentee Voting. Amend RSA 669:26 to read as follows:

669:26 Absentee Voting.

I. Every town which has adopted an official ballot system for town elections as provided in RSA 669:12 or 669:13 shall provide for absentee voting. Any eligible voter who is absent from such a town on the day of a town election, or who cannot appear in public on election day because of his or her observance of a religious commitment, or who, by reason of physical disability, is unable to vote in person may vote at a town election in accordance with the provisions of this section and RSA 669:27-669:29. A person who is unable to appear at any time during polling hours at his or her polling place because of an employment obligation shall be considered absent for purposes of this section and RSA 669:27-669:29. For the purposes of this section, the term "employment" shall include the care of children and infirm adults, with or without compensation.

II. When the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning for election day applicable to the town:

(a) A person who is elderly or infirm or who has a physical disability, who otherwise would have voted in person but has concerns for his or her safety traveling in the storm, shall be considered absent for purposes of this section and RSA 669:27-669:29 and may vote absentee on the Monday immediately prior to the election.

(b) A person who cares for children or infirm adults who reasonably anticipates that school, child care, or adult care will be canceled, who otherwise would have voted in person but will be deterred from voting by the need to care for children or infirm adults, shall be considered absent for purposes of this section and RSA 669:27-669:29 and may vote absentee on the Monday immediately prior to the election.

(c) As required by RSA 652:20, the clerk's office shall be open to receive applications for absentee ballots, to provide voters the opportunity to complete absentee ballots, and to receive returned ballots on the Monday immediately prior to an election at a minimum from 3:00 p.m. to 5:00 p.m. The clerk may designate a deputy clerk or assistant to provide this service, provided the individual has taken the oath of office and has been trained in the requirements for using an absentee ballot and the procedures for issuing and receiving absentee ballots.

7 Effective Date. This act shall take effect January 1, 2019.

2018-1656h

AMENDED ANALYSIS

This bill establishes additional procedures for verification of absentee voters. This bill also establishes additional absentee voting eligibility if a weather emergency is anticipated for election day.

**Amendment to SB 535-FN
(2018-1690h)**

Proposed by the Majority of the Committee on Executive Departments and Administration - r
Amend the title of the bill by replacing it with the following:

AN ACT relative to certain revenues from the sale of commemorative liquor bottles of historic significance.

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

1 New Paragraph; Historical Fund; Sale of Commemorative Bottles; Transfer of Revenues. Amend RSA 177:8 by inserting after paragraph II the following new paragraph:

III. Notwithstanding provisions of paragraph II, revenue from commemorative bottles sold under this section between July 1, 2018 and December 31, 2019 shall be credited to the New Hampshire state house bicentennial education and commemoration fund in RSA 17-R:3.

2 Effective Date. This act shall take effect July 1, 2018.

2018-1690h
AMENDED ANALYSIS

The bill credits revenue from the sales of commemorative liquor bottles until December 31, 2019 to the New Hampshire state house bicentennial education and commemoration fund.

**Amendment to SB 537
(2018-1601h)**

Proposed by the Majority of the Committee on Commerce and Consumer Affairs - r
Amend RSA 162-S:2, VII as inserted by section 1 of the bill by replacing it with the following:

VII. "Project" means any capital improvement, purchase of receivables, property, assets, commodities, bonds, or other revenue streams or related assets, working capital program or liability or other insurance program, located outside of the state. The term "project" shall include any housing facility located outside the state for students, faculty, or staff affiliated with an educational institution and any housing facility, including without limitation any senior living, assisted living, or nursing home facility, used or operated by or for the benefit of any hospital or health care, senior care, or senior living institution in connection with the carrying out of hospital, health care, senior care, or senior living services and shall include any housing, housing project, or any other facility that may be financed by the New Hampshire housing finance authority under RSA 204-C with the written consent of the New Hampshire housing finance authority's executive director or his or her designee; provided that written consent shall not be required with respect to the financing of any facility that, were such facility located within the state, could have been financed pursuant to the provisions of RSA 162-I as of the effective date of this chapter.

Amend RSA 162-S:5, V as inserted by section 1 of the bill by replacing it with the following:

V. The proceeds of a bond issued under this chapter may be used to finance or refinance one or more projects located outside of the state, but shall not be used to finance or refinance any project located within the state of New Hampshire.

Amend RSA 162-S:12 as inserted by section 1 of the bill by replacing it with the following:

162-S:12 Selection of Authority Bond Program Administrator. After the initial designated members have been appointed pursuant to RSA 162-S:3, II, the business finance authority may select a qualified firm to assist in the carrying out of the powers of the authority and the administration of the business of the authority conferred by this chapter. The selection of such firm shall be pursuant to a process approved by the board of directors of the business finance authority and such firm shall serve on such financial terms as shall be approved by board of directors of the business finance authority. At the conclusion of the initial term of service of such firm, the business finance authority shall determine whether, and on what terms, to engage any firm to provide any such services.

**Amendment to SB 541-FN-A
(2018-1683h)**

Proposed by the Committee on Finance - c

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

AN ACT relative to the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer.

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

1 Workers' Compensation; Firefighter and Heart, Lung, or Cancer Disease. RSA 281-A:17, II is repealed and reenacted to read as follows:

II. Notwithstanding the provisions of RSA 281-A:2, XI and XIII, 16 and 27, there shall exist a prima facie presumption that cancer disease in a firefighter, whether a regular, call, volunteer, or retired member of a fire department, is occupationally related. In order to receive this occupational cancer disability benefit, the type of cancer involved must be a type which may be caused by exposure to heat, radiation, or a known carcinogen, as defined by the International Agency for Research on Cancer. However:

(a) A call or volunteer firefighter who has been a firefighter for 5 years shall have the benefit of this prima facie presumption as follows:

(1) If a fire department follows the medical examination as outlined by the National Fire Protection Association standard 1582, the firefighter shall provide this report as evidence that the firefighter was free of such disease at the beginning of his or her employment and shall guarantee that he or she has lived a tobacco free life. The employer of a call or volunteer firefighter shall provide the required reasonable medical evidence to the firefighter to present as part of his or her claim.

(2) If the fire department does not follow the medical examination standard, the firefighter shall guarantee that he or she has lived a tobacco free life, has been a firefighter for 5 years and shall be required to present after action reports filed after fire incidents which demonstrate exposure to the known carcinogens as part of the claim, but shall not have the benefit of the prima facie presumption.

(b) A retired firefighter who has been retired between 6 and 20 years who guarantees that he or she has lived a tobacco free life and who is receiving a pension, shall be eligible for medical payments only under this section. If a new claim is being filed, the firefighter shall be responsible for filing applicable data and after action reports if no physical report can be provided. A retired firefighter who agrees to submit to any physical examination requested by the employing city, town, or precinct shall have the benefit of the prima facie presumption for a period of 20 years from the effective date of the firefighter's retirement, during which time the firefighter shall be eligible to have his or her medical expenses paid for this period.

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

2018-1683h

AMENDED ANALYSIS

This bill clarifies when a firefighter has the benefit of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer.

Amendment to SB 549-FN-A

(2018-1688h)

Proposed by the Committee on Finance - r

Amend RSA 132:10-e as inserted by section 1 of the bill by replacing it with the following:

132:10-e Notification of Substance Exposure. Health care providers involved in the delivery or care of infants born with and identified as being affected by substance abuse or withdrawal symptoms resulting from prenatal drug exposure or a fetal alcohol spectrum disorder shall notify only the department of health and human services division of public health services of the occurrence of such condition, irrespective of whether the infant was born in the hospital or other setting.

Amendment to SB 565-FN

(2018-1676h)

Proposed by the Majority of the Committee on Finance - r

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

AN ACT relative to aircraft registration fees.

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

1 New Section; Reporting by Airport. Amend RSA 422 by inserting after section 20 the following new section:

422:20-a Reporting by Airport. The owner of each airport open for public use shall submit to the department quarterly a list of all aircraft, including the federal registration number for each aircraft, that are based at that airport.

2 Repeal. The following are repealed:

I. RSA 422:31, I-II, relative to aircraft registration fees.

II. RSA 422:32, III, relative to operating fees for operation of antique aircraft.

3 Aircraft Operating Fee. RSA 422:31, III is repealed and reenacted to read as follows:

III. An aircraft operating fee for each aircraft for which a state registration certificate is required. The amount of the fee for an antique aircraft, glider, or experimental aircraft shall be \$100. The amount of the fee for all other aircraft shall be based on the maximum certificated gross weight of the aircraft, as follows:

0-3000 lbs.	\$100
3001-8000 lbs.	\$250
8001-12,500 lbs.	\$2,500
more than 12,500 lbs.	\$3,500

4 New Section; Reporting by Commissioner. Amend RSA 422 by inserting after section 31 the following new section:

422:31-a Reporting by Commissioner. On or before September 15 of each year, the commissioner shall certify in a report to the governor and the chairpersons of the house and senate standing committees on ways and

means the following information: for the fiscal year just ended, the numbers of aircraft registered in each of the weight classes listed in RSA 422:31, III; operating fee revenues received by weight class; the numbers of aircraft by weight class that were based during the fiscal year at each of the airports open for public use; and a summary report showing the total numbers of such registered aircraft by weight class by year beginning with the fiscal year ending June 30, 2017.

5 Operating Fee Revenues. Amend RSA 422:36, II to read as follows:

II. Disbursements of revenue from the aircraft operating fee shall be made by the department after collection of such fees provided that ~~1/4~~ **\$250,000** of aircraft operating fee revenues originating at a publicly or privately owned airport shall be available **each fiscal year** for public use and shall, upon application, be paid over to the aeronautical fund established for that airport and shall be used for aeronautical purposes.

6 Applicability.

I. While recognizing that the revision in aircraft registration fees in this act may positively or negatively impact revenues, it is the legislative intent that the operating budget of the bureau of aeronautics shall not be based upon anticipated general fund revenue collected under RSA 422. Any resulting revenue impacts resulting from changes herein shall not negatively impact funding for the operation of the bureau of aeronautics.

II. Effective July 1, 2018, the operating fee for an aircraft not previously registered in this state or an aircraft due for registration renewal after September 1, 2018 shall be the fee in RSA 422:31, III, as amended by section 3 of this act and there shall be no state registration fee for such aircraft.

7 Effective Date.

I. Sections 1-5 of this act shall take effect January 1, 2019.

II. The remainder of this act shall take effect July 1, 2018.

2018-1676h

AMENDED ANALYSIS

This bill requires quarterly reporting by airport owners, modifies registration and operating fees for aircraft, and adjusts the distribution of operating fee revenue.

Amendment to SB 566-FN

(2018-1735h)

Proposed by the Committee on Commerce and Consumer Affairs - c

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

AN ACT establishing a commission to study certain aspects of the school bus driver shortage.

Amend RSA 189:6-d, 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) One member of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, one of whom shall be from the commerce committee and one of whom shall be from the education committee, appointed by the speaker of the house of representatives.
- (c) The director of division of motor vehicles, department of safety, or designee.
- (d) The commissioner of the department of education, or designee.
- (e) Two members of the New Hampshire School Transportation Association, appointed by the association.
- (f) One school bus driver who is affiliated members of a labor organization, appointed by the labor organization's local union.
- (g) One school bus driver who is not affiliated with a labor organization, appointed by the governor.
- (h) One member from the New Hampshire School Administrators Association, appointed by the association.

Amend RSA 189:6-d, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The commission shall study the effect of bus driver shortages on school districts. The commission shall also study the possibility of "statewide certification" as there are currently specific rules and statutes that restrict private bus companies and transportation providers from supporting multiple school districts throughout the state.

2018-1735h

AMENDED ANALYSIS

This bill establishes a commission to study certain aspects of the shortage of school bus drivers.

Amendment to SB 569-FN

(2018-1709h)

Proposed by the Majority of the Committee on Environment and Agriculture - r

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

AN ACT relative to animal cruelty and establishing a commission to study cost of care for confiscated animals.

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

1 Declaration of Purpose.

I. The purpose of this act is to better provide that the commercial breeding of dogs is performed in a manner that protects the health and welfare of the dogs, and that there is the necessary oversight by the department of agriculture, markets, and food and local officials to ensure that dogs are treated humanely, and that basic animal care standards are met.

II. The purpose of the study commission on the cost of care of confiscated animals is to determine an effective means of protecting local property taxpayers from potentially significant expenses due to the cost of boarding and medical treatment for companion animals that have been lawfully removed from the owner due to allegations of abuse or neglect.

2 Transfer of Animals and Birds. RSA 437:1 is repealed and reenacted to read as follows:

437:1 Definitions. In this subdivision:

I. "Animal rescue facility" means any non-profit organization which is tax exempt under Section 501(c)(3) of the United States Internal Revenue Code or is licensed or registered as an animal rescue facility or similar entity with a state regulatory agency, and whose mission and practice is, in whole or in significant part, the rescue of homeless or abandoned animals and the placement of those animals in permanent homes.

II. "Animal shelter facility" means a facility, including the building and the immediate surrounding area, which is used to house or contain animals and which is owned, operated, and maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals, and also a public pound for the housing of strays or a pound operated by any person, excluding veterinarians, who contracts with a municipality to serve that function.

III. "Breeding female dog" means an unspayed female dog kept and maintained for the demonstrated purpose of breeding and selling or transferring the dog's offspring, and which is in whelp or has produced a litter any time in the preceding 12 months. An unspayed female dog which has not produced a litter in 18 months shall not be considered a breeding female dog.

IV. "Broker" means a person acting as an agent or intermediary in negotiating or transferring dogs, cats, or ferrets when transfer to the final owner occurs in New Hampshire.

V. "Commercial breeding kennel" means a person that keeps, maintains, or owns 7 or more breeding female dogs or transfers 10 or more litters or 50 or more puppies in any 12-month period. "Commercial breeding kennel" includes a person that keeps, maintains, or owns dogs on the same property as another person who also keeps, maintains, or owns dogs and the total number of breeding female dogs on the property is 7 or more.

VI. "Commissioner" means the commissioner of the department of agriculture, markets, and food.

VII. "Person" means any person, firm, business, corporation, or other entity.

VIII. "Pet store" means any person licensed to keep, maintain, and transfer certain live animals, birds, and fish at retail to the public.

IX. "Pet vendor" means any person engaged in the business of transferring 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. Pet vendor includes animal rescue facilities, animal shelter facilities, brokers, commercial breeding kennels, and pet stores.

X. "Transfer" means transfer of ownership of live animals or birds from any person to a member of the public.

3 Requirements; Transfer of Animals or Birds. Amend RSA 437:3 to read as follows:

437:3 Requirements. No pet vendor shall transfer animals or birds without a license. A pet vendor shall apply to the commissioner for a license, giving such information as the commissioner shall require. The application shall include proof that the zoning enforcement official of the municipality wherein any facility is to be maintained has certified that the facility conforms to the municipal zoning regulations. The application shall be accompanied by a non-refundable \$200 fee. All licenses shall expire on June 30 of each year and be subject to renewal upon submission of a new application. No licenses shall be transferable. ***The department may suspend or revoke a license at any time if, in the judgment of the department, the conditions under which the license was issued are not being maintained. Upon receipt of a written complaint from a person or agency alleging violation of this subdivision, the department shall initiate an investigation of such complaint within a reasonable time, not to exceed 10 business days from the date of the complaint. The written complaint shall not be made anonymously and the licensee, or his or her representative, may request and receive a copy of the full written complaint upon request.*** A pet vendor licensed under this subdivision shall:

I. Maintain in a clean and sanitary condition all premises, buildings, and other enclosures used in the business of dealing in live animals or birds customarily used as household pets, ***and ensure that their use will not result in the inhumane treatment of such animals or birds.***

II. Submit premises, buildings and other enclosures to unannounced inspection ***during regular and customary business hours*** by department employees or local animal control, law enforcement, or health

officials at reasonable times. ***Licensees without a physical facility in New Hampshire shall be exempt from facility inspection, however an interstate certificate of veterinary inspection from the state of origin for every imported dog, cat, or ferret handled by the licensee shall be submitted to the department for review within one month of the date of the certificate.***

III. Maintain, subject to inspection by the commissioner, his or her agent, local officials, ***or*** law enforcement, ~~[or any member of the public,]~~ a proper record in which all live animals or birds customarily used as household pets obtained or transferred shall be listed, giving the breed, date the animal was obtained and transferred, and from whom the animal or bird was obtained and to whom the animal was transferred. Such record shall also show the microchip, leg band, or tattoo number of each animal or bird, where applicable, ***and documentation of any veterinary examinations, treatments, or procedures.*** Animals or birds that do not bear such identification shall be identified by recording markings, a physical description and any other information as the commissioner deems necessary to identify such animals or birds. ***Such records shall be maintained for at least 3 years after the transfer of each animal or bird.***

IV. Keep records of all animals or birds intended for transfer indicating identification, point of origin, and recipient, ***maintain such records for at least 3 years after the transfer of each animal or bird,*** and shall submit said records to the commissioner upon request.

V. Abide by such other rules as the commissioner may adopt to control disease.

4 Refusal to Issue; Suspension or Revocation of Licenses. Amend RSA 437:4 to read as follows:

437:4 Refusal to Issue; ***Suspension or*** Revocation of License.

I. The commissioner, after notice to the licensee and opportunity for hearing, as set forth in the rules adopted under RSA 437:9, may deny an application, ***suspend,*** or revoke a license for any of the following reasons:

~~[I.]~~ ***(a)*** The applicant or licensee violated the statutes of the state of New Hampshire or of the United States or any rule adopted by the commissioner pursuant to this chapter;

~~[II.]~~ ***(b)*** The applicant made false or misleading statements in his or her application for a license;

~~[III.]~~ ***(c)*** The licensee knowingly transferred any animal affected with a communicable disease except as allowed under RSA 437:5 and ~~[RSA 437:8, II]~~ ***RSA 437:8, III;***

~~[IV.]~~ ***(d)*** The licensee ceased to operate the business for which the license was issued; or

~~[V.]~~ ***(e)*** The applicant or licensee held any similar license issued in another jurisdiction ***or by the United States Department of Agriculture*** which was revoked or suspended by that jurisdiction as a result of engaging in conduct prohibited by RSA 437 during the preceding 5 years.

II. Decisions of the commissioner shall be subject to rehearing and appeal under RSA 541.

5 Prohibition; Transfer of Sick Animals; Cross Reference Change. Amend RSA 437:5 to read as follows:

437:5 Prohibition. No licensee under this subdivision shall transfer, other than to a qualified veterinarian or licensed animal shelter facility, any maimed, sick, or diseased animal or bird other than as permitted under ~~[RSA 437:8, II]~~ ***RSA 437:8, III*** nor shall any licensee treat inhumanely any animal or bird in his or her care or possession or under his or her control.

6 Exemption for Certain Breeders. Amend RSA 437:7 to read as follows:

437:7 Exceptions. The license provisions of this subdivision shall not apply to ***veterinarians; the transfer of livestock or poultry;*** breeders of dogs ***for field work, drafting, guarding, working, herding livestock as defined in RSA 21:34-a, II(a)(4), or hunting; or participating in any lawful dog event, including, but not limited to, conformation shows or obedience trials, field trials, agility events, hunts, or mushing, and that have not transferred 10 or more litters or 50 or more puppies in any 12-month period;*** and breeders of dogs that do not meet the definition of commercial kennel in RSA 437:11; ~~veterinarians, or the transfer of livestock or poultry].~~

7 Health Certificates for Dogs, Cats, and Ferrets RSA 437:8 is repealed and reenacted to read as follows:

437:8 Health Certificates for Dogs, Cats, and Ferrets.

I. For purposes of this chapter, an official health certificate means a certificate signed by a licensed veterinarian, containing the name and address of the entity transferring ownership of the dog, cat, or ferret, the age, gender, breed, microchip number, tattoo number, ear tag number, or physical description of the dog, cat, or ferret, and the certification of the veterinarian that the dog, cat, or ferret is free from evidence of communicable diseases or internal or external parasites. A list of all vaccines and medication administered to the dog, cat, or ferret shall be included on or attached to the certificate. A person who signs or alters a certificate knowing any of the information included to be false, or who falsifies any information required on the certificate, is guilty of unsworn falsification as prescribed by RSA 641:3.

II. No dog, cat, or ferret shall be offered for transfer by a licensee or by any person 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 person 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. Said 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.

III. The original of the official health certificate accompanying the dog, cat, or ferret offered for transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed, and made available for inspection by the department or local officials upon request up to 3 years after the animal has left the facility. The public shall be informed of their right to inspect the health certificate for each dog, cat, or ferret by a sign prominently displayed in the area where dogs, cats, or ferrets are displayed. Upon transfer of a dog, cat, or ferret, such animal's health certificate shall be given to the transferee in addition to any other documents which are customarily delivered to the transferee. The transferee may accept a dog, cat, or ferret that has a noncontagious illness, or feline leukemia virus or feline immunodeficiency virus, which has caused it to fail its examination by a licensed veterinarian for an official health certificate. The transferee shall sign a waiver that indicates the transferee has knowledge of such dogs, cats, or ferret's noncontagious medical condition and then submit such waiver to the licensee who shall send a copy to the state veterinarian.

IV. No person shall ship or bring into the state of New Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8 weeks of age. No person shall offer for transfer any cat, dog, or ferret less than 8 weeks of age.

V. Once a dog, cat, or ferret intended for transfer has entered the state, it shall be held at least 48 hours at a facility licensed under RSA 437 or at a facility operated by a licensed veterinarian separated from other animals on the premises before being offered for transfer.

VI. Animal shelter facilities shall:

(a) Comply with the requirements of this section relative to transferring dogs, cats, and ferrets.

(b) Have on premises a microchip scanner and shall maintain a file of recognized pet retrieval agencies including but not limited to national tattoo or microchip registries.

(c) Inspect for tattoos, ear tags, or other permanent forms of positive identification, when an owner is not known, and shall scan for a microchip upon admission of an unclaimed or abandoned animal as defined in RSA 437:18, IV and prior to transferring ownership of an unclaimed or abandoned animal.

(d) Ensure that all dogs, cats, or ferrets transferred out of an animal shelter facility located in the state of New Hampshire have a form of positive identification, including but not limited to a collar, or permanent forms of identification such as a tattoo, microchip, ear tag, or any other permanent form of identification approved by the commissioner. Dogs, cats, and ferrets shall be vaccinated against rabies in accordance with RSA 436.

(e) Shall ensure that all dogs, cats, or ferrets are accompanied by an official health certificate if the dog, cat, or ferret was imported into the state for transfer with or without a fee.

(f) Comply with the provisions of RSA 437:8, V.

8 Rulemaking. Amend RSA 437:9, IV to read as follows:

IV. Notice and hearing on the refusal to issue or the revocation *or suspension* of a license; and

9 Penalty. Amend RSA 437:10 to read as follows:

437:10 Penalty.

I. ~~[Any pet vendor who transfers live animals or birds customarily used as household pets in this state without having a license to do so as required by this chapter]~~ **Any person who violates any provision of this subdivision** shall be guilty of a misdemeanor.

II. In addition to the penalty under paragraph I, any pet vendor who violates any of the provisions of this subdivision or rule adopted under it may be subject to an administrative fine levied by the commissioner, not to exceed \$1,000 for each violation.

III. Once a license has been suspended or revoked under RSA 437:4, the department may require that all animals and birds located on the premises for which such license was suspended or revoked shall be removed by the licensee from said premises within 3 working days after such suspension or revocation and be relocated to a safe and sanitary place approved by the department.

10 New Subparagraph; Animal Hoarding. Amend RSA 644:8, III by inserting after subparagraph (f) the following new subparagraph:

(g) Negligently engages in animal hoarding which means keeping companion animals and failing to provide such animals with adequate living conditions, while demonstrating a reckless disregard for the health and safety of the companion animals. For the purposes of this subparagraph, "adequate living conditions" means a sanitary environment which is dry and free of accumulated feces and free of debris and garbage that may pose a threat or danger to the health and safety of the companion animals. The environment in which the companion animals are kept shall be of sufficient size so as not to inhibit comfortable rest, normal posture, or range of movement, and is suitable to maintain the companion animals in good health.

11 New Paragraph; Group Licenses. Amend RSA 466:6 by inserting after paragraph V the following new paragraph:

VI. On June 1 of each year, a municipality shall notify the department of agriculture, markets, and food of the number of group licenses issued in the municipality in the previous year.

12 New Subdivision; Cost of Care for Confiscated Animals and Inspections of Pet Vendors Commission. Amend RSA 437 by inserting after section 22 the following new subdivision:

Cost of Care for Confiscated Animals and Inspections of Pet Vendors Commission

437:23 Cost of Care of Confiscated Animals and Inspections of Pet Vendors Study Commission.

I. There is established a commission to study the cost of care associated with confiscated animals and the appropriations needed by the department of agriculture, markets, and food to inspect pet vendors.

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

(a) Two members of the house of representatives who are members of the environment and agriculture committee, appointed by the speaker of the house of representatives.

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

(c) The commissioner of the department of agriculture, markets, and food, or designee.

(d) One member representing Dog Owners of the Granite State, appointed by that organization.

(e) One member representing a New Hampshire animal shelter facility as defined in RSA 437:1, appointed by the New Hampshire Federation of Humane Organizations.

(f) The attorney general, or designee.

(g) One member from the New Hampshire Veterinary Medical Association, appointed by that organization.

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 study:

(a) The cost of care associated with confiscated animals.

(b) Inspections related to RSA 437.

(c) The appropriations and positions needed by the department of agriculture, markets, and food to implement inspections related to RSA 437.

(d) The definition of "in the business of transferring live animals or birds customarily used as household pets to the public."

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

VI. The commission shall report its findings and any recommendations for proposed legislation to the chairperson of the senate energy and natural resources committee, the chairperson of the house environment and agriculture committee, the senate clerk, the house clerk, and the state library on or before November 1, 2018.

13 Cross Reference Change; Experimentation; Animal Shelter Facility Definition. Amend RSA 437:22, I to read as follows:

I. It shall be unlawful for any agent acting on behalf of an animal shelter facility as defined in [RSA 437:1, I] **RSA 437:1 II**, or an animal care center as defined in RSA 437:18, III, to give, release, sell, trade or transfer with or without a fee any live animal brought, caught, detained, obtained or procured by any means, to any association, corporation, individual, educational institution, laboratory, medical facility, or anyone else, for the purpose of experimentation or vivisection.

14 Repeal. RSA 437:23, relative to the cost of care of confiscated animals and inspections of pet vendors study commission, is repealed.

15 Effective Date.

I. Sections 1-11 of this act shall take effect January 1, 2019.

II. Section 13 of this act shall take effect November 1, 2018.

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

2018-1709h

AMENDED ANALYSIS

This bill:

I. Defines "breeding female dog."

II. Allows the department of agriculture, markets, and food to suspend or revoke a pet vendor license upon completion of an investigation.

III. Requires certain records for animal transfers.

IV. Requires animal shelter facilities to perform certain tasks before transferring an animal.

V. Makes animal hoarding a misdemeanor.

VI. Establishes the cost of care for confiscated animals and inspections of pet vendors study commission.

Amendment to SB 570-FN

(2018-1461h)

Proposed by the Majority of the Committee on Executive Departments and Administration - r
Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; New Hampshire Employment Program and Family Assistance Program; Rulemaking. Amend RSA 167:83, II by inserting after subparagraph (p) the following new subparagraph:

(q) Modification of the work requirement for the child care scholarship program to include participation in an approved mental health or substance use disorder or substance misuse treatment program verified by a licensed physician, an advanced practice registered nurse (APRN), a licensed behavioral health professional, a licensed physician assistant, a licensed drug and alcohol counselor (LADC), a certified recovery support worker (CRSW), or a board-certified psychologist.

2 Effective Date. This act shall take effect June 30, 2019.

Amendment to SB 577

(2018-1677h)

Proposed by the Committee on Science, Technology and Energy - c

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

AN ACT requiring the public utilities commission to revise its order affecting the Burgess BioPower plant in Berlin, prohibiting the import of certain liquid fuels, and relative to the production of useful thermal energy.

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

1 Findings. The general court finds that the continued operation of the Burgess BioPower plant in Berlin is important to the energy infrastructure of the state of New Hampshire and important for the attainment of renewable energy portfolio standard goals of fuel diversity, capacity, and sustainability.

2 Public Utilities Commission; Proceedings; Authority to Amend Order. Notwithstanding any other provision of the law to the contrary, the public utilities commission shall reopen its Docket DE 10-195 and forthwith revise its Order No. 25,213 in the following manner:

I. Suspension of Operation of Cap. The public utilities commission shall amend its Order No. 25,213 (Docket DE 10-195) to suspend the operation of the cap on the cumulative reduction factor as set forth on page 97 of its Order for a period of 3 years from the date the operation of the cap would have otherwise taken effect.

II. During the proceedings the Burgess BioPower plant shall, upon request, make their cost and profitability records available to the public utilities commission, which records shall be exempt from public disclosure under RSA 91-A:5, IV.

Amend the bill by replacing section 5 with the following:

5 Effective Date.

I. Section 3 of this act shall take effect 12:01 a.m. July 1, 2018.

II. Section 4 of this act shall take effect 60 days after its passage.

III. The remainder of this act shall take effect July 1, 2018.

2018-1677h

AMENDED ANALYSIS

This bill:

I. Requires the public utilities commission to reopen a proceeding to revise to its order affecting the Burgess BioPower plant in Berlin.

II. Prohibits the import of certain liquid fuels and prohibits the sale of such fuels in 2019.

III. Changes the inclusion in electric renewable energy class I for methane gas.

Amendment to SB 578-FN

(2018-1757h)

Proposed by the Committee on Finance - c

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

1 Department of Health and Human Services; Salaries of Certain Unclassified Positions. Amend the following positions in RSA 94:1-a, I(b) to read as follows:

I. In salary grade BB:

BB Department of health and human services [~~health planning analyst~~] **executive administrative assistant**

BB Department of health and human services [~~office of the commissioner and division for children, youth and families service specialist~~] **continuity of operations planning specialist**

BB Department of health and human services [~~public information officer~~] **program manager**

II. In salary grade CC:

[~~CC Department of health and human services, division of elderly and adult services long term care policy analyst~~]

III. In salary grade DD:

DD Department of health and human services [~~office of health management system specialist~~] **director of minority affairs**

DD Department of health and human services [~~head-start coordinator~~] ***assistant bureau chief for child development and head start***

DD [~~New Hampshire hospital unit administrator~~] ***Department of health and human services attorney***

DD Department of health and human services [~~division of developmental services development services behavioral specialist~~] ***office of the commissioner executive office manager***

DD [~~New Hampshire hospital infection control practitioner~~] ***Department of health and human services process improvement specialist***

DD Department of health and human services [~~manager, facilities and security~~] ***HIPAA privacy officer***

DD Department of health and human services [~~data base administrator~~] ***data systems analyst***

DD Department of health and human services [~~managing analyst~~] ***program management chief***

DD Department of health and human services [~~systems analyst~~] ***quality assurance and improvement integration specialist***

DD Department of health and human services [~~legal services director~~] ***estate recovery counsel***

DD Department of health and human services [~~division of children, youth and families service specialist~~] ***Medicaid counsel***

DD Department of health and human services [~~division of juvenile justice services manager of community programs~~] ***business and industry coordinator***

DD Department of health and human services [~~division of juvenile justice services systems analyst~~] ***project manager***

IV. In salary grade EE:

EE Department of health and human services [~~division of behavioral health administrator of children's mental health services~~] ***adult protective services administrator***

EE Department of health and human services, [~~division of elderly and adult services director of program operations~~] ***bureau of mental health assistant director***

EE Department of health and human services [~~director of finance and support operations~~] ***New Hampshire hospital chief of safety and security***

[~~EE Department of health and human services senior systems analyst~~]

[~~EE Department of health and human services MVS systems programmer~~]

[~~EE Department of health and human services network specialist~~]

EE Department of health and human services [~~business and industry coordinator~~] ***director of provider relations***

EE [~~New Hampshire hospital community integration administrator~~] ***Department of health and human services senior project manager***

[~~EE Department of health and human services director~~]

EE Department of health and human services [~~ombudsman~~] ***general counsel specialist***

[~~EE Department of health and human services technical specialist~~]

EE Department of health and human services [~~office of health management program specialist~~] ***senior project manager***

EE Department of health and human services [~~manager of administrative hearings~~] ***litigation counsel***

EE Department of health and human services [~~manager, licensing and regulatory services~~] ***senior project manager***

EE Department of health and human services [~~senior financial analyst~~] ***project manager office specialist***

EE Department of health and human services [~~director of residential and institutional services~~] ***administrator of child development bureau***

[~~EE Department of health and human services, division of elderly services and adult services administrator, bureau of community services~~]

EE Department of health and human services [~~facilities engineer~~] ***senior policy analyst***

EE Department of health and human services [~~manager for quality improvement, evaluation and research~~] ***director of communications***

[~~EE Department of health and human services, division of juvenile justice services senior systems analyst~~]

V. In salary grade FF:

FF Department of health and human services [~~division of children, youth and families administrator, bureau of child development~~] ***LEAN coordinator***

FF Department of health and human services [~~division of children, youth and families juvenile justice administrator~~] ***director of facilities and maintenance***

FF Department of health and human services [~~division of behavioral health director of transitional assistance~~] **bureau chief of elderly and adult services**
 [FF New Hampshire hospital chief operating officer]
 FF Department of health and human services [director, operations analysis] **deputy chief counsel**
 [FF Department of health and human services director of MMIS]
 [FF Department of health and human services director of applications and development]
 FF Department of health and human services [director of administration] **grants administrator**
 FF Department of health and human services [director of MMIS management] **community social supports liaison**
 FF Department of health and human services [director, special projects] **director of emergency management**
 FF Department of health and human services [legislative director] **senior project manager**
 FF Department of health and human services [administrator of financial support services] **information security officer**
 FF Department of health and human services [systems specialist] **director of contracts**
 FF Department of health and human services [director of finance] **community relations manager**
 FF Department of health and human services [senior financial manager] **director of project management**
 [FF New Hampshire hospital director of finance and support operations]
 FF Department of health and human services [~~office of health management molecular biologist~~] **substance abuse senior policy analyst**
 [FF Department of health and human services transitional assistance, business and industry coordinator]
 [FF Department of health and human services director of finance]
 FF Department of health and human services [director of systems operations] **director of mental health services**
 FF Department of health and human services, [assistant director, policy and administration] **division for children, youth and families director of legal services**
 VI. In salary grade GG:
 GG Department of health and human services [director, alcohol and drug abuse] **quality assurance and improvement substance abuse manager**
 GG Department of health and human services director of [child support services] **developmental services**
 GG Department of health and human services [~~division of behavioral health assistant director, community supports and long-term care~~] **New Hampshire hospital chief financial officer**
 GG Department of health and human services [office of program support] **director of legislative affairs**
 GG Department of health and human services [chief legal counsel] **director of child support services**
 GG Department of health and human services [~~division of children, youth and families assistant director~~] **director of quality assurance**
 GG Department of health and human services [~~office of health management director of program support~~] **director of program planning and integrity**
GG Department of health and human services deputy Medicaid director
 VII. In salary grade HH:
 HH Department health and human services [controller] **director of long term supports**
 [HH Department health and human services division director]
 [HH Department of health and human services chief information officer]
 HH Department of health and human services [director of application management] **chief legal counsel**
 HH Department of health and human services [director of developmental services] **director of economic and housing services**
 HH Department of health and human services [transitional assistance, section administrator] **director of information services**
 HH Department of health and human services [division of elderly and adult services director of elderly services] **chief legal officer**
 HH Department of [youth development services commissioner] **health and human services director of data analytics and research**
HH Department of health and human services director of bureau of drug and alcohol
 HH New Hampshire hospital [associate commissioner and director] **chief operating officer**

VIII. In salary grade II:

II Department of health and human services [~~division of behavioral health director, community supports and long term care~~] **Medicaid director**

II Department of health and human services [~~division of children, youth and families director~~] **director for division of children, youth and families**

II Department of health and human services [~~office of health management director~~] **director of public health**

[~~II New Hampshire hospital chief executive officer~~]

[~~II New Hampshire hospital senior dentist~~]

II Department of health and human services chief financial officer

II Department of health and human services [~~director, public health services~~] **director of behavioral health**

IX. In salary grade JJ:

JJ Department of health and human services associate commissioner **of human services and behavioral health**

JJ Department of health and human services associate commissioner of operations

JJ Department of health and human services associate commissioner for public health

X. In salary grade NN:

NN Department of health and human services [~~senior physician/psychiatrist I~~] **state epidemiologist**

NN Department of health and human services [~~state senior~~] physician

XI. In salary grade PP:

PP Department of health and human services [~~unit director, medical~~] **physician in charge**

PP Department of health and human services [~~state epidemiologist, administrator health data unit~~] **Medicaid dental director**

PP New Hampshire hospital chief executive officer

2 Review by the Joint Committee on Employee Classification; Exemption. Notwithstanding RSA 14:14-c, RSA 17-A:7, and RSA 94:1-d, review by the joint committee on employee classification shall not be required to amend the salaries and position titles in RSA 94:1-a, I(b) pursuant to section 1 of this act.

3 Department of Health and Human Services; Positions of Deputy Commissioner and Associate Commissioner. Amend RSA 126-A:9, I(a) to read as follows:

(a) Subject to the approval of the governor and council, the commissioner of health and human services shall appoint [~~an~~] **a deputy commissioner and 3** associate [~~commissioner, who~~] **commissioners, each of whom** shall serve for a term of 4 years **and shall perform such duties as may be assigned by the commissioner. Each appointee shall be qualified by reason of professional competence, education, and experience for his or her position. Any vacancy shall be filled for the unexpired portion of the 4-year term in the same manner as the original appointment.** [~~The associate commissioner shall perform such duties as may be assigned by the commissioner, which~~] **The duties of one of the associate commissioners** shall include oversight of the division for children, youth and families and assigned responsibilities of the department under RSA 170-G. The annual salary of the [~~associate~~] **deputy commissioner and associate commissioners** shall be as prescribed in RSA 94:1-a.

4 Repeal. The following are repealed:

I. RSA 125:9, XII, relative to nomination of a state physician epidemiologist.

II. RSA 125:9, XIII, relative to nomination of a state senior physician/dentist.

III. RSA 161:4, VII, relative to nomination of the state senior physician.

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

2018-1757h

AMENDED ANALYSIS

This bill revises the titles and salaries of various unclassified positions in the department of health and human services. The bill also provides for the nomination and appointment of the deputy commissioner and 3 associate commissioners in the department of health and human services and repeals procedures regarding the nomination of a state physician epidemiologist, state senior dentist, and state senior physician.

Amendment to SB 580

(2018-1725h)

Proposed by the Committee on Finance - r

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

AN ACT relative to transfers of appropriated funds, amending a capital budget appropriation to allow for door replacements at the New Hampshire hospital, and transferring a capital budget appropriation for painting the ceiling of Representatives Hall to the legislative branch.

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

1 Transfer Authority. RSA 9:16-a, I-II are repealed and reenacted to read as follows:

I. Notwithstanding any other provision of law, every department as defined in RSA 9:1 is hereby authorized to transfer funds within and among all accounting units within said department, provided that any transfer of \$100,000 or more shall require prior approval of the fiscal committee of the general court and the governor and council, and provided that no funds may be transferred in violation of the provisions of RSA 9:17-a, 9:17-b, or 9:17-c or in violation of any restrictions otherwise provided by law. The restrictions included in RSA 9:17-a, 9:17-b, or 9:17-c shall not apply if a transfer is necessary to satisfy a federal maintenance of effort requirement to ensure the receipt of federal funds.

II. Subject to the limitations in paragraph III and approval of the fiscal committee of the general court and the governor and council, the transfers authorized in this section may include the establishment of new accounting units and expenditure class codes as necessary and appropriate to respond to changes in federal or state laws, regulations, or programs and otherwise as necessary for the efficient management of the department; provided that if a transfer does not include new accounting units or expenditure class codes, only transfers of \$100,000 or more shall require prior approval of the fiscal committee of the general court and the governor and council.

2 New Paragraph; Transfers; Expenditure Class Restrictions. Amend RSA 9:16-a by inserting after paragraph II the following new paragraph:

II-a. Unless specifically permitted by an operating budget section or footnote, the following transfer restrictions shall apply to all departments:

(a) The appropriation budgeted in class 023-heat-electricity-water shall not be transferred or expended for any other purpose, except that agencies may transfer between class 023 appropriations as necessary.

(b) The appropriations in classes 047 and 048 for the maintenance of buildings and grounds shall not be transferred or expended for any other purpose and shall not lapse in the first year of the operating budget, except that appropriations for maintenance of buildings and grounds may be transferred as follows:

(1) Appropriations in class 047-own forces maintenance-buildings and grounds may transferred to other class 047 appropriations or to class 048-contractual maintenance- buildings and grounds appropriations.

(2) Appropriation in 048-contractual maintenance- buildings and grounds may transferred to other class 048-contractual maintenance- buildings and grounds appropriations or to class 047 appropriations.

(c) The appropriations budgeted class 027-transfers to DoIT, class 028-transfers to general services, class 041-audit funds set aside, class 042-additional fringe benefits, class 049-transfers, class 061-unemployment compensation, class 062-workers compensation, class 064-retiree pension benefit-health insurance, shall not be transferred or expended for any other purpose, except that agencies may transfer any portion of funds in class 027 transfers to OIT not related to IT shared services upon consultation with and approval from the CIO.

(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, 0335-35-351510-3558, 03-35-35-351510-3484, 03-35-35-351510-3486, 03-35-35351510-3488, 03-35-35-351510-3562, 03-35-35-351510-3415, 03-35-35-351510-3746, 03-35-35-351510-3777, 0335-35-351510-3717 and 03-35-35-351510-3703.

3 Appropriations; Transfers Authorized. Amend RSA 9:16-a, III to read as follows:

III. The ~~[\$75,000]~~ **\$100,000** threshold under paragraphs I-II shall be applied at the accounting unit level on a cumulative basis within the fiscal year. Once the threshold has been reached, the approval of the fiscal committee of the general court and the governor and council shall be required for subsequent transfers within the fiscal year.

4 Transfer of Funds for Operation of the Sununu Youth Services Center. Amend 2017, 156:169 to read as follows:

156:169 Transfer of Funds for Operation of the Sununu Youth Services Center.

I. In the case of transfers ~~[affecting the funding for any of the functions of]~~ **out of or within** the Sununu youth services center **affecting functions** subject to RSA 621, the prior approval of the fiscal committee of the general court shall be required. Prior to acting on transfer requests to which this section applies, the fiscal committee of the general court shall solicit the advice of the advisory group established in section 165 of this act. The commissioner may only seek a transfer which is subject to the requirements of this section if there has been full compliance with the requirements of section 165 of this act and RSA 169-B:19, VI, as amended by this act.

II.(a) Under emergency circumstances only, the commissioner may seek approval of the fiscal committee of the general court for transfers into the Sununu youth services center affecting functions subject to RSA 621. For the purposes of this section, "emergency circumstances" shall mean:

(1) A situation in which the average census at the Sununu youth services center for a 60-day period has exceeded by at least 30 percent the average census for the 30 days preceding the initiation of that 60-day period; or

(2) A natural or other disaster beyond the control of the department.

(b) Transfers requested under this section shall be used to fund operations at the Sununu youth services center for a period not to exceed 3 months. If the situation persists, the commissioner may seek subsequent transfers in 3-month increments.

5 Department of Health and Human Services; Capital Budget; Appropriation; Purpose Amended. Amend 2011, 253:1, VII, D, extended by 2013, 195:47, 60, amended by 2014, 121:3, extended by 2015, 220:23, 61, extended by 2017, 228:22, 82, to read as follows:

D. APS Repairs/Renovations-Roof, Windows and Curtain Wall 3,675,000

and Door Replacements or Other Related Upgrades

6 Capital Budget; Department of Administrative Services; Representatives Hall Project Removed. Amend 2017, 228:1, II, B, 9 to read as follows:

9. [State House Representatives Hall - Paint Ceiling 665,000]

Project transferred to paragraph XIV, Legislative Branch

7 Total Adjusted; Capital Budget; Administrative Services. Amend 2017, 228:1, II, total state appropriation paragraph II, to read as follows:

Total state appropriation paragraph II [\$26,595,000] **\$25,930,000**

8 Capital Budget; Legislative Branch; Representatives Hall Ceiling Project Added. Amend 2017, 228:1, XIV to read as follows:

XIV. Legislative Branch

A. Legislative Parking Garage Design 740,000

B. State House Representatives Hall - Paint Ceiling \$665,000

Total state appropriation paragraph XIV [\$740,000] **\$1,405,000**

9 Legislative Branch Capital Projects; Lapse Eliminated. The appropriations made to the legislative branch in 2017, 228:1, XIV as amended by section 8 of this act, shall not lapse.

10 Department of Administrative Services; Transfer Authority; Consolidation of Human Resources and Payroll Functions. In order to comply with the provisions of 2017, 156:1, the commissioner of the department of administrative services is hereby authorized to transfer funds within and among all accounting units and/or expenditure class codes within the department, and is further authorized to create new class codes with the department into which funds may be transferred or placed as the commissioner deems necessary for compliance with the provisions of 2017, 156:1. The provisions of this section shall terminate on July 1, 2019.

11 Repeal. RSA 9:17-a, III, relative to the exemption of the department of health and human services from certain transfer procedures, is repealed.

12 Effective Date.

I. RSA 9:16-a, II-a(a)-(b) as inserted by section 2 of the bill shall take effect July 1, 2018.

II. RSA 9:16-a, II-a(c)-(d) as inserted by section 2 of the bill shall take effect July 1, 2019.

III. Section 3 of this act shall take effect July 1, 2018.

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

2018-1725h
AMENDED ANALYSIS

This bill:

I. Amends language concerning transfers of appropriated funds.

II. Authorizes departments to establish additional expenditure class lines with fiscal committee and governor and executive council approval.

III. Requires funding transfers out of or within the Sununu youth services center to obtain prior approval of the fiscal committee.

IV. Amends the capital budget to allow for door replacements at the New Hampshire hospital.

V. Transfers a capital budget appropriation for painting the ceiling of Representatives Hall from the department of administrative services to the legislative branch.

VI. Authorizes the commissioner of the department of administrative services to transfer appropriated funds for one year.

**Amendment to SB 581-FN
(2018-1718h)**

Proposed by the Committee on Executive Departments and Administration - c

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

AN ACT relative to compounding of drugs and establishing a committee to study rulemaking authority for reconstituted drugs.

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

1 Pharmacists and Pharmacies; Definitions. Amend RSA 318:1, III-a to read as follows:

III-a. "Compounding" means the preparation, mixing, assembling, packaging or labeling of a drug or device as a result of a practitioner's prescription drug order or initiative based on the pharmacist-patient-pre-

scriber relationship in the course of professional practice or, for the purpose of, or as an incident, to research, teaching, or chemical analysis, but not selling or dispensing. "Compounding" also includes the preparation of drugs or devices in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns. "Compounding" shall not include the reconstitution of powdered formulations before dispensing or the addition of flavoring. ***"Compounding" shall not include the simple addition of flavoring, nor shall it include the preparation of a single dose of a non-hazardous commercially available drug or licensed biologic for administration within 2 hours of preparation to an individual patient when done in accordance with the manufacturer's approved labeling or instructions consistent with that labeling.***

2 Committee Established. There is established a committee to study rulemaking authority for reconstituted drugs.

3 Membership and Compensation.

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

(a) Three members of the house of representatives, at least 2 of whom shall be from the house executive departments and administration committee, 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.

4 Duties. The committee shall study rulemaking authority for reconstituted drugs. The committee shall solicit information and testimony from any individual or entity the committee deems relevant to its study.

5 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. Three members of the committee shall constitute a quorum.

6 Report. The committee shall 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 or before November 1, 2018.

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

2018-1718h

AMENDED ANALYSIS

This bill amends the definition of compounding for the purposes of the law regulating pharmacists and pharmacies. This bill also establishes a study committee to study rulemaking authority for reconstituted drugs.

Amendment to SB 588-FN

(2018-1561h)

Proposed by the Committee on Finance - c

Amend paragraph I as inserted by section 3 of the bill by replacing it with the following:

I. Section 2 of this act shall take effect upon its passage.

Amendment to SB 589-FN

(2018-1671h)

Proposed by the Majority of the Committee on Executive Departments and Administration - r

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

AN ACT relative to authorizing petitions to state licensing boards for review of an individual's criminal record concerning disqualification for licensure.

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

1 New Section; Occupations and Professions; Petitions for Review of a Criminal Record. Amend RSA 332-G by inserting after section 12 the following new section:

332-G:13 Petition for Review of a Criminal Record.

I. The right of an individual to pursue an occupation is a fundamental right.

II. An individual with a criminal record may petition a board or commission at any time, including before obtaining any required education or training, for a determination of whether the individual's criminal record will disqualify the individual from obtaining state recognition.

III. The individual shall include in the petition the individual's criminal record or authorize the board or commission to obtain the individual's criminal record.

IV. The individual may include additional information about the individual's current circumstances, including the time since the offense, completion of the criminal sentence, other evidence of rehabilitation, testimonials, employment history, and employment aspirations.

V. The board or commission is authorized to determine whether the individual's criminal record disqualifies the individual from obtaining state recognition.

VI. Notwithstanding any other statute or rule, the board or commission may find the individual's criminal record disqualifies the individual from obtaining state recognition only if:

- (a) The individual's criminal record includes a conviction for a felony or violent misdemeanor; and
- (b) The board or commission concludes the state has an important interest in protecting public safety that is superior to the individual's right. The board or commission may make this conclusion only if it determines, by clear and convincing evidence at the time of the petition, that:

(1) The specific offense for which the individual was convicted is substantially related to the state's interest;

(2) The individual, based on the nature of the specific offense for which the individual was convicted and the individual's current circumstances in paragraph IV, is more likely to re-offend by virtue of having the license than if the individual did not have the license; and

(3) A re-offense will cause greater harm than it would if the individual did not have the license.

VII. The board or commission shall issue its determination within 90 days after the board or commission receives the petition. The determination shall be in writing and include the criminal record, findings of fact, and conclusions of law.

VIII. If the board or commission determines the state's interest is superior to the individual's right, the board or commission may advise the individual of actions the individual may take to remedy the disqualification. The individual may submit a revised petition reflecting the completion of the remedies at any time after 90 days following the board's or commission's judgment.

IX. The individual may appeal the determination in paragraph VII as provided for in RSA 541-A.

X. The individual may submit a new petition to the board or commission at any time after 2 years following a final judgment in the initial petition.

XI. The board or commission may rescind its determination at any time if the individual is convicted of an additional offense that the board or commission determines meets the elements in paragraph VI.

XII. The board or commission may charge a fee to recoup its costs not to exceed \$100 for each petition.

XIII. The office of professional licensure and certification shall establish an annual reporting requirement of the (a) number of applicants petitioning each board or commission, (b) the numbers of each board's or commission's approvals and denials, (c) the type of offenses for which each board or commission approved or denied the petitions, and (d) other data the office determines. The office will compile and publish annually a report on a searchable public website.

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

2018-1671h

AMENDED ANALYSIS

This bill establishes a procedure for individuals to petition a state board or commission for occupational or professional licensure for a determination of whether the individual's criminal record will disqualify the individual from obtaining state recognition for the occupation or profession.

Amendment to SB 590-FN-A

(2018-1705h)

Proposed by the Committee on Finance - r

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

AN ACT relative to the state loan repayment program, the developmental disabilities wait list, involuntary admissions procedures, and the mental health system.

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

1 New Section; Department of Health and Human Services; Account Established. Amend RSA 126-A by inserting after section 74 the following new section:

126-A:75 Excess Appropriation Allocation Account. There is hereby established under the department of health and human services an excess appropriation allocation account. For the biennium ending June 30, 2019, immediately upon acceptance by the fiscal committee of any federal funds attributable to the 38 percentage point enhanced federal match for the children's health insurance program, the commissioner of administrative services shall transfer general funds of an equal amount from account 05-95-47-470010-7948, Medicaid Care Management, into the excess appropriation allocation account. Any funds remaining unspent in the excess appropriation allocation account at the end of each fiscal year shall lapse to the state general fund.

2 Department of Health and Human Services; State Loan Repayment Program; Funding Source. The department of health and human services is authorized to utilize up to \$410,000 in the fiscal year ending June 30, 2019, for the purpose of providing additional funding to the state loan repayment program. This amount shall be a charge against the department of health and human services excess appropriation allocation account established in RSA 126-A:75. If new federal funds become available to the program, the department is authorized to accept and expend such funds without prior approval of the fiscal committee. Participants in the state loan repayment program shall agree to work or practice in the state for a total of 3 years.

3 Department of Health and Human Services; Developmental Disabilities Wait List; Funding Source. The department of health and human services is authorized to utilize up to \$5,400,000 in the fiscal year ending June 30, 2019, for the purpose of funding the developmental disabilities wait list. Of this amount, \$2,700,000 shall be a charge against the department of health and human services excess appropriation allocation account established in RSA 126-A:75 and \$2,700,000 shall be federal funds. Fiscal committee approval shall not be required for the acceptance and expenditure of federal funds authorized under this section.

4 New Paragraph; Mental Health Services System; Definitions. Amend RSA 135-C:2 by inserting after paragraph XV the following new paragraph:

XV-a. "Transitional housing program services" means a residential program that provides housing and support services to persons with serious and persistent mental illness through a contract with the department of health and human services.

5 Involuntary Emergency Admissions; Examination. Amend RSA 135-C:28, I to read as follows:

I. The involuntary emergency admission of a person shall be to the state mental health services system under the supervision of the commissioner. The admission may be ordered upon the certificate of a physician or APRN, as defined in RSA 135-C:2, II-a, who is approved by either a designated receiving facility or a community mental health program approved by the commissioner, provided that within 3 days of the completion of the petition the physician or APRN has conducted, or has caused to be conducted, a physical examination if indicated and circumstances permit, and a mental examination. The physician or APRN must find that the person to be admitted meets the criteria of RSA 135-C:27. The certificate shall state the time and, in detail, the nature of the examinations conducted. The certificate shall also state a specific act or actions the physician or APRN has actually observed or which have been reported to him or her by the petitioner or a reliable witness who shall be identified in the certificate, and which in the physician's or APRN's *or designee's* opinion satisfy the criteria set forth in RSA 135-C:27. The physician or APRN shall ~~identify in the certificate the facility in the state mental health services system to which the person shall be admitted~~ **inform the person of the designated receiving facility in the mental health services system that he or she will be transported to upon the facility location being identified.** The admission shall be made to the facility which can best provide the degree of security and treatment required by the person and shall be consistent with the placement principles set forth in RSA 135-C:15. As used in RSA 135-C:27-33, "petitioner" means any individual, including a physician or APRN completing a certificate, who has requested that a physician or APRN conduct or who has conducted an examination for purposes of involuntary emergency admission. Every certificate shall be accompanied by a written petition signed by a petitioner.

6 Nonemergency Involuntary Admissions; Conditions of Conditional Discharge. Amend RSA 135-C:50, III to read as follows:

III. During the term of conditional discharge, the person conditionally discharged shall be provided with continuing treatment on an out-patient basis by a community mental health program approved by the commissioner **or by transitional housing program services.**

7 Nonemergency Involuntary Admissions; Revocation of Conditional Discharge. Amend the introductory paragraph of RSA 135-C:51, I to read as follows:

I. If a psychiatrist or APRN, as defined in RSA 135-C:2, II-a, at a community mental health program **or transitional housing program services** providing continuing treatment on an outpatient basis to a person conditionally discharged pursuant to RSA 135-C:50, reasonably believes that:

8 Nonemergency Involuntary Admissions; Revocation of Conditional Discharge. Amend RSA 135-C:51, III to read as follows:

III. If the psychiatrist or APRN, following the examination the psychiatrist or APRN conducted or caused to be conducted of the person, finds that the person either has violated a condition of the discharge or is in such a mental condition as a result of mental illness as to create a potentially serious likelihood of danger to himself or herself or to others, he or she may temporarily revoke the conditional discharge. If the conditional discharge is temporarily revoked, the psychiatrist, or APRN, or designee, shall prepare, offer to and explain to the person a written notice, if it can be done safely without significant possibility of bodily harm, giving the reasons for the revocation and to ~~identify the receiving facility to which the person is to be delivered~~ **inform the person of the designated receiving facility in the mental health services system that he or she will be transported to upon the facility location being identified.** If this cannot be done safely, a description of the circumstances indicating such risk shall be placed in the file.

9 Guardians and Conservators; General Powers and Duties of Guardian of the Person. Amend RSA 464-A:25, I(a) to read as follows:

(a) To the extent that it is consistent with the terms of any order by a court of competent jurisdiction relating to detention or commitment of the ward, the guardian shall be entitled to custody of the ward and may establish the ward's place of abode within or without this state. Admission to a state institution **or other designated receiving facility** shall be in accordance with the following:

(1) A guardian may admit a ward to a state institution **or other designated receiving facility** with prior approval of the probate court if, following notice and hearing, the court finds beyond a reasonable

doubt that the placement is in the ward's best interest and is the least restrictive placement available. Authorization for such admission shall not be time limited unless the court so orders. Authority to admit a ward to a state institution **or other designated receiving facility** with prior approval under this subparagraph shall not be subject to the limitations contained in RSA 464-A:25, I(a)(2) through (7).

(2) A guardian may admit a ward to a state institution **or other designated receiving facility** without prior approval of the probate court upon written certification by a physician licensed in the state of New Hampshire, or, in the case of placement in New Hampshire hospital or other designated receiving facility, by a psychiatrist licensed in the state of New Hampshire, or an advanced practice registered nurse, as defined in RSA 135-C:2, II-a, that the placement is in the ward's best interest and is the least restrictive placement available. Within 36 hours, excluding days when the court is closed, of such an admission of a ward to a state institution **or other designated receiving facility**, the guardian shall submit to the Merrimack county probate court notice of the admission and the reasons therefor, together with a copy of the certificate by the physician, psychiatrist, or advanced practice registered nurse.

(3) The Merrimack county probate court shall review the guardian's notice within 48 hours of the filing of the notice, excluding days when the court is closed, to determine whether the notice on its face appears to establish that the placement is in the ward's best interest and is the least restrictive placement available. If the court concludes that the notice is insufficient, the court shall order the immediate release of the ward from the state institution **or other designated receiving facility**. If the court concludes that the notice is sufficient, counsel for the ward shall be appointed no later than 48 hours following the court's review of the guardian's notice, excluding days when the court is closed. Notice of the appointment shall be transmitted to the ward, to the guardian, and to counsel. Counsel's notice shall be transmitted in writing and electronically or in another manner which is likely to give actual notice of the appointment to counsel at the earliest practicable time. For purposes of proceedings regarding admissions to state institutions **or other designated receiving facilities** without prior court approval, the ward shall have the right to legal counsel in the same manner as provided in RSA 464-A:6. The court shall also provide the ward a notice stating that the ward has the right to appointed counsel, the right to oppose the admission by the guardian, and the right to a hearing and to present evidence at that hearing.

(4) Counsel for a ward admitted to a state institution **or other designated receiving facility** who has been appointed pursuant to subparagraph (3) shall deliver a written report to the court within 5 days of his or her appointment which shall declare whether the ward requests a hearing on the propriety of the admission. Unless the ward waives a hearing, counsel's report shall include a request for a hearing on behalf of the ward. A copy of counsel's report shall be sent to the ward and to the guardian. If the court does not receive a written report from counsel within 5 days of counsel's appointment, the court shall order appropriate relief, including but not limited to substitution of counsel, an order to show cause, or scheduling of a hearing on the propriety of the admission without awaiting a report from counsel.

(5) Upon receipt of a request for a hearing, the court shall schedule a hearing on the admission to a state institution **or other designated receiving facility** without prior approval of the probate court, at which the guardian shall have the burden of proving, beyond a reasonable doubt, that the placement is in the ward's best interest and is the least restrictive placement available. The hearing shall be held within 10 days, excluding days when the court is closed, from the date that the request is received.

(6) A guardian may not admit a ward to a state institution **or other designated receiving facility** for more than 60 days for any single admission or more than 90 days in any 12-month period upon certification of a physician or psychiatrist, or an advanced practice registered nurse, as defined in RSA 135-C:2, II-a, without filing a petition requesting approval of the probate court.

(7) At any time, the ward or counsel for the ward may request a hearing on the admission to a state institution **or other designated receiving facility** without prior approval of the probate court, at which the guardian shall have the burden of proving, beyond a reasonable doubt, that the placement is in the ward's best interest and is the least restrictive placement available. The hearing shall be held within 15 days, excluding days when the court is closed, from the date that the hearing is requested.

10 New Section; Rescission of Involuntary Admission. Amend RSA 135-C by inserting after section 29 the following new section:

135-C:29-a Rescission of Involuntary Admission.

I. Following completion of an involuntary emergency admission certificate under RSA 135-C:28 and before custody of the person is accepted by a law enforcement officer pursuant to RSA 135-C:29, the certificate may be rescinded and the person who is the subject of the certificate released in any of the following circumstances:

(a) A mobile crisis team under contract with the department of health and human services accepts transfer of the person's care.

(b) An assertive community treatment team operated by a community mental health program accepts transfer of the person's care.

(c) A community-based provider accepts transfer of the person's care.

II. Following completion of an involuntary emergency admission certificate under RSA 135- C:28 and before custody of the person is accepted by a law enforcement officer pursuant to RSA 135- C:29, the certificate shall be rescinded and the person who is the subject of the certificate released if the physician or APRN who completed the certificate, or any other physician or APRN authorized to complete such certificates, finds that the person no longer meets the criteria of RSA 135-C:27.

III. No civil action shall be maintained against a person who rescinds an involuntary admission pursuant to paragraph I or II, provided that the person is acting in good faith within the limits of his or her authority.

11 Ten-Year Plan for Mental Health Services. Amend 2017, 112:2, III to read as follows:

III. The commissioner of the department of health and human services shall submit the plan to the speaker of the house of representatives, the president of the senate, and the governor on or before ~~July 1, 2018~~ **October 15, 2018**. The department shall provide interim reports to the oversight committee on health and human services, established under RSA 126-A:13, on or before October 1, 2017 and on or before March 1, 2018. Thereafter, the department shall report quarterly to the health and human services oversight committee providing an update on the progress of the development and implementation of the plan.

12 Repeal; Department of Health and Human Services; Mobile Crisis Teams and Apartments. 2017, 156:188, relative to mobile crisis teams and apartments, is repealed.

13 Department of Health and Human Services; Behavioral Health Policy Options. For the fiscal year ending June 30, 2019, the department of health and human services is authorized to use up to \$3,421,696 of existing appropriations for one of the 2 purposes specified in paragraph I or II of this section. Of this amount, \$2,360,848 shall be state general funds and \$1,060,848 shall be federal funds. The department is authorized to choose from one of the following 2 options, based upon a determination by the commissioner, as to which option will more readily address the state's behavioral health needs:

I. Establish one behavioral health crisis treatment center in a geographic location that has high rates of admissions to and discharges from New Hampshire hospital.

II. Establish one mobile crisis team and related apartments.

14 Designated Receiving Facilities; Residential Beds. The section heading and paragraph I of 2017, 156:186 are repealed and reenacted to read as follows:

156:186 Supported Housing; Residential Beds.

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. 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.

15 Repeal. RSA 126-A:75, relative to the excess appropriation allocation account, is repealed.

16 Effective Date.

I. Section 15 of this act shall take effect July 1, 2019.

II. The remainder of this act shall take effect July 1, 2018.

2018-1705h
AMENDED ANALYSIS

This bill:

I. Establishes an excess appropriation allocation account in the department of health and human services for the biennium ending June 30, 2019, and authorizes the department to use a portion of the account for the state loan repayment program.

II. Designates funding for the developmental disabilities wait list from federal funds and the excess appropriation allocation account.

III. Clarifies admission to receiving facilities and other services for people who are involuntarily committed under RSA 135-C.

IV. Extends the reporting date for the 10-year plan for mental health services to October 15, 2018.

V. Directs the department of health and human services to increase behavioral health services by establishing either a behavioral health crisis treatment center or a mobile crisis team and related apartments.

VI. Directs the department of health and human services to use a portion of the agency's current appropriation to fund supported housing for individuals with serious mental illness.

Amendment to SB 592-FN-A

(2018-1704h)

Proposed by the Committee on Finance - r

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

1 New Section; Department of Health and Human Services; Account Established. Amend RSA 126-A by inserting after section 74 the following new section:

126-A:75 Excess Appropriation Allocation Account. There is hereby established under the department of health and human services an excess appropriation allocation account. For the biennium ending June 30, 2019, immediately upon acceptance by the fiscal committee of any federal funds attributable to the 38 percentage point enhanced federal match for the children's health insurance program, the commissioner of administrative services shall transfer general funds of an equal amount from account 05-95-47-470010-7948, Medicaid Care Management, into the excess appropriation allocation account. Any funds remaining unspent in the excess appropriation allocation account at the end of each fiscal year shall lapse to the state general fund.

2 Department of Health and Human Services; Division for Children Youth and Families; Classified Positions Established. The following classified positions are hereby established in the department of health and human services, division for children, youth and families:

I. Seventeen child protection social worker I positions, at labor grade 18.

II. Two supervisor IV positions, at labor grade 25.

III. Two clerical (executive secretary II) positions, at labor grade 11.

3 Department of Health and Human Services; Positions; Funding Source. The department of health and human services may use up to \$1,333,000 in the fiscal year ending June 30, 2019 for the purpose of funding the positions established in section 2 of this act. Of this amount, \$826,460 shall be a charge against the department of health and human services excess appropriation allocation account established in RSA 126-A:75, and \$506,540 shall be federal funds. Fiscal committee approval shall not be required for the acceptance and expenditure of federal funds authorized under this section.

4 Department of Health and Human Services; Positions Added; Funding Source.

I. The department of health and human services may use up to \$718,000 in the fiscal year ending June 30, 2019 for the purpose of funding the following positions:

(a) Eight child protective services workers, who shall be designated resource workers and shall be employees of the department.

(b) Two licensed alcohol and drug counselors, who shall contract with the department.

II. Of the amount authorized, \$445,160 shall be a charge against the department of health and human services excess appropriation allocation account established in RSA 126-A:75, and \$272,840 shall be federal funds. Fiscal committee approval shall not be required for the acceptance and expenditure of federal funds authorized under this section.

5 Department of Health and Human Services; Foster Care Rates and Foster Care and Adoption Programs. The department of health and human services may use up to \$500,000 in the fiscal year ending June 30, 2019 for the purpose of funding foster care rates and foster care and adoption programs. Of this amount, \$310,000 shall be a charge against the department of health and human services excess appropriation allocation account established in RSA 126-A:75, and \$190,000 shall be federal funds. Fiscal committee approval shall not be required for the acceptance and expenditure of federal funds authorized under this section.

6 Child Protection Act; Duties of the Department of Health and Human Services. Amend RSA 169-C:34, II-a to read as follows:

II-a. The department may issue a confidential letter of concern to a person or persons responsible for the safety and welfare of the child that although there is insufficient evidence to substantiate a finding of abuse or neglect or of unfounded but with reasonable concern, the department encourages the person or persons responsible for the safety and welfare of the child to seek family support services and provide contact information to obtain such services. ***Upon initiating an assessment, the department may offer the family ameliorative services to reduce risk and address child safety concerns.***

7 Child Protection Act; Duties of the Department of Health and Human Services. Amend RSA 169-C:34, V and V-a to read as follows:

V. Notwithstanding any other provision of law to the contrary, the department may~~[- pursuant to a voluntary service plan that is developed and provided for a minor and the minor's family by the department,]~~ offer voluntary services to families without making a determination of the person or persons ~~[apparently]~~ responsible for the abuse or neglect. The department shall adopt rules, pursuant to RSA 541-A, relative to the provision of voluntary services under this paragraph. ***The rules shall include provisions relative to the development of metrics to measure the effectiveness of voluntary services. The costs of voluntary services provided by the department under this paragraph shall not be eligible for reimbursement under RSA 169-C:27.***

V-a. Notwithstanding any other provision of law to the contrary, the department may~~[- pursuant to a voluntary service plan that is developed and provided for the child by the department,]~~ offer voluntary services to any child who prior to his or her eighteenth birthday was found to be neglected or abused, who was in legal custody of the department as of his or her eighteenth birthday, and who is less than 21 years of age. ***The costs of voluntary services provided by the department under this paragraph shall not be eligible for reimbursement under RSA 169-C:27.***

8 Child Protection Act; Liability for Expenses; Voluntary Services Excluded. Amend RSA 169-C:27, I(a) and (b) to read as follows:

(a) Whenever an order creating liability for expenses is issued by the court under this chapter ~~for whenever a voluntary service plan is developed and provided for a minor and the minor's family by the department~~, any expenses incurred for services, placements, and programs the providers of which are certified pursuant to RSA 170-G:4, XVIII, shall be payable by the department of health and human services.

(b) Subparagraph (a) shall not apply to:

(1) Expenses incurred for special education and related services~~[-or to];~~

(2) Expenses incurred for evaluation, care, and treatment of the child at the New Hampshire hospital; ~~[-or to]~~

(3) Expenses incurred for the cost of accompanied transportation; *or*

(4) ***Expenses incurred for voluntary services provided to a minor or the minor's family pursuant to RSA 169-C:34, II-a, RSA 169-C:34, V, or RSA 169-C:34, V-a.***

9 Department of Health and Human Services; Voluntary Services; Funding Source. The department of health and human services may use up to \$1,500,000 in the fiscal year ending June 30, 2019 for the purpose of funding voluntary services to children, youth, and families under RSA 169-C. Wherever possible, the department shall use federal TANF funds to fund services under this section, unless the TANF reserve falls below \$40,000,000, at which point TANF funds shall not be used. Any non-TANF share of costs shall be a charge against the department of health and human services, excess appropriation allocation account established in RSA 126-A:75.

10 New Section; Guardianship of Minors and Estates of Minors; Guardianship of Minors in Foster Care and Consent for Medical Treatment. Amend RSA 463 by inserting after section 12 the following new section:

463:12-a Guardianship of Minors in Foster Care and Consent for Medical Treatment. For any guardianship granted to the department of health and human services for a minor in foster care, or for any minor in the legal custody of the department receiving foster care services, the department's authority to consent to medical treatment for the minor may be established by, but not limited to, any of the following:

I. A duly executed "Authorization for Medical Treatment" signed by the minor's parent or guardian;

II. For the provision of ordinary medical care, including behavioral, mental health, or developmental health services, a copy of that portion of the court order transferring legal custody of the minor to the department under RSA 169-C; or

III. A copy of the letter of guardianship issued to the department that authorizes the department to consent to medical or other treatment of the minor.

11 TANF Funded Initiative; Home Visiting Services. The department of health and human services shall use \$250,000 of available Temporary Assistance to Needy Families (TANF) funds to expand home visiting services through family resource centers. A priority shall be placed on providing home visiting services to families to whom the department has issued a letter of concern pursuant to RSA 169-C:34, II-a, cases reported by the department of health and human services as unfounded but with reasonable concern, as defined in RSA 169-C:3, XXIX, and TANF recipients who, as parents of children under 12 months old, are exempt from TANF work requirements. For purposes of this section, TANF funds shall be considered available, and may be used by the department to fund home visiting services through family resource centers, unless the TANF reserve falls below \$40,000,000, at which point the program shall not be funded.

12 TANF Funded Initiative; Child Care Services. The department of health and human services shall use up to \$250,000 of allowable TANF funds to expand child care services to eligible recipients. Priority shall be given to foster families, families with voluntary service plans through the department of health and human services, and families with individual service plans through family resource centers. For purposes of this section, TANF funds shall be considered available, and may be used by the department to fund child care services, unless the TANF reserve falls below \$40,000,000, at which point the program shall not be funded.

13 New Paragraph; Services for Children, Youth and Families; Parental Assistance Programs. Amend RSA 170-G:4 by inserting after paragraph XIX the following new paragraph:

XX. The department shall develop and administer an array of community-based, evidence-based, parental assistance programs that are designed to reduce child maltreatment, improve parent-child interactions, improve skills for regulating behavior and coping adaptively, and facilitate improved coordination of services and referrals, using such funds as are appropriated by the general court for this purpose. The department shall prioritize the development of these programs in public health regions with the highest need as determined by the rates of poverty, child maltreatment, and other appropriate measures of social vulnerability. The department shall develop outcome measures for the programs implemented and funded pursuant to this paragraph. On or before June 30, 2019, and each year thereafter, the department shall submit a report to the wellness and prevention council on the use of these funds and the outcomes they have produced. The commissioner of the department of health and human services shall adopt rules pursuant to RSA 541-A as necessary to implement this paragraph.

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 ending June 30, 2019, 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.

15 Child Protective Services; Agency Budget Request to Include Staff and Caseload Projections. Each biennium, the commissioner shall develop projections of the number of child abuse and neglect cases and shall include in the department's budget request a specific appropriation for the funds and positions necessary to provide an adequate number of child protective service workers to meet nationally accepted caseload and workload standards. When determining adequate caseload and workload standards, the department shall utilize other resources in determining appropriate caseloads, including but not limited to, the standards established by the Child Welfare League of America.

16 Department of Health and Human Services; Division for Children, Youth, and Families; Attorneys; Funding Source. The department of health and human services may use up to \$190,000 in the fiscal year ending June 30, 2019 for the purpose of hiring 2 staff attorneys for the division for children, youth, and families. Of this amount, \$117,800 shall be a charge against the department of health and human services excess appropriation allocation account established in RSA 126-A:75, and \$72,200 shall be federal funds. Fiscal committee approval shall not be required for the acceptance and expenditure of federal funds authorized under this section.

17 Family Drug Court; Study Committee Established. There is established a committee to study the development of a family drug court in New Hampshire.

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

(a) One member 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 family drug court models and the feasibility of establishing a family drug court in New Hampshire. The specialized court, with jurisdiction over child protection cases that involve substance use by the child's parents or guardians, would provide a coordinated and collaborative approach to reducing child maltreatment by treating parents' underlying substance use disorders. The committee shall solicit information and testimony from any individual or agency the committee deems relevant to its study, including licensed alcohol and drug counselors, family law attorneys, representatives of the department of health and human services, and representatives of the district court family division.

IV. 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 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, 2018.

18 Repeal. RSA 126-A:75, relative to the excess appropriation allocation account, is repealed.

19 Effective Date.

I. Section 18 of this act shall take effect July 1, 2019.

II. Section 17 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 2018.

2018-1704h AMENDED ANALYSIS

This bill:

I. Establishes an excess appropriation allocation account in the department of health and human services for the biennium ending June 30, 2019 and authorizes the department to fund certain positions through a combination of federal funds and funds from the account.

II. Authorizes the department to fund foster care rate increases and foster care and adoption programs with a combination of federal funds and funds from the excess appropriation allocation account.

III. Waives reimbursement for voluntary services under the child protection act.

IV. Clarifies consent for medical treatment of children under guardianship or in foster care.

V. Establishes a home visiting services initiative, child care services initiative, and parental assistance programs.

VI. Establishes a committee to study family drug court models.